

Kansas Department of Agriculture  
 Division of Water Resources  
**PERMIT OF NEW APPLICATION WORKSHEET**

1. File Number: <p style="text-align: center;"><b>50,567</b></p>	2. Status Change Date: <p style="text-align: center;"><b>6/9/2022</b></p>	3. Field Office: <p style="text-align: center;"><b>3</b></p>	4. GMD:
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5. Status:     Approved                       Denied by DWR/GMD                       Dismiss by Request/Failure to Return

6. Enclosures:     Check Valve             N of C Form             Water Tube             Driller Copy             Meter

<p>7a. Applicant(s) <span style="float: right;">Person ID <u>  <b>1100</b>  </u></span>          New to system <input type="checkbox"/> <span style="float: right;">Add Seq# _____</span></p> <p><b>CITY OF БЕЛОIT</b>  <b>PO BOX 567</b>  <b>BELOIT, KS 67420</b></p>     <p>7b. Landowner(s) <span style="float: right;">Person ID _____</span>          New to system <input type="checkbox"/> <span style="float: right;">Add Seq# _____</span></p> <p><b>7a</b></p>	<p>7c. Landowner(s) <span style="float: right;">Person ID _____</span></p>          <p>7d. Landowner(s) <span style="float: right;">Person ID _____</span></p>
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<p>8. WUR Correspondent <span style="float: right;">Person ID _____</span>          New to system <input type="checkbox"/> <span style="float: right;">Add Seq# _____</span>          Overlap File (s) WUC <span style="float: right;">Notarized WUC Form <input type="checkbox"/></span>          Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>7a</b></p>	<p>9. Use of Water:    Changing?    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input type="checkbox"/> Groundwater            <input checked="" type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR            <input type="checkbox"/> REC            <input type="checkbox"/> DEW            <input checked="" type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK            <input type="checkbox"/> SED            <input type="checkbox"/> DOM            <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG    <input type="checkbox"/> WTR PWR            <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____    <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date:   **12/31/2023**                        11. Perfection Date:   **12/31/2027**                        12. Exp Date: \_\_\_\_\_

13. Conservation Plan Required?  Yes  No Date Required: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Date to Comply: \_\_\_\_\_

14. Water Level Measuring Device?  Yes  No Date to Comply: \_\_\_\_\_ Date WLMD Installed: \_\_\_\_\_

<b>6/2/2022</b> <b>JDK</b>	Date Prepared: <b>5/16/2022</b> By: <b>KJN</b> Date Entered: <span style="border: 1px solid blue; padding: 2px;"><b>6/14/2022</b></span> By: <span style="border: 1px solid blue; padding: 2px;"><b>LMoody</b></span>	
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File No. **50,567**      15. Formation Code:      Drainage Basin: **Solomon River**      County: **MC**      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 af	Rate gpm	Quantity af	Overlap PD Files
<del>CHK</del>	<del>DEL</del>		<del>88761</del>	<del>NE SW SW</del>	<del>27</del>	<del>6S</del>	<del>9W</del>	<del>5</del>	<del>850</del>	<del>4000</del>	<b>2580</b>	<del>2000</del>	<b>2580</b>	<del>1829</del>	<b>18212, 45679</b>
<b>ENT</b>			<b>1146</b>	<b>NE SW SW</b>	<b>27</b>	<b>6S</b>	<b>9W</b>	<b>1</b>	<b>840</b>	<b>3990</b>	<b>651.7 mgy</b>		<b>188.339 mgy</b>		

18. Storage: Rate **NF** NF      Quantity **2000** ac/ft      Additional Rate **0** NF      Additional Quantity **0** ac/ft

19. Limitation: ~~2000 AF~~ **Storage** af/yr at **NF** gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **10281**  
 Limitation: ~~2000~~ **direct use** af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **MC-2, 2269, 10281, 47776**

20. Meter Required?  **Yes** No      To be installed by \_\_\_\_\_      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>CHK</b>			<b>4226</b>	<b>9</b>	<b>7S</b>	<b>7W</b>	<b>1</b>	<b>CITY OF BELOIT &amp; IMMEDIATE VICINITY</b>																													<b>7a no</b>	<b>MC-2, 2269, 10281, 47776</b>
<del>CHK</del>	<del>DEL</del>		<del>9224</del>	<del>9</del>	<del>7S</del>	<del>7W</del>	<del>2</del>	<del>WITHIN THE BOUNDARIES OF RWD#1 MITCHELL CO &amp; IMMEDIATE VICINITY</del>																													<del>N/C</del>	<del>NO MC-2, 2269, 10281, 47776</del>
<del>CHK</del>	<del>DEL</del>		<del>64816</del>	<del>9</del>	<del>7S</del>	<del>7W</del>	<del>6</del>	<del>WITHIN THE BOUNDARIES OF RWD#3 MITCHELL CO &amp; IMMEDIATE VICINITY</del>																													<del>N/C</del>	<del>NO *SEE BELOW*</del>

Comments:  
**\*PU 64816 OVERLAP FILES = MC-2, 2269, 10281, 18212, 45679, 47776, 50172, 50173\***

6/2/2022  
KJN

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** March 8, 2022

**FROM:** Kris Neuhauser

**RE:** Application, File No. 50,567

The City of Beloit has filed the referenced new application to appropriate 2,000 acre-feet of surface water for storage and redirection. The water will be collected via natural flows from the Solomon River and redirected at a maximum rate of 2,580 gpm via the city water treatment plant. The point of diversion is located in the Southwest Quarter of Section 27, Township 6 South, Range 9 West, Mitchell County, Kansas. Originally the application was missing a point of diversion legal access signature. A legal access signature block was provided via email to Jason Rabe, City of Beloit Manager. Mr. Rabe signed and returned the signature block on February 8, 2022.

The place of use is the City of Beloit and its immediate vicinity, and within the boundaries of Rural Water District Nos. 1 and 3 - Mitchell County and their immediate vicinities (Section 9, Township 7 South, Range 7 West, Mitchell County, Kansas). This place of use forms a complete overlap with Vested Water Right, File No. MC-002; Water Right, File Nos. 2,269 and 10,281; and Appropriation of Water, File No. 47,776.

Waconda Lake is upstream of the City of Beloit, which is a federal reservoir owned and operated by the United States Bureau of Reclamation. The Division of Water Resources has no jurisdiction over Glen Elder Dam, therefore no structures permitting will be required.

The point of diversion is actually a large diameter pipe that goes through the base of the dam. This point ~~technically overlaps with Water Right, File No. 18,212 and Appropriation of Water, File No. 45,679. The feet distances for File No. 50,567 are purposely described slightly different, so water use can be reported separately by the City of Beloit (Mitchell County Rural Water District No. 2 owns File Nos. 18,212 and 45,679).~~

Water Right, File No. 10,281 authorizes the same 2,000 acre-feet of storage (as well as the redirection of 55.395 mgd). File No. 50,567 will be limited to 2,000 acre-feet of storage when combined with Water Right, File No. 10,281, and limited to 2,000 acre-feet when combined with Vested Water Right, File No. MC-002; Water Right, File Nos. 2,269 and 10,281; and Appropriation of Water, File No. 47,776.

The closest surface water right is authorized by Water Right, File No. 24,324, sitting roughly 336 feet away. Two notification letters were mailed to adjacent landowners on February 1, 2022. No responses of any kind were received.

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 email conversation on March 9, 2022, Kelly Stewart, Water Commissioner, Stockton Field Office, recommended approval of the referenced application.

Based on the above discussion, approval of the new application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced new application be approved.

A handwritten signature in black ink, appearing to read "Kris Neuhauser". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Kris Neuhauser  
New Applications Lead  
Water Appropriation Program

**From:** Neuhauser, Kris [KDA]  
**Sent:** Wed 3/9/2022 12:05 PM  
**To:** Stewart, Kelly [KDA];Billinger, Mark [KDA]  
**Cc:** Hageman, Nancy [KDA]  
**Subject:** RE: 50567 rec request

I tried to finagle the memo with how I understood it, obviously I was off! Spelled out on the app just how you described it.

I did read that supporting sheet they had today. I see the 2580 gpm, good deal. I'll get my memo fixed up and approvals drafted. Thanks!

Kris

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**From:** Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>  
**Sent:** Wednesday, March 9, 2022 11:40 AM  
**To:** Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Billinger, Mark [KDA] <Mark.Billinger@ks.gov>  
**Cc:** Hageman, Nancy [KDA] <Nancy.Hageman@ks.gov>  
**Subject:** RE: 50567 rec request

Kris,

I recommend approval of this application.

In reality, the p/d **will** overlap with 18,212 & 45,679. However, I purposely described this p/d 10' off so WRIS wouldn't want all of the water reported under file 18,212. The RWD owns 18,212 & 45,679 and they will want to report their own usage. The City of Beloit will own 50,567 and they will want to report their own usage. The p/d is actually a large diameter pipe that goes through the base of the dam. Once the water gets to the downstream side of the dam, it will go two different directions (one to RWD and one to the City).

On your memo, change the first sentence to surface water rather than groundwater. In the fourth paragraph, the 2,000 acre-feet of **storage** will be limited to 10,281 because that is the only other storage right for the City. Additionally, File No. 50,567 should be limited to 2,000 acre-feet when combined with all prior senior rights to use at the City. Basically, this new permit is not for any additional storage in the reservoir, but it is some additional quantity for municipal use.

Regarding the re-diversion rate, if you'll look at their supporting information submitted with the application, there is a sentence in there that states 2,580 g.p.m. will be the maximum rate for the Water treatment plant. That is the re-diversion rate. I called Stuart Porter their engineer and he confirmed that was correct.

Kelly

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**From:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>  
**Sent:** Wednesday, March 9, 2022 9:42 AM  
**To:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>; Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto:Mark.Billinger@ks.gov)>  
**Cc:** Hageman, Nancy [KDA] <[Nancy.Hageman@ks.gov](mailto:Nancy.Hageman@ks.gov)>  
**Subject:** 50567 rec request

Morning guys,

Here is new app 50567 from the City of Beloit, for your review and recommendation. I see you helped fill this out Mark. Should the PD overlap with 18212/45679? Or be a new PD? They're plotted extremely close (like 10 feet apart) so I was wondering. Both on the dam. I can rework my memo if need be.

The way I understood it, 50567 will be limited to 2,000 acre-feet of storage when combined with MC-002, 2269, 10281, & 47776. No rediversion rates involved with this app?

Thanks!

Kris

**From:** Stewart, Kelly [KDA]  
**Sent:** Fri 10/30/2020 11:51 AM  
**To:** Baum, Kristen [KDA]  
**Subject:** RE: City of Beloit

Part 1: I trust you when I like the answer.

Part 2: I agree except for when the lake is in flood pool and all storage rights are fulfilled. Then, all pumping downstream is natural flow. It would be great to do a F&O and describe the p/d at the lake and avoid doing a public notice on a change in p/d.

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**From:** Baum, Kristen [KDA] <Kristen.Baum@ks.gov>  
**Sent:** Friday, October 30, 2020 11:40 AM  
**To:** Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>  
**Subject:** RE: City of Beloit

I don't think it's a change in PD anymore, but I wouldn't trust me if I were you.

My argument is that all natural flows are going into the storage pool first, so everything they pump is coming out of the storage pool.

Kristen A Baum  
New Application Unit Supervisor  
DWR Appropriations

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**From:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Sent:** Friday, October 30, 2020 11:34 AM  
**To:** Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>  
**Subject:** RE: City of Beloit

I think we could make the argument that we have experienced all of those examples, but because we have experienced B, they should be allowed to pull it out of the lake.

So, change in p/d required or not?

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**From:** Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>  
**Sent:** Friday, October 30, 2020 11:21 AM  
**To:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Subject:** RE: City of Beloit

I think it's the PDs I'm hung up on now. My cartoon isn't near as good as yours. If we are making a distinction between natural flows and storage, then scenario A hold true and this is a change in PD of six miles and a theoretical total of 2171AF from the system.

If scenario B is true, then we are moving a rediversion point. I lean towards B.

Kristen A Baum  
New Application Unit Supervisor  
DWR Appropriations

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**From:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Sent:** Friday, October 30, 2020 11:08 AM  
**To:** Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>  
**Subject:** RE: City of Beloit

You get this question adequately answered? I would say this: If the river was dry, we'd let them release up to 2,000 acre-feet from the reservoir in order to let them pump 171 acre-feet at the south edge of town. So why not let them just pump the 171 out of the lake? (rhetorical question)

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**From:** Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>

**Sent:** Friday, October 30, 2020 10:49 AM

**To:** Letourneau, Lane [KDA] <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>; Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>; Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>

**Subject:** RE: City of Beloit

If we're saying that 171AF is direct diversion of natural flows, then how can we move it 6 miles upstream without changing the source?

Kristen A Baum  
New Application Unit Supervisor  
DWR Appropriations

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**From:** Baum, Kristen [KDA]

**Sent:** Friday, October 30, 2020 10:47 AM

**To:** Letourneau, Lane [KDA] <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>; Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>; Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>

**Subject:** RE: City of Beloit

We'd never put those on the same application for sure. They'd be two separate WRs.

Kristen A Baum  
New Application Unit Supervisor  
DWR Appropriations

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**From:** Letourneau, Lane [KDA] <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>

**Sent:** Friday, October 30, 2020 10:44 AM

**To:** Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>; Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>; Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>

**Subject:** RE: City of Beloit

The monkey wrench in this quagmire is natural flow is also available to be diverted as part of the 171 af in addition to storage. I don't think we would do that today. Right?

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**From:** Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>

**Sent:** Friday, October 30, 2020 10:39 AM

**To:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>; Letourneau, Lane [KDA] <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>; Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>

**Subject:** RE: City of Beloit

I think I'm starting to get it, it's just taken awhile. We're saying that anything pumped by 10281 comes from the 2000 AF pool of storage. I can see why Lane can make the argument for either '80 or '82 as year of record. In '80, that appears to be the highest Q pumped that is supported by a release. In '82 there was no release but you can make the argument that they were still pumping from their 2000 AF pool – it's just that flows were being bypassed and didn't need to be released, but Q was still coming from the 2000 AF pool theoretically.

Once upon a time, we were trying to decide if a change in PD is involved. Now I'm thinking that if the above is correct, then 10281 is classic storage and rediversion, we just worded it differently back then. If we wrote it up today, we would put the PD on the dam. If this is the case, we should administratively redescribe the PD as the dam. We don't permit the rediversion so if they pull it out of the lake or 6 miles downstream, we wouldn't care – it's rediversion.



I guess I needed to come up with something else to think about at 3AM 😊 because I'm guessing my second paragraph is not quite correct.

Kristen A Baum  
New Application Unit Supervisor  
DWR Appropriations

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**From:** Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Sent:** Tuesday, October 27, 2020 2:55 PM  
**To:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>; Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>; Letourneau, Lane [KDA] <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>  
**Subject:** RE: City of Beloit

**K.S.A. 42-303. Right to conduct water along natural channels and withdraw same.** Any person may conduct water into and along any of the natural streams or channels of the state, and may withdraw all such waters so by him turned into such channel at any point desired, without regard to prior appropriations of water from said stream, due allowance being made for evaporation and seepage.

**History:** L. 1891, ch. 133, art. 1, § 3; May 20; R.S. 1923, 42-303

**K.S.A. 42-313. Right to collect and store water.** Any person entitled to use water for beneficial purposes may collect and store the same and all natural flows for use thereafter, so long as such collection, storage, use and times of use thereafter are consistent with reasonable storage and conservation practices; and the failure to apply or use such waters during the period of such collection and storage shall not be deemed or taken to impair his right in that behalf; *Provided*, Such collection and storage of all natural flows shall be subject to vested rights and prior appropriation rights.

**History:** L. 1891, ch. 133, art. 2, § 4; R.S. 1923, 42-313; L. 1957, ch. 539, § 5; June 29.

Katie Tietsort  
Water Commissioner

[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)

785-296-5733

**PLEASE NOTE OUR NEW ADDRESS:**

**Kansas Department of Agriculture**

**Topeka Field Office**

**1131 SW Winding Rd, Suite 400**

**Topeka, KS 66615**

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**From:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Sent:** Friday, October 23, 2020 4:14 PM  
**To:** Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>; Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>; Letourneau, Lane [KDA] <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>  
**Subject:** RE: City of Beloit

The City's Vested Water Right, File No. MC002 and Water Right, File No. 2,269 were perfected out of the river south of town prior to the construction of the reservoir (which is about 6 miles upstream of the City). They then got File No. 10,281 for additional water, but also storage in the reservoir.

Since the Solomon River cuts down into the Dakota Formation downstream of the reservoir, the water in the river can be high in chlorides when low flow conditions exist. Therefore, the City will call for a release of their stored water to enhance the water quality. The better quality water is subsequently pumped by MC002; 2,269, and 10,281. When 10,281 was certified, they just looked at the total quantity pumped, subtracted the seniors from that total, and certified 10,281 for the net difference which was 170 acre-feet.

The part I am struggling with is we have told them 170 acre-feet could be directly pulled out of the lake. I'm not so sure that number shouldn't be larger because in essence, File No. 10,281 was being used to help allow the two senior files to pump water.

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**From:** Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>

**Sent:** Friday, October 23, 2020 1:11 PM

**To:** Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>; Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>; Letourneau, Lane [KDA] <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>

**Subject:** RE: City of Beloit

Is the Vested Order or Certificate available, how exactly is it worded? Was the release and pick up the same value, was loss considered, etc?

Katie Tietsort  
Water Commissioner

[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)

785-296-5733

**PLEASE NOTE OUR NEW ADDRESS:**

**Kansas Department of Agriculture**

**Topeka Field Office**

**1131 SW Winding Rd, Suite 400**

**Topeka, KS 66615**

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**From:** Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>

**Sent:** Wednesday, October 21, 2020 8:51 AM

**To:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>; Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>; Letourneau, Lane [KDA] <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>

**Subject:** RE: City of Beloit

I've thought about this one some more, and come to the conclusion that these old surface water storage rights confuse the heck out of me. When I read their certificate, the way I interpret is based on how we would permit it now but I have to wonder if the intent in 1987 when the cert was drafted, was for this to be simply storage and rediversion.

The question for me then becomes: When is a release of storage from a reservoir (that is picked up downstream) considered a rediversion and when does it become its own direct diversion pumpsite?

Seems like this could be another surface water committee discussion.

Kristen A Baum  
New Application Unit Supervisor  
DWR Appropriations

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**From:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>

**Sent:** Monday, October 19, 2020 3:27 PM

**To:** Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>; Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>; Letourneau, Lane [KDA] <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>

**Subject:** RE: City of Beloit

Kristen,

I had pretty much landed at the same conclusion after thinking about off and on all day.

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**From:** Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>

**Sent:** Monday, October 19, 2020 3:19 PM

**To:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>; Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>; Letourneau, Lane [KDA] <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>

**Subject:** RE: City of Beloit

I'll preface this by saying I don't understand these older WRs very well (or at all, honestly).

Seems to me, this certificate authorizes a direct diversion pumpsite for 171 AF and storage and redirection for the 2000 AF. Almost seems like we should administratively describe a PD for the storage. Then it does kinda seem like a change in PD to move the 171 AF from the pumpsite to the dam as a redirection. So then it becomes a straight storage and redirection?

I'm probably way off in right field... And I know I'm pretty confused as to how this WR works right along with that Alma Irr District WR, because it seems like we are trying to permit redirection points.

Kristen A Baum  
New Application Unit Supervisor  
DWR Appropriations

---

**From:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Sent:** Monday, October 19, 2020 1:22 PM  
**To:** Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>; Letourneau, Lane [KDA] <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>; Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>  
**Subject:** RE: City of Beloit

This water right simply says they can store 2,000 acre-feet in Waconda Reservoir. It does not provide a legal description. Arguably the point of diversion is the intersection of the dam and the stream, but WIMAS doesn't even plot a point because there isn't a legal description. In the whole scheme of things, a \$200 change application is no big deal, but I just wasn't for sure whether or not to require them to file. At the very least, I think we would have to do some type of order describing the point they will divert water.

---

**From:** Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Sent:** Monday, October 19, 2020 10:52 AM  
**To:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>; Letourneau, Lane [KDA] <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>; Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>  
**Subject:** RE: City of Beloit

Anything that authorizes storage in a dam should be the dam right? We changed that under the Empire rights to fix it because that Vested right talked about the intakes not the dam and we all thought that was wrong. It's a little different in this case not being in the lake though.

Katie Tietsort  
Water Commissioner

[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)  
785-296-5733

**PLEASE NOTE OUR NEW ADDRESS:**  
Kansas Department of Agriculture  
Topeka Field Office  
1131 SW Winding Rd, Suite 400  
Topeka, KS 66615

---

**From:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Sent:** Monday, October 19, 2020 10:51 AM  
**To:** Letourneau, Lane [KDA] <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>; Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>; Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>  
**Subject:** RE: City of Beloit

Yes, the cert does describe the point on the river where they can pull the 171. I was trying to convince myself that since they could store the 2,000 a.f. in the lake, then that was an authorized p/d as well.

---

**From:** Letourneau, Lane [KDA] <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>

**Sent:** Monday, October 19, 2020 10:39 AM

**To:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>; Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>; Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>

**Subject:** RE: City of Beloit

Does 10,281 describe the diversion point of the 171 on a location on the river on the south edge of town? If it does, then I think it would be a PD change to move it to the new treatment plant.

---

**From:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>

**Sent:** Monday, October 19, 2020 10:33 AM

**To:** Letourneau, Lane [KDA] <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>; Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>; Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>

**Subject:** City of Beloit

I thought of a question that I hadn't discussed with the group. The City's existing water right (10,281) allows them to store 2,000 acre-feet in the reservoir and then divert up to 171 acre-feet of it downstream on the South edge of town. If you'll recall, we have told them we would allow that 171 acre-feet to be pulled directly out of the lake. My question is, does this take a change in point of diversion? I'm guessing it probably does, but they already divert the 2,000 out of the lake for water quality so I wasn't quite sure how to look at that.

Kelly C. Stewart, Water Commissioner  
Kansas Department of Agriculture  
Division of Water Resources  
Stockton Field Office  
(785)425-6787  
[kelly.stewart@ks.gov](mailto:kelly.stewart@ks.gov)

<http://www.agriculture.ks.gov/>

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE

~~Member of the Board of Agriculture~~

Sam Brownback, Secretary

DIVISION OF WATER RESOURCES

David L. Pope, Chief Engineer-Director

CERTIFICATE OF APPROPRIATION  
FOR BENEFICIAL USE OF WATER  
WATER RIGHT, File No. 10,281  
PRIORITY DATE August 20, 1964

RECEIVED  
JUL 23 1987

FIELD OFFICE  
DIVISION OF WATER RESOURCES  
STOCKTON

WHEREAS, It has been determined by the undersigned that construction of the appropriation diversion works has been completed, that water has been used for beneficial purposes and that the appropriation right has been perfected, all in conformity with the conditions of approval of the application pursuant to the water right referred to above and in conformity with the laws of the State of Kansas.

NOW, THEREFORE, Be It Known that DAVID L. POPE, the duly appointed, qualified and acting Chief Engineer-Director of the Division of Water Resources of the Kansas State Board of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of natural flows in the Solomon River to be diverted at a point located in the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 9, more particularly described as being near a point 1,450 feet North and 3,670 feet West of the Southeast corner of said section, in Township 7 South, Range 7 West, Mitchell County, Kansas, at a diversion rate not in excess of 1,275 gallons per minute (2.84 c.f.s.) and in a quantity not to

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Re: File No. 10,281

exceed 55,394,700 gallons (171 acre-feet) per calendar year for municipal use in the City of Beloit, Kansas, and immediate vicinity and within the boundaries of Rural Water District No. 1, Mitchell County, Kansas, with the further right to accumulate natural flows on the Solomon River in Waconda Lake (Glen Elder Reservoir) to the maximum extent of 651,700,000 gallons (2,000 acre-feet) for subsequent use for municipal purposes by the City of Beloit, and immediate vicinity and within the boundaries of Rural Water District No. 1, Mitchell County, Kansas.

This appropriation right is further limited to a diversion rate which when combined with the water right set forth in the order of the Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture, dated August 5, 1954 identified as Vested Right, File No. MC 002, and the water right set forth in the Certificate of Appropriation issued pursuant to File No. 2,269, will provide a diversion rate not in excess of 1,275 gallons per minute (2.84 c.f.s.) for municipal use at the location described herein.

The appropriation shall maintain the required water meter as set forth in the order of the Chief Engineer dated March 28, 1980, in an operating condition satisfactory to the Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture, at all times during diversion of water quantity of water diverted by March 1 of each year following.

The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer by March 1 of each year following.

The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer by March 1 of each year following.

The appropriator shall maintain, in an operating condition satisfactory to the Chief Engineer, all check valves installed for the prevention of chemical or other foreign substance pollution of the water supply.

The appropriation right as perfected is appurtenant to and severable from the land herein described.

The appropriation right shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful beneficial use is made of water under this appropriation for three (3) successive years.

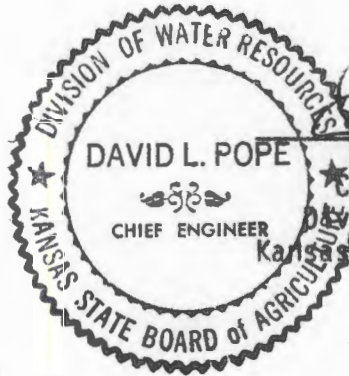
The right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static

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DIVISION OF WATER RESOURCES  
STOCKTON

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water level and for the reasonable increase or decrease of the stream flow at the appropriator's point of diversion.

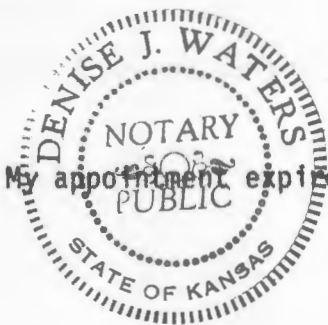
IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this 13th day of July, 1987.



*David L. Pope*  
David L. Pope, P.E.  
Chief Engineer-Director  
Division of Water Resources  
State Board of Agriculture

State of Kansas }  
County of Shawnee } SS

The foregoing instrument was acknowledged before me this 13th day of July, 1987, by David L. Pope, P.E., Chief Engineer-Director, Division of Water Resources, Kansas State Board of Agriculture.



*Denise J. Waters*  
Notary Public

My appointment expires: March 1, 1990

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FIELD OFFICE  
DIVISION OF WATER RESOURCES  
STOCKTON

(Record in the Office of the Register of Deeds in the county or counties wherein the point of diversion is located)

WATER APPROPRIATION

CERTIFICATE

No. 16,309

STATE OF KANSAS

Water Right, File No. 10,281

State of Kansas,

County, ss.

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_

198

at \_\_\_\_\_ o'clock \_\_\_\_\_ m. and \_\_\_\_\_

recorded in Book \_\_\_\_\_ Page \_\_\_\_\_

Fee \$ \_\_\_\_\_

Register of Deeds

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3-18  
jk  
5-12-87  
aw

CERTIFICATE WORKSHEET

1. File Number: 10,281	2. Field Office 3	3. GWMD No
Date Prepared 3-10-86	By J.W.W.	

4. Instructions for transmittal letter(s):

Owner: City of Beloit Copy: \_\_\_\_\_

117 North Hershey \_\_\_\_\_

Beloit, Ks. 67420 \_\_\_\_\_

Copy: \_\_\_\_\_ Copy: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. C - 3 Letter  Modified C - 3 Letter \_\_\_\_\_ (See attached or below)

CC Needed in addition to FO \_\_\_\_\_

Additional Paragraph(s): Municipal

Ownership Paragraph \_\_\_\_\_ (If, C, see attached or below)

Drainage Basin Paragraph yes /  no ..... Old basin \_\_\_\_\_

..... New basin \_\_\_\_\_

Prorate Paragraph yes /  no

6. Certificate Transmittal Letter:  Modified Certificate Transmittal Letter\* \_\_\_\_\_

\*(See attached or below)

CC Needed in addition to FO and/or GWMD: \_\_\_\_\_

Additional Paragraph(s): Municipal

Ownership Paragraph \_\_\_\_\_ (see attached or below)

Extension of Time Required yes /  no

Paragraph \_\_\_\_\_ year \_\_\_\_\_

If C, requested by: \_\_\_\_\_

Contract Purchase Paragraph yes /  no (If yes, see attached or below)

Overpump Paragraph yes /  no

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7. W U R Correspondent: \_\_\_\_\_ Misc. Correspondent: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

FIELD OFFICE  
DIVISION OF WATER RESOURCES  
STOCKTON

8. Additional information or instructions:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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9. Point(s) of Diversion:										Rate & Quantity					10. File No. <u>10,281</u>
REP	DEL	ID	Qualifier	S	T	R	'N	'W		Rate	Qty	Rate	Qty	Overlap PD Files	
NEW										gpm/efs	af/mgy	gpm/efs	af/mgy		
REP		01		9	7	7W	1450	3670		1275	<u>170 AF</u> 55,394,700 G	225	<u>170 AF</u> 55,394,700	MC 002 2269	No

10. File No. 10,281  
 11. Date Certificate Issued: 7-13-87  
 12. Cert. No. 116,309

13. Place of Use Municipal

MOD	ENT	DEL	ID	N/O NA	S	T	R	NE ¼				NW ¼				SW ¼				SE ¼				Total	Owner	Chg?	Overlap Files	Chg?
								NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%					

14. Special Instruction: Meter paragraph yes / no If yes, by approval dated \_\_\_\_\_ or by Order dated 3-28-80  
 Limitation yes / no \_\_\_\_\_ af/yr at 1,275 gpm( 2.84 cfs) when combined with MC 002 and 2,269

15. Comments: Existing limitation to remain  
 Date entered 7-13-87 by JRD

MEMORANDUM

To: Files

From: Joseph W. Walker

Re: Appropriation of Water  
File No. 10,281

Date: March 13, 1986

The certificate is issued according to the Water Commissioner's recommendation except for updating the certificate wording to comply with the current format, rounding off numbers in keeping with our current procedures, and the following item(s) for the given reason(s):

On the proposed certificate is an item "1,000 AF Direct Use". This item is not to be addressed on the certificate. It refers to that portion of the 2,000 acre-feet of stored water in Waconda Lake (Glen Elder Reservoir) which can be requested to be released by the City of Beloit for dilution of other than fresh water diverted at the approved point of diversion.

The 170 acre-feet set forth on the certificate is the net quantity diverted under File No. 10,281 after the 526 acre-feet, under the two prior rights, was diverted in the 1983 year of record use.

*Joseph W. Walker*

Joseph W. Walker  
Hydrologist

JWW:rk

Addendum

May 1, 1986

A letter in response to the draft certificate requests an extension through 1986. Additional water usage is anticipated due to economic development and the right can be more fully perfected.

*Joseph W. Walker*

Joseph W. Walker  
Hydrologist

JWW:jt

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FIELD OFFICE  
DIVISION OF WATER RESOURCES  
STOCKTON

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KANSAS STATE BOARD OF AGRICULTURE  
Division of Water Resources

M E M O R A N D U M

To: Files

From: Joseph W. Walker

Re: Appropriation of Water  
File No. 10,281

Date: May 11, 1987

The 1986 Water Use Report does not exceed the 1983 Water Use Report. Kelvin Kolb, Water Commissioner, Stockton Field Office, recommends the draft certificate be re-submitted as is and no further extensions of time be considered.

*Joseph W. Walker*  
Joseph W. Walker  
Hydrologist

JWW:aw

Addendum

File No. 10,281

May 28, 1987

In a telephone conversation with Gene Miles, City of Beloit, he agreed to accept the draft certificate, since we denied the latest extension request. In a review of the certificate, I noticed that R.W.D. #1, Mitchell County has not been included in the place of use. The certificate was corrected prior to its issuance.

*Joseph W. Walker*  
Joseph W. Walker  
Hydrologist

JWW:jt

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DIVISION OF WATER RESOURCES  
STOCKTON

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STATE BOARD OF AGRICULTURE  
Harland E. Priddle, Secretary

DIVISION OF WATER RESOURCES  
David L. Pope, Chief Engineer

### CERTIFICATE OF APPROPRIATION FOR BENEFICIAL USE OF WATER

APPLICATION No. 10281  
PRIORITY DATE 8-20-64

WHEREAS, It has been determined by the undersigned that construction of the appropriation diversion works has been completed, that water has been used for beneficial purposes and that the appropriation right has been perfected, all in conformity with the conditions of approval of the above-numbered application and in conformity with the laws of the State of Kansas,

Now, THEREFORE, Be It Known that DAVID L. POPE, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas State Board of Agriculture, by authority of the laws of the State of Kansas, and particularly K. S. A. 82a-714, do hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of Surface water

Drainage Basin Soloman River  
Diversion Points one point  
SW NE SW 1450' North & 3670' West  
9-7-7

1274 gpm. (2.84 C.F.S.)  
2000 A.F. Storage  
1000 A.F. Direct Use  
170 A.F. Natural Flow Use

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JUL 23 1987

FIELD OFFICE  
DIVISION OF WATER RESOURCES  
STOCKTON

Use of Water: municipal

Owner(s): City of Beloit

Limited ~~TO~~ 1274 gpm. (2.84 C.F.S.)  
when combined with U.R. MC 002 & File No  
2269



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STATE OF KANSAS  
DIVISION OF WATER RESOURCES  
STATE BOARD OF AGRICULTURE  
TOPEKA

In the Matter of Application No. 10,281  
for Permit to Appropriate Water for Beneficial Use.

PERMIT  
and  
APPROVAL OF APPLICATION

(This Is Not a Certificate of Appropriation)

-----

This is to certify that I have examined Application No. 10,281 of the applicant City of Beloit, Beloit, Kansas, for a permit to appropriate water to 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 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. The priority date assigned to such application is August 20, 1964.
2. The water sought to be appropriated shall be used for municipal purposes in or near the City of Beloit, Kansas.
3. The source from which the appropriation is made shall be from surface water from the Solomon River to be withdrawn at points located in the Northeast Quarter (NE $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 9, Township 7 South, Range 7 West in Mitchell County, Kansas.
4. The appropriation sought shall be limited to a maximum diversion rate not in excess of 2,000 gallons per minute (4.46 c.f.s.) and to a quantity of not to exceed 1,000 acre feet (325.8 million gallons) for any calendar year.
5. The applicant shall notify the Chief Engineer of the Division of Water Resources when construction of necessary works has been completed and water applied to the proposed use.
6. The applicant shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer as soon as practicable after the close of each calendar year.

NOV 2 1964

7. 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 or any authorized extension thereof.

8. 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.

9. This permit does not constitute authority under Sections 82a-301 to 305, G. S. Kansas, 1949, to construct any dam or other obstruction; it does not give any right of way, or authorize any injury to, or trespass upon, public or private property; it does not obviate the necessity of obtaining Federal approval, when necessary.

10. 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.

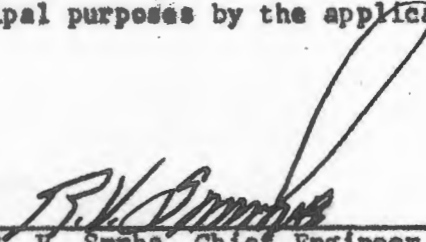
11. The application of water for the purpose sought shall be actually made to the extent of 714 acre feet for any calendar year on or before December 31, 1970, or within any authorized extension of time.

12. The further limit of time within which all or any part of the proposed appropriation shall be perfected, shall be fixed by the Chief Engineer subsequent to the receipt of notice to be filed by the applicant on or before December 31, 1970, and shall be a reasonable period within which use can be made of all or any part of the proposed appropriation by expeditious procedure.

13. The quantity of water for which this appropriation is approved shall be further limited to that quantity which combined with any other water rights will provide a total of not to exceed 1,000 acre feet per calendar year for use by the City of Beloit, Kansas, for municipal purposes.

14. Subject to vested rights and prior appropriation rights, the natural flow of the Solomon River may be accumulated in the Glen Elder Reservoir to the maximum extent of 2,000 acre feet for subsequent use for municipal purposes by the applicant.

Dated this 16th day of October, 1964.

  
\_\_\_\_\_  
R. V. Surha, Chief Engineer  
Division of Water Resources  
Kansas State Board of Agriculture

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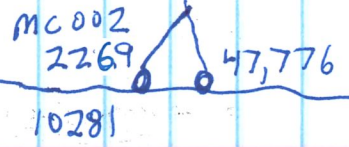
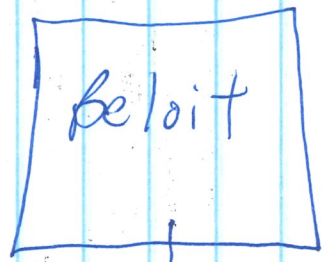
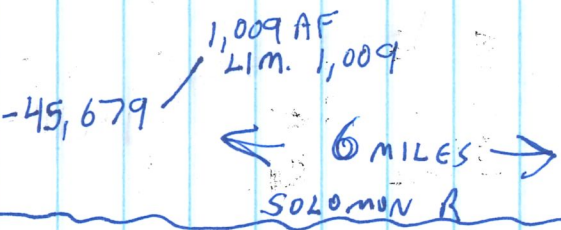
MC 002 = 1,050 GPM / 322 AF  
 2269 = 982 GPM / 526 AF  
 Lim To 526 WITH MC002 > 526 AF  
 10,281 = 1275 GPM / 171 AF > ADD 171 AF  
TOTAL 697 AF

# WALCONDA RESERVOIR

Pending

Pending

GLEN ELOGR IRR. DIST. #46,459 2830 AF
KOWP&T #42,959 86,799 AF
GLEN ELOGR IRR. DIST. #24,324 132,500 AF STORAGE 15,170 AF DIRECT RELEASE
MCRWO*2 - #18,212 - 1,009 AF
BELoit - #10,281 - 2,000 AF
INACTIVE POOL



# 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. 50,567** of the applicant

**CITY OF BELOIT  
PO BOX 567  
BELOIT, KS 67420**

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 14, 2021**.
2. That the water sought to be appropriated shall be used for municipal use in the City of Beloit and the immediate vicinity, and within the boundaries of Rural Water District Nos. 1 and 3 – Mitchell County and their immediate vicinities, in Mitchell County, Kansas.
3. That the appropriation sought shall be limited to all natural flows of the Solomon River, not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **651.7 million gallons (2,000 acre-feet)** of water per calendar year in one (1) reservoir created by a dam located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 27, more particularly described as being near a point 840 feet North and 3,990 feet West of the Southeast corner of said section, in Township 6 South, Range 9 West, Mitchell County, Kansas, to provide **651.7 million gallons (2,000 acre-feet)** of water as needed for municipal use to be withdrawn, released or otherwise diverted from the reservoir at a maximum re-diversion rate of **2,580 gallons per minute (5.75 c.f.s.)**.
4. That installation of works for diversion of water shall be completed on or before **December 31, 2023** 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.
5. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2042** 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.



6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance 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).

12. 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.

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

14. 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.

15. 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.

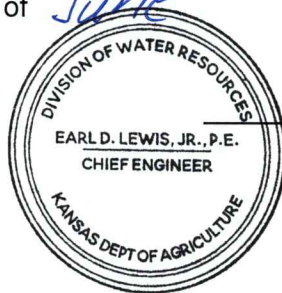
16. That diversion of natural flows shall not take place unless there is water available to satisfy all demands by senior water rights and permits.

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 the quantity of water approved under this permit for storage, is further limited to the storage quantity which combined with Water Right, File No. 10,281, will provide a total **not to exceed 651.7 million gallons (2,000 acre-feet)** per calendar year for municipal use on the land described herein.

19. That the quantity of water approved under this permit is further limited to the quantity which combined with Vested Water Right, File No. MC-002 and Water Rights, File Nos. 2,269; 10,281; and Appropriation of Water, File No. 47,776 will provide a total **not to exceed 651.7 million gallons (2,000 acre-feet)** per calendar year for municipal use on the land described herein.

Ordered this 9<sup>th</sup> day of June, 2022, in Manhattan, Riley County, Kansas.



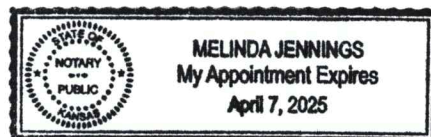
*Earl D. Lewis Jr.*

Earl D. Lewis Jr., P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas            )  
  ) SS  
County of Riley            )

The foregoing instrument was acknowledged before me this 9 day of June, 2022, by Earl D. Lewis Jr., P.E. Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

*Melinda Jennings*  
\_\_\_\_\_  
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

June 23, 2022

CITY OF BELOIT  
PO BOX 567  
BELOIT, KS 67420

RE: Appropriation of Water, File No. 50,567

Dear Applicant:

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](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 Applications and Changes Supervisor  
Division of Water Resources

KAB: kjn  
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.

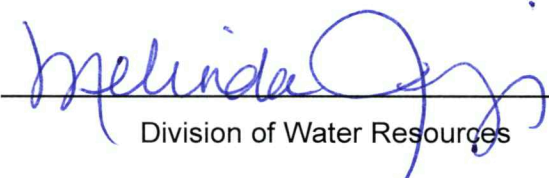
## CERTIFICATE OF SERVICE

On this 23 day of June, 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,567, dated 9 June 2022 was mailed postage prepaid, first class, US mail to the following:

CITY OF BELOIT  
PO BOX 567  
BELOIT, KS 67420

With photocopies to:

Stockton Field Office

  
\_\_\_\_\_  
Division of Water Resources