

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

1. File Number: <p style="text-align: center;"><b>50,304</b></p>	2. Status Change Date: <p style="text-align: center;"><b>5/18/2020</b></p>	3. Field Office: <p style="text-align: center;"><b>01</b></p>	4. GMD: <p style="text-align: center;"><b>0</b></p>
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5. Status:       Approved       Denied by DWR/GMD       Dismiss by Request/Failure to Return

6. Enclosures:     Check Valve     N of C Form     Water Tube     Driller Copy     Meter

<p>7a. Applicant(s)      Person ID <b>17006</b> New to system <input type="checkbox"/>      Add Seq# _____</p> <p><b>DALE GRAYDON SPRINGER REV TRST</b> <b>Attn: JUDITH A SPRINGER REV TRST</b> <b>5816 COUNTY RD 3300</b> <b>INDEPENDENCE KS 67301</b></p>	<p>7c. Landowner(s)      Person ID _____ New to system <input type="checkbox"/>      Add Seq# _____</p>
<p>7b. Landowner(s)      Person ID _____ New to system <input type="checkbox"/>      Add Seq# _____</p> <p><b>7a.</b></p>	<p>7d. Landowner      Person ID _____ New to system <input type="checkbox"/>      Add Seq# _____</p>

<p>8. WUR Correspondent      Person ID _____ New to system <input type="checkbox"/>      Add Seq# _____ Overlap File (s) WUC      Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>7a.</b></p>	<p>9. Use of Water:    Changing?    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p style="padding-left: 100px;"><input type="checkbox"/> Groundwater    <input checked="" type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR    <input type="checkbox"/> REC    <input type="checkbox"/> DEW    <input type="checkbox"/> MUN</p> <p><input checked="" type="checkbox"/> STK    <input type="checkbox"/> SED    <input type="checkbox"/> DOM    <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG    <input type="checkbox"/> WTR PWR    <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND    SIC: _____    <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: **12/31/2021**      11. Perfection Date: **12/31/2025**      12. Exp Date: \_\_\_\_\_

13. Conservation Plan Required?  Yes  No Date Required: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Date to Comply: \_\_\_\_\_

14. Water Level Measuring Device?  Yes  No Date to Comply: \_\_\_\_\_ Date WLMD Installed: \_\_\_\_\_

Date Prepared: **1/16/2020**    By: **DWS**  
Date Entered: **5/19/2020**    By: **L Moody**

File No. **50,304**      15. Formation Code:      Drainage Basin: ELK RIVER      County: MG      Special Use:      Stream: SYCAMORE CREEK TRIB 2 (ELK)

16. Points of Diversion T MOD DEL      PDIV ENT <b>DEL 64665</b>										17. Rate and Quantity      MOD ADDL QTY Authorized      Additional Rate gpm      Quantity mgy      Rate gpm      Quantity mgy      Overlap PD Files				
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<del>MOD 64665</del> NW SE NW	23	31	15E	6	3858	3767	1000	11.4	1000	0	NONE*
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**ENT 88216**

**A NEW P/D WILL BE CREATED FOR THIS FILE AS 64665 IS THE P/D FOR #44157 AND THIS WORKSHEET STATES THAT THIS IS A SEPARATE RESERVOIR AND DOES NOT O/L ANY FILE. LLM**

18. Storage: Rate \_\_\_\_\_ NF      Quantity **58** ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity **58** ac/ft

19. Limitation: **20.668 MGY** at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) **38,549; 38,550; 44,157; & 47,710 (ON THE PLACE OF USE)**  
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 T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? <b>NO</b>	Overlap Files	
						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					
√	5205	23	31	15E	2	<b>FEEDLOT (NW NW)      swine facility</b>																		7a.	No	38,549; 38,550; 44,157; & 47,710

Comments: **\*THIS IS A SEPARATE RESERVOIR AND DOES NOT OVERLAP IN POINT OF DIVERSION WITH ANY OTHER FILE.**

5/12/2020  
KAB

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

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

**TO:** Files

**DATE:** January 16, 2020

**FROM:** Doug Schemm

**RE:** Application, File No. 50,304

Dale & Judith Springer filed the application referred to above for a permit to appropriate 58 acre-feet of surface water at the rate of natural flows to be stored in an existing reservoir and the redirection of 11.4 million gallons (35 AF) for Stockwatering Use. The project is located in the Northwest Quarter of Section 23, in Township 31 South, Range 15 East, Montgomery County, within the Elk River Drainage Basin. The dam is located on Sycamore Creek Trib 2. The point of diversion is located on property owned by the applicant, and he has signed the application form stating he has legal access to the point of diversion. The purpose of this new application is to authorize this additional source of water (different reservoir), and allow this facility to reach its full capacity of hogs.

The application was initially filed as a complete overlap with File No. 44,157. However, after further review it was determined that this application is diverting water from a separate reservoir and is separately metered from File No. 44,157. **Therefore, these files do not overlap in point of diversion.**

File Nos. 38,549; 38,550; 44,157 and 47,710 all overlap in Place of use. File No. 38,549 is authorized 4.9 million gallons of surface water from a separate pond, File No. 38,550 is authorized 15.768 million gallons of groundwater, File No. 44,157 is authorized 2.022 million gallons of surface water, limited with the senior files to 20.668 million gallons (0 additional), and finally File No. 47,710 is authorized 11.405 million gallons of groundwater, limited to 20.668 with the senior files (0 additional).

Runoff computations for the nearby senior file determined that the 110 acres of drainage area, will generate 165 acre-feet of runoff (18") in 1 out of every five (5) years (a 20% chance). Therefore, per K.A.R. 5-6-5, this quantity is NOT the limiting factor, and the application was processed with the typical one year of direct use (35 AF); plus one year of indirect use (3 AF); plus the reservoir capacity (20 AF), for a storage total of 58 acre-feet. The requested quantity of water for direct use (redirection) of 11.4 million gallons (35 AF) was based on providing an adequate supply of water for 6,000 head of finishing hogs. Estimated drinking water needs are as follows: 6,000 head of hogs x 5.0 gallons per head per day x 365 days = 10.95 million gallons. Cooling and sanitation were estimated at 4.1 million gallons, for a total of 15.1 million gallons. As noted above, the senior files combined are already authorized 20.668 million gallons for direct STK use. Therefore, this new application will also be limited to 20.668 million gallons for direct use quantity, when combined with senior files.

The proposed direct use quantity of 11.4 million gallons (35 AF), is equivalent to 1.8 times the reservoir capacity (20 AF), well within the "normal" rule of thumb of direct use being no more than 5 times the capacity for reasonable storage quantity. The existing reservoir is exempt from permitting by DWR Water Structures Program.

The applicant provided a list of landowners of the adjacent properties within one-half (½) mile upstream and downstream of his property, which complies with K.A.R. 5-3-4. However, a review of the topographic map shows that this small tributary stream does not extend off the applicant's property upstream of his ponds. The applicant owns all the property downstream of the project property for over ½ mile, including the stream's confluence with Sycamore Creek. Therefore, no notification letters are required. There are several other upstream surface water rights within a two-mile radius according to the WRIS database. Some are direct diversion pump sites on Sycamore Creek, while others are for reservoir storage. There are no downstream senior files within the two-mile radius. No senior water rights will be impaired with approval of this application.

Dale and Judith Springer  
File No. 50,304  
Page 2

As allowed by K.S.A. 82a-706(c) an approved water flow meter shall be installed on the secondary diversion works (pump site) for this file. 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 January 10, 2020 e-mail, Katie Tietsort, Water Commissioner, Topeka Field Office, stated that the referenced new application should be approved. Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water is reasonable, the application complies with rules and regulations, approval will give the owner an additional source of water for STK use, and no senior rights will not be impacted, it is recommended that the referenced new application be approved.



Doug Schemm  
Environmental Scientist  
Topeka Field Office

## Schemm, Doug [KDA]

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**From:** Tietsort, Katie [KDA]  
**Sent:** Friday, January 10, 2020 11:39 AM  
**To:** Schemm, Doug [KDA]  
**Cc:** Fabrycky, Caleb [KDA]  
**Subject:** RE: Dale Springer 50,304

Thanks for reviewing the way this ties in to other projects and making it clear this can be separately metered.

Please proceed.

Thanks for everyone's work.

Katie Tietsort  
Water Commissioner

[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)

785-296-5733

Kansas Department of Agriculture  
Division of Water Resources  
Topeka Field Office  
6531 S.E. Forbes Ave, Suite B  
Topeka, KS 66619

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**From:** Schemm, Doug [KDA] <Doug.Schemm@ks.gov>  
**Sent:** Wednesday, January 8, 2020 10:30 AM  
**To:** Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>  
**Cc:** Fabrycky, Caleb [KDA] <Caleb.Fabrycky@ks.gov>  
**Subject:** Dale Springer 50,304

After discussing this with Caleb, and based on his site visit map, this is a separate reservoir and is separately metered from File No. 44,157.

It meets all the regs. This will get Dale into compliance.

23-31S-15E

6000 RD

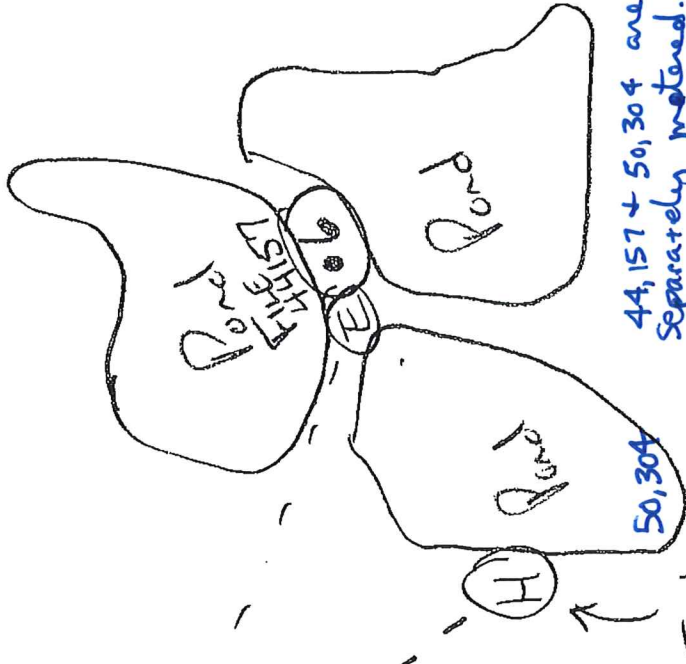
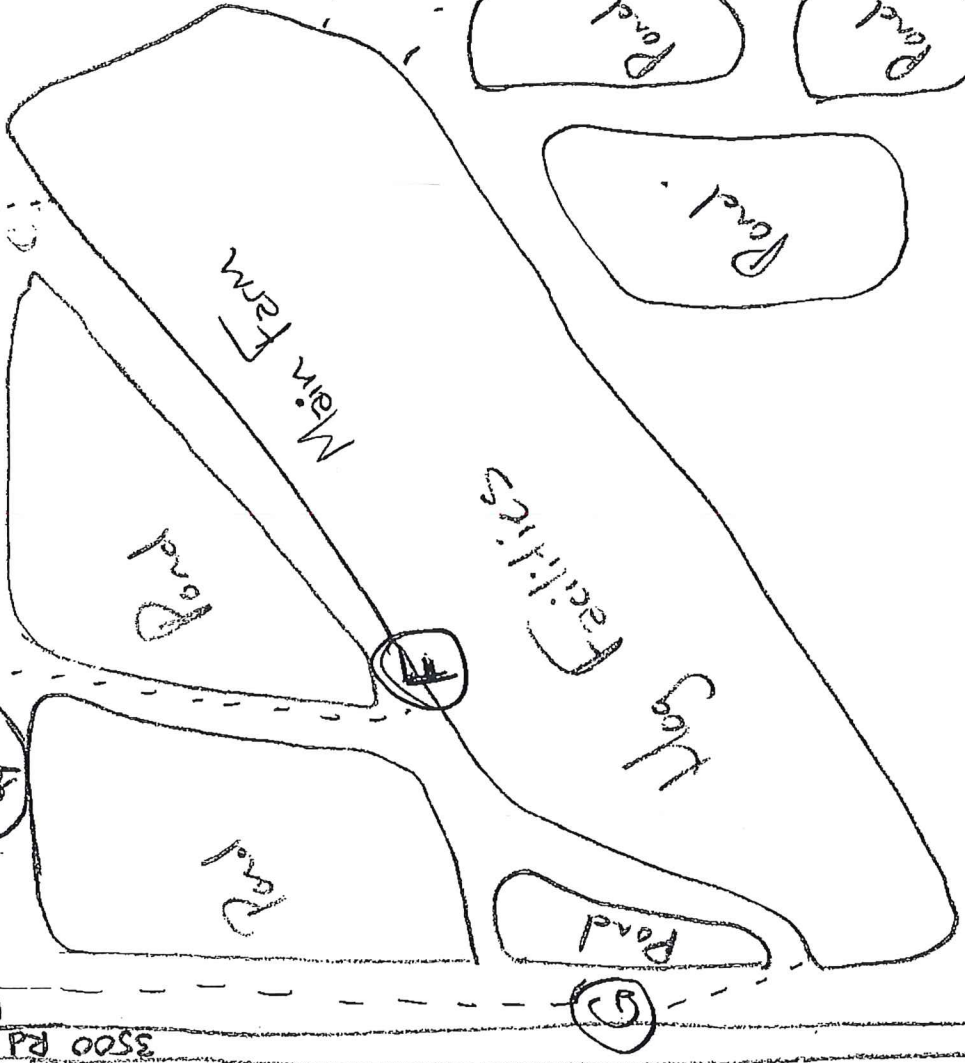
File 3835D

File 4710

File 3834H



3500 RD



44,157 + 50,304 are Separately metered.

To be added in 2016 (Separate reservoirs)

50,304

Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, KS 66619



Phone: 785-296-5733  
Fax: 785-296-8298  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Mike Beam, Secretary

Laura Kelly, Governor

DALE GRAYDON SPRINGER REV TRST  
Attn: JUDITH A SPRINGER REV TRST  
5816 COUNTY RD 3300  
INDEPENDENCE KS 67301

RE: Appropriation of Water, File No. 50,304

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 acceptable water flowmeter must be installed on the redirection 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.kswateruserreport.org](http://www.kswateruserreport.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,

A handwritten signature in cursive script that reads "Kristen A. Baum".

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

KAB:dws  
Enclosure(s)

pc: Topeka Field Office

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. 50,304** of the applicant

**DALE GRAYDON SPRINGER REV TRST  
Attn: JUDITH A SPRINGER REV TRST  
5816 COUNTY RD 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 **October 10, 2019**.
2. That the water sought to be appropriated shall be used for stockwatering use in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 23, Township 31 South, Range 15 East, Montgomery County, Kansas.
3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Sycamore Creek, designated in the office of the Chief Engineer as Sycamore Creek Trib 2 (Elk), not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **58 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Northwest Quarter of the Southeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 23, more particularly described as being near a point 3,858 feet North and 3,767 feet West of the Southeast corner of said section, in Township 31 South, Range 15 East, Montgomery County, Kansas, to provide **11.4 million gallons** (34.99 acre-feet) of water as needed for direct stockwatering use to be withdrawn, released or otherwise diverted from the reservoir at a re-diversion rate of approximately **1,000 gallons per minute (2.23 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, 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 submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$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, 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.

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 re-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 the 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).

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 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.

15. 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.

16. That the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File Nos. 38,549; 38,550; and 44,157 and Appropriation of Water, File No. 47,710, will provide a **total not to exceed 20.668 million gallons** of water per calendar year for stockwatering use at the location described herein.

Ordered this 18 day of May, 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 18 day of May, 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman  
Notary Public

**RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW**

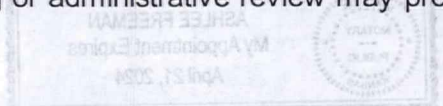
If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 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.



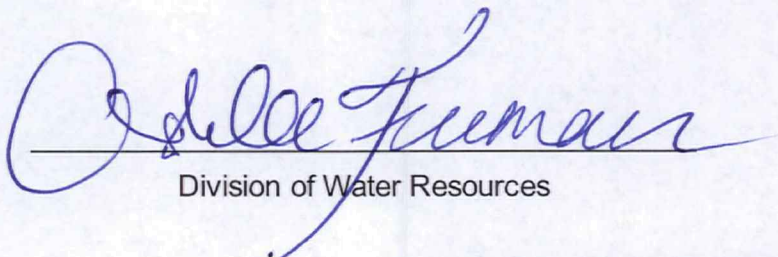
**CERTIFICATE OF SERVICE**

On this 19 day of may, 2020, I hereby certify that the foregoing Approval of Application, File No. 50,304, dated May 19, 2020 was mailed postage prepaid, first class, US mail to the following:

DALE GRAYDON SPRINGER REV TRST  
Attn: JUDITH A SPRINGER REV TRST  
5816 COUNTY RD 3300  
INDEPENDENCE KS 67301

With photocopies to:

Topeka Field Office

  
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 Division of Water Resources