

File No. **51,024**
 Structures File No:
 13. County: **OT-Ottawa** Basin: **23- Solomon River** Stream:
 Aquifer Code: **113/330 Main stem alluvium/Dakota Aquifer system (unconfined)** 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 90298	SE SW SW	29	10S	4W	3	140	4486	Geo Center	130	130	800	800					
ENT 91148	SW SW SW	29	10S	4W		140	4786	BAT 1 OF 4 WELLS									
ENT 91149	SW SW SW	29	10S	4W		140	4636	BAT 2 OF 4 WELLS									
ENT 91150	SE SW SW	29	10S	4W		140	4336	BAT 3 OF 4 WELLS									
ENT 91151	SE SW SW	29	10S	4W		140	4186	BAT 4 OF 4 WELLS									

BATT ID 2412

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 71361	29	10S	4W	2										32.5	21	14	32.5					100.00	5b	<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 24, 2024

From: Christa Anhold, Environmental Scientist

Re: New Application File No. 51,024 – Tyler Peterson

Summary

Tyler Peterson has filed the above referenced new application proposing to appropriate 130 AF of groundwater per calendar year at a rate of 800 GPM from a battery of four (4) wells to irrigate 100-acres in Ottawa County. The application is signed stating the applicant has legal access to the place of use and point of diversion. There are no overlapping water right files.

Reasonable Rate and Quantity

The requested 130 AF of groundwater applied to 100 acres is equivalent to the 1.3 AF per acre reasonable quantity for Ottawa County and as such can be considered reasonable. A rate of 800 GPM is reasonable for a battery of wells per K.A.R. 5-1-1(n).

Source of Supply and Safe Yield

A test log was provided with the application which indicates topsoil from surface level to 3 feet, brown clay from 3 to 21 feet, dark gray clay from 21 to 29 feet, sand and gravel with small to very small clay streaks from 29 to 41 feet and tan loose sandrock from 41 to 80 feet below ground surface. Static water level was noted at 18 feet below ground surface.

After reviewing nearby well logs, water rights, “Geology and Ground-water Resources of Ottawa County, Kansas” KGS Bulletin 154 (1962) and “Water Resources of the Dakota Aquifer in Kansas” KGS Bulletin 260 (2014) it was confirmed that source of supply is likely main stem alluvium and the unconfined Dakota formation.

An initial safe yield report indicated the area to cover 8,042 acres. Based on potential recharge of 2.6 inches, with 75% available for appropriation, safe yield was determined to be 1,306.9 acre-feet. Existing appropriations total 1,449.9 acre-feet. The applicant was sent a fails safe yield letter on June 6, 2024, at which time they requested a 30-day extension to provide supplemental information, with a deadline of July 24, 2024. Before the deadline, the application was checked again, and it was found that two (2) batteries of wells were being counted towards the safe yield that were not within the 2-mile circle. After removing the batteries, the safe yield indicated existing appropriations total 1,154.5 AF, leaving 152.4 AF of water available to irrigate the applicants 100 acres with the requested 130 AF. Therefore the applicant pass safe yield. The applicant was notified of this change via email on July 23, 2024.

Nearby Water Rights

From the proposed point of diversion, the nearest domestic well is 4,300 feet away and the closest nondomestic well (File No. 50,404) is 5,400 feet away. Well spacing regulations for the unconfined Dakota aquifer defined in K.A.R. 5-4-4(c) have been met. The application did not include water users within a half mile, and none were identified during the review process. Therefore no nearby letters were mailed.

Recommendations

The application was sent for consideration to Kelly Stewart, Water Commissioner of the Stockton Field Office on July 23, 2024, and recommended for approval in an e-mail from Kelly Stewart dated July 24, 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
Sent: Wed 7/24/2024 9:41 AM
To: Anhold, Christa [KDA]
Cc: Hageman, Nancy [KDA]
Subject: RE: 51024 Recommendation Request

Christa,

I recommend approval of this application.

Kelly

From: Anhold, Christa [KDA] <Christa.Anhold@ks.gov>
Sent: Tuesday, July 23, 2024 9:06 AM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Subject: 51024 Recommendation Request

Good morning Kelly,

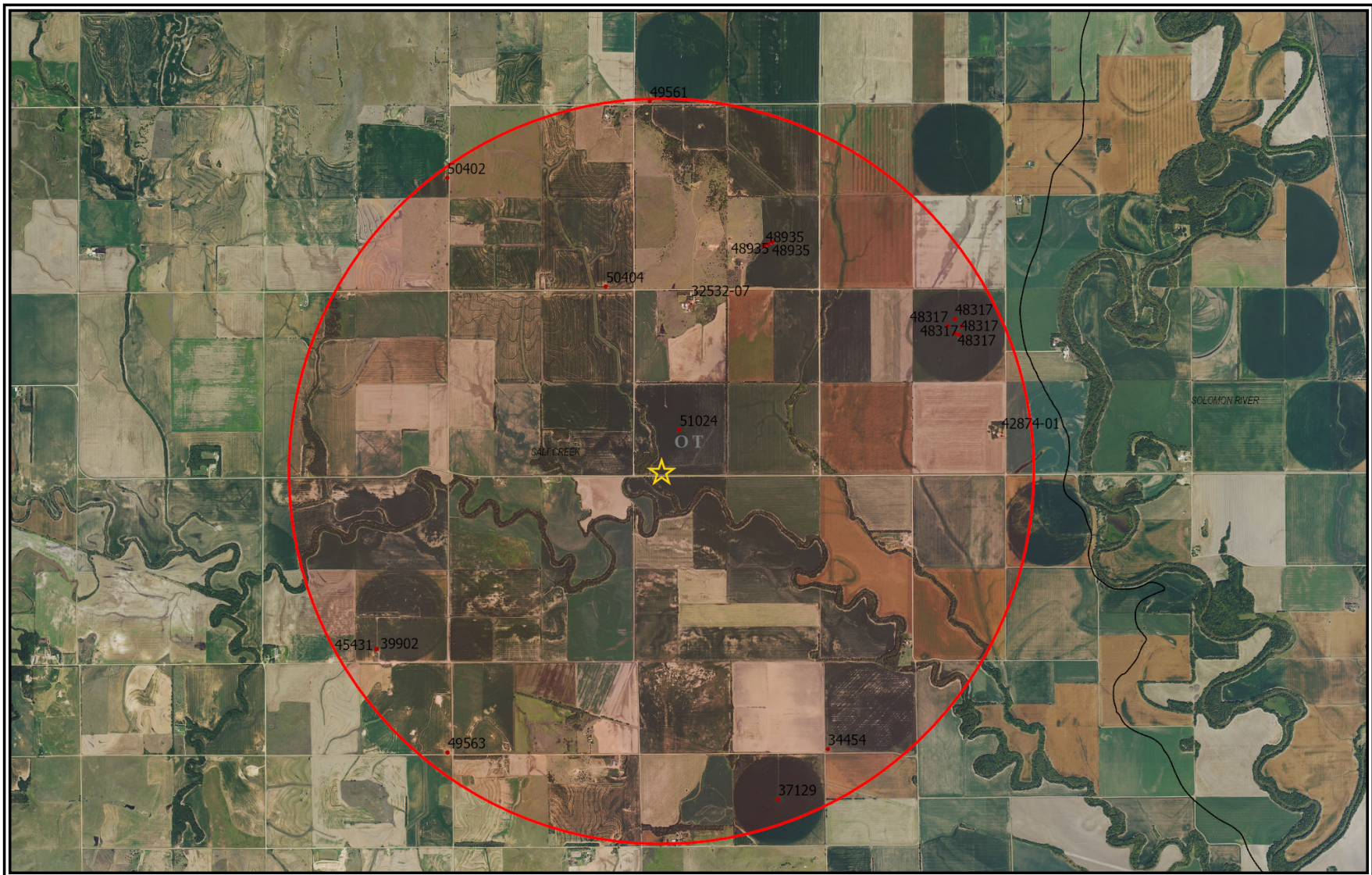
Attached is a draft memo for 51,024 for your review and recommendation. There were no nearby neighbors to notify.

We initially notified the applicant that they failed safe yield. I began to process the application for dismissal and took another look at the safe yield when I realized 2 batteries of wells with geo-centers outside the safe yield radius were being counted towards the safe yield. After removing those the application passed safe yield. I have detailed this in the memo, Ken and Kristen agree and I notified the applicant this morning of our error. I have included the most recent and accurate safe yield in this email.

Let me know if you need anything else.

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

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 29-10S-04W
Footages from SE corner- 140 feet North 4,486 feet West



Analysis Results

Passes Safe Yield Regulations

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

The safe yield based on the variables listed below is 1,306.90 AF.

Total prior appropriations in the circle is 1,579.90 AF. ~~-130 -159.9 -135.5~~ = 1154.5 AF

Total quantity of water available for appropriation is ~~0.00 AF~~. 1306.9 – 1154.5 = 152.4 AF

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 2.6 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 30-MAY-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 11 water rights and 16 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 34454 00	IRR	NK	G					2689	5194	04	11	04W	1	WR	120.00	120.00		149.50	149.50
A 37129 00	IRR	NK	G			NC	SE	1317	1332	05	11	04W	5	WR	149.00	149.00		133.00	133.00
A 39902 00	IRR	NK	G		SE	SW	SE	363	1974	36	10	05W	1	WR	111.00	111.00		197.50	197.50
A 45431 00	IRR	NK	G		SE	SW	SE	363	1974	36	10	05W	1	WR	30.00	30.00		197.50	0.00
A 48317 00	IRR	LR	G		SE	NW	NE	4233	1398	28	10	04W	1	WR	208.00	208.00		160.00	160.00
Same	IRR	LR	G		SE	NW	NE	4433	1398	28	10	04W	2	WR					
Same	IRR	LR	G		SE	NW	NE	4033	1398	28	10	04W	3	WR					
Same	IRR	LR	G		SE	NW	NE	4233	1598	28	10	04W	4	WR					
Same	IRR	LR	G		SW	NE	NE	4233	1198	28	10	04W	5	WR					
A 48935 00	IRR	LR	G		NE	SW	SE	1240	1541	20	10	04W	1	WR	139.00	139.00		107.00	107.00
Same	IRR	LR	G			NC	SE	1346	1303	20	10	04W	2	WR					
Same	IRR	LR	G		NE	SW	SE	1293	1422	20	10	04W	3	WR					
A 49561 00	IRR	LR	G		SW	SW	SW	200	4650	17	10	04W	1	WR	135.50	135.50	-135.5	160.00	160.00
A 49563 00	IRR	LR	G		SE	SE	NE	2738	137	01	11	05W	1	WR	196.00	196.00		152.00	152.00
A 50402 00	IRR	HK	G		SE	SE	NE	3214	26	24	10	05W	3	WR	159.90	159.90	-159.9	123.00	123.00
A 50404 00	IRR	HK	G		SW	SE	SE	79	776	19	10	04W	1	WR	201.50	201.50		155.00	155.00
A 51024 00	IRR	AY	G				SW	1320	3960	29	10	04W	3	WR	130.00	130.00	-130	100.00	100.00

Limitations

File Number	Seq Num	Limitations
A 45431 00	1	765GPM COM/W #39902

49,561 and 50,402 geo-center are outside 2-mile circle. Therefor will not be counted towards quantity within 2-mile circle.

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. 51,024** of the applicant

TYLER PETERSON
1567 N 110TH
MINNEAPOLIS, KS 67467

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 **April 24, 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	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
29 - 10S - 4W									32.5	21.0	14.0	32.5					100.0

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells with a geographical center located in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE¼ SW¼ SW¼) of Section 29, more particularly described as being near a point 140 feet North and 4,486 feet West of the Southeast corner of said section, in Township 10 South, Range 4 West, Ottawa 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 **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **130 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 this permit is further limited such that all four (4) wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply, shall be limited to a total maximum diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** and shall supply water to a common distribution system.

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 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



VICKIE L. BELANGER
My Appointment Expires
December 21, 2027

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 2, 2024

TYLER PETERSON
1567 N 110TH RD
MINNEAPOLIS KS 67467

RE: Appropriation of Water
File No. 51,024

Dear Mr. Peterson:

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 specified in this permit.

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
James E Peterson Trust #1

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 2 day of August, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 51,024, dated July 25, 2024, was mailed postage prepaid, first class, US mail to the following:

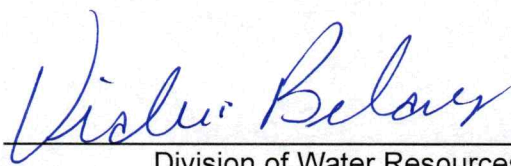
Original to:

TYLER PETERSON
1567 N 110TH
MINNEAPOLIS KS 67467

With photocopies to:

JAMES E PETERSON TRUST #1
JAMES AND TANDIS PETERSON TRUSTEES
133 S COUNTRY ESTATE DR
SALINA KS 67401

KDA-DWR Stockton Field Office



Division of Water Resources