



File No. **50,288**      15. Formation Code: 330      Drainage Basin: SALINE RIVER      County: LC      Special Use:      Stream:

16. Points of Diversion										17. Rate and Quantity						
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional			
											Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files	
√				<b>19713</b>	<b>SW SW NW</b>	<b>28</b>	<b>12</b>	<b>10W</b>	<b>1</b>	<b>3100</b>	<b>5040</b>	<b>99</b>	<b>4.397</b>	<b>99</b>	<b>0</b>	<b>40,283</b>

18. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

19. Limitation: **5.823** **MG/yr** at \_\_\_\_\_ **gpm** ( \_\_\_\_\_ cfs) when combined with file number(s) **40,283 & 40,284**  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

20. Meter Required?  Yes  No      To be installed by **12/31/2020-2021**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? <b>NO</b>	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
√				<b>5838</b>	<b>28</b>	<b>12</b>	<b>10W</b>	<b>1</b>	FEEDLOT-(W2 W2) LINCOLN CO KS																	<b>7a.</b>	<b>NO</b>	<b>40,283 &amp; 40,284</b>	

Comments:

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**M E M O R A N D U M**

**TO:** Files

**DATE:** October 22, 2019

**FROM:** Doug Schemm

**RE:** Application, File No. 50,288

Chris Meyer has filed the referenced new application to appropriate 4.397 million gallons (13.49 acre-feet) of groundwater from an existing well at a rate of 99 gallons per minute for stockwatering use at a cattle feedlot. The well is located in the Northwest Quarter of Section 28, Township 12 South, Range 10 West, Lincoln County, within the Saline River Drainage Basin. The place of use is owned by the applicant, and he has signed the application form stating he has access to the point of diversion. Note that the owner exceeded the authorized quantity of water from this well in 2018, and this new application will provide for additional water from this well and prevent future over-pumping. The new application overlaps in point of diversion with File No. 40,283, and overlaps in place of use with File Nos. 40,283 and 40,284.

The existing feedlot is currently authorized under File Nos. 40,283 and 40,284. File No. 40,283 is authorized 1.426 million gallons, and File No. 40,284 is authorized 4.397 million gallons for a total of 5.823 million gallons. The applicant has requested that this new application be limited to 5.823 with the senior files.

The requested quantity of water of 4.397 million gallons was based on being able to pump additional water from this existing well, up to the already approved 5.823 million gallons (5.823 mg – 1.426 mg = 4.397 mg). This feedlot only has a capacity of 299 head of cattle, however the applicant has another, much larger feedlot located approximately 1.5 miles to the north. Because these facilities share common feeding facilities and ownership, this smaller feedlot must also be permitted. As noted above, this new application will be limited to 5.823 million gallons when combined with the senior files, providing 0 additional water.

The applicant identified two domestic wells within one-half mile, both of which are owned by him or a family member related to the operation. No notification letters are required. The nearest domestic well is over 1,700 feet away, and complies with minimum well spacing.

However, per the requirements in K.A.R. 5-4-4 for the unconfined Dakota aquifer system, well spacing should be one-half mile to other nondomestic wells. The existing well does not meet spacing to the applicant's other STK supply well, authorized under File No. 40,284 with a geographic center located just over 1,000 feet away. K.A.R. 5-4-4 provides that the spacing guidelines are not applicable if the required minimum well spacing criteria are not necessary to prevent direct impairment. There are several unique circumstances that should be considered in this specific instance regarding minimum well spacing.

- This group of wells has been in use for many years (over 20 years) and there have been no known impairment concerns.
- The wells supply water to a common place of use, and will not be sold or divided in any way in the future. The application is not requesting any additional water.
- The wells are pumped based on water supply demands at the feedlot, not on a continuous basis. This would allow the local aquifer to recover between pumping events.
- The relative low pumping rates (all less than 100 gpm) would not create a significant cone of depression around any of these wells, and it is unlikely that their effect on the aquifer would extend out to each other.

Therefore, per K.A.R. 5-4-4, required minimum well spacing criteria is not necessary to prevent direct impairment in this specific instance, and the proposed well spacing is sufficient to prevent direct impairment and to protect the public interest. The application complies with well spacing criteria to all domestic wells.

The well log for the senior file shows sandstone was encountered at a very shallow depth of 6 feet below ground surface, and it extended to a depth of 91 feet, with some interbedded clay. Static water level was 25 feet below ground surface, which is within the sandstone aquifer, indicating the unconfined Dakota aquifer system is the source. This is also consistent with other nearby wells.

To maintain consistency with processing of senior files sourcing this same aquifer, and per the safe yield criteria in K.A.R. 5-3-11, it is imperative to determine the extent of the unconfined aquifer (area of consideration). Wells to the North of this application are sourcing the Saline River alluvium, and this is also evident on the topographic map. Therefore, the northern portion of the two-mile circle was excluded from the area of consideration (see safe yield map). Therefore, for this application the extent of the unconfined Dakota aquifer system was determined to be 3,993 acres. Based on a potential recharge of 1.8 inches, with 75% available for appropriation, safe yield was determined to be 449.19 acre-feet. Existing appropriations total only 17.87 acre-feet, leaving 431.32 acre-feet available for appropriation, and the application complies with safe yield criteria. The only water rights within the area of consideration are the applicant's senior files.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

In an October 21, 2019 e-mail, Kelly Stewart, Water Commissioner, Stockton Field Office, recommended approval of the referenced new application. Based on the above discussion, reduced well spacing and safe yield criteria are met, this will provide additional water from this well to prevent future over-pumping, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced new application be approved.

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

## Schemm, Doug [KDA]

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**From:** Stewart, Kelly [KDA]  
**Sent:** Monday, October 21, 2019 2:35 PM  
**To:** Schemm, Doug [KDA]  
**Cc:** Billinger, Mark [KDA]; Hageman, Rebecca [KDA]  
**Subject:** RE: 50288 Chris Meyer

Doug,

I encouraged Chris to file this application. I have no objection to its approval.

Kelly

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**From:** Schemm, Doug [KDA] <Doug.Schemm@ks.gov>  
**Sent:** Monday, October 21, 2019 2:28 PM  
**To:** Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>  
**Cc:** Billinger, Mark [KDA] <Mark.Billinger@ks.gov>  
**Subject:** 50288 Chris Meyer

Hello Stockton,

This will give Chris more water, to prevent him from over-pumping this well in the future.

He does not meet spacing to his other STK well battery, but reduced spacing should not be a problem with low pumping rates and no additional quantity overall requested.

Please review,

Thanks, Doug

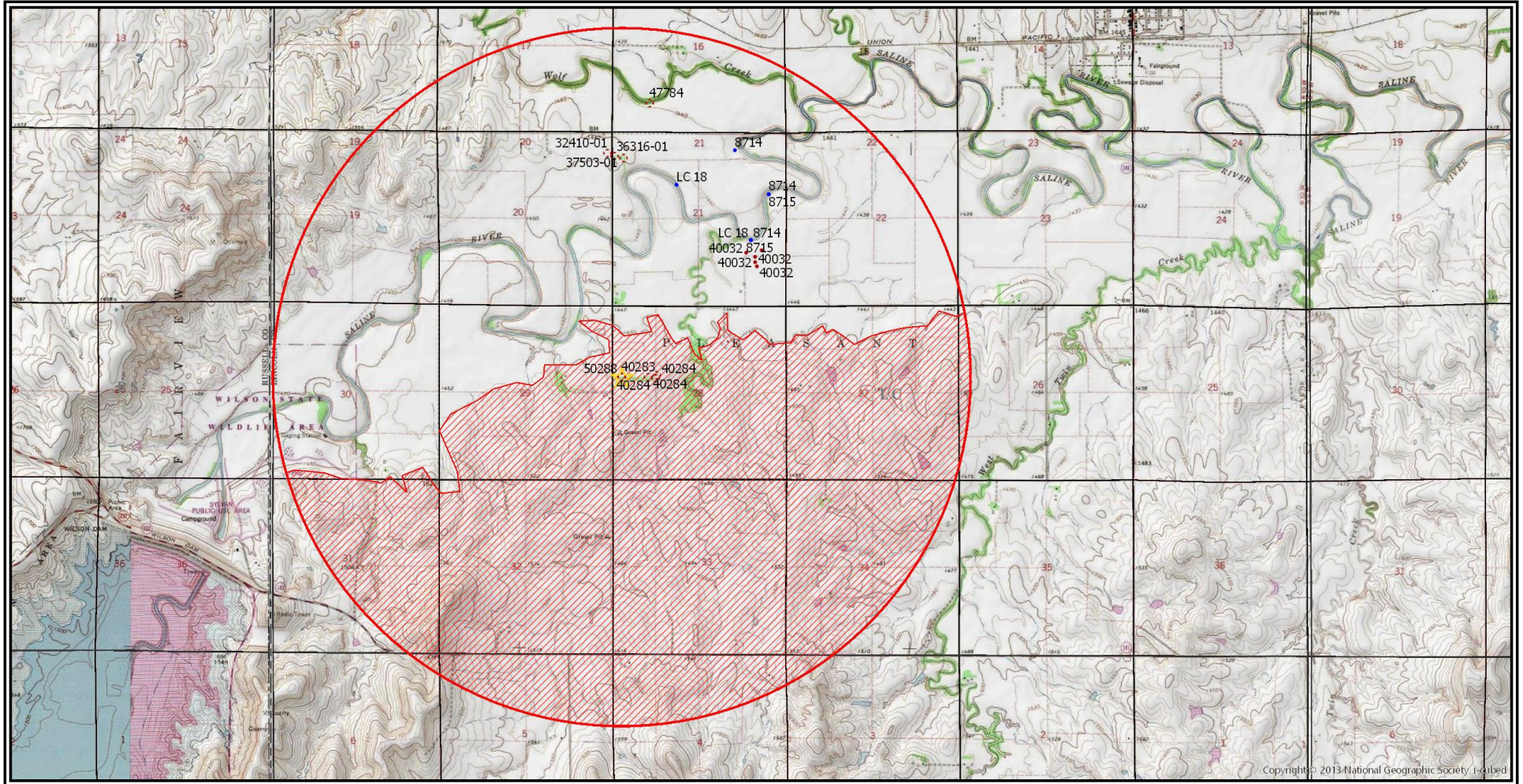


# Safe Yield Report Sheet

Water Right- 50,288

Point of Diversion in 28-12S-10W

Footages from SE corner- 3,100 feet North 5,040 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 449.19 AF.  
 Total prior appropriations in the circle is 17.87 AF. - 0 = 17.87 AF  
 Total quantity of water available for appropriation is 431.32 AF.

Application File No. 50,288 Meets Safe Yield  
 dws/dwr 10/21/19

## Safe Yield Variables

The area used for the analysis is set at 3,993 acres.  
 The potential annual recharge at the circle center is estimated to be 1.8 inches.  
 The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 14-OCT-2019 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 3 water rights and 4 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 40283 00	STK	NK	G		SW	SW	NW	3100	5040	28	12	10W	1	WR	4.38	4.38		
A 40284 00	STK	NK	G		SE	SW	NW	3168	3970	28	12	10W	2	WR	13.49	13.49		
Same	STK	NK	G		SE	SW	NW	3168	4070	28	12	10W	4	WR				
Same	STK	NK	G		SW	SE	NW	3168	3870	28	12	10W	3	WR				
A 50288 00	STK		G		SW	SW	NW	3100	5040	28	12	10W	1	WR	<del>13.49</del>	<del>0.00</del>		

## Limitations

File Number	Seq Num	Limitations
A 40032 00	1	1147.5AF/YR COM/W #LC 18, 8714 & 8715
A 47784 00	1	38.692MGY COM/W #32410 01, 36316 01 & 37503 01

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

**FILE COPY**

CHRIS M MEYER  
685 N 50TH RD  
SYLVAN GROVE KS 67481

March 10, 2020

RE: Appropriation of Water, File No. 50,288

Dear Mr. Meyer:

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 acceptable water flowmeter must be installed on the diversion works authorized by this permit prior to using water. 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](http://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.

Enclosed 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/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/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,

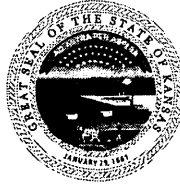
Kristen A. Baum  
New Application Unit Supervisor  
Division of Water Resources

KAB:dws  
Enclosure(s)

pc: Stockton Field Office



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
Christopher W. Beightel, Acting 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. 50,288** of the applicant

**CHRIS M MEYER  
685 N 50TH RD  
SYLVAN GROVE, KS 67481**

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 **August 21, 2019**.
2. That the water sought to be appropriated shall be used for stockwatering use at a cattle feedlot located in the West Half of the West Half (W $\frac{1}{2}$  W $\frac{1}{2}$ ) of Section 28, in Township 12 South, Range 10 West, Lincoln County, Kansas.
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 Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 28, more particularly described as being near a point 3,100 feet North and 5,040 feet West of the Southeast corner of said section, in Township 12 South, Range 10 West, Lincoln County, Kansas, located substantially as shown on the map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **99 gallons per minute (0.22 c.f.s.)** and to a quantity not to exceed **4.397 million gallons** (13.49 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, 2021** 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, 2025** 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 the 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).

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 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.



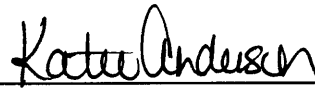
### CERTIFICATE OF SERVICE

On this 10<sup>th</sup> day of March, 2020, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,288, dated March 5, 2020 was mailed postage prepaid, first class, US mail to the following:

CHRIS M MEYER  
685 N 50TH RD  
SYLVAN GROVE, KS 67481

With photocopies to:

Stockton Field Office



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Division of Water Resources