

File No. 51179	13. County: CLOUD Basin: SMOKY HILL RIVER Stream:		
Structures File No:	Aquifer Code: 330 Dakota aquifer system (unconfined)	Special Use Area:	

14. Points of Diversion, Rates & Quantities										Qty AF		Rate gpm		Storage Qty AF		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)		Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps
CHK	90735	SW	NW	SE	32	8	1W	1	1359	2036	BATT 1 OF 2						
CHK	90736	SW	NW	SE	32	8	1W	2	1359	2602	BATT 1 OF 2						
ENT	91469	SW	NW	SE	32	8	1W		1359	2319	GEO CTR	317	317	800	800		
BATT ID 2431																	

15. Limitations	NEW Type:	Quantity:	AF Rate:	gpm combined with file no(s):
	NEW Type:	Quantity:	AF Rate:	gpm combined with file no(s):

16. Metering Metering Required Anti-Reverse Required Seal Required Compliance Date: **12/31/2026**

17. Place of Use						NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps
PUSE	S	T	R	ID		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
CHK	71642	32	8	1W	1									40	40	40	40	4		40	40	244.00	5a	<input type="checkbox"/>	
																						0.00		<input type="checkbox"/>	
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18. Point of Diversion and Place of Use Overlaps	
* + # ^	** ++ ## ^^

MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: January 13, 2025

From: Colin Barclay, Environmental Scientist

Re: New Application File No. 51,179 – Crossview Properties LLC

Summary

Crossview Properties LLC filed the above referenced applications to appropriate 317 acre-feet of groundwater, at a rate of 800 gallons per minute for irrigation use. The proposed points of diversions would be a battery of two (2) wells located in Cloud County, Kansas. The applicant has signed the application form affirming legal access to the point of diversion. The proposed place of use is 244 acres.

Reasonable Rate and Quantity

Quantity of water requested is 317 acre-feet at a rate of 800 gallons per minute for a proposed place of use of 244.00 acres for irrigation purposes. Quantity requested appears to be reasonable as it is very close to the maximum quantity of water allowed at 1.3 acre-feet per acre in Cloud County, Kansas as per K.A.R. 5-3-24. The rate requested appears to be reasonable as defined by K.A.R. 5-1-1(n).

Source of Supply and Safe Yield

The source of supply for the proposed point of diversion appears to be the unconfined Dakota aquifer formation. As per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile circle radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer, which provided an area of consideration of 8,042 acres. With a potential annual recharge of 2.5 inches, and 100% of recharge available for appropriation, safe yield was determined to be 1675.42 acre-feet. Existing water rights have appropriated 162.00 acre-feet, providing a difference of 1513.42 acre-feet available for appropriation, and the application requesting 317.00 acre-feet complies with safe yield.

Nearby Water Rights

No appropriated wells were found to be within a half mile of the proposed point of diversion. One (1) domestic well was found to be within one-half (½) mile of the proposed point of diversion. The nearest prior appropriated well (File No. 48,242) was found to be ~1.75 miles away. The nearest domestic well was found to be roughly ~2,550 feet away. The above referenced application complies with K.A.R. 5-4-4. A phone call was received from the notified nearby domestic well owner who expressed concerns for the project over the phone. They were informed to submit any comments in writing so that they could be documented with the application. No written comments of any kind were received during the 15-day period open to comments and concerns.

Recommendations

The application was sent to Kelly Stewart, Water Commissioner of the Stockton Field Office and was recommended for approval in an email dated January 13, 2025.

The application complies with all regulations concerning reasonable quantity, safe yield, and minimum well spacing requirements. The proposed applications are subject to minimum desirable streamflow requirements. Approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.

A handwritten signature in black ink that reads "Colin Barclay". The signature is written in a cursive, flowing style.

Colin Barclay
Environmental Scientist
Water Appropriation Program

RE: 51,179 review and recommendation request

From Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>

Date Mon 1/13/2025 10:55 AM

To Barclay, Colin [KDA] <Colin.Barclay@ks.gov>; Billinger, Mark [KDA] <Mark.Billinger@ks.gov>

Cc Hageman, Nancy [KDA] <Nancy.Hageman@ks.gov>

Colin,

I recommend approval of this application.

Kelly

From: Barclay, Colin [KDA] <Colin.Barclay@ks.gov>

Sent: Monday, December 30, 2024 10:12 AM

To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Billinger, Mark [KDA] <Mark.Billinger@ks.gov>

Subject: 51,179 review and recommendation request

Kelly and Mark,

I have attached my draft memo and safe yield report for pending new application 51,179 for your review and recommendation. I sent out one nearby letter on December 11, and received a phone call from them shortly after, I informed them to submit any comments or concerns in writing but I have not received any letters or e-mails. I tried to document everything in my memo.

Please let me know if you have any questions.

Thanks!

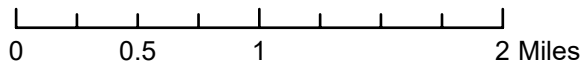
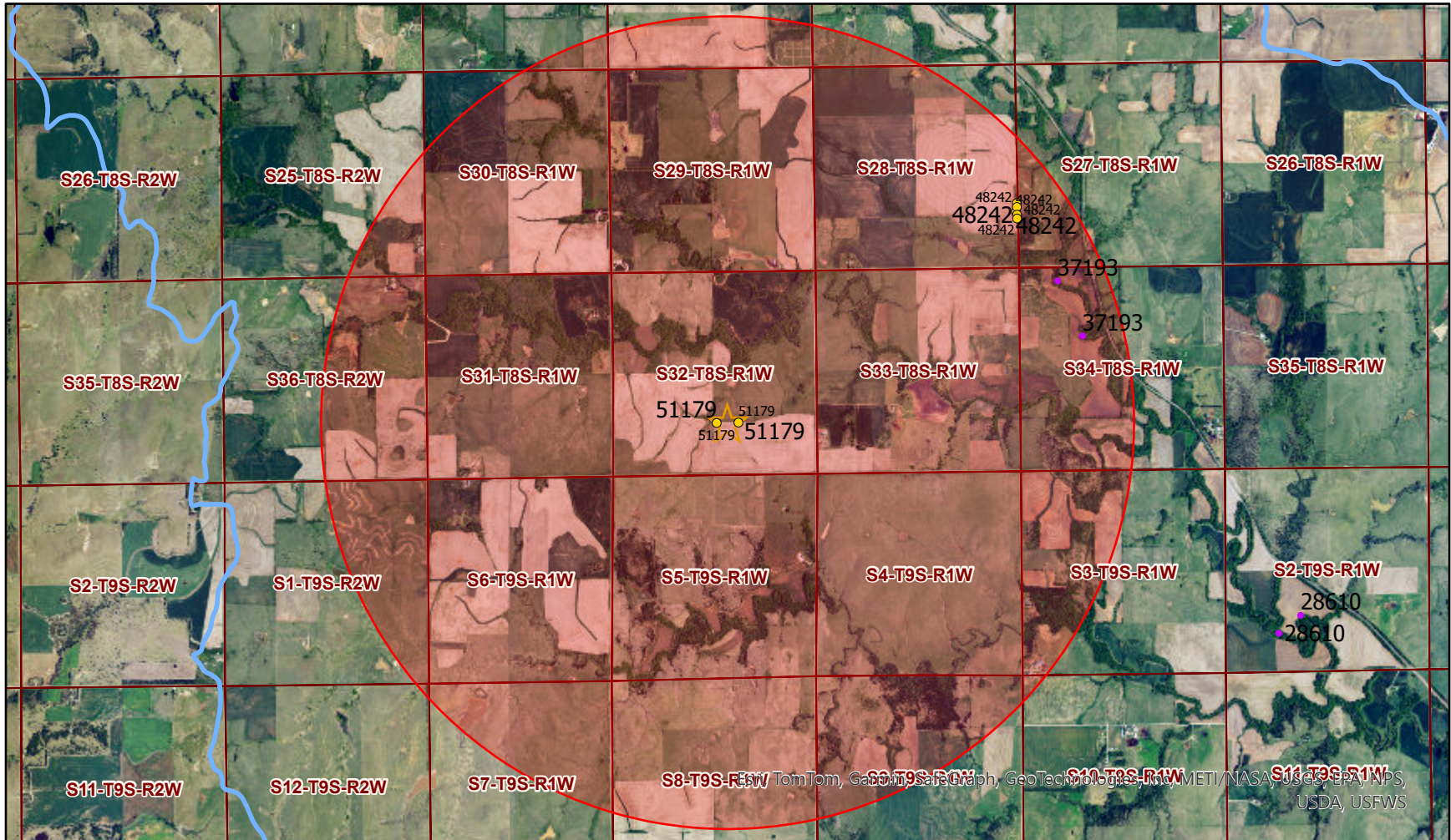
Colin Barclay
Environmental Scientist
Division of Water Resources
Kansas Department of Agriculture
Phone: (785) 564-6628
Colin.Barclay@ks.gov

Safe Yield Report Sheet

Proposed Point of Diversion

Point of Diversion in 32-08S-01W

Footages from SE corner: 1359 feet North 2319 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 1675.42 AF.
 Total prior appropriations in the circle is ~~479.0~~ AF. **162.00 AF**
 Total quantity of water available for appropriation is ~~1196.42~~ AF. **1513 AF**

SAFE YIELD VARIABLES

The area used for the analysis is calculated as 8042 acres. The radius is set at 2.0 miles.
 The potential annual recharge at the circle center is estimated to be 2.5 inches.
 The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 2024-12-09 and are based on Appropriated and Vested ground water rights.
 Domestic, Term and Temporary water rights, and GMD #2 Stream Nodes have been excluded.
 There are 2 water rights and 7 points of diversion within the circle.

File Number	Use	ST	SR	DIST	Q4	Q3	Q2	Q1	FtN	FtW	S	TP	RN	ID	Aquifers	QBy	Auth_Qnt	Add_Qnt
A	48242	IRR	LR	G	9286	SE	NE	SE	1480	50	28	08	01W	1	330	WR	162.00	162.00
A	48242	IRR	LR	G	9439	SE	NE	SE	1680	50	28	08	01W	2	330	WR		
A	48242	IRR	LR	G	9379	SE	NE	SE	1580	50	28	08	01W	3	330	WR		
A	48242	IRR	LR	G	9263	SE	NE	SE	1380	50	28	08	01W	4	330	WR		
A	48242	IRR	LR	G	9208	NE	SE	SE	1280	50	28	08	01W	5	330	WR		
A	51179	IRR	AY	G	283	SW	NW	SE	1359	2036	32	08	01W	1		WR	317.00	317.00 -317.00
A	51179	IRR	AY	G	283	SW	NW	SE	1359	2602	32	08	01W	2		WR		

File Number	Seq	Limitations
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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. 51,179** of the applicant

**CROSSVIEW PROPERTIES LLC
1488 ELK ROAD
CLAY CENTER KS 67432**

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 **January 25, 2024**.
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	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
32 8S 1W									40	40	40	40	4		40	40	244

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of two (2) wells with a geographical center located in the Southwest Quarter of the Northwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 32, more particularly described as being near a point 1,359 feet North and 2,319 feet West of the Southeast corner of said section, in Township 8 South, Range 1 West, Cloud 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 **317 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, 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.

6. 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.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The required water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

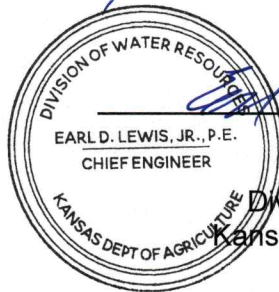
15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

17. That this permit is further limited such that both 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 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 13th day of January, 2025, in Manhattan, Riley County, Kansas.

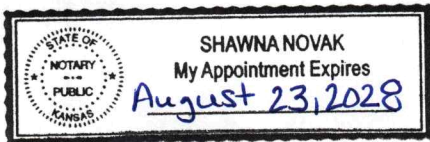


Earl D. Lewis Jr.
Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 13th day of January, 2025, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Shawna Novak
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

January 15, 2025

CROSSVIEW PROPERTIES LLC
1488 ELK ROAD
CLAY CENTER KS 67432-7843

RE: Appropriation of Water
File No. 51,179

Dear Sir or Madam:

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

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

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Also included is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/dwr. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640, or your local Stockton Field Office at 785-425-6787. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

KAB:kak:ccb
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 15 day of January, 2025, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 51,179, dated January 13, 2025, was mailed postage prepaid, first class, US mail to the following:

CROSSVIEW PROPERTIES LLC
1488 ELK ROAD
CLAY CENTER KS 67432-7843

With photocopies to:

KDA-DWR Stockton Field Office



Division of Water Resources