

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

1. File No.: 50,902	2. Status Change Date: 1/18/2024	4. Field Office: 01 - Topkea GMD: Structures File No.: DNM-258 Filing/Priority Date: 10/27/22 Application Complete Date:
3. Package File No(s):		
5a. <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID 69369 Add Seq# CLINT STRAHM 1732 208TH RD BERN, KS 66408	5b. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID 68724 Add Seq# 1 JOHN C & BETSY STRAHM ETAL 17362 208TH RD BERN, KS 66408	
5c. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	
6. Change No.: <input type="checkbox"/> PD <input type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres: Year: Min Reasonable Q: Previous UMW: MDS Gauge: Active Admin? <input type="checkbox"/> Completion/Start Date: 12/31/2025 Perfection/Expiration Date: 12/31/2029	7. Use of Water <input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water UMW: IRR-Irrigation UMW: UMW:	
8. Action Trail		
9. Special Conditions		
10. 5YR Allocation Type: Start Year: 5YR Quantity: Base Acres: Comment:		
11. Sand & Gravel Proj ID: <input type="checkbox"/> Active <input type="checkbox"/> Dredge <input type="checkbox"/> IND Evap <input type="checkbox"/> Jr Evap <input type="checkbox"/> Other Diversion <input type="checkbox"/> Rpt on Sr		
12. Waiver Rule ID: <input type="checkbox"/> New Date Requested: Applies: Rule No.: Justification: Rule Type: Rule SubType:		
Comments	Processed 1/18/24 LH	Entered 2/5/2024 KAnderson
	Reviewed KAK: 1/18/2024	

File No. **50,902** 13. County: **NM-Nemaha** Basin: **South Fork Big Nemaha** Stream: **Deer Creek Trib 3 (SF Big Nemaha)**
 Structures File No: **DNM-258** Aquifer Code: Special Use Area:

14. Points of Diversion, Rates & Quantities										Qty		Rate		Storage Qty		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps	
CHK	89885	NW NE SE	7	2S	14E	1	2285	1120	130	130	1000	1000	197.4	197.4	NF	+	
																+	
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15. Limitations Type: Quantity: Rate: combined with file no(s):
 Type: Quantity: Rate: combined with file no(s):

16. Metering Metering Required Anti-Reverse Required Seal Required Compliance Date: 12/31/2025

17. Place of Use						NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps			
PUSE ID	S	T	R	ID		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE							
CHK	71101	7	2S	14E	1													17	28	40	38	123	5b	<input type="checkbox"/>	+			
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18. Point of Diversion and Place of Use Overlaps

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

TO: Files

DATE: January 18, 2024

FROM: Lloyd Hemphill

RE: Application, File No. 50,902

Clint Strahm has filed the application referenced above for a permit to store 197.4 acre-feet of surface water in a reservoir at the rate of natural flows and to re-divert 130 acre-feet at the rate of 1,000 gallons per minute for irrigation use. The proposed point of diversion is a reservoir located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW¼ NE¼ SE¼) of Section 7, Township 2 South, Range 14 East, Nemaha County, Kansas. The proposed point of diversion is at the site of two smaller structures which are to be modified into one larger reservoir. The dam is located on Deer Creek Trib 3 (SF Big Nemaha). No other files overlap this point of diversion or place of use. The property containing the point of diversion and place of use is owned by Clinton and Kristi Strahm; John and Betsy Strahm; and Curtis and Ellen Strahm. The application was signed by an agent acting on behalf of the applicant stating legal access to the point of diversion.

The proposed place of use includes 123 acres. The requested direct use quantity is less than the maximum reasonable quantity for irrigating the proposed acreage, per K.A.R. 5-3-24 (1.1 AF/ac X 123 ac. = 135.3 AF) and is reasonable.

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

1-yr Direct Use:	130 AF
Reservoir Capacity:	55.4 AF
Reservoir Surface Area:	9.6 ac.
Potential Evaporation: 9"	15 in/yr X 1ft/12 in X 9.6 ac. = 12 AF
Storage Quantity:	130 AF + 55.4 AF + 12 AF = 197.4 AF

Actual evaporation is 9"/yr; remainder can be attributed to seepage. LHH/TFO

Runoff computations were completed considering a normal precipitation of 35 inches, soil complex number of 80, and drainage area of approximately 248 acres. These calculations determined that the drainage basin will generate 313 acre-feet of runoff in 1 out of every five (5) years (a 20% chance), thus is not a limiting factor.

Notification letters were sent to upstream and downstream landowners on December 29, 2023. No response was received. According to the WRIS database, there are three other surface water rights within a two-mile radius. However, these files are located on the main stem of Deer Creek or other tributary streams. The nearest water right covers Sabetha City Lake, about 1.7 miles downstream. No senior water rights will be impaired with approval of this application.

The proposed structure was reviewed by DWR Water Structures Program staff, under WSN: DNM-258. The project was determined to be a class "a" exempt dam, was properly registered, and is non-jurisdictional to other Structures permitting. Per Janelle Phillips, this structure is also non-jurisdictional to permitting as a floodplain fill or stream obstruction.

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.

Brett Bunger, Water Commissioner, Topeka Field Office, recommended in a January 18, 2024 e-mail that the referenced new applications should be approved. Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water is reasonable, the dam is non-jurisdictional to Structures permitting, 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: Bunger, Brett [KDA]
Sent: Thursday, January 18, 2024 7:09 AM
To: Hemphill, Lloyd [KDA]
Subject: RE: Application File No. 50902-Clint Strahm: For your recommendation

Yep, I agree. Its pretty standard. Please proceed with approval.

From: Hemphill, Lloyd [KDA] <Lloyd.Hemphill@ks.gov>
Sent: Wednesday, January 17, 2024 2:24 PM
To: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>
Subject: Application File No. 50902-Clint Strahm: For your recommendation

Brett,

Will you provide your recommendation on this application? It is a pretty standard storage and redirection app. No overlaps and non-jurisdictional to Structures 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
Office: (785) 296-5733

PDFs
Mean Annual Precipitation
Soil Cover Complex

Mean Annual Precip, in	35
Soil Cover Complex No.	80
Drainage Area, acres	248
Runoff at 20% Chance, AF	313.56

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%	4.87	4.87
80%	1.58	1.56
90%	0.84	0.86
20%		15.17

Std. Dev. 90%	1.37
Std. Dev. 80%	1.33
Avg	1.35

Mean annual runoff for CN = 80, inches	7.75
Mean annual runoff for CN = 85, inches	8.64
Interp. Mean annual runoff for CN = 80, inches	7.75

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. 50,902** of the applicant

CLINT STRAHM
1732 208TH RD
BERN, KS 66408

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 27, 2022**.

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 ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				TOTAL
	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
7 - 2S - 14E													17	28	40	38	123

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary of Deer Creek, designated in the office of the Chief Engineer as Deer Creek Trib 3 (South Fork Big Nemaha), 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 **197.4 acre-feet** of water per calendar year in one (1) reservoir created by a dam located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW¹/₄ NE¹/₄ SE¹/₄) of Section 7, more particularly described as being near a point 2,285 feet North and 1,120 feet West of the Southeast corner of said section, in Township 2 South, Range 14 East, Nemaha County, Kansas, to provide **130 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 **1,000 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, 2025, 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.

5. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before December 31, 2029, 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.

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 diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

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

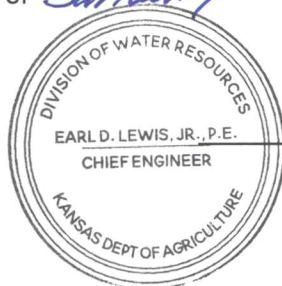
13. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1, following the end of each calendar year. Failure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

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

15. That 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 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 18th day of January, 2024, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.

Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 18th day of January, 2024, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings

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, Secretary

Laura Kelly, Governor

February 5, 2024

CLINT STRAHM
1732 208TH RD
BERN KS 66408

RE: Appropriation of Water
File No. 50,902

Dear Mr. Strahm:

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 may be submitted online for no charge at www.kswaterusereport.org. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee.

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.

Also included 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/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:kak:lh

Enclosure(s)

pc: John and Betsy Strahm
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 5 day of February, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,902, dated January 16, 2024, was mailed postage prepaid, first class, US mail to the following:

CLINT STRAHM
1732 208TH RD
BERN, KS 66408

With photocopies to:

JOHN C & BETSY STRAHM ETAL
17362 208TH RD
BERN KS 66408



Division of Water Resources