

Kansas Department of Agriculture
Division of Water Resources
 APPROVAL OF NEW APPLICATION WORKSHEET

1. File No.: 50,991	2. Status Change Date: 7/25/2024	4. Field Office: 03 - Stockton GMD: Structures File No.: Filing/Priority Date: 3/15/2023 Application Complete Date:
3. Package File No(s):		
5a. <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID 58046 Add Seq# TONY R STRNAD 821 NICKEL RD SCANDIA KS 66966	5b. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	
5c. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	
6. Change No.: <input type="checkbox"/> PD <input type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres: Year: Min Reasonable Q: Previous UMW: MDS Gauge: Active Admin? <input type="checkbox"/> Completion/Start Date: 12/31/2025 Perfection/Expiration Date: 12/31/2029	7. Use of Water <input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water UMW: IRR-Irrigation UMW: UMW:	
8. Action Trail		
9. Special Conditions		
10. 5YR Allocation Type: Start Year: 5YR Quantity: Base Acres: Comment:		
11. Sand & Gravel Proj ID: <input type="checkbox"/> Active <input type="checkbox"/> Dredge <input type="checkbox"/> IND Evap <input type="checkbox"/> Jr Evap <input type="checkbox"/> Other Diversion <input type="checkbox"/> Rpt on Sr		
12. Waiver Rule ID: <input type="checkbox"/> New Date Requested: Applies: Rule No.: Justification: Rule Type: Rule SubType:		
Comments	Processed CLA 7/15/2024	Entered 7/26/2024 KAnderson
	Reviewed KAK 7/22/2024	

File No. **50,991** 13. County: **RP-Republic** Basin: **27-Republican River** Stream: **4044-White Rock Creek Canal Trib 1 (Republican)**
 Structures File No: Aquifer Code: Special Use Area:

14. Points of Diversion, Rates & Quantities

PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Qty AF		Rate gpm		Storage Qty		Storage Rate		
									Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps	
MOD	90176	SW	NW	SW	32	2S	4W	13	1560	4700	192	192	1200	1200			

15. Limitations Type: Quantity: Rate: combined with file no(s):
 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	71283	5	3S	4W	5	40	40	40	40													160	5a	<input type="checkbox"/>		
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18. Point of Diversion and Place of Use Overlaps

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MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: July 11, 2024

From: Christa Anhold , Environmental Scientist

Re: New Application File No. 50,991 – Tony Strnad

Summary

Tony Strnad filed the above reference application to appropriate 192 acre-feet of surface water per year to be diverted at a rate of 1,200 gallons per minute from one (1) pump site in White Rock Canal Trib 1 of the Republican River to irrigate 160 acres in Republic County. The applicant owns the place of use and proposed point of diversion. There are no water rights that overlap the place of use or point of diversion.

Reasonable Rate and Quantity

The requested 192 acre-feet of surface water applied to 160 acres is equivalent to 1.2 acre-feet per acre, which is the maximum reasonable quantity for Republic County, Kansas. A pump rate of 1,200 gallons per minute seems reasonable for the area.

Source of Supply and Safe Yield

The proposed point of diversion is 100 feet upstream of a Kansas Bostwick Irrigation District (KBID) return flow canal. No new water appropriations are authorized to primarily rely on KBID return flows per K.A.R. 5-3-11(d)(6). In a phone call on April 29, 2024, with Kelly Stewart, Stockton Field Office Water Commissioner, it was decided the above referenced application would be reviewed assuming water would be diverted from the northeastern tributary, White Rock Canal Trib 1, so as not to depend on water from KBID canal and instead the applicant will be restricted to water available in the northeast natural tributary that is limited by runoff.

Following K.A.R. 5-6-4, using mean annual precipitation of 28.03, a soil complex number of 77 and a drainage area of 1,024 acres there is a 20-percent chance of 607.28 acre-feet of runoff per year. There are no senior water right files in the drainage basin. Given this there is the potential for sufficient runoff for the applicant to irrigate his 160 acres with the requested 192 acre-feet.

The Lower Republican River is currently open to new appropriates meeting the criteria required by K.A.R. 5-3-11(d)(6), and the approval of this application is consistent with similar applications requesting surface water from the Republican River drainage basin. Additionally, the permit is conditioned as follows: "That in order to implement the provisions of K.A.R. 5-3-11(d)(6), no water shall be diverted unless the written permission of the Chief Engineer, or an authorized representative of the Chief Engineer, is obtained each time the applicant desires to divert water. The approval of this permit is not an indication that surface water will be available from this source of supply, or that written permission will be granted to divert water."

Nearby Water Rights

The nearest surface water right (File No. 1,832) is 1.8 miles downstream from the proposed point of diversion. There are no upstream water right holders. The applicant provided names and addresses of landowner's one-half mile up and downstream of the proposed point of diversion. Nearby notifications were mailed on April 30, 2024. A response was received from one (1) nearby neighbor who raised concerns that the proposed point of diversion was on his property and mentioned he is concerned the applicant might attempt to use water from the KBID return flow canal. After reviewing property owners in ORKA it was determined that the point of

diversion falls on the applicant's property. Stockton Field Office Water Commissioner, Kelly Stewart, has talked with the applicant and explicitly told them we will not permit water from the KBID return flow canal and the applicant will be restricted to pumping from the northeastern tributary. The nearby neighbor still had concerns and was adamant the applicant was using water from the return flow. In an email dated July 9, 2024, it was noted that Stockton field employees made a site visit to the proposed PD while the return flow and tributary were flowing. They noted that about 50 feet from the proposed PD the stream dropped into a pool that joined the return flow. Kelly request the applicant select a PD further upstream which the applicant did willingly. The new PD is roughly 750 feet upstream of the KBID return flow canal, which satisfied the applicant.

Recommendations

The application was sent for consideration to Kelly Stewart, Water Commissioner of the Stockton Field Office on May 21, 2024, and recommended for approval in an e-mail dated May 21, 2024.

The application complies with all regulations concerning reasonable quantity, safe yield, and minimum spacing requirements. It does not appear that approval of the application will 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

From: Stewart, Kelly [KDA]
Sent: Tue 5/21/2024 1:12 PM
To: Anhold, Christa [KDA]; Billinger, Mark [KDA]
Cc: Hageman, Nancy [KDA]
Subject: FW: 50991 Recommendation Request
Attachments: 50991_Memo.docx

Christa,

I recommend approval of this application.

I called Tony Strnad today and re-discussed this application. Tony clearly understands that he can't appropriate water from the wasteway canal. He has no intentions of modifying the canal or tributary to help him access that canal water.

In the third paragraph of your memo, you mention Stafford field office. Please change that to Stockton.

Thanks for your work on this one.

Kelly

From: Anhold, Christa [KDA] <Christa.Anhold@ks.gov>
Sent: Tuesday, May 21, 2024 11:04 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Subject: 50991 Recommendation Request

Good morning Kelly,

Attached is a draft memo for 50,991 for your review and recommendation. Nearby notifications were mailed on April 30, 2024. There was one nearby that responded and conversed with you. Ken, Kristen and I discussed the neighbors concern about the PD not being on the applicant's property and we came to the same conclusion that you did, the PD appears to be on the applicant's property. No other comments were received.

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. 50,991** of the applicant

TONY R STRNAD
821 NICKEL RD
SCANDIA KS 66966

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 **March 15, 2023**.

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

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5 - 3S - 4W	40	40	40	40													160

3. That the authorized source from which the appropriation shall be made is surface water from an unnamed tributary of the Republican River, designated in the office of the Chief Engineer as White Rock Canal Trib 1 (Republican), to be diverted at a pumpsite located in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 32, more particularly described as being near a point 1,560 feet North and 4,700 feet West of the Southeast corner of said section, in Township 2 South, Range 4 West, Republic 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 **1,200 gallons per minute (2.67 c.f.s.)** and to a quantity not to exceed **192 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 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. This 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).

13. 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.

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

15. That diversion of natural flow shall not take place unless there is water available to satisfy all demands by senior water rights and permits.

16. That the stream flow shall not be stopped at the first riffle below the point of diversion while diversion is taking place under the authority of this water right or permit.

17. 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.

18. That in order to implement the provisions of K.A.R. 5-3-11(d)(6), no water shall be diverted unless the written permission of the Chief Engineer, or an authorized representative of the Chief Engineer, is obtained each time the applicant desires to divert water. The approval of this permit is not an indication that surface water will be available from this source of supply, or that written permission will be granted to divert water.

19. 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 25th day of July, 2024, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

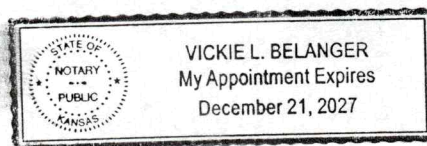
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 25th day of July, 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

July 31, 2024

TONY R STRNAD
821 NICKEL RD
SCANDIA KS 66966

RE: Appropriation of Water
File No. 50,991

Dear Mr. Strnad:

Enclosed is a 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 included in this permit, with specific reference to Paragraph Nos. 15, 16, 17 and 18.

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 Stockton Field Office at 785-425-6787. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications and Changes Supervisor
Division of Water Resources

KAB:kak:cla
Enclosure(s)
pc: Stockton 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

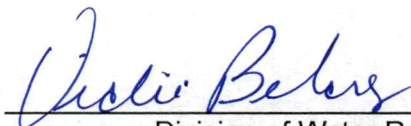
On this 31st day of July, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,991, dated July 25, 2024, was mailed postage prepaid, first class, US mail to the following:

Original to:

TONY R STRNAD
821 NICKEL RD
SCANDIA KS 66966

With photocopies to:

KDA-DWR Stockton Field Office



Division of Water Resources