



File No. **50,468**      15. Formation Code:      Drainage Basin: **ELK RIVER**      County: **MG**      Special Use:      Stream: SYCAMORE CREEK TRIB 1 (ELK)

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
√			<b>88470</b>	<b>SE SW SW</b>	<b>14</b>	<b>31</b>	<b>15E</b>	<b>1</b>	<b>102</b>	<b>4407</b>	<b>2,000</b>	<b>75</b>	<b>2,000</b>	<b>75</b>	<b>NONE</b>
<b>Structures Permits #LMG-0138</b>															

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 12/31/2022      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? <b>NO</b>	Overlap Files	
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
√			<b>70168</b>	<b>14</b>	<b>31</b>	<b>15E</b>	<b>1</b>									<b>40</b>	<b>35</b>							<b>75</b>	<b>7b</b>	<b>NO</b>	<b>NONE</b>

Comments: 3/10/2021  
KAB

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

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

**TO:** Files

**DATE:** March 2, 2021

**FROM:** Doug Schemm

**RE:** Application, File No. 50,468

Dale Springer has filed the application referred to above proposing to appropriate 75 acre-feet of surface water at a diversion rate of 2,000 gallons per minute from one pump site on Sycamore Creek Trib 1, within the Elk River drainage basin, for irrigation use. This application will allow water to be pumped directly from the stream (when flows are adequate, and permission is granted), into an off-stream storage vessel (reservoir) for storage and subsequent rediversion. The point of diversion (pump site) is located in the Southwest Quarter of Section 14, in Township 31 South, Range 15 East, Montgomery County, Kansas. There are no overlapping files in point of diversion or place of use. The applicant has signed the application stating he has access to the point of diversion. The requested quantity of water of 75 acre-feet is the maximum allowable quantity of water to irrigate the proposed acreage of 75 acres, with 1.0 acre-feet per acre in Elk County.

The applicant identified three upstream and downstream landowners adjacent to the stream within one-half mile (complying with K.A.R. 5-3-4). Nearby notification letters were sent out on February 12, 2021. No responses of any kind were received. There are several permitted water rights within the 2-mile circle, including one downstream on the same tributary stream (File No. 38,549, owned by the applicant). In addition, all other water rights within the two-mile radius circle are also owned by the applicant. With proper conditioning, as discussed below, approval of this application will not impair senior water rights.

Per K.A.R 5-3-15, this application will be subject to specific conditions, which stipulate strict requirements for direct surface water diversion. These conditions include the stipulation that no diversion shall occur unless there is water available to satisfy all demands by senior water rights and permits, written or verbal permission from the Chief Engineer, or an authorized representative is required prior to diverting water, and streamflow cannot be stopped at the first riffle below the point of diversion while diversion is taking place. The application also complies with K.A.R 5-3-15 (c)(5) because the existing off-stream storage pond will provide adequate water storage (see below), and there is no need for direct diversion of water from July 1 through September 30.

The application states that the storage pond will cover 2.5 acres. DWR staff have proposed procedures to determine what comprises adequate water storage to comply with K.A.R. 5-3-15, based on Net Irrigation Requirements for the county (40% of the 50% NIR). So, for this project of 75 acres in Elk County, the calculation would be  $8.7'' \times 75 \text{ acres} \times 0.4 / 12 = 22 \text{ acre-feet}$  of storage. Note that for the Topeka Field office area, a "rule of thumb" for adequate off-stream storage capacity is approximately 25% of the maximum allowable quantity of water for the acreage (or about 19 AF in this case). A pit covering 2.5 acres with an average depth of 9 feet will store 22.5 acre-feet. Therefore, it appears that the pit will provide adequate water supply during the irrigation season months. The proposed storage pond will be properly permitted by the DWR Water Structures Program under File No. LMG-0138.

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.

In a March 2, 2021 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, gave a verbal recommendation that the application be approved.

Dale Springer - Memorandum  
File No. 50,468  
Page 2

Based on the above discussion, the area remains open to new appropriations, the approval is subject to specific conditions relative to direct surface water diversions, diversion is limited to availability of water supply, the project will be properly permitted by the Water Structures Program, and there is no indication that existing water rights will be impaired, it is recommended that the referenced application be approved.

Doug Schemm  
Environmental Scientist  
Topeka Field Office

## Schemm, Doug [KDA]

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**From:** Schemm, Doug [KDA]  
**Sent:** Tuesday, March 2, 2021 7:57 AM  
**To:** Schemm, Doug [KDA]  
**Subject:** FW: Dale Springer 50,468

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**From:** Phillips, Janelle [KDA]  
**Sent:** Tuesday, March 2, 2021 7:54 AM  
**To:** Schemm, Doug [KDA] <Doug.Schemm@ks.gov>  
**Cc:** Vandepol, Elijah [KDA] <Elijah.Vandepol@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>  
**Subject:** RE: Dale Springer 50,468

Doug –

We have had our application ready for signature by the Chief since January 2021 (LMG-0138). Elijah asked for an update on January 11 and you stated it would be several months out for approval.

Janelle Phillips, P.E. \*, CFM  
Stream Obstruction Team Lead  
Water Structures Program  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS 66502  
Office: 785-564-6656  
Cell: 785-307-8292  
[Janelle.phillips@ks.gov](mailto:Janelle.phillips@ks.gov)  
\*licensed in KS, MO, CO

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**From:** Schemm, Doug [KDA]  
**Sent:** Tuesday, March 2, 2021 7:40 AM  
**To:** Phillips, Janelle [KDA] <[Janelle.Phillips@ks.gov](mailto:Janelle.Phillips@ks.gov)>  
**Subject:** Dale Springer 50,468

Hello Janelle,  
It looks like you might have taken a look at Dale's pond project.  
Did you make a determination on this one?  
Have a great day, and thanks as always,  
Doug

Report Date: Tuesday, March 2 2021

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50468 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50468 00 IRR

Water Right and Points of Diversion Within 2.00 of a point defined as:

102 Feet North and 4407 Feet West of the Southeast Corner of Section 14 Twp 31S Rng 15E

SURFACE WATER ONLY

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File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	
A__ AF	26240 00	IRR	NK	S	4233	--	NW	NW	SE	2500	2250	22	31	15E	2		126.00	126.00
Same					5558	--	SE	SW	SE	500	1850	22	31	15E	3			
Same					5582	--	NE	SE	SW	1240	2900	22	31	15E	1			
A__ AF	38549 00	STK	NK	S	455	--	NW	NW	NW	5000	4650	23	31	15E	1		15.04	15.04
A__ AF	44156 00	IRR	NK	S	4854	--	SE	SE	NW	2710	3149	15	31	15E	4		105.00	105.00
A__ AF	44157 00	STK	NK	S	1398	--	SW	NE	NW	4350	3450	23	31	15E	6		6.21	6.21
***** Authorized storage = 41.00 AF Additional storage = 0.00 AF AF																		
A__ AF	48605 00	IRR	KE	S	8880	--	SE	NW	SW	1790	4300	26	31	15E	1		250.00	250.00
***** Authorized storage = 250.00 AF Additional storage = 0.00 AF AF																		
A__ AF	50304 00	STK	GY	S	1648	--	NW	SE	NW	3858	3767	23	31	15E	11		34.99	.00
***** Authorized storage = 58.00 AF Additional storage = 0.00 AF AF																		
A__ AF	50468 00	IRR	AY	S	0	--	SE	SW	SW	102	4407	14	31	15E	1		75.00	75.00

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Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	75.00	.00
Total Permitted Amount (AF) =	250.00	308.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	252.24	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	577.24	.00

An \* after the source of supply indicates a pending application for change under the file number.

An \* after the ID indicates a 15 AF exemption was granted under the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

Water Right and Points of Diversion Within 2.00 of a point defined as:

102 Feet North and 4407 Feet West of the Southeast Corner of Section 14 Twp 31S Rng 15E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

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File Number	Use	ST	SR
> LEE A & DOROTHY M SPRINGER			
>			
> 3321 COUNTY RD 5800			
> INDEPENDENCE KS 67301			
>-----			
> DALE GRAYDON SPRINGER REV TRST			
> JUDITH A SPRINGER REV TRST			
> 5816 COUNTY RD 3300			
> INDEPENDENCE KS 67301			
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> DALE GRAYDON SPRINGER REV TRST			
> JUDITH A SPRINGER REV TRST			
> 5816 COUNTY RD 3300			
> INDEPENDENCE KS 67301			

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> DALE GRAYDON SPRINGER REV TRST  
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> JUDITH A SPRINGER REV TRST  
> 5816 COUNTY RD 3300  
> INDEPENDENCE KS 67301  
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> DALE SPRINGER  
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> 5816 CR 3300  
> INDEPENDENCE KS 67301  
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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. 50,468** of the applicant

**DALE SPRINGER**  
**5816 CR 3300**  
**INDEPENDENCE KS 67301**

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 **November 2, 2020**.
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 <sup>1</sup> / <sub>4</sub>				NW <sup>1</sup> / <sub>4</sub>				SW <sup>1</sup> / <sub>4</sub>				SE <sup>1</sup> / <sub>4</sub>				TOTAL
			NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	
14	31S	15E									40	35						75	

3. That the authorized source from which the appropriation shall be made is surface water from an unnamed tributary to Sycamore Creek, designated in the office of the Chief Engineer as Sycamore Creek Trib 1 (Elk), to be diverted at one (1) pump site located in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>), of Section 14, more particularly described as being near a point 102 feet North and 4,407 feet West of the Southeast corner of said section, in Township 31 South, Range 15 East, Montgomery 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 **2,000 gallons per minute (4.46 c.f.s.)** and to a quantity not to exceed **75 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, 2022** 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, 2026** 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 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).

13. 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.

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

15. 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.



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

March 16, 2021

DALE SPRINGER  
5816 CR 3300  
INDEPENDENCE KS 67301

RE: Appropriation of Water, File No. 50,468

Dear Mr. Springer:

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 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](http://www.kswaterusereport.org).

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

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local 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

## 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.

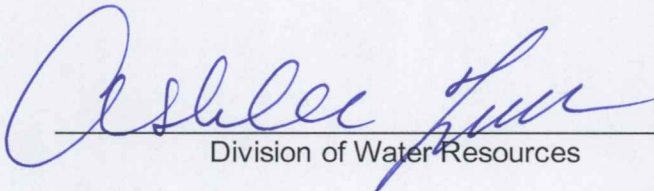
## CERTIFICATE OF SERVICE

On this 16 day of March, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,468, dated 11 March 2021, was mailed postage prepaid, first class, US mail to the following:

TWIN VALLEY ENTERPRISES INC  
5816 CR 3300  
INDEPENDENCE, KS 67301

With photocopies to:

Topeka Field Office

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