

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

1. File No.: 50,269	2. Status Change Date: 4/10/2025	4. Field Office: 01 - Topeka GMD: Structures File No.: Filing/Priority Date: 9/20/24	
3. Associated File No(s): New application 51,311			
5a. <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC Person ID 64302 <input type="checkbox"/> Address Change Add Seq# SCOTT HOWE 12780 MADISON RD RILEY KS 66531 9521		5b. <input type="checkbox"/> Owner <input type="checkbox"/> WUC Person ID <input type="checkbox"/> Address Change Add Seq#	
5c. <input type="checkbox"/> Owner <input type="checkbox"/> WUC Person ID <input type="checkbox"/> Address Change Add Seq#		5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC Person ID <input type="checkbox"/> Address Change Add Seq#	
6. Change No.: C2 <input type="checkbox"/> PD <input checked="" 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: 12/31/2026		7. Use of Water <input checked="" type="checkbox"/> Groundwater <input 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 PU range is 5E not 5W		Processed CLA 4/9/25	Entered 4/11/2025 KAnderson
		Reviewed KAK 4/10/2025	

File No. 50,269		13. County: RL Basin: Kansas River Stream:																							
Structures File No:		Aquifer Code: 500 Permian System										Special Use Area:													
14. Points of Diversion, Rates & Quantities																									
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Qty AF Auth	Add	Rate gpm Auth	Add	Storage Qty AF Auth	Add	Storage Rate Auth/Add	Overlaps									
No Change																									
15. Limitations NEW Type: Quantity: AF Rate: gpm combined with file no(s):																									
NEW Type: Quantity: AF Rate: gpm combined with file no(s):																									
16. Metering <input checked="" type="checkbox"/> Metering Required <input type="checkbox"/> Anti-Reverse Required <input type="checkbox"/> Seal Required Compliance Date: 12/31/2026																									
17. Place of Use																		Total	Owner(s)	Chg?	Overlaps				
PUSE	S	T	R	ID	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
MOD ENT	2	9S	5E	1					2.5	16.0	21.5	11.0										51.00	5a	<input type="checkbox"/>	*
DEL 69526																						0.00		<input type="checkbox"/>	
																						0.00		<input type="checkbox"/>	
																						0.00		<input type="checkbox"/>	
																							<input type="checkbox"/>		
																							<input type="checkbox"/>		
18. Point of Diversion and Place of Use Overlaps																									
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MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: April 7, 2025

From: Christa Anhold, Environmental Scientist

Re: New Application File No. 51,311 & Change Application 50,269 – Scott Howe

Summary

Scott Howe filed the above referenced new application proposing to appropriate 56 AF of groundwater per year from one (1) well at a diversion rate of 300 GPM to irrigate 51 acres in Riley County. The new application will overlap the place of use and point of diversion with Water Right File No. 50,269. Upon approval the new application will be limited to 56AF and 300gpm. The application is signed stating the applicant owns the place of use and point of diversion.

Change Application

Scott Howe filed a change application for Water Right File No. 50,269 proposing to expand the place of use from 23.75 acres to 51 acres. WR File No. 50,269 was approved on August 30, 2019, for a single well to operate at 300 GPM to divert 43.6 AF. The above referenced new application will permit additional water required to cover the additional 27.25-acres. This change application will create a complete overlap in place of use. All owners of the place of use and point of diversion have signed the change application.

Reasonable Rate and Quantity

The proposed 56 AF of groundwater applied to 51 acres is equivalent to 1.1 acre-feet per acre, which is the maximum reasonable quantity for Riley County. Therefore, the proposed 56AF can be considered reasonable. The proposed rate of 300 GPM is the current rate of the proposed well and can therefore be considered reasonable.

Source of Supply and Safe Yield

The proposed point of diversion is an existing well that was determined to source the Permian system. The well log for WR File No. 50,269 was found in WWCS and indicates alternating limestone and shale for 115 ft. Water was encountered at 87ft and static water was measured at 32 ft below ground surface.

A safe yield report indicates the source of supply covers 8,042 acres. Based on potential recharge of 2.6 inches, with 75% available for appropriating, safe yield was determined to be 1,306.83 AF. Existing appropriations total 469.3 AF, leaving 837.53 AF available to irrigate 51 acres with the 56 AF requested. Safe yield criteria per K.A.R. 5-3-11 are satisfied.

Nearby Water Rights

From the point of diversion, the closest domestic well is 960 ft away and the closest nondomestic well (WR File No. 50,598) is 1,432 ft away. Well spacing regulations per K.A.R. 5-4-4 have been met.

The applicant identified six (6) nearby neighbors within a half mile of the existing point of diversion. During the initial review process three (3) additional potential domestic well owners were identified. Nine (9) nearby letters were mailed on March 20, 2025. Two (2) phone calls were received during the comment period. No written comments have been received to date.

Recommendations

The applications were sent for consideration to Nathan Westrup, Water Commissioner of the Topeka Field Office, and Shaun Johnson, Assistant Water Commissioner of the Topeka Field Office, on April 7, 2025, and recommended for approval by email on April 9, 2025.

The applications comply with regulations concerning reasonable quantity, safe yield and minimum spacing requirements. It does not appear that approval of the applications will impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced applications be approved.

From: "Nathan Westrup [KDA]"
Sent: Wed 4/9/2025 9:30 AM
To: "Christa Anhold [KDA]" <Christa.Anhold@ks.gov>
CC: "Shaun Johnson [KDA]" <Shaun.Johnson@ks.gov>
Subject: RE: 51311 and 50269 recommendation request

Hi Christa,

Sorry for the delay in response. I have no objection or concerns with approval of the new application or the change.

Thank you,

Nathan Westrup | Water Commissioner

Kansas Department of Agriculture

Division of Water Resources

Topeka Field Office

1131 SW Winding Rd, Suite 400

Topeka, KS 66615

Phone: 785-296-7064

Mobile: 785-230-2991

Nathan.Westrup@ks.gov

From: Christa Anhold [KDA] <Christa.Anhold@ks.gov>
Sent: Monday, April 7, 2025 1:03 PM
To: Nathan Westrup [KDA] <Nathan.Westrup@ks.gov>
Cc: Shaun Johnson [KDA] <Shaun.Johnson@ks.gov>
Subject: 51311 and 50269 recommendation request

Good afternoon Nathan,

I have attached a draft memo for new application 51,311 and change application 50,269 for your review and recommendation. Nearby notifications were mailed on March 20, 2025. I received 2 phone calls but no written comments.

Let me know if you need anything else or have any questions.

Christa Anhold
Environmental Scientist
Department of Water Resources
(785)-370-1574
Christa.anhold@ks.gov

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 FOR CHANGE IN PLACE OF USE APPROPRIATION OF WATER FILE NO. 50,269

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Scott Howe, 12780 Madison Road, Riley, Kansas 66531, received in this office on September 13, 2024, for approval of a change in the location of the place of use under the Approval of Application for Permit to Appropriate Water for Beneficial Use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2 - 9S - 5E					2.5	16.0	21.5	11.0									51.0

a total of 51.0 acres in Township 9 South, Range 5 East, Riley County, Kansas, located substantially as shown on the topographic map accompanying the application to change the place of use.

All diversion works 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.

The permit holder shall properly install an acceptable water meter on each of the diversion works authorized under this appropriation, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The permit holder shall notify the Chief Engineer when installation of the water meter has been completed. The permit holder shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The permit holder shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, Appropriation of Water, File No. 50,269, for permit to appropriate water for beneficial use, is as approved on August 30, 2019.

It is so ordered this 10th day of Apr. 1, 2025, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

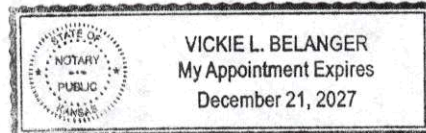
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 10th day of Apr. 1, 2025, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Vickie L. Belanger

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

April 14, 2025

SCOTT HOWE
12780 MADISON RD
RILEY KS 66531-9521

RE: Appropriation of Water
File Nos. 50,269 and 51,311

Dear Mr. Howe:

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 for File No. 51,311. Also enclosed is an order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change in place of use under File No. 50,269. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in both documents, with specific reference to Paragraph No. 17 of the permit for File No. 51,311.

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 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.

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 Applications and Changes Supervisor
Division of Water Resources

KAB:kak:cla
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 14th day of Apr. 1, 2025, I hereby certify that the foregoing Approval of Application for Change in Place of Use, File No. 50,269, and Approval of Application and Permit to Proceed, File No. 51,311, dated Apr. 10, 2025, was mailed postage prepaid, first class, US mail to the following:

SCOTT HOWE
12780 MADISON RD
RILEY KS 66531 9521

With photocopies to:

KDA-DWR Topeka Field Office



Division of Water Resources