

File No. **51,088** 15. Formation Code: **N/A** Drainage Basin: **17** County: **MP** Special Use: **N/A** Stream: **Dry Creek Trib 1**

16. Points of Diversion									17. Rate and Quantity				
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
									Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
MOD	90499	LOT 1	6	17S	3W	2	3503	607	750	80	750	80	NONE

18. Storage: Rate **NF** NF Quantity **80** ac/ft Additional Rate **NF** NF Additional Quantity **80** 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 **12/31/2026** 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						
MOD	70267	6	17S	3W	1	Lot 2 35	Lot 2 9.5	Lot 1 22.25	Lot 1 16					Lot 1 16.25	Lot 2 3								102	7B	N	NONE	
DEL	71500	6	17S	3W	3																		70		N	NONE	

Comments: **Place of use modified by applicant to delete PUSE ID 71500. Point of diversion modified to reflect the location where the proposed dam crosses the centerline of the impounded stream, not the re-diversion location. Re-diversion quantity is 80 AF and rate is 750 gpm.**

MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: October 5, 2024

From: David Means, Environmental Compliance/Regulatory Spec II

Re: New Application File No. 51,088 – Gregory Peterson

Summary

Gregory Peterson has filed an application to appropriate surface water for irrigation use by the collection and storage of natural flows from an tributary to Dry Creek (Dry Creek Trib 1) in a proposed pond. No other permits cover the point of diversion or proposed place of use. The place of use was originally proposed to be 170 acres, but later reduced to 102 acres in McPherson County, Kansas, to comply with reasonable quantity standards. The application proposes to re-divert 80 acre-feet of water per calendar year, at a re-diversion rate of 750 gallons per minute. The proposed structure creating the pond was approved under water structures permit no. LMP-0190 on July 2, 2024. The reservoir capacity at normal pool is 34.5 acre-feet, and the drainage area is 160 acres.

Reasonable Rate and Quantity

Runoff computations determined that the 160-acre drainage area will result in 116 acre-feet of runoff in 1 out every five (5) years (a 20% chance). This **is** the limiting factor and is the max quantity that could have been requested for storage and re-diversion per K.A.R. 5-6-5. The application is proposing 80 acre-feet on 102 acres, or 0.78 AF/AC, much less than the max allowable of 1.3 AF/AC in McPherson County but has been deemed reasonable. The direct use quantity of 80 acre-feet is equivalent to 2.3 times capacity of the reservoir (34.5 AF), which falls within the normal direct use quantity being no more than 5 times capacity for reasonable storage quantity.

Source of Supply and Safe Yield

The source of supply is surface water from a tributary to Dry Creek (Dry Creek Trib 1) within the Smoky Hill River basin and is open to new applications. The applicant has submitted a signed Minimum Desirable Streamflow (MDS) statement which has been properly notarized. This affirms the applicant's knowledge that there could be times when the diversion or storage of water may not be allowed under this permit.

Nearby Water Rights

There is one other surface water right, file no. 45,819, which authorizes a pond on a different tributary located approximately 1.69 miles away, within a two-mile radius according to the WRIS database. The applicant identified one upstream and two downstream landowners within one-half (1/2) mile of the property lines. Nearby landowner letters were sent out on September 19, 2024. One phone call was received from Roger Hutchinson, who had some general questions about the project but did not object to it. A couple emails were received from Miriam Carlson, both of which had several questions along with strong objections to the project due to past experiences with the applicant, Mr. Peterson. She requested to meet with DWR staff on site for further discussion. A response was sent to Mrs. Carlson answering her questions and noting that her objection to the proposed application would be considered. Mrs. Carlson owns adjacent land to the south of Mr. Peterson's proposed pond. The tributary being impounded does not enter her property at any point; it continues to the east of Mr. Peterson's property.

Recommendations

Kelly Stewart, Water Commissioner of the Stockton field office recommended approval of the application on October 7, 2024. Based on the above discussion, that the area is open to new appropriations with appropriate and consistent permit conditions, and approval of the application will not impair senior water rights, it is recommended that the referenced application be approved.

From: "Stewart, Kelly [KDA]"
Sent: Mon 10/7/2024 7:28 AM
To: "Means, David [KDA]" <David.Means@ks.gov>
CC: "Hageman, Nancy [KDA]" <Nancy.Hageman@ks.gov>
Subject: RE: New Application Recommendation

David,

I recommend approval of this application. I do not believe this proposed diversion will cause Ms. Carlson any impairment since she doesn't even have access to this tributary. Any other issues would not be related to the actual diversion of water.

Kelly

From: Means, David [KDA] <David.Means@ks.gov>
Sent: Saturday, October 5, 2024 10:57 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Subject: New Application Recommendation

Kelly,
Attached is the memo for 51,088. Please provide your recommendation and/or comments.

Thanks,

David



WATER RESOURCES RECEIVED

AUG 17 2023

1542

KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES David W. Barfield, Chief Engineer

File Number 51088 This item to be completed by the Division of Water Resources.

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE Filing Fee Must Accompany the Application (Please refer to Fee Schedule attached to this application form.)

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): Gregory Peterson Address: 2951 13th Ave City: Lindsborg State KS Zip Code 67456 Telephone Number: (785) 819-2999

2. The source of water is: [X] surface water in Unnamed tributary of Dry Creek (stream) DRY CREEK TRIB 1 OR [] groundwater in SMOKY HILL RIVER BASIN (drainage basin)

10/11/2024 KJN

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 80 acre-feet OR gallons per calendar year, to be diverted at a maximum rate of 750 gallons per minute OR cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can NOT be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended): (a) [] Artificial Recharge (b) [X] Irrigation (c) [] Recreational (d) [] Water Power (e) [] Industrial (f) [] Municipal (g) [] Stockwatering (h) [] Sediment Control (i) [] Domestic (j) [] Dewatering (k) [] Hydraulic Dredging (l) [] Fire Protection (m) [] Thermal Exchange (n) [] Contamination Remediation

YOU MUST COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only: F.O. 3 GMD Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County MP By ALB Date 8/22/23 Code REG Fee \$ 200 TR # Receipt Date 8/21/23 Check # 2326

5. The location of the proposed wells, pump sites or other works for diversion of water is: KS DEPT OF AGRICULTURE

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

9/18/2024
RFH Per DM

- (A) One in the ~~SW~~ ^{SE} quarter of the ~~NE~~ ^{SE} quarter of the ~~NE~~ ^{NE} quarter of Section 6, more particularly described as being near a point ~~2707~~ ³⁵⁰³ feet North and ~~758~~ ⁶⁰⁷ feet West of the Southeast corner of said section, in Township 17 South, Range 3 East West (circle one), McPherson County, Kansas.
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

Applicant _____
 (name, address and telephone number)

(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 20____.

Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of 1 Pump
 (number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) June 1, 2024
 (Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be June 1, 2024
 (Mo/Day/Year)

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works? **DEPARTMENT OF AGRICULTURE**

Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

• If yes, show the Water Structures permit number here Filed with water application

• If no, explain here why a Water Structures permit is not required _____

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of Owner and Tenant
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):
Jane Carlson, 5885 W Rose Hill Rd, Falun, KS 67442, 785-906-0295
(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at McPherson County, Kansas, this 10 day of August, 2023.
(month) (year)


(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

WATER RESOURCES RECEIVED

AUG 17 2023

KS DEPT OF AGRICULTURE

Assisted by Travis Rokey NutraDrip Irrigation Systems Date: 7/20/2023
(office/title)

AUG 17 2023

FEE SCHEDULE

KS DEPT OF AGRICULTURE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

AUG 17 2023

KS DEPT OF AGRICULTURE

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. _____

Name of Applicant (Please Print): Gregory Peterson

9/18/2024
RFH Per DM

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: Gregory Peterson

ADDRESS: 2951 13th Ave Lindsborg, KS 67456

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
6	17S	3W	35	10	25	15	0	0	0	15	5	0	0	0	0	0	0	0	105	102
				9.5	22.25	16				15.5	3	0.75								

Landowner of Record NAME: ~~Jane Carlson,~~

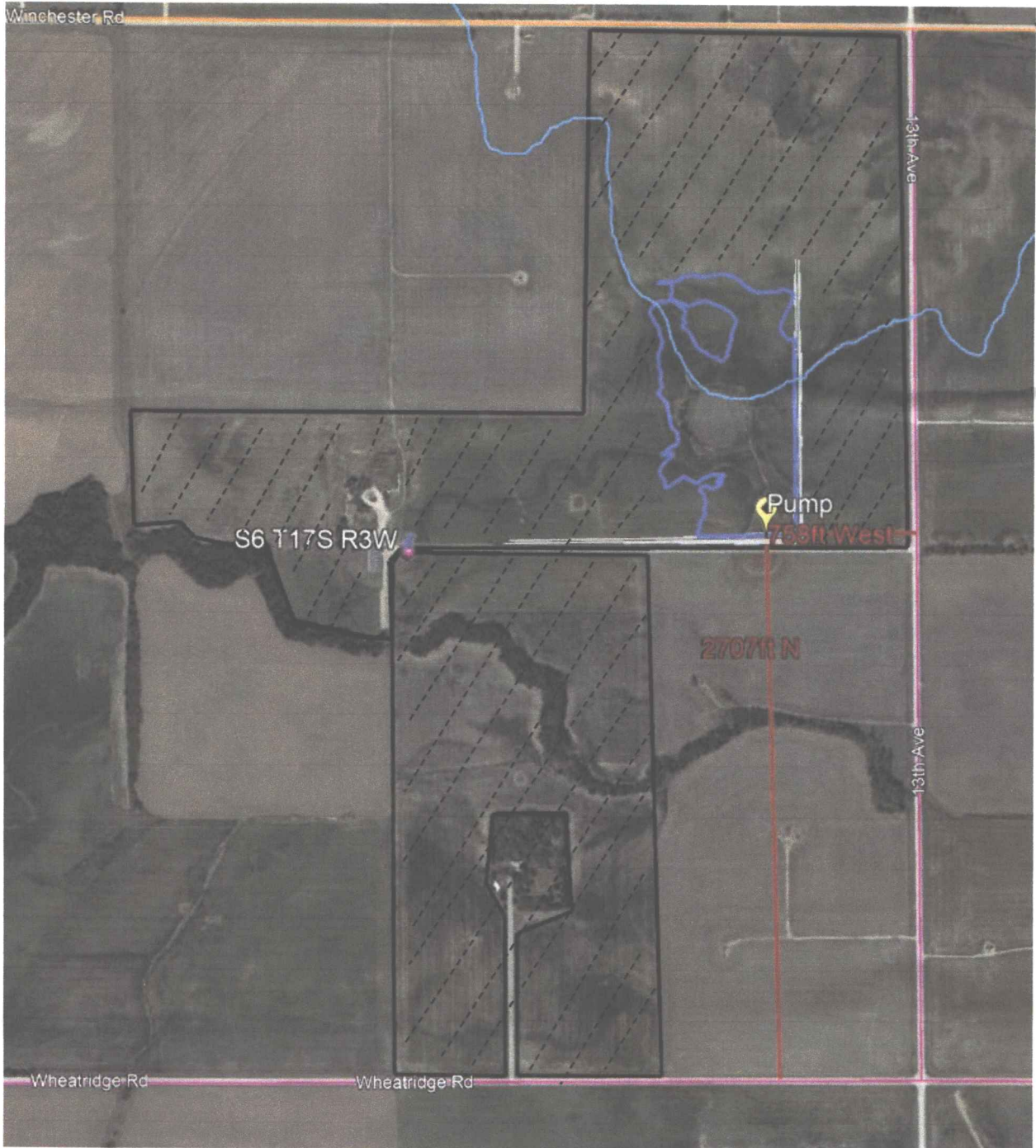
ADDRESS: ~~5885 W Rose Hill Rd, Falun, KS 67442,~~

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
6	17S	3W	0	0	0	0	0	0	0	0	0	0	0	0	0	0	35	35	0	70

Landowner of Record NAME: _____

ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		



WATER RESOURCES
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AUG 17 2023

KS DEPT OF AGRICULTURE

Gregory Peterson Water Application 2023 Landowner list

WATER RESOURCES
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Landowners ½ mile upstream:

Terence & Margaret Carlson

115 S 3rd ST

Lindsborg, KS 67456

Landowners ½ mile downstream:

Steven Johnson Trust

10197 S Hopkins Rd

Assaria, KS 67416

Lois Ferm Trust

1335 Winchester Rd

Lindsborg, KS 67456

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 51088

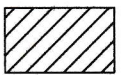
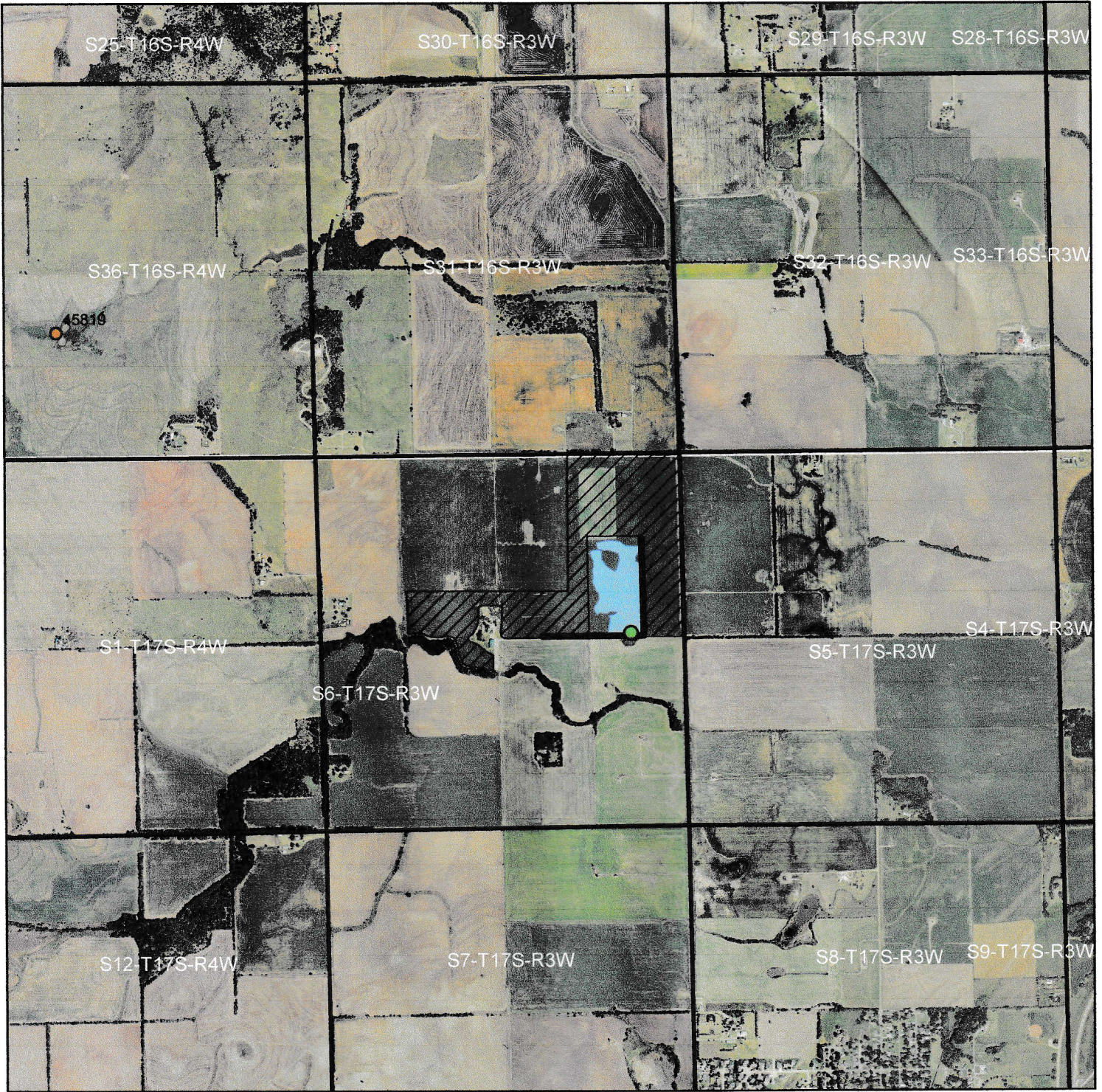
APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
<u>67701</u>	<u>90499</u>	

LANDOWNER PERSON ID & SEQ #	PUSE ID
<u>67701</u>	<u>70267</u>
<u>69150</u>	<u>71500</u>

**WATER USE CORRESPONDENT
PERSON ID & SEQ #**

67701

New Application File No. 51,088
Assisted by Division of Water Resources
Stockton Field Office 9/10/24 Revised PU

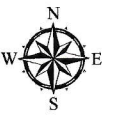



Proposed Place of Use



Proposed Pumpsite

1:24,000




Signature

9-13-24
Date

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

SWORN STATEMENT
PURSUANT TO K.S.A. 82a-709

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 8-20, 2024.



Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

9-5-24

(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

Re: Application
File No. _____

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.



Signature of Applicant

Greg Peterson

(Print Applicant's Name)

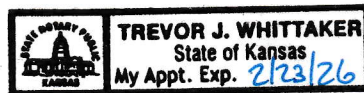
State of Kansas)
County of McPherson) ss

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 11 day of September, 2024.



Notary Public

My Commission Expires:



THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

APPROVAL OF APPLICATION and PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 51,088** of the applicant

**GREGORY PETERSON
2951 13TH AVE
LINDSBORG, KS 67456**

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 17, 2023**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6 - 17S - 3W	Lot 2 35.00	Lot 2 9.50	Lot 1 22.25	Lot 1 16.00				Lot 1 16.25	Lot 1 3.00								102.00

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary of Dry Creek, designated in the office of the Chief Engineer as Dry Creek Trib 1 (Smoky Hill) not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated to a maximum extent of **80 acre-feet** of water per calendar year in a reservoir created by a dam located in Lot 1 of Section 6, more particularly described as being near a point 3,503 feet North and 607 feet West of the Southeast corner of said section, in Township 17 South, Range 3 West, McPherson County, Kansas, to provide **80 acre-feet** of water as needed for direct irrigation use, to be withdrawn, released or otherwise diverted from the reservoir at a re-diversion rate of approximately **750 gallons per minute (1.67 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.

4. That installation of works for diversion of water shall be completed on or before **December 31, 2026**, 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, 2030**, 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 re-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 re-diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The required water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

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 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.

15. That failure without cause to comply with the provisions of this 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 17th day of October, 2024, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

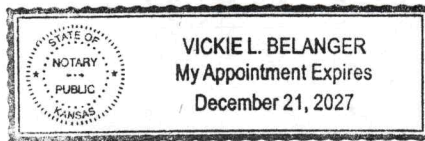
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 17 day of October, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Vickie L. Belanger

Notary Public



1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

October 22, 2024

GREGORY PETERSON
2951 13TH AVE
LINDSBORG KS 67456

RE: Appropriation of Water
File No. 51,088

Dear Mr. Peterson:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at 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 with your permit is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/dwr. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640, or your local Stockton Field Office at 785-425-6787. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

KAB:kak:dml
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 22 day of October, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 51,088, dated October 17, 2024, was mailed postage prepaid, first class, US mail to the following:

GREGORY PETERSON
2951 13TH AVE
LINDSBORG KS 67456

With photocopies to:

KDA-DWR Stockton Field Office



Division of Water Resources