

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

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|---|--|--|---------|
| 1. File Number: <p style="text-align: center; font-size: 1.2em;">50,715</p> | 2. Status Change Date: <p style="text-align: center; color: purple; font-weight: bold;">5/25/2023</p> | 3. Field Office: <p style="text-align: center; font-size: 1.2em;">01</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

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| <p>7a. Applicant(Landowners) Person ID 56541 New to system <input type="checkbox"/> Add Seq# _____</p> <p style="font-weight: bold; margin-top: 20px;">MCM PROPERTIES LLC PO BOX 668 MANHATTAN, KS 66505</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 style="font-weight: bold; margin-top: 20px;">7a</p> | <p>7d. Landowner Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> |

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|---|--|
| <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 style="font-weight: bold; margin-top: 10px;">7a</p> | <p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" 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 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> |
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10. Completion Date: 12/31/2024 11. Perfection Date: 12/31/2028 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: _____

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|--|---|------------|
| | Date Prepared: 5/1/23 | By: BMM |
| | Date Reviewed: 5/24/2023 | By: KAK |
| | Date Entered: 6/5/2023 | By: LMoody |

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

TO: Files

DATE: May 22, 2023

FROM: Brandon Milner

RE: Application, File No. 50,715

MCM Properties LLC has filed the referenced new application to appropriate 45.29 million gallons (139 acre-feet) of groundwater from one well at a rate of 800 gallons per minute for irrigational use. The proposed well will be located in Lot 2 of Section 31, Township 10 South, Range 8 East, Riley County. The place of use is owned by the applicant and applicant has signed the application form stating they have access to the point of diversion.

The applicant identified two domestic wells and one water right within one-half mile of this point of diversion. Nearby letters were sent out on May 2nd, 2023. The nearest non-domestic well is just within one half mile away, and the nearest domestic well is within one half mile away as both are owned by the applicant. The point of diversion meets minimum well spacing criteria to all existing wells per the requirements in K.A.R. 5-4-4.

The well proposed under this application shows a fine to coarse sand was encountered at roughly 5' below ground surface, and it extended to a depth of 20' feet, whereas sand and gravel was encountered from 20' to the total depth of 59'. The likely source of the aquifer for this application is the main stem alluvium off of the Kansas River.

The aquifer for this application is the alluvium off of the Kansas River aquifer system based off well logs and this area was determined to be 5,037 acres. Based on a potential recharge of 8.3 inches, with 75% available for appropriation, safe yield was determined to be 2612.89 acre-feet. Existing appropriations total 649.28 acre-feet, leaving 1963.61 acre-feet available for appropriation, and the application complies with safe yield criteria. The application is requesting to irrigate 127.7 acres with 139 acre feet of water which is reasonable for the irrigation of row crops in Riley county at 1.09 acre/feet per acre.

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.

The application was sent for consideration to Brett Bunger Water Commissioner, Topeka Field Office on May 22, 2023. Based on the above discussion, well spacing and safe yield criteria are met, and 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
Manhattan Headquarters

From: Bungler, Brett [KDA]
Sent: Mon 5/22/2023 2:18 PM
To: Milner, Brandon [KDA]
Subject: RE: Application 50,715

I know this project well. It meets the rules. Please proceed with approval.

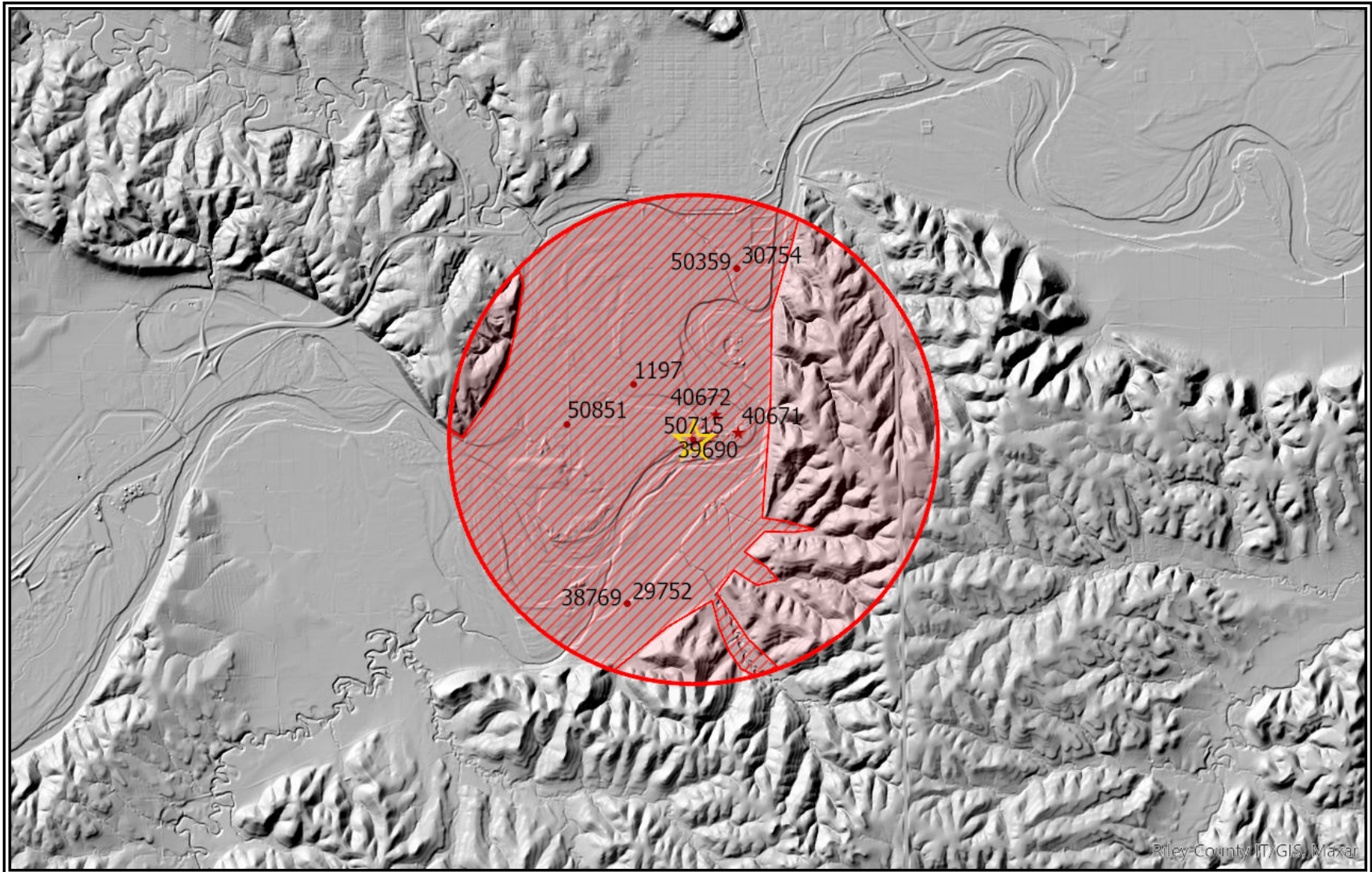
From: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Sent: Monday, May 22, 2023 2:16 PM
To: Bungler, Brett [KDA] <Brett.Bunger@ks.gov>
Subject: Application 50,715

Brett,

Could you take a look at memo for 50,715 and provide a recommendation? Laura and I will be working on how to label the quarter quarter calls on the place of use.

Brandon Milner
Environmental Scientist
Water Appropriation Program

Safe Yield Report Sheet
Water Right- A5071500
Point of Diversion in 31-10S-08E
Footages from SE corner- 4,771 feet North 3,523 feet West



Analysis Results

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 2,612.89 AF.

Total prior appropriations in the circle is 1,208.28 AF-139 AF-420 AF=**649.28**

Total quantity of water available for appropriation is 1,404.62 AF.**1963.61**

Safe Yield Variables

The area used for the analysis is set at 5,037 acres.

The potential annual recharge at the circle center is estimated to be 8.3 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 01-MAY-2023 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 10 water rights and 7 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 1197 00 | IRR | NK | G | | | | | 1950 | 6100 | 30 | 10 | 08E | 3 | WR | 40.00 | 40.00 | 53.00 | 53.00 |
| A 29752 00 | IRR | NK | G | | | | | 2833 | 6556 | 06 | 11 | 08E | 2 | WR | 65.00 | 65.00 | 95.00 | 95.00 |
| A 30754 00 | IRR | NK | G | | | NW | SE | 1580 | 1600 | 19 | 10 | 08E | 2 | WR | 79.00 | 79.00 | 81.00 | 81.00 |
| A 38769 00 | IRR | NK | G | | | | | 2833 | 6556 | 06 | 11 | 08E | 2 | WR | 16.00 | 0.00 | 95.00 | 0.00 |
| A 39690 00 | IND | NK | G | | | | | 5035 | 1580 | 31 | 10 | 08E | 3 | WR | 22.26 | 22.26 | | |
| A 40671 00 | IND | NK | G | | | | | 5035 | 1580 | 31 | 10 | 08E | 3 | WR | 164.98 | 142.73 | | |
| A 40672 00 | IND | NK | G | | | | | 560 | 2560 | 30 | 10 | 08E | 13 | WR | 32.99 | 32.99 | | |
| A 50359 00 | IRR | HK | G | | | NW | SE | 1580 | 1600 | 19 | 10 | 08E | 2 | WR | 267.30 | 267.30 | 243.00 | 243.00 |
| A 50715 00 | IRR | AY | G | | | | | 4771 | 3523 | 31 | 10 | 08E | 4 | WR | 139.00 | 139.00 | 0.00 | 0.00 |
| A 50851 00 | IRR | AY | G | | | SE | SE | 100 | 100 | 25 | 10 | 07E | 1 | WR | 420.00 | 420.00 | 53.00 | 0.00 |

Limitations

| File Number | Seq Num | Limitations |
|-------------|---------|---------------------------------|
| A 38769 00 | 2 | 65AF/YR @1005GPM COM/W #29752 |
| A 40671 00 | 2 | 53.76MGY @ 1050GPM COM/W #39690 |
| A 50359 00 | 1 | 1200 GPM COM/W #30754 |

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. 50,715** of the applicant

**MCM PROPERTIES LLC
PO BOX 668
MANHATTAN KS 66505**

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 **February 4, 2022**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

16.0 acres in Lot 21 (SW $\frac{1}{4}$ SW $\frac{1}{4}$),
9.7 acres in Lot 22 (SE $\frac{1}{4}$ SW $\frac{1}{4}$),
27.0 acres in the South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$),

a total of 52.7 acres in Section 30, and

11.0 acres in Lot 2 (NE $\frac{1}{4}$ NW $\frac{1}{4}$),
33.0 acres in Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$),
31.0 acres in Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$),

a total of 75.0 acres in Section 31,

all in Township 10 South, Range 8 East, Riley County, Kansas.

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 Lot 2 of Section 31, more particularly described as being near a point 4,771 feet North and 3,523 feet West of the Southeast corner of said section, in Township 10 South, Range 8 East, Riley 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 **139 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 an acceptable water flow meter 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 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 25 day of May, 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 25 day of May, 2023, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Tony Jay Connors

Notary Public

