

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

1. File Number: <p style="text-align: center; font-size: 1.2em;">50650</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: blue;">1/23/2023</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">1</p>	4. GMD:
--	--	---	---------

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) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 65830 Add Seq# _____</p> <p style="font-size: 1.2em; margin-top: 20px;">THOMAS L WAIT 100 MONROE HILL CT HERNDON, VA 20170</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>
<p>7b. Landowner(s) New to system <input checked="" type="checkbox"/></p> <p style="text-align: right;">Person ID 67723_____ Add Seq# _____</p>	<p>7d. Misc. New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>

<p>8. WUR Correspondent New to system <input type="checkbox"/></p> <p>Overlap File (s) WUC <input type="checkbox"/></p> <p>Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a.</p> <p style="text-align: right;">Person ID _____ Add Seq# _____ Notarized WUC Form</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input checked="" 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: 12/31/24 11. Perfection Date: 12/31/28 _____ 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: **1/9/23** By: **BMM**

Date Entered: 1/10/2023
KKopp 1/23/2023
LMoody

File No. 50650 15. Formation Code: 113 Drainage Basin: Kansas River County: SN Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		Overlap PD Files
											Rate gpm	Quantity af	Rate gpm	Quantity af	
CHK			89054	SE NW SE	32	10S	13E	5	1326	1352	1200	80	1200	80	NA

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: _____ af/yr at ~~1000~~ 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 _____ Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	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						
CHK			70567	32	10S	13E	4																						

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: January 6, 2023

FROM: Brandon Milner

RE: New Application,
File No. 50,650

Thomas L. Wait has filed an application to appropriate groundwater for irrigational use, requesting a single well for a quantity of 26.07 million gallons (80 acre-feet) at a diversion rate of 1,200 gallons per minute. The proposed point of diversion will be a single well located in the Southeast quarter of Section 32 more specifically described as being near a point at 1326 North and 1352 West of the Southeast corner of said section, in Township 10 South, Range 13 East in Shawnee County. The entire place of use is owned by the applicant. The applicant has signed the application form stating that he has legal access to the point of diversion.

This application does not overlap with any other water rights. The proposed quantity of water is 26.07 million gallons per year that would be used for irrigation of 80 acres. This would provide 1 acre-foot per acre which is the maximum allowed in Shawnee County.

The source of water based on well logs submitted with the application the Kansas River Alluvium. Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer, provided an area of consideration of 8,042 acres. With a potential annual recharge of 8.5 inches, and 75% of recharge available for appropriation, safe yield was determined to be 4,272.57 acre-feet. There are multiple other water rights within two miles with 3906.6 acre-feet already appropriated so this application complies with safe-yield with 363.97 acre-feet available.

There are four groundwater rights within one half mile of this application with the closest one being 2000' away. There are two domestic wells within one half mile with the closest one being 2,600' away. This application meets the standard spacing of 1320' for nearby water rights/appropriations and 660' for nearby domestic wells from of the point of the diversion as per the requirements in K.A.R. 5-22-2. Nearby letters were sent on November 21, 2022, with no responses were received to date.

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.

Based on the above discussion, the area is open to new appropriations, the application complies with safe yield and well spacing criteria, approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. It is recommended that the referenced new application be approved.

Brandon Milner
Environmental Scientist

From: Bunger, Brett [KDA]
Sent: Fri 1/6/2023 12:34 PM
To: Milner, Brandon [KDA]
Subject: RE: 50649 & 50650 Memos

Sure sounds good to me. Both meet safe yield and spacing. I would keep moving forward.

Brett

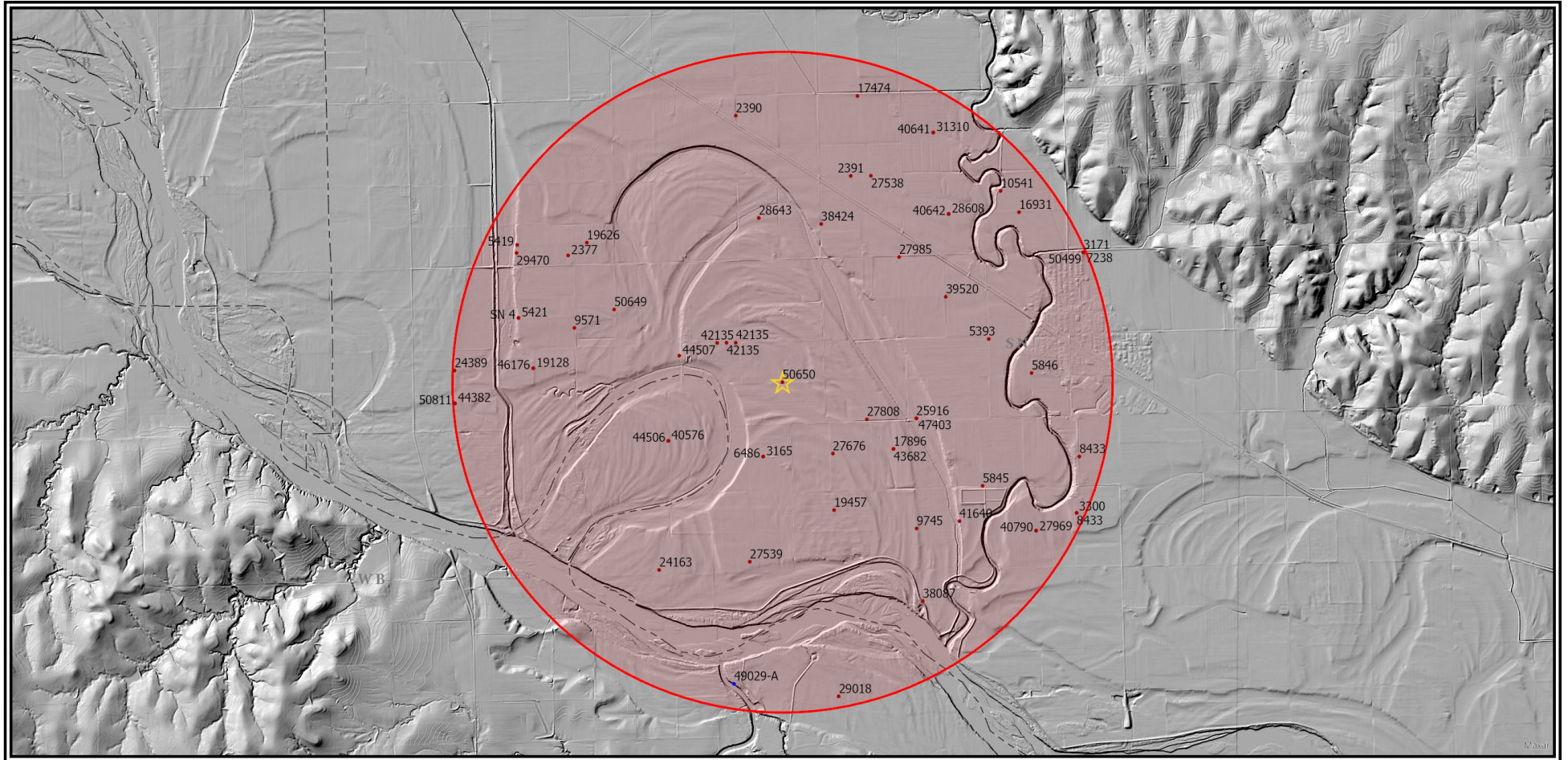
From: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Sent: Friday, January 6, 2023 11:43 AM
To: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>
Subject: 50649 & 50650 Memos

Brett,

I have attached the following memos for 50,649 and 50650 for you to look over when you have a second. I'm not sure how this works at the moment with reviews but I would feel better if someone looked them over before I wrote them up and sent them out the door. I don't see any specific issues with these two files. Thank you and Sorry!

Brandon Milner
Environmental Scientist
Water Appropriation Program

Safe Yield Report Sheet
Water Right- A5065000
Point of Diversion in 32-10S-13E
Footages from SE corner- 1,326 feet North 1,352 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 4,272.57 AF.

Total prior appropriations in the circle is 3,810.60 AF.+178-80=3908.6

Total quantity of water available for appropriation is 363.97AF.

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 8.5 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 04-OCT-2022 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 57 water rights and 48 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 2377 00	IRR	NK	G		SE	SE	SW	0	0	30	10	13E	3	WR	42.00	42.00	115.00	115.00
A 2390 00	IRR	NK	G		SW	NW	NE	4550	2600	29	10	13E	4	WR	120.00	120.00	120.00	120.00
A 2391 00	IRR	NK	G		NE	NW	SW	2550	4250	28	10	13E	1	WR	56.00	56.00	56.00	56.00
A 3165 00	IRR	NK	G		NW	SE	NE	3767	849	05	11	13E	2	WR	79.00	79.00	104.00	104.00
A 3171 00	IRR	NK	G		NW	NW	NE	5200	2043	34	10	13E	10	WR	108.00	108.00	108.00	108.00
A 3300 00	IRR	NK	G		SE	NW	SE	1742	1374	03	11	13E	11	WR	236.00	236.00	388.50	388.50
A 5393 00	IRR	NK	G		NW	NW	SW	2511	5272	34	10	13E	9	WR	62.60	62.60	62.60	62.60
A 5419 00	IRR	NK	G		NC	SW	SW	700	4450	30	10	13E	5	PD	50.00	50.00	115.00	0.00
A 5421 00	IRR	NK	G		NE	SW	NW	3600	4480	31	10	13E	1	WR	40.00	40.00	107.00	0.00
A 5845 00	IRR	NK	G		SE	SW	NW	2680	4450	03	11	13E	10	WR	164.00	164.00	164.00	164.00
A 5846 00	IRR	NK	G			NC	SW	0	0	34	10	13E	3	WR	101.00	101.00	60.00	60.00
A 6486 00	IRR	NK	G		NW	SE	NE	3767	849	05	11	13E	2	WR	147.00	68.00	104.00	0.00
A 7238 00	IRR	NK	G		NW	NW	NE	5200	2043	34	10	13E	10	WR	178.00	59.00	119.00	0.00
A 8433 00	IRR	NK	G		NW	SE	NE	3551	1241	03	11	13E	3	WR	316.00	80.00	388.50	0.00
Same	IRR	NK	G		SE	NW	SE	1742	1374	03	11	13E	11	WR				
A 9571 00	IRR	NK	G		CE	SE	NW	3290	2670	31	10	13E	2	WR	37.00	37.00	107.00	0.00
A 9745 00	IRR	NK	G		NW	SE	SE	1309	1280	04	11	13E	8	WR	107.00	107.00	226.00	226.00
A 10541 00	IRR	NK	G		SW	NW	SW	0	0	27	10	13E	1	WR	74.00	74.00	86.00	86.00
A 16931 00	IRR	NK	G		NE	SW	SW	1220	4000	27	10	13E	2	WR	58.00	58.00	50.00	50.00
A 17474 00	IRR	NK	G			CN	NW	0	0	28	10	13E	2	WR	104.00	104.00	100.00	100.00
A 17896 00	IRR	NK	G		CN	SW	NE	3910	1980	04	11	13E	3	WR	34.00	34.00	66.00	66.00
A 19128 00	IRR	NK	G		NE	NW	SW	2025	4020	31	10	13E	3	WR	67.00	67.00	130.00	130.00
A 19457 00	IRR	NK	G		NC	N2	SW	1980	3960	04	11	13E	4	WR	75.00	75.00	80.00	80.00
A 19626 00	IRR	NK	G		NW	SW	SE	700	2200	30	10	13E	2	WR	40.00	40.00	115.00	0.00
A 24163 00	IRR	NK	G		SE	SW	SW	192	4300	05	11	13E	7	WR	60.00	60.00	126.00	126.00

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 24389 00	IRR	NK	G		NE	NW	SE	2004	1353	36	10	12E	7	WR	40.00	40.00	40.00	40.00
A 25916 00	IRR	NK	G		SW	SW	SE	80	2400	33	10	13E	1	WR	52.00	52.00	141.00	141.00
A 27538 00	IRR	NK	G		NW	NE	SW	2500	3550	28	10	13E	4	WR	52.00	52.00	52.00	52.00
A 27539 00	IRR	NK	G		SE	SW	SE	413	1453	05	11	13E	6	WR	160.00	160.00	247.00	247.00
A 27676 00	IRR	NK	G		NW	SE	NW	3835	3952	04	11	13E	9	WR	112.00	112.00	131.00	131.00
A 27808 00	IRR	NK	G			CS	SW	50	3920	33	10	13E	2	WR	136.00	136.00	160.00	160.00
A 27969 00	IRR	NK	G		NE	SE	SW	1190	2655	03	11	13E	12	WR	46.00	46.00	128.00	128.00
A 27985 00	IRR	NK	G		NE	NE	NW	0	0	33	10	13E	3	WR	124.00	124.00	125.00	125.00
A 28608 00	IRR	NK	G			NC	SE	1250	1250	28	10	13E	5	WR	57.00	57.00	137.00	137.00
A 28643 00	IRR	NK	G		NC	W2	SE	1300	1940	29	10	13E	3	WR	44.00	44.00	75.00	75.00
A 29018 00	IRR	NK	G			NC	SW	1330	3970	09	11	13E	1	WR	131.00	131.00	372.94	372.94
A 29470 00	IRR	NK	G		NE	NW	NW	4830	4400	31	10	13E	4	WR	45.00	0.00	107.00	0.00
A 31310 00	IRR	NK	G		NE	SW	NE	3900	1600	28	10	13E	6	WR	59.00	59.00	147.00	147.00
A 38087 00	IRR	NK	G		SW	NE	NE	4249	1232	09	11	13E	4	WR	31.00	31.00	40.00	40.00
A 38424 00	IRR	NK	G		NW	SW	SW	1080	5250	28	10	13E	8	WR	52.00	52.00	57.00	57.00
A 39520 00	IRR	NK	G			NC	NE	3950	1300	33	10	13E	4	WR	57.00	57.00	57.00	57.00
A 40576 00	IRR	NK	G					4347	3882	05	11	13E	5	WR	42.00	42.00	141.12	141.12
A 40641 00	IRR	NK	G		NE	SW	NE	3900	1600	28	10	13E	6	WR	62.00	62.00	147.00	0.00
A 40642 00	IRR	NK	G			NC	SE	1250	1250	28	10	13E	5	WR	53.00	0.00	137.00	0.00
A 40790 00	IRR	NK	G		NE	SE	SW	1190	2655	03	11	13E	12	WR	72.00	26.00	128.00	0.00
A 41640 00	IRR	NK	G		SW	NW	SW	1525	5150	03	11	13E	9	WR	25.00	25.00	51.00	51.00
A 42135 00	IRR	NK	G		SW	SE	NW	2645	3414	32	10	13E	2	WR	89.00	89.00	136.00	136.00
Same	IRR	NK	G		NE	NE	SW	2637	2819	32	10	13E	3	WR				
Same	IRR	NK	G		SE	SE	NW	2641	3117	32	10	13E	1	WR				
V SN 4 00	IRR	AA	G		NE	SW	NW	3600	4480	31	10	13E	1	WR	20.00	20.00	107.00	107.00
A 43682 00	IRR	NK	G		CN	SW	NE	3910	1980	04	11	13E	3	WR	67.00	33.00	93.00	0.00
A 44382 00	IRR	NK	G		NE	SW	SE	952	1370	36	10	12E	8	WR	41.00	41.00	66.00	66.00
A 44506 00	IRR	NK	G					4347	3882	05	11	13E	5	WR	63.00	21.00	141.12	0.00
A 44507 00	IRR	NK	G		NW	NW	SW	2259	4643	32	10	13E	4	WR	62.00	62.00	76.50	76.50
A 46176 00	IRR	NK	G		NE	NW	SW	2025	4020	31	10	13E	3	WR	45.00	0.00	130.00	0.00
A 47403 00	IRR	LO	G		SW	SW	SE	80	2400	33	10	13E	1	WR	141.00	89.00	141.00	0.00
A 50499 00	IRR	GY	G		NW	NW	NE	5217	2157	34	10	13E	11	WR	178.00	0.00	125.50	0.00
A 50649 00	IRR	AY	G		NE	SW	NE	3785	1436	31	10	13E	6	WR	80.00	80.00	80.00	80.00
A 50650 00	IRR	AY	G		SE	NW	SE	1326	1352	32	10	13E	5	WR	80.00	80.00	80.00	80.00
A 50811 00	IRR	AY	G		NE	SW	SE	952	1370	36	10	12E	8	WR	66.00	66.00	66.00	0.00

Limitations

File Number	Seq Num	Limitations
A 6486 00	2	147 AF/YR @ 1380 GPM COM/W #3165
A 7238 00	1	178 AF/YR @ 4.0 CFS ON THIS 119 AC OF LAND
A 8433 00	1	316 AF/YR @ 3280 GPM COM/W APP #3300

File Number	Seq Num	Limitations
A 29470 00	2	97AF/YR @1880GPM COM/W SN 004, 5421 & 9571
A 40641 00	1	800GPM COM/W #31310
A 40642 00	1	57AF/YR @ 730GPM COM/W #28608
A 40790 00	2	72AF/YR @ 715GPM COM/W #27969
A 43682 00	2	67AF/YR @ 495GPM COM/W #17896
A 44506 00	2	63AF/YR @ 535GPM COM/W #40576
A 46176 00	2	67 AF/YR @ 980 GPM COM/W #19128
A 47403 00	1	141AF/YR @ 900GPM COM/W #25,916
A 50499 00	1	178 AF/YR @ 1795 GPM COM/W #50498
Same	2	WHILE THIS APPROPRIATION IS ACTIVE, NO WATER CAN BE USED FROM #3171, #4480 & #7238.

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. 50,650** of the applicant

THOMAS L WAIT
100 MONROE HILL CT
HERNDON VA 20170

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 **September 20, 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	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
32 - 10S - 13E													40	40			80

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 Southeast Quarter of the Northwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 32, more particularly described as being near a point 1,326 feet North and 1,352 feet West of the Southeast corner of said section, in Township 10 South, Range 13 East, Shawnee County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **1,200 gallons per minute (2.67 c.f.s.)** and to a quantity not to exceed **80-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, 2024**, 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, 2028**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

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

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

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

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

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

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

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

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

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

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

17. That 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.

Ordered this *23* day of *January*, 2023, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

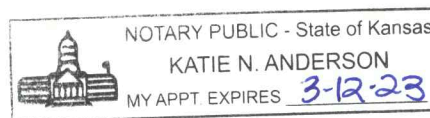
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this *23* day of *January*, 2023, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Katie N. Anderson

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, Interim Secretary

Laura Kelly, Governor

January 24, 2023

THOMAS L WAIT
100 MONROE HILL CT
HERNDON VA 20170

RE: Appropriation of Water
File Nos. 50,649 and 50,650

Dear Mr. Wait:

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

Notices must be filed on the enclosed forms 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 permits. If you need an extension of time, you must request it before the deadline for completion set forth in the permits. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00 per file number.

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 approvals of your applications constitute permits to appropriate water. They do not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. They do 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 Certificates of Appropriation which will establish the extent of your perfected water rights. Additional information and applicable forms may be found on our website at agriculture.ks.gov/dwr. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local 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 Applications and Changes Supervisor
Division of Water Resources

KAB:bmm
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 request an evidentiary hearing before the Chief Engineer, or request administrative review by the Secretary of Agriculture. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Division, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

CERTIFICATE OF SERVICE

On this 24 day of January, 2023, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File Nos. 50,649 and 50,650, dated January 23, 2023, were mailed postage prepaid, first class, US mail to the following:

THOMAS L WAIT
100 MONROE HILL CT
HERNDON VA 20170

With photocopies to:

KDA-DWR Topeka Field Office



Division of Water Resources