

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

1. File Number: <p style="text-align: center; font-size: 1.2em;">50,888</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;">12/4/2023</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">03</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

7a. Applicant(s) Person ID **66009**
New to system Add Seq# _____

STEVEN & SHERRY JOHNSON
1536 NAIL ROAD
ENTERPRISE KS 67441

7b. Landowner(s) Person ID **66009**
New to system Add Seq# _____

7A

7c. Landowner(s) Person ID _____
New to system Add Seq# _____

7d. Misc. Person ID _____
New to system Add Seq# _____

8. WUR Correspondent Person ID **66009**
New to system Add Seq# _____
Overlap File (s) WUC Notarized WUC Form
Agree Yes No

7A

9. Use of Water: Changing? Yes No

Groundwater Surface Water

IRR REC DEW MUN

STK SED DOM CON

HYD DRG WTR PWR ART RECHRG

IND SIC: _____ OTHER: _____

10. Completion Date: **12/31/2025** 11. Perfection Date: **12/31/2029** 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: _____

Date Prepared: 10/28/23 By: DLM
Date Reviewed: 11/29/2023 By: KAK
Date Entered: By: 12/4/2023
LMoody

File No. **50,888** 15. Formation Code: **113** Drainage Basin: **23** County: **SA** Special Use: **N/A** Stream: **N/A**

16. Points of Diversion										17. Rate and Quantity				
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized Rate gpm	Quantity af	Additional Rate gpm	Quantity af	Overlap PD Files
BATTERY ID #2377										800	104	800	104	NONE
MOD	89867	SW NE NE	7	13S	1W	1	3,987	1,281						
ENT	90669	NE SW NE	7	13S	1W	1	3,887	1,381						
ENT	90670	NE SE NE	7	13S	1W	1	3,887	1,181						
ENT	90671	SW NE NE	7	13S	1W	1	4,087	1,381						
ENT	90672	SE NW NE	7	13S	1W	1	4,087	1,181						

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2025** Date Acceptable Meter Installed _____

21. Place of Use							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files		
T 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						
CHK	71091	7	13S	1W	1		40			40														80	7A	N	NONE	

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files **DATE:** November 29, 2023
FROM: David Means **RE:** Application, File No. 50,888

Steven & Sherry Johnson has filed the above referenced application to appropriate 104 acre-feet of groundwater at 800 gpm for irrigation use in the Solomon River basin from a battery of four (4) wells near the center of the Northeast Quarter (NE¼) of Section 7, approximately 3,987 feet North and 1,281 feet West of the Southeast corner of said section, in Township 13 South, Range 1 West in Saline County, Kansas.

The application proposes the irrigation of 80 acres in the East half of the Northeast Quarter of Section 7, Township 13 South, Range 1 West in Saline County, Kansas. The requested quantity of 104 AF will amount to 1.3 AF/AC, which is the maximum allowable for irrigation in Saline County per K.A.R. 5-3-24.

The proposed point of diversion is in an area that is open to new applications. Safe yield analysis shows the 2 mile circle at the proposed point of diversion has approximately 1,187 acre-feet available for appropriation, thus meeting safe yield requirements.

The well log submitted with the application would appear to indicate the source of supply is the Solomon river alluvium. K.A.R. 5-4-4 requires minimum spacing of 1,320 feet from non-domestic wells and 660 feet to domestic wells. Review of the aerial photography and the WWC-5 database indicates that the closest permitted non-domestic well is approximately 2,630 feet away authorized by Water Right File No. 47,992. There does not appear to be any domestic wells within 660 feet of the proposed point of diversion, so the well spacing requirements appear to have been met.

A nearby notification letter was sent on November 2, 2023. As of this date no responses have been received.

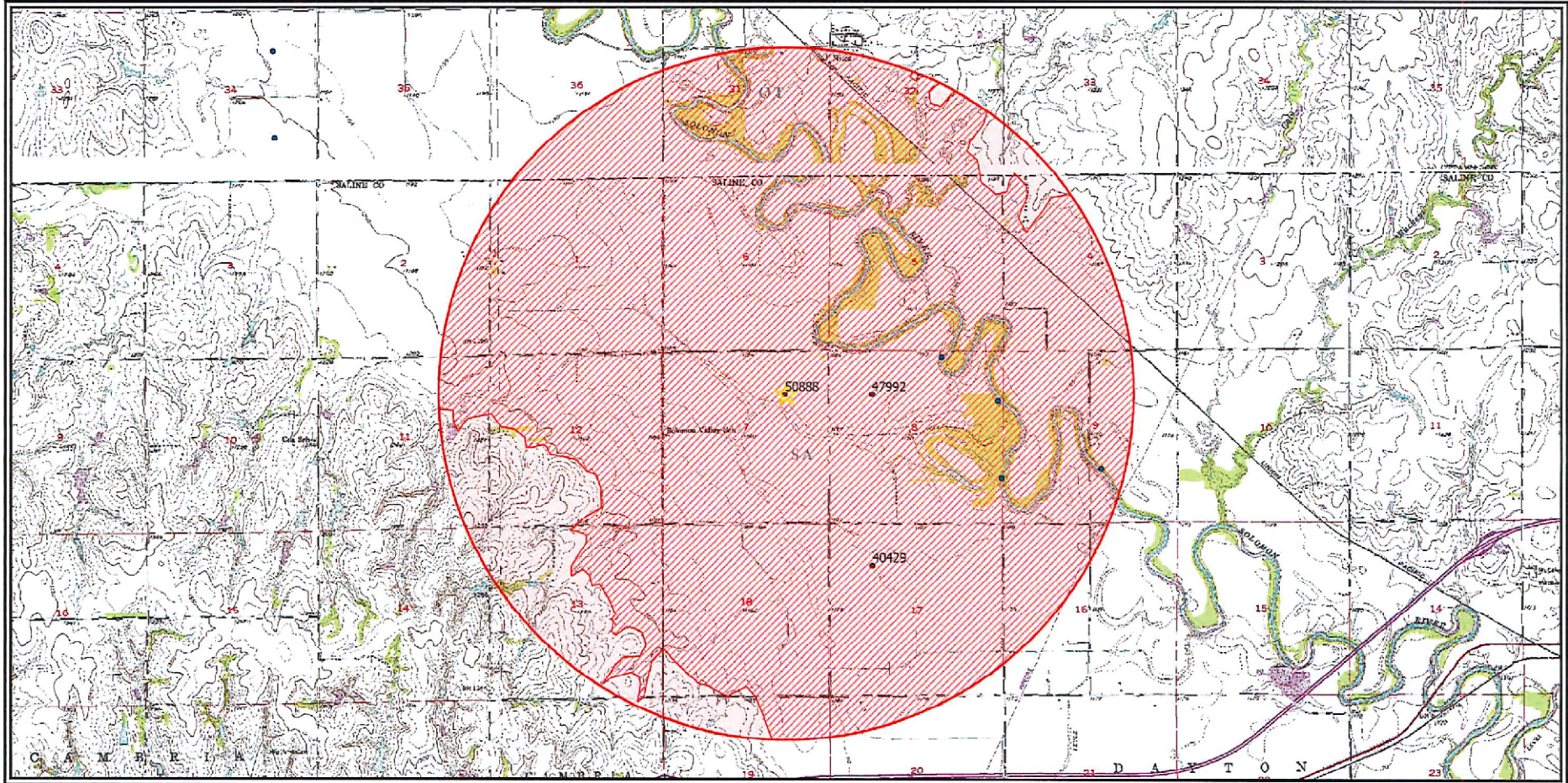
In an email message dated November 29, 2023, Kelly Stewart, Water Commissioner of the Stockton Field Office recommended approval of the application.

Based on the above discussion and the available information, it is recommended that the referenced application be approved.

David L. Means

David Means
Environmental Comp/Reg Spec II
Division of Water Resources

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 07-13S-01W
Footages from SE corner- 3,987 feet North 1,281 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 1,399.30 AF.

Total prior appropriations in the circle is ~~316.00 AF~~ 212 AF

Total quantity of water available for appropriation is ~~1,083.30 AF~~ 1,187.3 AF

Safe Yield Variables

The area used for the analysis is set at 7,222 acres.

The potential annual recharge at the circle center is estimated to be 3.1 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 26-OCT-2023 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 3 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 40429 00	IRR	NK	G			NC	NW	3970	3960	17	13	01W	1	WR	106.00	106.00	130.00	130.00
A 47992 00	IRR	NK	G			NC	NW	3998	3954	08	13	01W	4	WR	106.00	106.00	130.00	130.00
A 50888 00	IRR	AY	G			E2	NE	3960	1320	07	13	01W	1	WR	104.00	104.00	80.00	80.00

Connors, Tony [KDA]

From: Stewart, Kelly [KDA]
Sent: Wednesday, November 29, 2023 9:54 AM
To: Means, David [KDA]
Cc: Hageman, Nancy [KDA]
Subject: RE: New App Recommendation

David,

I recommend approval of this application (50,888).

Kelly

From: Means, David [KDA] <David.Means@ks.gov>
Sent: Wednesday, November 29, 2023 9:16 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Subject: New App Recommendation

Kelly,
Attached is the memo for new permit 50888. Please provide your recommendation and/or comments.

Thanks,

David

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. 50,888** of the applicant

STEVEN AND SHERRY JOHNSON
1536 NAIL ROAD
ENTERPRISE KS 67441

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 **October 17, 2022**.

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	
7 - 13S - 1W	40			40													80

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 Southwest Quarter of the Northeast Quarter of the Northeast Quarter (SW¼ NE¼ NE¼) of Section 7, more particularly described as being near a point 3,987 feet North and 1,281 feet West of the Southeast corner of said section, in Township 13 South, Range 1 West, Saline 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 **104 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 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.

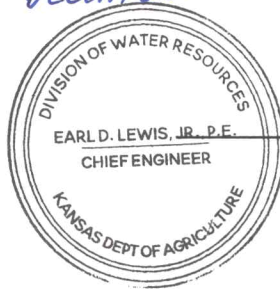
15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

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 combined 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 *4th* day of *December*, 2023, 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 *4th* day of *December*, 2023, 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

December 5, 2023

STEVEN & SHERRY JOHNSON
1536 NAIL ROAD
ENTERPRISE KS 67441

RE: Appropriation of Water
File No. 50,888

Dear Mr. & Mrs. Johnson:

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 information 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:dlm
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.

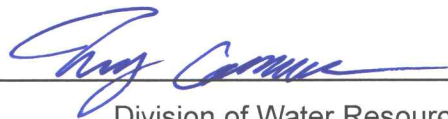
CERTIFICATE OF SERVICE

On this 5 day of December, 2023, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,888, dated December 4, 2023, was mailed postage prepaid, first class, US mail to the following:

STEVEN & SHERRY JOHNSON
1536 NAIL ROAD
ENTERPRISE KS 67441

With photocopies to:

KDA-DWR Stockton Field Office



Division of Water Resources