

File No. **50,936** 13. County: **SN-Shawnee** Basin: **8-Kansas River** Stream:
 Structures File No: Aquifer Code: **113- Main stem alluvium** Special Use Area:

14. Points of Diversion, Rates & Quantities										Qty AF		Rate gpm		Storage Qty		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps	
MOD	65969	NW	NW	SW	32	10S	13E	4	2259	4643	90	28	1000	0		*	

15. Limitations Type: **Combined Rate & Quantity** Quantity: **90 AF** Rate: **1000 gpm** combined with file no(s): **44,507**
 Type: Quantity: Rate: combined with file no(s):

16. Metering Metering Required Anti-Reverse Required Seal Required Compliance Date: **12/31/2025**

17. Place of Use						NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps	
PDIV	S	T	R	ID		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
CHK	53921	31	10S	13E	5	13.5			35									L-1					51.5	5a	<input type="checkbox"/>	*
CHK	53922	32	10S	13E	3						9.5	27			L-3	2							38.5	5a	<input type="checkbox"/>	*
																									<input type="checkbox"/>	
																									<input type="checkbox"/>	
																									<input type="checkbox"/>	
																									<input type="checkbox"/>	

18. Point of Diversion and Place of Use Overlaps
 * **44,507** **
 + ++
 # ##
 ^ ^^

MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: July 1, 2024

From: Christa Anhold, Environmental Scientist

Re: New Application, File No. 50,936 & Change, File No. 44,507 – Mulvane Farm

Summary

Mulvane Farm has filed the above referenced application proposing to appropriate 90 AF of groundwater per calendar year from one (1) existing well at the rate of 1,000 gallons per minute to irrigate 90-acres in Shawnee County. The senior Water Right File No. 44,507 reported over pumping in 2022 and a change application was filed to expand the place of use. The new above application was filed to prevent over pumping and to cover water used on the expanded place of use. When combined the senior file and new file will be limited to 90 AF of groundwater per year and 1,000 gallons per minute. The applicant owns the place of use and point of diversion.

Change Application

A change application was filed for Water Right File No. 44,507 to expand the place of use from 76.5-acres to 90-acres. WR File No. 44,507 was certified on September 14, 2007, as a single well to operate at 535 GPM to divert 76.5 AF. The above referenced new application will permit additional water required to cover the additional 13.5-acres. This change application will create a complete overlap in place of use. All owners of the place of use and point of diversion have signed the change application.

Reasonable Rate and Quantity

The requested 90 acre-feet of groundwater applied to 90-acres is equivalent to 1.0 acre-foot per acre, which is the maximum reasonable quantity for Shawnee County. The new application would providing an additional quantity and rate of 13.5 acre-feet of water and 465 gallons per minute to the existing senior Water Right File No. 44,507. A rate of 1,000 gallons per minute appears reasonable for the area.

Source of Supply and Safe Yield

The applicants well log on WWC5 indicates sandy loam from ground surface to 5 feet and alternating layers of sand and gravel to a total depth of 44 feet below ground surface. Static water level was measured at 9 feet in 2001 when the well was constructed. Based on the provided and neighboring well logs and the source of supply is likely alluvium of the Kansas River.

A safe yield report indicates the source of supply to cover 8,042 acres. Based on potential recharge of 8.5 inches, with 75% available for appropriation, safe yield was determined to be 4,275.27 acre-feet. Existing appropriations total 3,554.6 acre-feet, leaving 717.97 acre-feet available to irrigate 90 acres with 90 acre-feet of water. Safe yield criteria per K.A.R. 5-3-11 are satisfied.

Nearby Water Rights

The closest non-domestic well is 1,560 feet from the proposed point of diversion and is owned by the applicant. The closest domestic well is 2,500 feet from the proposed point of diversion. Minimum well spacing standards defined in K.A.R. 5-4-4 have been met. One potential domestic water user was identified while reviewing the application. A nearby notification was mailed on March 21, 2024. No response has been received to date.

Recommendations

The application was sent for consideration to Nathan Westrup, Water Commissioner of the Topeka Field Office, and Shaun Johnson, Assistant Water Commission of the Topeka Field Office, on July 1, 2024, and recommended for approval via email on July 2, 2024.

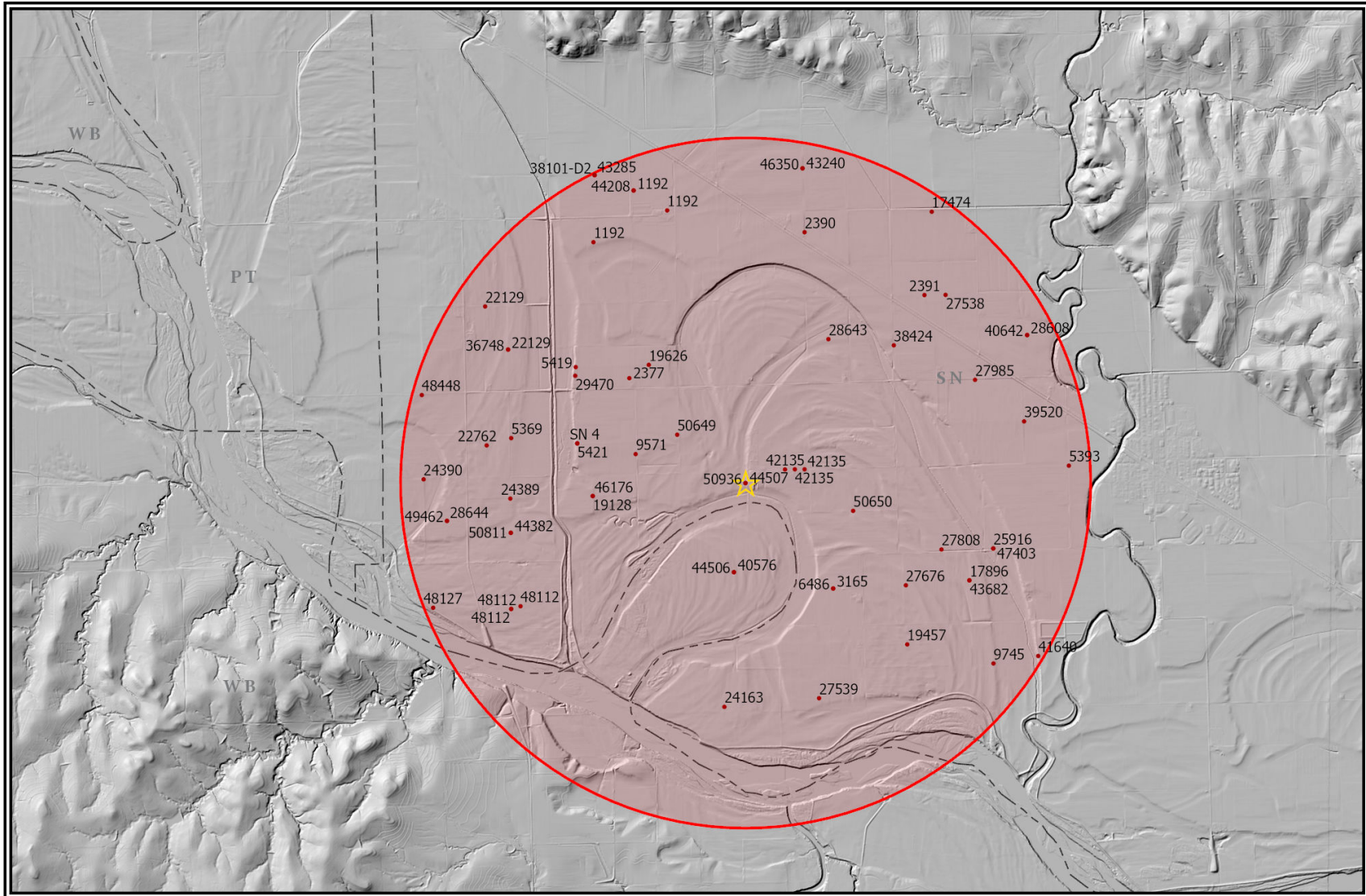
The applicant signed an Assurance District statement for Kansas River Water Assurance District No. 1, which informs the applicant that there could be times when the diversion of water may not be allowed under this permit. The Kansas River Water Assurance District was notified of the application via email on March 26, 2024. No reply has been received to date.

The application complies with all regulations concerning reasonable quantity, safe yield, and minimum spacing requirements. Approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.



Christa Anhold
Environmental Scientist
Manhattan Headquarters

Safe Yield Report Sheet
Water Right- A5093600
Point of Diversion in 32-10S-13E
Footages from SE corner- 2,259 feet North 4,643 feet West



Analysis Results

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 4,272.57 AF.

Total prior appropriations in the circle is 3,644.60 AF. -90AF = 3,554.6 AF

Total quantity of water available for appropriation is 627.97 AF.+90AF = 717.97AF

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 8.5 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 26-FEB-2024 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 59 water rights and 52 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres	
A 1192 00	IRR	NK	G		SE	SW	SE	162	1524	19	10	13E	5	WR	306.00	306.00	306.00	306.00	
Same	IRR	NK	G		NW	SW	SE	788	2613	19	10	13E	8	WR					
Same	IRR	NK	G		SW	NE	NW	4534	3835	30	10	13E	7	WR					
A 2377 00	IRR	NK	G		SE	SE	SW	0	0	30	10	13E	3	WR	42.00	42.00	115.00	115.00	
A 2390 00	IRR	NK	G		SW	NW	NE	4550	2600	29	10	13E	4	WR	120.00	120.00	120.00	120.00	
A 2391 00	IRR	NK	G		NE	NW	SW	2550	4250	28	10	13E	1	WR	56.00	56.00	56.00	56.00	
A 3165 00	IRR	NK	G		NW	SE	NE	3767	849	05	11	13E	2	WR	79.00	79.00	104.00	104.00	
A 5369 00	IRR	NK	G		NW	SE	NE	3800	1250	36	10	12E	1	WR	160.00	160.00	80.00	80.00	
A 5393 00	IRR	NK	G		NW	NW	SW	2511	5272	34	10	13E	9	WR	62.60	62.60	62.60	62.60	
A 5419 00	IRR	NK	G		NC	SW	SW	700	4450	30	10	13E	5	PD	50.00	50.00	115.00	0.00	
A 5421 00	IRR	NK	G		NE	SW	NW	3600	4480	31	10	13E	1	WR	40.00	40.00	107.00	0.00	
A 6486 00	IRR	NK	G		NW	SE	NE	3767	849	05	11	13E	2	WR	147.00	68.00	0	104.00	0.00
A 9571 00	IRR	NK	G		CE	SE	NW	3290	2670	31	10	13E	2	WR	37.00	37.00	107.00	0.00	
A 9745 00	IRR	NK	G		NW	SE	SE	1309	1280	04	11	13E	8	WR	107.00	107.00	226.00	226.00	
A 17474 00	IRR	NK	G			CN	NW	0	0	28	10	13E	2	WR	104.00	104.00	100.00	100.00	
A 17896 00	IRR	NK	G		CN	SW	NE	3910	1980	04	11	13E	3	WR	34.00	34.00	66.00	66.00	
A 19128 00	IRR	NK	G		NE	NW	SW	2025	4020	31	10	13E	3	WR	67.00	67.00	130.00	130.00	
A 19457 00	IRR	NK	G		NC	N2	SW	1980	3960	04	11	13E	4	WR	75.00	75.00	80.00	80.00	
A 19626 00	IRR	NK	G		NW	SW	SE	700	2200	30	10	13E	2	WR	40.00	40.00	115.00	0.00	
A 22129 00	IRR	NK	G		CN	NW	SE	2630	2028	25	10	12E	3	PD	57.00	57.00	157.00	157.00	
Same	IRR	NK	G		SE	NW	SE	1331	1365	25	10	12E	10	PD	60.00	60.00			
A 22762 00	IRR	NK	G		NW	SW	NE	3661	2045	36	10	12E	2	WR	94.00	94.00	107.00	107.00	
A 24163 00	IRR	NK	G		SE	SW	SW	192	4300	05	11	13E	7	WR	60.00	60.00	126.00	126.00	
A 24389 00	IRR	NK	G		NE	NW	SE	2004	1353	36	10	12E	7	WR	40.00	40.00	40.00	40.00	
A 24390 00	IRR	NK	G			NC	W2	2650	3970	36	10	12E	9	WR	120.00	120.00	120.00	120.00	

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 25916 00	IRR	NK	G		SW	SW	SE	80	2400	33	10	13E	1	WR	52.00	52.00	141.00	141.00
A 27538 00	IRR	NK	G		NW	NE	SW	2500	3550	28	10	13E	4	WR	52.00	52.00	52.00	52.00
A 27539 00	IRR	NK	G		SE	SW	SE	413	1453	05	11	13E	6	WR	160.00	160.00	247.00	247.00
A 27676 00	IRR	NK	G		NW	SE	NW	3835	3952	04	11	13E	9	WR	112.00	112.00	131.00	131.00
A 27808 00	IRR	NK	G			CS	SW	50	3920	33	10	13E	2	WR	136.00	136.00	160.00	160.00
A 27985 00	IRR	NK	G		NE	NE	NW	0	0	33	10	13E	3	WR	124.00	124.00	125.00	125.00
A 28608 00	IRR	NK	G			NC	SE	1250	1250	28	10	13E	5	WR	57.00	57.00	137.00	137.00
A 28643 00	IRR	NK	G		NC	W2	SE	1300	1940	29	10	13E	3	WR	44.00	44.00	75.00	75.00
A 28644 00	IRR	NK	G		NC	E2	SW	1300	3350	36	10	12E	5	WR	36.60	36.60	80.00	80.00
A 29470 00	IRR	NK	G		NE	NW	NW	4830	4400	31	10	13E	4	WR	45.00	0.00	107.00	0.00
A 36748 00	IRR	NK	G		SE	NW	SE	1331	1365	25	10	12E	10	WR	11.00	11.00	157.00	0.00
A 38424 00	IRR	NK	G		NW	SW	SW	1080	5250	28	10	13E	8	WR	52.00	52.00	57.00	57.00
A 39520 00	IRR	NK	G			NC	NE	3950	1300	33	10	13E	4	WR	57.00	57.00	57.00	57.00
A 40576 00	IRR	NK	G					4347	3882	05	11	13E	5	WR	42.00	42.00	141.12	141.12
A 40642 00	IRR	NK	G			NC	SE	1250	1250	28	10	13E	5	WR	53.00	0.00	137.00	0.00
A 41640 00	IRR	NK	G		SW	NW	SW	1525	5150	03	11	13E	9	WR	25.00	25.00	51.00	51.00
A 42135 00	IRR	NK	G		SW	SE	NW	2645	3414	32	10	13E	2	WR	89.00	89.00	136.00	136.00
Same	IRR	NK	G		NE	NE	SW	2637	2819	32	10	13E	3	WR				
Same	IRR	NK	G		SE	SE	NW	2641	3117	32	10	13E	1	WR				
V SN 4 00	IRR	AA	G		NE	SW	NW	3600	4480	31	10	13E	1	WR	20.00	20.00	107.00	107.00
A 43240 00	IRR	NK	G			CW	SE	1289	2620	20	10	13E	3	WR	80.00	0.00	120.00	0.00
A 43285 00	IRR	NK	G			NC	SW	1350	3900	19	10	13E	6	WR	37.00	0.00	37.00	0.00
A 38101 D2	IRR	NK	G			NC	SW	1350	3900	19	10	13E	6	WR	37.00	37.00	37.00	37.00
A 43682 00	IRR	NK	G		CN	SW	NE	3910	1980	04	11	13E	3	WR	67.00	33.00	93.00	0.00
A 44208 00	IRR	NK	G		NW	SW	SE	788	2613	19	10	13E	8	WR	64.00	0.00	306.00	0.00
A 44382 00	IRR	NK	G		NE	SW	SE	952	1370	36	10	12E	8	WR	41.00	41.00	66.00	66.00
A 44506 00	IRR	NK	G					4347	3882	05	11	13E	5	WR	63.00	21.00	141.12	0.00
A 44507 00	IRR	NK	G		NW	NW	SW	2259	4643	32	10	13E	4	WR	62.00	62.00	76.50	76.50
A 46176 00	IRR	NK	G		NE	NW	SW	2025	4020	31	10	13E	3	WR	45.00	0.00	130.00	0.00
A 46350 00	IRR	NK	G			CW	SE	1289	2620	20	10	13E	3	WR	80.00	0.00	120.00	0.00
A 47403 00	IRR	MM	G		SW	SW	SE	80	2400	33	10	13E	1	WR	141.00	89.00	141.00	0.00
A 48112 00	IRR	NK	G					3323	183	01	11	12E	5	WR	80.00	80.00	124.00	124.00
Same	IRR	NK	G					3239	464	01	11	12E	7	WR				
Same	IRR	NK	G					3281	324	01	11	12E	8	WR				
A 48127 00	IRR	NK	G					3337	2867	01	11	12E	6	WR	68.00	68.00	68.00	68.00
A 48448 00	IRR	NK	G			CN	NW	5260	4008	36	10	12E	10	WR	37.00	37.00	67.00	67.00
A 49462 00	IRR	KK	G		NC	E2	SW	1300	3350	36	10	12E	5	WR	80.00	43.40	80.00	0.00
A 50649 00	IRR	GY	G		NE	SW	NE	3785	1436	31	10	13E	6	WR	80.00	80.00	80.00	80.00
A 50650 00	IRR	GY	G		SE	NW	SE	1326	1352	32	10	13E	5	WR	80.00	80.00	80.00	80.00
A 50811 00	IRR	KE	G		NE	SW	SE	952	1370	36	10	12E	8	WR	66.00	25.00	66.00	0.00
A 50936 00	IRR	AY	G		NW	NW	SW	2259	4643	32	10	13E	4	WR	90.00	0.00	90.00	0.00

Limitations

File Number	Seq Num	Limitations
A 6486 00	2	147 AF/YR @ 1380 GPM COM/W #3165
A 29470 00	2	97AF/YR @1880GPM COM/W SN 004, 5421 & 9571
A 36748 00	1	595 GPM COM/W #22129
A 40642 00	1	57AF/YR @ 730GPM COM/W #28608
A 43240 00	2	120AF/YR COMW #2390
A 43285 00	2	37AF/YR @ 1320GPM COM/W #38101-D2
A 43682 00	2	67AF/YR @ 495GPM COM/W #17896
A 44208 00	2	306AF/YR @ 2130GPM COM/W #1192
A 44506 00	2	63AF/YR @ 535GPM COM/W #40576
A 46176 00	2	67 AF/YR @ 980 GPM COM/W #19128
A 46350 00	1	120AF/YR COM/W #2930 & 43240
Same	3	80 AF/YR @ 1300 GPM COM/W #43240
A 47403 00	1	141AF/YR @ 900GPM COM/W #25,916
A 49462 00	1	80 AF/YR @ 1200 GPM COM/W #28644
A 50811 00	1	66AF/YR AT 800 GPM WHEN COMBINED WITH FILE 44382

From: Westrup, Nathan [KDA]
Sent: Tue 7/2/2024 8:00 AM
To: Anhold, Christa [KDA]
Cc: Johnson, Shaun [KDA]
Subject: RE: New 50936 and Change 44507 recommendation request

Hey Christa,

My apologies, thank you for sending the map. I actually see it in docuware now – I just hadn't clicked around enough.

I have no objection to approval.

Thank you,

Nathan Westrup, Water Commissioner

Topeka Field Office
Division of Water Resources
Kansas Department of Agriculture
Phone: 785-296-7064
Mobile: 785-230-2991
Nathan.Westrup@ks.gov

From: Anhold, Christa [KDA] <Christa.Anhold@ks.gov>
Sent: Tuesday, July 2, 2024 7:40 AM
To: Westrup, Nathan [KDA] <Nathan.Westrup@ks.gov>
Cc: Johnson, Shaun [KDA] <Shaun.Johnson@ks.gov>
Subject: RE: New 50936 and Change 44507 recommendation request

The map should be in docuware. I have included it here for you as well.

Christa Anhold
(785)564-6644

From: Westrup, Nathan [KDA] <Nathan.Westrup@ks.gov>
Sent: Monday, July 1, 2024 5:24 PM
To: Anhold, Christa [KDA] <Christa.Anhold@ks.gov>
Cc: Johnson, Shaun [KDA] <Shaun.Johnson@ks.gov>
Subject: RE: New 50936 and Change 44507 recommendation request

Is there a map that was submitted with the application? I don't see it in docuware.

Thanks,

Nathan Westrup, Water Commissioner

Topeka Field Office
Division of Water Resources
Kansas Department of Agriculture
Phone: 785-296-7064
Mobile: 785-230-2991
Nathan.Westrup@ks.gov

From: Anhold, Christa [KDA] <Christa.Anhold@ks.gov>
Sent: Monday, July 1, 2024 11:28 AM
To: Westrup, Nathan [KDA] <Nathan.Westrup@ks.gov>

Cc: Johnson, Shaun [KDA] <Shaun.Johnson@ks.gov>

Subject: New 50936 and Change 44507 recommendation request

Good morning,

I have attached a draft memo for 50,936 and 44,507 for your review and recommendation. Nearby notifications were mailed on March 21, 2024, no responses have been received to date.

Let me know if you need anything else.

Christa Anhold
Environmental Scientist
Department of Water Resources
(785)-564-6644
Christa.anhold@ks.gov

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,936** of the applicant

**MULVANE FARM
16231 NW 54TH ST
ROSSVILLE, KS 66533**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **January 4, 2023**.

2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

13.5 acres in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$),
35.0 acres in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$),
3.0 acres in Lot 1,

a total of 51.5 acres in Section 31, and

9.5 acres in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$),
27.0 acres in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$),
2.0 acres in Lot 3,

a total of 38.5 acres in Section 32,

all in Township 10 South, Range 13 East, Shawnee County.

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 32, more particularly described as being near a point 2,259 feet North and 4,643 feet West of the Southeast corner of said section, in Township 10 South, Range 13 East, Shawnee County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **1,000 gallons per minute (2.23 c.f.s.)** and to a quantity not to exceed **90 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2025**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2029**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The required water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

17. That the quantity of water and rate of diversion approved under this permit is further limited to the quantity and rate which combined with Water Right, File No. 44,507, will provide a total not to exceed **90 acre-feet** of water per calendar year to be diverted at a maximum diversion rate not in excess of **1,000 gallons per minute (2.23 c.f.s)** from the well at the location described herein.

18. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

Ordered this *8th* day of *August*, 2024, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

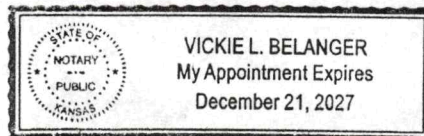
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this *8th* day of *August*, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Vickie L. Belanger

Notary Public



1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

August 21, 2024

MULVANE FARM
16231 NW 54TH ST
ROSSVILLE KS 66533

RE: Appropriation of Water
File No. 50,936

Water Right
File No. 44,507

Dear Sir or Madam:

Enclosed is a new permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in the new permit. Also enclosed is an order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change in place of use under the above referenced water right.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Also included is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/dwr. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640, or your local Topeka Field Office at (785)-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Division of Water Resources

KAB:cla
Enclosure(s)
pc: Topeka Field Office

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Division, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

CERTIFICATE OF SERVICE


On this 21st day of August, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,936, dated August 8, 2024, was mailed postage prepaid, first class, US mail to the following:

Original to:

MULVANE FARM
16231 NW 54TH ST
ROSSVILLE KS 66533

With photocopies to:

KDA-DWR Topeka Field Office



Division of Water Resources