

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

1. File Number: <p style="text-align: center;">50,276</p>	2. Status Change Date: <p style="text-align: center;">8/28/2020</p>	3. Field Office: <p style="text-align: center;">01</p>	4. GMD: <p style="text-align: center;">0</p>
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5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return
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6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input checked="" type="checkbox"/> Water Tube <input checked="" type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter
--

7a. Applicant(s) New to system <input type="checkbox"/>	Person ID 66643 Add Seq# _____
JAMES WOOLSONCROFT PO BOX 205 FRANKFORT, KS 66427	
7b. Landowner(s) New to system <input type="checkbox"/>	Person ID 66644 Add Seq# _____
JANET WOOLSONCROFT PO BOX 205 FRANKFORT, KS 66427	

7c. Landowner(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____
7d. Misc. New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____

8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No	Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/>
7a.	

9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water
<input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN
<input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON
<input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG
<input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____

10. Completion Date: <u>12/31/2021</u>	11. Perfection Date: <u>12/31/2025</u>	12. Exp Date: _____
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13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____
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14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____
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Date Prepared: 6/25/2020 By: DWS
Date Entered: 8/31/2020 By: LMoody

File No. **50,276** 15. Formation Code: **100** Drainage Basin: **BLACK VERMILLION RIVER** County: **NM** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
MOD			87651	NW SE SE	33	4	11E	4	1276	982	1200	184	1200	184	None

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 **12/31/2021** Date Acceptable Meter Installed _____

21. Place of Use							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	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					
√			69338	33	4	11E	2			40	40									40	40	4	4	168	7b.	NO	NONE	

Comments: **SPECIAL CONDITION: MUST INSTALL OBSERVATION WELL.** 8/28/2020
monitoring wells and observation wells KAB

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 25, 2020

FROM: Doug Schemm

RE: Applications, File Nos. 50,275 & 50,276

Jim Woolsoncroft filed the referenced applications to appropriate groundwater from two proposed wells for irrigation use. The wells are located in Nemaha County, within the Black Vermillion River basin. Please note that these two applications do not overlap in place of use or point of diversion, and there are no other files overlapping in point of diversion or place of use. Both applications have been signed by the applicant stating he has access to the points of diversion.

During processing of these applications, DWR received concerns presented by Ground Water Associates, Inc. on behalf of Nemaha County RWD #3 and Pottawatomie County RWD #3, who both have municipal supply wells in this local area. Pump test data and aquifer parameters collected when installing the RWD's wells, indicate that the aquifer may not be able to sustain irrigation well pumping without impairing these municipal supply wells. Based on these concerns, DWR Technical Services staff completed a review of Mr. Woolsoncroft's applications referenced above, and it was determined that additional information was required from the applicant.

The applicant was sent a letter on May 8, 2020 explaining the concerns expressed by the RWDs. He was also informed that if it was determined that his use of water is causing impairment to these senior water rights, DWR could curtail his use of water. Due to these potential impairment concerns, and uncertainty of how the aquifer will respond, the applicant is required to drill observation wells adjacent to the irrigation production wells. The observation well must be completed to the same depth, and screened in the same interval as the irrigation well. The observation well must be developed by the driller to ensure that it is hydraulically connected to the same aquifer as the proposed well. Equipment must be installed at both the observation well and the irrigation well to provide for continuous monitoring. If long-term monitoring is required, the applicant will be responsible for installing the equipment at his cost. These monitoring requirements are part of the permit conditions, and these permit conditions must be in place for the applicant to operate legally.

A response was received in our office from the applicant on June 8, 2020. He stated that the test hole for File No. 50,275 hit limestone at 214 feet, and that no water was encountered during test hole drilling for this file. Therefore, the applicant provided a "Voluntary Dismissal of an Application for Permit to Appropriate Water" form for File No. 50,275, and it will be dismissed as requested.

The applicant has decided to pursue development of File No. 50,276, and he has agreed to install an observation well as required. File No. 50,276 is requesting 184 acre-feet of groundwater at a diversion rate of 1,200 gallons per minute, from a well located in the Southeast Quarter of Section 33, in Township 4 South, Range 11 East. This well log shows clay from surface to a depth of 112 feet below ground, underlain by a fine sand from 112 feet to 312 feet, with 11 feet of coarse gravel above the shale bedrock, which was encountered at a depth of 323 feet.

Based on the geographical location of the well for File No. 50,276, and the test hole lithology, it appears that the source of supply is groundwater from glacial drift deposits. This is also consistent with the source of water for other area wells. With the significant depths below ground to bedrock, these test holes are near the center of a deep buried paleo-valley. This depositional thickness agrees with the "Saturated Thickness and Specific Yield of Cenozoic Deposits in Kansas" map by Bayne and Ward, 1967, which shows glacial deposits over 320 feet thick in this immediate area. This buried valley also appears to be fairly extensive in this region. Other area well logs also have depths to the deepest aquifer of greater than 300 feet, and several have the same coarse gravel immediately above the bedrock.

Further review of the “Geohydrology of Nemaha County, Northeastern Kansas” also shows that several of the wells or test holes in this area have total depths exceeding 300 feet and are all producing from glacial drift deposits. Figure 3 of this publication shows the bedrock surface and indicates that the deepest portion of the glacial valley coincides with the location of the wells for this application. This information indicates that significant glacial drift deposits extend throughout this area, and as typical for glacial deposits, they are composed of a heterogeneous mixture of clay, sand, gravel, and boulders.

Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer (glacial drift), within a two-mile circle radius of the point of diversion, which establishes the area of consideration. DWR staff reviewed domestic well logs, test hole log data, and published reports, and based on this review this deep glacial aquifer extends across the entire two-mile circle. Therefore, the area of consideration is 8,042 acres. For File No. 50,276, with a potential annual recharge of 4.4 inches, and 100% of recharge available for appropriation, safe yield was determined to be 2,948.9 acre-feet. Existing water rights have appropriated 1,695.22 acre-feet, leaving 1,253.69 acre-feet available for appropriation, and this application meets safe yield criteria.

Application, File No. 50,276 is requesting 184 acre-feet of groundwater for the irrigation of 168 acres of land, which is the allowed maximum of 1.1 acre-feet per acre, for irrigation in Nemaha County per K.A.R. 5-3-19. The proposed place of use is wholly owned by Janet Woolsoncroft (applicant’s wife).

The applicant identified 2 nearby domestic wells and 2 municipal wells (same owner – Nemaha RWD #3) within one-half mile, and nearby notification letters were sent out on January 14, 2020. As discussed above, a response was received from RWD #3 expressing their concerns about this application. The proposed point of diversion meets minimum well spacing criteria to all other wells, being over 660 feet from any domestic well and over 1,320 feet to all other non-domestic wells.

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 a June 23, 2020 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of File No. 50,276, with the installation of an observation well and the monitoring conditions discussed above, and with the dismissal of File No. 50,275. Based on the above discussion, well spacing and safe yield criteria are met, the applicant has agreed to install an observation well and specified equipment, the permit approval is conditioned to require long-term monitoring if necessary, and if approval of application File No. 50,276 is shown to impair senior water rights, it will be administered as necessary.



Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Schemm, Doug [KDA]

From: Tietsort, Katie [KDA]
Sent: Wednesday, June 17, 2020 4:41 PM
To: Schemm, Doug [KDA]
Subject: FW: Woolsoncroft 50,276

Add this to the file thanks.

Katie Tietsort
Water Commissioner

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: Tietsort, Katie [KDA]
Sent: Wednesday, June 17, 2020 4:40 PM
To: Munson, John [KDA] <John.Munson@ks.gov>; Schemm, Doug [KDA] <Doug.Schemm@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: RE: Woolsoncroft 50,276

Thanks John. I don't think any of this changes the approach, but I appreciate seeing this potential effect. It also doesn't change the outcome. I still wonder about 1200 gpm. I find it hard to say that is a reasonable rate for a quarter section pivot.

Katie Tietsort
Water Commissioner

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: Munson, John [KDA] <John.Munson@ks.gov>
Sent: Wednesday, June 17, 2020 3:50 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>; Schemm, Doug [KDA] <Doug.Schemm@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: RE: Woolsoncroft 50,276

Hi Katie,

Thanks for comments on the technical analysis. I do not know why the applicant would ask for 1,200 gpm for irrigation, that seems nonsense to me but I just used what they ask for in my analysis. Same for the quantity too. Analysis requires a pumping rate and a pumping time for continuous pumping scenarios or pumping rates and pumping times for intermittent pumping scenarios. I would be glad to simulate any scenarios you wish but the requested pumping rate of 1,200 gpm pumped continuously for the requested amount of water provides maximum simulated drawdown of the request even though simulated pumping may exceed aquifer yield.

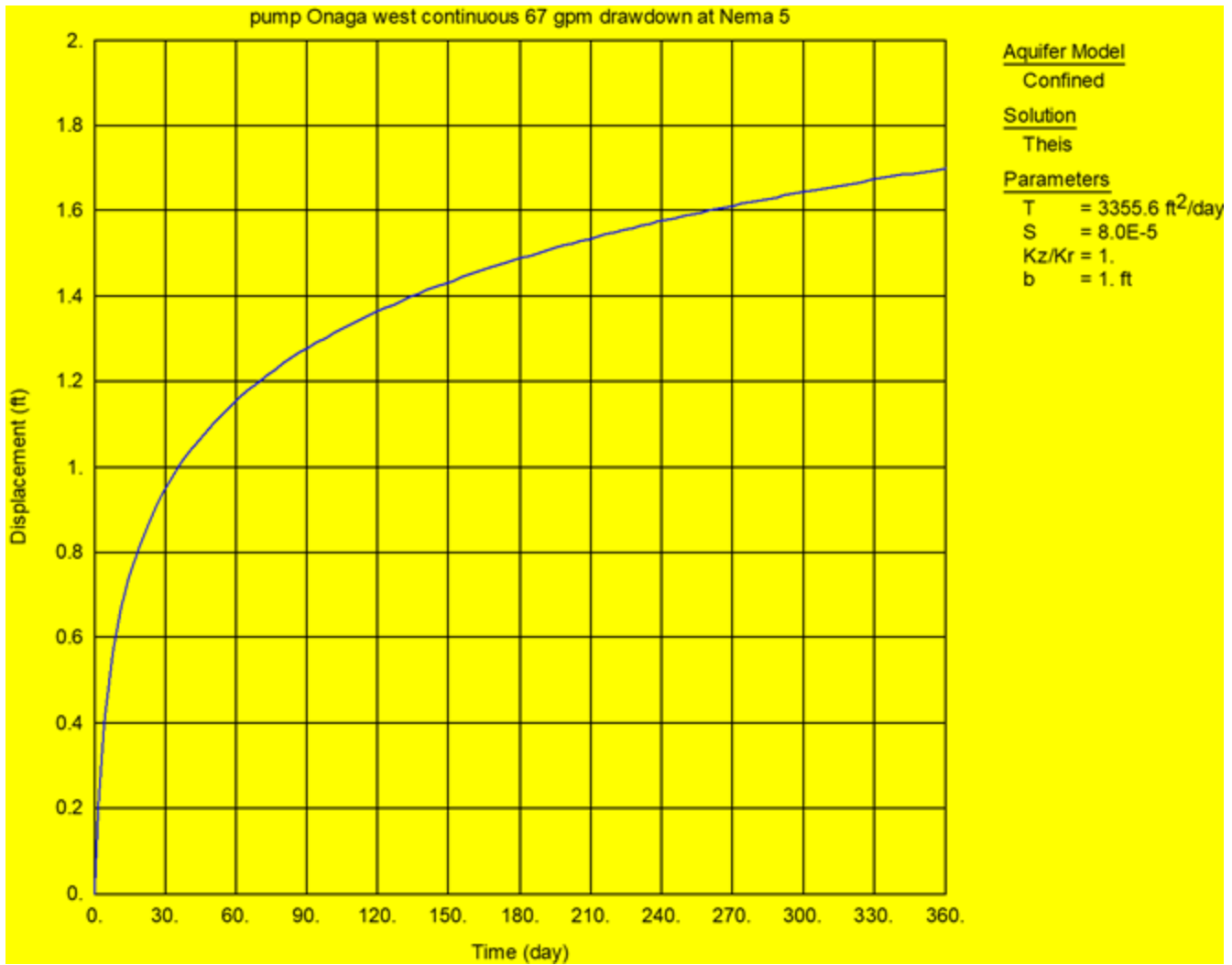
The simulation of drawdown on page 14 in Figure 12 is pumping the proposed well 50,276 at the requested 1,200 gpm continually for the requested 184 acre-feet which is constantly pumping 1,200 gpm for about 34 days. The maximum drawdown is at the nearest rural water district well Nema 5 and is about 31 feet at the end of the pumping period of the requested quantity. Drawdown is also shown at the other rural water district wells in the area. The drawdowns shown do not include drawdown at the municipal wells due to pumping those wells, the simulated drawdown shown in Figure 12 is only the drawdown caused by the proposed new well 50,276.

Figure 13 simulates pumping both wells 50,275 and 50,276 but the applicant is proposing to dismiss file 50, 275.

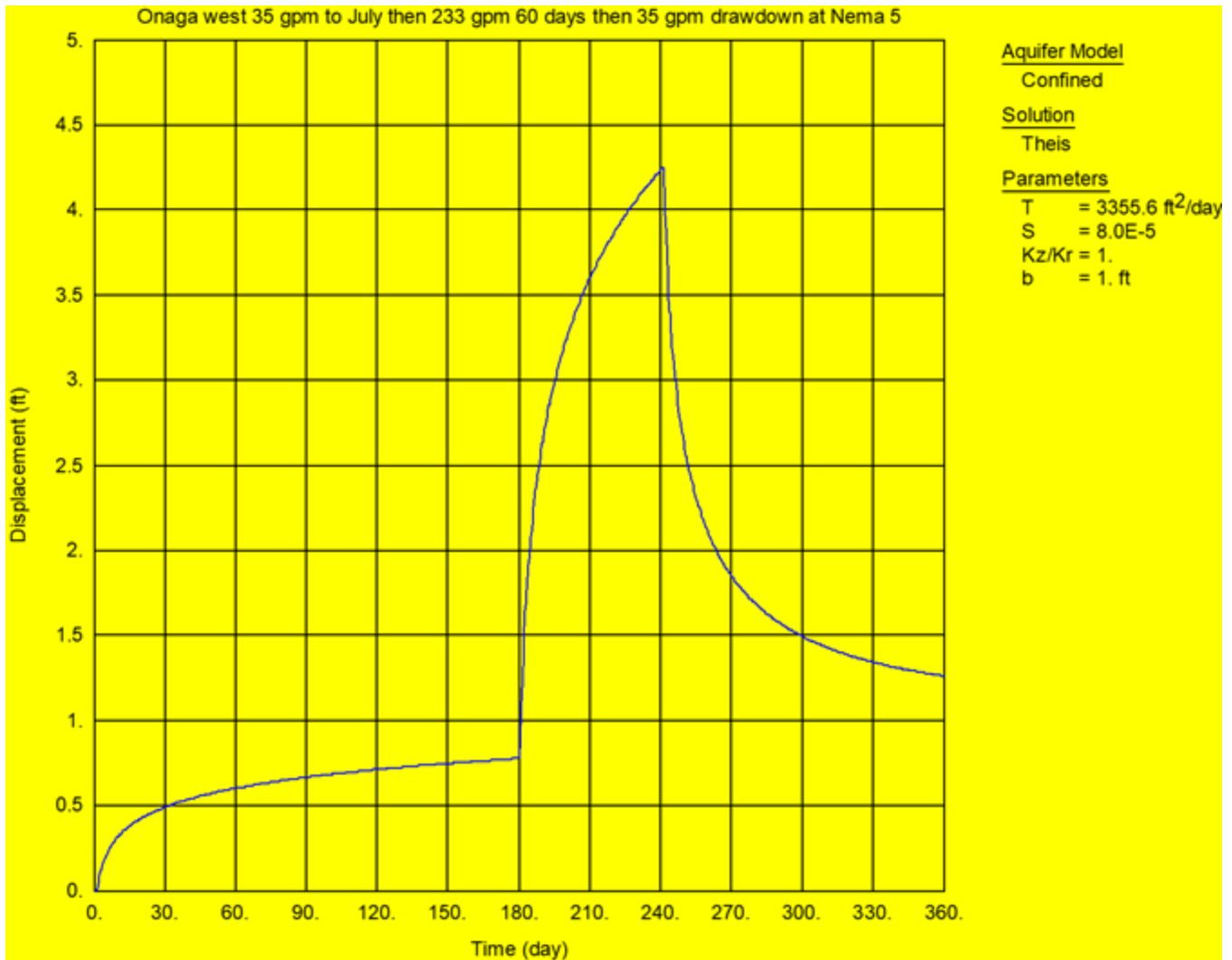
On page 15 after Figure 13 is a discussion about Figure 14. Figure 14 on page 16 simulates drawdown at well Nema 5 caused by pumping the reported water use quantities from each of the other area municipal rural water district wells from 1986 to 2019. Each reported quantity is simulated by pumping some rate continuously during the year to pump that quantity. For example: The first pumping period for Onaga west was 55 gpm for 365 days from Jan 1 to Dec 31 for 88.7 acre-ft rather than at a tested rate of 233 gpm for 86 days from Jan 1 to sometime in March or pumping 233 gpm for 7 days each month, 233 gpm for 1.6 days a week or some other scenario.

The actual higher pumping rate would cause a greater drawdown for some period of time. Figure 15 on page 17 shows drawdown at Nema 5 simulating pumping of the authorized quantities for all of the other municipal wells but that is with the average rate based on pumping the authorized quantity throughout a year as you point out.

Below I show two graphs, one of pumping the Onaga west well 67 gpm continuously for a year, which is about 7 hours per day at 233 gpm, and the total drawdown is about 1.7 feet by the end of the year. This is the portion of the total drawdown in Figure 15 contributed by Onaga west.



The next graph shows pumping the same quantity but at the maximum tested rate of 233 gpm continuously, 24 hours per day, from day 180 to day 240 or a continuous period of 60 days or July and August while the other days of the year pumping is only an average of about 35 gpm continuously or 3.6 hours per day at 233 gpm. By the end of the 60 day critical period in August pumping 233 gpm 24 hours per day drawdown may be about 4.25 ft pumping instead of only 1.6 feet at the end of August pumping only continuously 67 gpm or about 7 hours per day at 233 gpm.



I would be glad to do any more analysis if you like, just let me know.

Thanks,
John

From: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Sent: Thursday, June 11, 2020 11:32 AM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Cc: Munson, John [KDA] <John.Munson@ks.gov>
Subject: RE: Woolsoncroft 50,276

A couple comments/thoughts.

Is it reasonable to be requesting a rate of 1200 gpm from one pivot? This is a pretty high rate for a single pivot. Have we considered whether it is reasonable? Seems like we really need the supplemental sheet to be specific on the package he is trying to put in place here with these concerns, in Eastern Kansas we don't have many wells that pump 1200 gpm to a single pivot system even if it has a full corner package.

It looks like we analyzed this like in a standard way we do for irrigation type impairment. It looks in the drawdown analysis starting around pg 14 thru 16 we make assumptions that the (am I understanding correctly?) that this is based on pumping the full quantity authorized continuously every day at a calculated rate of what the Q divided by 365 yields for rate? Most municipal wells, in fact, don't normally operate this way at all. They usually typically run one of two or three ways, a specified "normal" period of time pumped each day as monitored by an operator, they are rotated each pumping interval well to well (either during the day or by day), or are tripped by water levels in the elevated storage tower or in peak demand periods by water usage. For example, the Onaga west well (actually identified as Onaga city well #6, right?) was field tested at 233 gpm. The well operates at 233 gpm. Most of these municipal type wells are not equipped with VFI's that do anything other than ramp up and down the normal pumping to avoid hammer, so the well typically would operate at 233 gpm. It looks like we use 67 gpm in the analysis. While I clearly am not familiar with these particular entities specifically to know which way they are all pumped and I know that we could never work in each entities specific details into any analysis, I am trying to understand the actual effects that the higher rate and cycling on and off would result in. It seems like this would potentially produce a greater impact to the mun wells at times they are operated at their normal rate when the irrigation well is also pumping, right?

We do have the normal operating rates for each of the wells as field tested. We usually also have notes on how they are normally operated.

Katie

Katie Tietsort
Water Commissioner

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: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>

Sent: Tuesday, June 9, 2020 7:16 AM

To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>

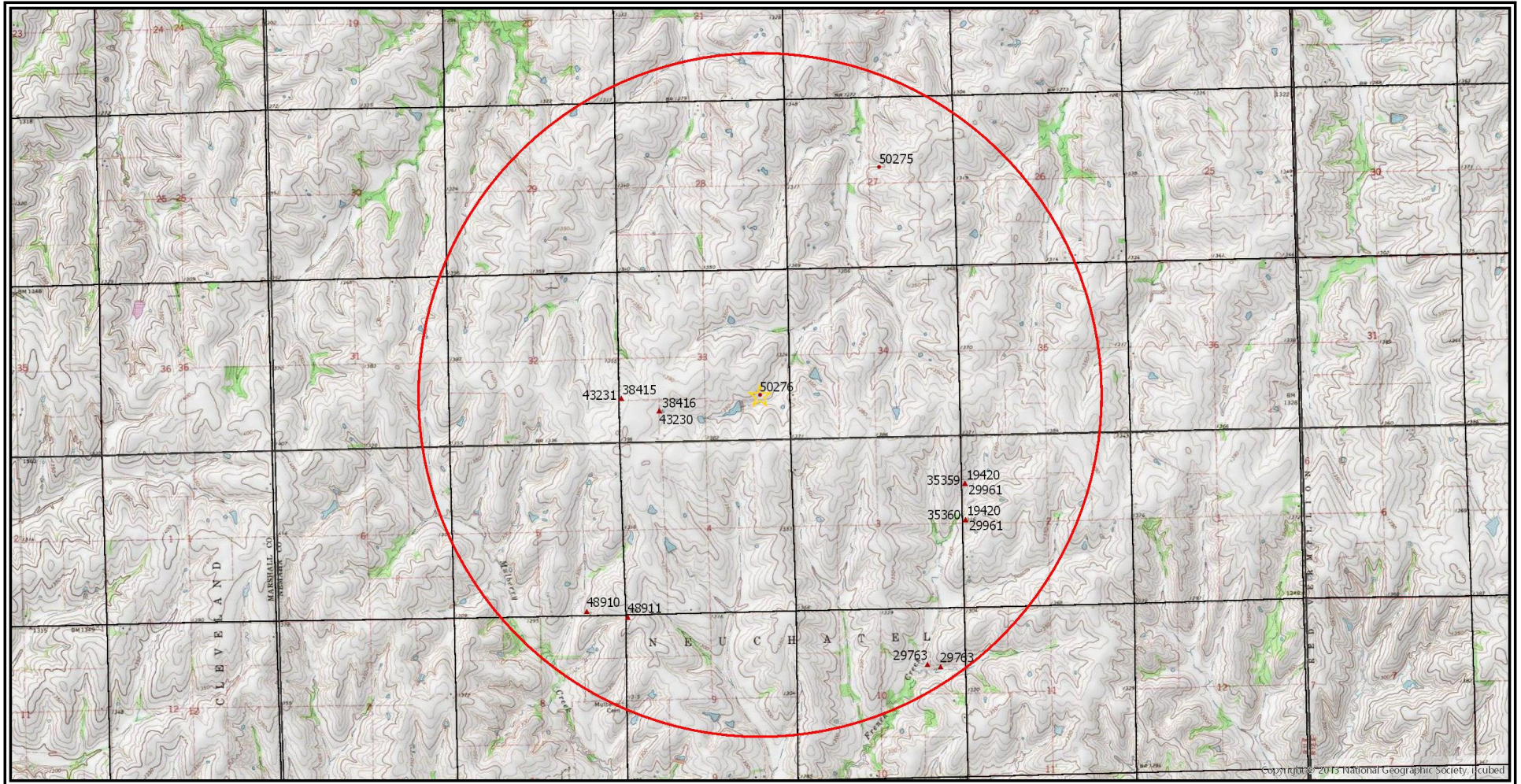
Cc: Munson, John [KDA] <John.Munson@ks.gov>

Subject: Woolsoncroft 50,276

Good Morning,
Proposed permit conditioning and Transmittal Letter reiterating conditions.
Please review,
Thanks, Doug

John, you are planning on installing equipment and doing initial monitoring right? Do you want to be out there for the well drilling also?

Safe Yield Report Sheet
Water Right- A5027600
Point of Diversion in 33-04S-11E
Footages from SE corner- 1,388 feet North 915 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 2,948.91 AF.

Total prior appropriations in the circle is 1,420.58 AF. + 34.56 AF + 280.09 AF + 319.99 AF = 2,055.22 AF - 176 AF - 184 AF = 1,695.22 AF

Total quantity of water available for appropriation is ~~1,528.33~~ AF.
1,253.69 AF

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 4.4 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 29-JAN-2020 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 13 water rights and 10 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 19420 00	MUN NK	G		SW	SW	NW		2713	5170	02	05	11E	3	WR	260.86	260.86			
Same	MUN NK	G		NW	SW	NW		3803	5170	02	05	11E	2	WR					
A 29763 00	MUN NK	G		NW	SE	NE		3525	780	10	05	11E	1	PD	67.52	67.52			
Same	MUN NK	G		NW	SE	NE		3590	1150	10	05	11E	3	PD	107.41	107.41			
A 29961 00	MUN NK	G		SW	SW	NW		2713	5170	02	05	11E	3	PD	45.48	45.48			
Same	MUN NK	G		NW	SW	NW		3803	5170	02	05	11E	2	PD	34.56	34.56			
A 35359 00	MUN NK	G		NW	SW	NW		3803	5170	02	05	11E	2	WR	53.43	53.43			
A 35360 00	MUN NK	G		SW	SW	NW		2713	5170	02	05	11E	3	WR	123.45	123.45			
A 38415 00	MUN NK	G		SW	NW	SW		1400	5225	33	04	11E	2	WR	257.79	8.15	+34.56 AF	✓	
A 38416 00	MUN NK	G		NE	SW	SW		1006	4026	33	04	11E	1	WR	257.79	176.20	✓		
A 43230 00	MUN LR	G		NE	SW	SW		1006	4026	33	04	11E	1	WR	154.98	143.62	✓		
A 43231 00	MUN LR	G		SW	NW	SW		1400	5225	33	04	11E	2	WR	154.98	0.00	✓		
A 48910 00	MUN LO	G		SW	SE	SE		135	1210	05	05	11E	1	WR	319.99	39.90	+280.09 AF		
A 48911 00	MUN LO	G		NW	NW	NW		5180	5180	09	05	11E	1	WR	319.99	0.00	+319.99 AF		
A 50275 00	IRR AY	G		SW	NE			3108	2325	27	04	11E	2	WR	176.00	176.00	To be Dismissed	160.00	160.00
A 50276 00	IRR AY	G		NW	SW			1388	915	33	04	11E	4	WR	184.00	184.00		168.00	168.00

Limitations

File Number	Seq Num	Limitations
A 29961 00	1	500GPM COMB/W#19420&500GPM WHEN WELLS ARE PUMPED SIMULTANEOUSLY / CERT
A 35359 00	1	500GPM COM/W 19420 & 29961
A 35360 00	1	500GPM COM/W 19420 & 29961
A 38415 00	525.93 AF ²	171.375MGY COM/W 19420, 29961, 35359, & 35360 260.86 AF + 45.48 AF + 53.43 AF + 123.45 AF = 483.22 AF ✓
A 38416 00	702.13 AF ²	228.791MGY COM/W 19420, 29961, 35359, 35360, 38415
		260.86 AF + 45.48 AF + 53.43 AF + 123.45 + 257.79 AF = 741.01 AF ✓
		483.22 AF + 8.15 AF = 491.37 AF
		525.93 AF - 491.37 AF = 34.56 AF ✓

File Number	Seq Num	Limitations
A 43230 00	916.98 AF	298.8MGY COM/W 19,420; 29,961; 35,359; 35,360; 38,415; 38,416
Same	2	500GPM COM/W 38,416
A 43231 00	916.98 AF	298.8MGY COM/W 19,420; 29,961; 35,359; 35,360; 38,415; 38,416; 43,230
Same	2	500GPM COM/W 38,415
A 48910 00	346.78 AF	113 MG/YR COM/W#40017 #40018 #41838 #45701 #45702 #45703 #47885 #47900 *
A 48911 00	1	SEE IMAGE FOR FILE #'S *

260.86 AF + 45.48 AF + 53.43 AF + 123.45 + 257.79 AF + 176.2 AF = 917.21 AF ✓

*NONE OF THESE FILES ARE IN THE AREA OF CONSIDERATION
MUST ADD ALL ADDITIONAL QUANTITY TO PRIOR APPROPRIATIONS
FOR FILE NOS. 48,910 AND 48,911.



LEOWEB V11.000

[Lat/Long \(D.dddd\)](#) |
 [Lat/Long \(DMS\)](#) |
 [Lat/Long \(DM.mm\)](#) |
 [TRS_FT](#) |
 [TRS Q Calls](#) |
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 [REST Service](#)

Enter Latitude and Longitude as Decimal Degrees

Datum Corner Session No 4743426682725

Latitude

Longitude

Results String
 Input Decimal Degrees Lat = 39.656796 Long = -96.185989
 DD Lat: 39.656796 Long: -96.185989 Datum: NAD83
 Kansas TRS: 04S11E33

 Township: 4S Range : 11 E Section: 33
 Reference Corner: SE
 Spot Footage: 1276' N of South line 982' W of East line
 Spot: Center of NE NW SE SE

 Section is approximately 645 acres
 Length of north line = 5298 Ft
 Length of south line = 5321 Ft

Submit

Go Actions

Latitude	Longitude	Datum	TRS	Footage NS	Footage EW	Footage Corner	Town- ship	Township Direction	Range	Range Direction	Section	UTM Northing	UTM Easting	UTM Zone	UTM Units
39.656796	-96.185989	NAD83	04S11E33	1276	982	SE	4	S	11	E	33	4393451.23	741419.85	14	Meters

release 1.0

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**
(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,276** of the applicant

**JAMES WOOLSONCROFT
PO BOX 205
FRANKFORT, KS 66427**

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 **July 31, 2019**.
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		
33	4	11E			40	40										40	40	4	4	168

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW¼ SE¼ SE¼) of Section 33, more particularly described as being near a point 1,276 feet North and 982 feet West of the Southeast corner of said section, in Township 4 South, Range 11 East, Nemaha County, Kansas, located substantially as shown on the map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **1,200 gallons per minute** (2.67 c.f.s.) and to a quantity not to exceed **184 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2021**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$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 accompanied by the required statutory fee, which is currently \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2025**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$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 Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

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

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

16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

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 applicant shall install, at the applicant's expense, an observation well that will be located approximately 100 feet west of the irrigation well described in Paragraph No. 3. This would be in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW¼ SE¼ SE¼) of Section 33, more particularly described as being near a point 1,276 feet North and 1,082 feet West of the Southeast corner of said section, in Township 4 South, Range 11 East, Nemaha County, Kansas, prior to the diversion of water for beneficial use under the authority of this permit. Such observation well shall be completed in the same aquifer and screened in the same interval as the well authorized by this permit.

19. That the observation well shall have a minimum inside diameter of two inches and be constructed pursuant to Kansas Department of Health and Environment "Standard Monitoring Well Design" specifications described in K.A.R. 28-30-6, to allow for groundwater monitoring. The observation well must be protected by a minimum 6 inches diameter steel or PVC casing that is of 5 feet minimum length and has a lockable lid. The observation well and well protector shall be seated in a standard concrete well pad.

20. That the observation well shall be developed by the driller to ensure that it is hydraulically connected to the same aquifer as the well authorized by this permit. The observation well must be completed to the same depth, and screened in the same interval as the irrigation well.

21. That the observation well required herein shall be maintained, by the owner, in a condition that is satisfactory to the Chief Engineer.

22. That the owner shall provide access, for representatives of the Chief Engineer, to the observation well for measurements as may be necessary to document aquifer conditions.

23. That if the Chief Engineer determines that long-term groundwater monitoring is required, the owner will be responsible for installing and maintaining specified, necessary equipment at his expense. The required monitoring equipment will be determined by the Chief Engineer.

Ordered this 28 day of August, 2020, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 28 day of August, 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman
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

August 31, 2020

JAMES WOOLSONCROFT
PO BOX 205
FRANKFORT KS 66427

RE: Appropriation of Water, File No. 50,276 and
Application, File No. 50,275

Dear Mr. Woolsoncroft:

Enclosed is a permit (File No. 50,276) 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.

As you have agreed to, approval of your application requires you to install and maintain an observation well near your irrigation production well. **Please notify DWR at least 2 weeks prior to drilling of the wells so that we may observe the drilling and installation.** The observation well must be completed to the same depth, and screened in the same interval as the irrigation well. The observation well must be developed by the driller to ensure that it is hydraulically connected to the same aquifer as the proposed well. Equipment must be installed at both the observation well and the irrigation well to provide for continuous monitoring. DWR Technical Services staff will initially install monitoring equipment, however if long-term monitoring is required, you will be responsible for installing and maintaining the equipment at your cost. **These monitoring requirements are part of your permit conditions, and these permit conditions must be in place for you to operate legally. You must install the observation well and keep equipment in place and maintained. DWR staff will make periodic checks to ensure these permit conditions are met.**

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

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

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.

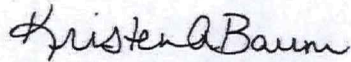
Jim Woolsoncroft
File Nos. 50,275 and 50,276
Page 2

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.

In addition, enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 50,275, as you requested in the "Voluntary Dismissal of an Application for Permit to Appropriate Water" form received in our office on June 8, 2020.

If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,



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

KAB:dws
Enclosure(s)

pc: Topeka Field Office
Janet Woolsoncroft

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:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) 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 Section, 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 hearing 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

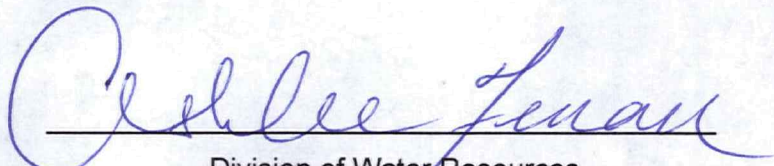
On this 1 day of September, 2020, I hereby certify that the foregoing Approval of Application, File No. 50,276, dated 28 August was mailed postage prepaid, first class, US mail to the following:

JAMES WOOLSONCROFT
PO BOX 205
FRANKFORT KS 66427

With photocopies to:

JANET WOOLSONCROFT
PO BOX 205
FRANKFORT KS 66427

Topeka Field Office


Division of Water Resources