

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

1. File Number: <p style="text-align: center; font-size: 1.2em;">50,579</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;">6/14/2022</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">01</p>	4. GMD: <p style="text-align: center; font-size: 1.2em;">0</p>
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s) Person ID 67802 New to system <input type="checkbox"/> Add Seq# <u>1</u></p> <p style="text-align: center; font-weight: bold;">MICHAEL LEE & CAITLIN JANTZ 15162 FINNEY RD FREDONIA, KS 66736</p>	<p>7d. Landowner(s) Person ID 67804 New to system <input type="checkbox"/> Add Seq# <u>1</u></p> <p style="text-align: center;">KAREN E JANTZ 10241 1400 RD FREDONIA, KS 66736</p>		
<p>7b. Landowner(s) Person ID 67802 New to system <input type="checkbox"/> Add Seq# <u>1</u></p> <p style="text-align: center; font-weight: bold;">7a.</p>	<p>7e. Landowner(s) Person ID 67805 New to system <input type="checkbox"/> Add Seq# <u>1</u></p> <p style="text-align: center;">RANDOLPH FARMS LLC 1400 RIVERWOOD RD ALGONQUIN, IL 60102</p>		
<p>7c. Landowner(s) Person ID 67803 New to system <input type="checkbox"/> Add Seq# <u>1</u></p> <p style="text-align: center;">CAMERON JANTZ FAMILY REV TRUST 1072 1400 RD FREDONIA, KS 66736</p>	<p>7f. Misc. Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p style="text-align: center;">MIDWEST IRRIGATION 1215 OREGON ST HIAWATHA KS 66434</p>		
<p>8. WUR Correspondent Person ID 67802 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 style="text-align: center; font-weight: bold;">7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input 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>		
10. Completion Date: <u>12/31/2023</u> 11. Perfection Date: <u>12/31/2027</u> 12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
<div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="border: 2px solid red; padding: 5px; color: red; font-weight: bold;">6/6/2022 JDK</div> <div style="text-align: right;">Date Prepared: 4/1/2022 Date Entered: 6/16/2022</div> <div style="text-align: right;">By: LHH By: _____</div> </div>			

File No. 50,579	15. Formation Code:	Drainage Basin: Fall River	County: WL	Special Use:	Stream: SALT CREEK 1 (FALL RIVER)																
16. Points of Diversion T MOD DEL PDIV ENT Qualifier S T R ID 'N 'W			17. Rate and Quantity Authorized Additional Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files																		
√ 88824 NE SE NE 21 28 14E 1 3720 100			1500 320 1500 320 NONE																		
*PLEASE MODIFY STORAGE QUANTITY																					
18. Storage: Rate NF Quantity 377 ac/ft Additional Rate NF Additional Quantity 377 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be installed by 12/31/2023 Date Acceptable Meter Installed _____																					
21. Place of Use T MOD DEL ENT		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
PUSE S T R ID		NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
MOD 70400 21 28S 14E 1		16.5	40	40	36.5									40	38.5		40	251.5	7a.	No	50644 (pending)
MOD 70401 27 28S 14E 1										40	32.5	24.5	37.5	40	40	40	40	294.5	7c.	No	50644 (pending)
√ 70402 27 28S 14E 2						40	40	40	40									160	7d.	No	50644 (pending)
√ 70403 27 28S 14E 3		40	40	40	40													160	7e.	No	50644 (pending)
ENT 70558 23 28S 14E														40	40			80	7e.	No	50644 (pending)
Comments																					

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: April 1, 2022

FROM: Lloyd Hemphill

RE: Application, File No. 50,579

Michael Jantz has filed the application referenced above for a permit to store 452.1 acre-feet (reduced to 377 AF) of surface water in a reservoir at the rate of natural flows and to re-divert 320 acre-feet at the rate of 1,500 gallons per minute for irrigation use. The proposed reservoir, completed subsequent to the submission of the application, is located in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE¼, SE¼, NE¼) of Section 21, Township 28 South, Range 14 East, Wilson County, Kansas. The dam is located on Salt Creek Trib 1 (Fall River). The point of diversion is owned by the applicants, who signed the application form stating they have legal access to, or control of, the point of diversion. The place of use (946 acres) is owned by the applicants, the Cameron Jantz Family Rev Trust, Karen E Jantz, and Randolph Farms LLC. The point of diversion does not overlap any other files but the place of use overlaps pending New Application, File No. 50,644.

DWR Structures received a Dam Registration form on February 4, 2022. This information was reviewed under WSN: DWL-95 (Jantz North Dam) and it was determined that it satisfied the requirements for the hazard class A permit exemption and a permit from the DWR Water Structures Program is not required. Information submitted to Structures indicates that the normal pool elevation will be at 958 ft, resulting in a surface area of 10.6 acres and capacity of 99 AF.

The quantities requested on the Water Appropriation application were justified as follows:

Direct Use:	320 AF
Reservoir Capacity:	121.4 AF (later revised to 99 AF, per Structures information)
Reservoir Surface Area:	11.7 ac. (later revised to 10.6 AF, per Structures information)
Potential Evaporation:	11 in/yr X 1ft/12 in X 11.7 ac. = 10.7 AF
Storage Quantity:	320 AF + 121.4 AF + 10.7 AF = *452.1 AF (later revised)

* See discussion below.

The information submitted to Structures indicates a somewhat smaller reservoir and based on those numbers, the storage calculation returns a quantity of 428.7 acre-feet. However, the storage quantity will be limited by the potential runoff in the basin. Runoff computations were completed assuming a normal annual precipitation of 38 inches; soil complex number of 78; and 255 acres in the drainage basin. These calculations show that in 1 out of every five (5) years (a 20% chance), 377.03 acre-feet of runoff will be generated. The potential runoff will be the limiting factor and the storage quantity will be reduced to 377 acre-feet.

The requested direct use quantity of 320 acre-feet is much smaller than the maximum quantity considered reasonable to irrigate 946 acres in Wilson County, per K.A.R. 5-3-24 (946 ac. X 1 AF/ac. = 946 AF) and is reasonable.

The direct use quantity of 320 acre-feet is equivalent to 3.2 times the capacity of the reservoir (99 AF), which is within the normal "rule of thumb" of direct use quantity being no more than 5 times the capacity for a reasonable storage quantity. Pending Application, File No. 50,644, proposing a separate irrigation pond, will provide additional water to irrigate this large place of use. The proposed re-diversion rate of 1,500 gpm appears reasonable for the project.

Notification letters were sent to four upstream and downstream landowners on January 28, 2022. Harlan Chaplin, Jan Stryker and Melissa Stryker (family members of Edmond Stryker now deceased), and Alicia Billat (granddaughter of Etta Mae Manning now deceased) all responded by telephone. Ms. Billat also provided comments by e-mail on February 21, 2022. These owners all had general questions about the application. They noted that the pastures downstream are leased and are used to graze cattle. The owners have very recently inherited or become responsible for the properties and were all unaware of whether this project would have any negative effect. There are also a number of small ponds on these downstream properties and they may be a source of water for the cattle. Based on arial photography and a USGS topographic map, it appears that the streams are intermittent and may not be a year round source of water. These owners all noted that this pond, as well as another (probably pending Application, File No. 50,644), have already been constructed and were concerned that they did not receive notification beforehand. No information was provided to suggest that the proposed appropriation of water will cause impairment of any water rights. Ms. Billat was advised in a March 22, 2022 letter that the fact that the ponds are already in place does not diminish the protections available for their senior domestic water right and they should contact the Topeka Field Office should their right be impaired.

According to the WRIS database, the only other surface water file within a two-mile radius circle is the applicant's other pending application. That pond is in a different drainage basin. No senior files would be impaired with approval of this application.

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.

Katie Tietsort, Water Commissioner, Topeka Field Office, recommended in an April 1, 2022 e-mail 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 and justified, DWR Water Structures requirements have been met, and senior rights will not be impacted, it is recommended that the referenced new application be approved.

Lloyd Hemphill
Environmental Scientist
Topeka Field Office

Hemphill, Lloyd [KDA]

From: Tietsort, Katie [KDA]
Sent: Friday, April 1, 2022 3:07 PM
To: Hemphill, Lloyd [KDA]
Subject: RE: Application, File No. 50579: For Your recommendation

Lloyd,

Our discussion of the reservoir size/capacity needs to ultimately match the Structures Program. In considering this 10.6 surface acre dam with capacity of 99 AF, it appears the file can proceed forward.

Katie Tietsort

Water Commissioner

Katie.Tietsort@ks.gov
Ph. 785-296-5733 Cell 785-213-9188
Kansas Department of Agriculture
Topeka Field Office
1131 SW Winding Rd, Suite 400
Topeka, KS 66615

From: Hemphill, Lloyd [KDA] <Lloyd.Hemphill@ks.gov>
Sent: Friday, April 1, 2022 2:50 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: Application, File No. 50579: For Your recommendation

Katie,

Will you provide your recommendation for Application, File No. 50579 (Michael Jantz).

This is a storage and re-diversion irrigation project in Wilson County (Fall River Basin). A relatively large place of use (946 acres) will be irrigated with water from this pond as well as a second pond (under pending Application, File No. 50,644). Structures has determined that the pond under File No. 50,579 qualifies as an exempt dam and does not require permitting.

Thanks,
Lloyd

Lloyd Hemphill, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources, Topeka Field Office
1131 SW Winding Rd, Suite 400
Topeka, KS 66615
(785) 296-5733

NOTE NEW ADDRESS

PDFs
Mean Annual Precipitation
Soil Cover Complex

Mean Annual Precip, in	38
Soil Cover Complex No.	78
Drainage Area, acres	255
Runoff at 20% Chance, AF	377.03

DO NOT EDIT BELOW THIS LINE

% Chance Firm Coefficients			
	50%	80%	90%
a	0.5317	0.1216	0.0527
b	1.0815	1.2538	1.3547

%Chance Firm	Runoff, in	Comp. Runoff, in
50%	5.87	5.87
80%	1.97	1.94
90%	1.07	1.09
20%		17.74

Std. Dev. 90%	1.33
Std. Dev. 80%	1.30
Avg	1.31

Mean annual runoff for CN = 75, inches	8.48
Mean annual runoff for CN = 80, inches	9.70
Interp. Mean annual runoff for CN = 78, inches	9.21

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. 50,579** of the applicants

MICHAEL LEE & CAITLIN JANTZ
15162 FINNEY RD
FREDONIA, KS 66736

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 **May 13, 2021**.

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	
21 28S 14E	16.5	40	40	36.5									40	38.5		40	251.5
23 28S 14E											40	40					80
27 28S 14E	40	40	40	40	40	40	40	40	40	32.5	24.5	37.5	40	40	40	40	614.5

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Salt Creek, designated in the office of the Chief Engineer as Salt Creek 1 (Fall River), 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 **377 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE¼ SE¼ NE¼) of Section 21, more particularly described as being near a point 3,720 feet North and 100 feet West of the Southeast corner of said section, in Township 28 South, Range 14 East, Wilson County, Kansas, to provide **320 acre-feet** of water as needed for direct irrigation use to be withdrawn, released or otherwise diverted from the reservoir at a re-diversion rate of approximately **1,500 gallons per minute** (3.34 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, 2023** 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, 2027** 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.

Ordered this 14 day of June, 2022, 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)
County of Riley) SS

The foregoing instrument was acknowledged before me this 14 day of June, 2022, 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 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.

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

MICHAEL LEE & CAITLIN JANTZ
15162 FINNEY RD
FREDONIA, KS 66736

June 23, 2022

RE: Appropriation of Water, File No. 50,579

Dear Mr. & Mrs. Jantz:

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 re-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.

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. 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:lh
Enclosure(s)

pc: Topeka Field Office
Cameron Jantz Rev Trust
Karen E Jantz
Randolph Farms LLC
Keith Grimm - MWI

CERTIFICATE OF SERVICE

On this 23 day of June, 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,579, dated 14 June, 2022 was mailed postage prepaid, first class, US mail to the following:

MICHAEL LEE & CAITLIN JANTZ
15162 FINNEY RD
FREDONIA, KS 66736

With photocopies to:

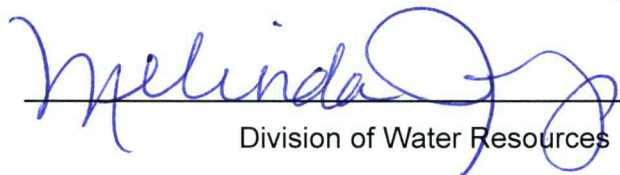
CAMERON JANTZ FAMILY REV TRUST
1072 1400 RD
FREDONIA, KS 66736

KAREN E JANTZ
10241 1400 RD
FREDONIA, KS 66736

RANDOLPH FARMS LLC
1400 RIVERWOOD RD
ALGONQUIN, IL 60102

MIDWEST IRRIGATION
1215 OREGON ST
HIAWATHA KS 66434

Topeka Field Office



Division of Water Resources