

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

1. File No.: 51,006 ⁶	2. Status Change Date: 1/21/2025	4. Field Office: 01 - Topkea GMD: Structures File No.: DLV-0249 Filing/Priority Date: 6/30/2023 Application Complete Date: 12/30/2023
3. Package File No(s):		
5a. <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC Person ID 69073 <input checked="" type="checkbox"/> Address Change Add Seq#	5b. <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC Person ID 69074 <input checked="" type="checkbox"/> Address Change Add Seq#	
MURRFIELD FARMS 22947 243RD ST MCCLOUD, KS 66054 (Only one "C" in McCLOUD)	WILLIAM LYNN & JOY ANNA MURR 22947 243RD ST MCCLOUD, KS 66054	
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.: <input type="checkbox"/> PD <input type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres: Year: Min Reasonable Q: Previous UMW: Not changing MDS Gauge: Active Admin? <input type="checkbox"/> Completion/Start Date: 12/31/26 Perfection/Expiration Date: 12/31/2030		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 BMM 1/13/2025	Entered 1/22/2025 KAnderson
	Reviewed KAK 1/13/2025	

1/29/2025
LMoody

File No. **51,066** 13. County: **LV-Leavenworth** Basin: **Stranger Creek** Stream: **Tonganoxie Creek Trib 2**
 Structures File No: **DLV-0249** 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	90435	SE SE SE	10	10S	20E	1	465	100	250	250	1000	1000	334	334	NF	+	
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15. Limitations Type: Quantity: **mg**y Rate: **g**pm 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 26**

17. Place of Use						NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps	
PDIV	S	T	R	ID		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
CHK	71460	10	10S	20E	1		24	40	40	2		26	33	40	36.5	24.5	40	34	39.5	33.5	23	436	5a	<input type="checkbox"/>	+	
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																									<input type="checkbox"/>	++

18. Point of Diversion and Place of Use Overlaps

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+	++
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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 2, 2025

FROM: Brandon Milner

RE: Application, File 51,066

Murrfield Farms has filed the application referred to above for a permit to appropriate 334 acre-feet of surface water in a proposed reservoir at a rate not to exceed all natural flows of Tonganoxie Creek Tributary 2. This will then be re-diverted 250 acre-feet of the stored water for irrigation use. The reservoir is located within the Stranger Creek drainage basin. The point of diversion is the centerline of a dam located in the Southeast Quarter of Section 10, Township 10 South, Range 20 East, in Leavenworth County. The applicant has signed the application form stating he has access to the point of diversion. There are no overlaps in place of use or point of diversion. The applicant owns the entire place of use, which comprises 436 acres. This application was filed requesting 334 acre-feet of storage and rediversion.

Runoff calculations determined that there is 18.58 inches of runoff per acre, and the small drainage area of 216 acres will only provide for 334 acre-feet of runoff in 1 out of every five (5) years (a 20% chance). Therefore, per K.A.R. 5-6-5, the runoff quantity is the limiting factor.

The total quantity of water that will be rediverted (250 acre-feet), is less than the maximum allowable to irrigate the proposed 436 acres, based on the allowable quantity for irrigation in Leavenworth County of 1.0 AF/acre. However, additional water supplied for row crops in Eastern Kansas can be seen as a complementary source of moisture since the area usually receives adequate rainfall.

The applicant identified two upstream landowners and three downstream landowners within one-half (½) mile of the property lines, as nearby landowner letters were sent out on November 27, 2024. One response was received on December 11, 2024 with concerns of a reduction in surface water in creeks due to the proposed reservoir. No senior water rights will be impaired with approval of this application.

The proposed structure was reviewed by DWR Water Structures Program staff, under File No. DLV-0249, and they determined that it qualifies for the hazard Class A permit exemption specified in K.S.A. 82a-301(d)(1). The dam has been properly registered with the structures program.

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.

In an DATE e-mail, Nathan Westrop Water Commissioner, Topeka Field Office, stated 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, the dam is non-jurisdictional for structures permitting, and senior rights will not be impacted, it is recommended that the referenced new application be approved.

Brandon Milner
Environmental Scientist
Manhattan Headquarters

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. 51,066** of the applicant

**MURRFIELD FARMS
22947 243RD ST
MCLOUTH, KS 66054**

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 **June 30, 2023**.
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	
10 - 10S - 20E		24.0	40.0	40.0	2.0		26.0	33.0	40.0	36.5	24.5	40.0	34.0	39.5	33.5	23.0	436.0

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary of Tonganoxie Creek, designated in the office of the Chief Engineer as Tonganoxie Creek Trib 2, 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 **334 acre-feet** of water per calendar year in a reservoir created by a dam located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE¼ SE¼ SE¼) of Section 10, more particularly described as being near a point 465 feet North and 100 feet West of the Southeast corner of said section, in Township 10 South, Range 20 East, Leavenworth County, Kansas, to provide **250 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.

14. That diversion of natural flows shall not take place unless there is water available to satisfy all demands by senior water rights and permits.

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 the provisions of this 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 21st day of January, 2025, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

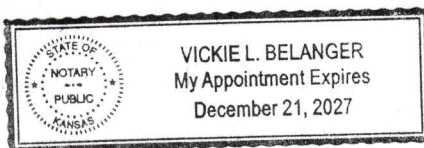
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 21st day of January, 2025, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Vickie L. Belanger

Notary Public



4. That installation of works for diversion of water shall be completed on or before **December 31, 2026**, 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, 2030**, 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 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.

11. 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. The required water flow meter shall be used to provide an accurate quantity of water re-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.

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

January 24, 2025

WILLIAM LYNN AND JOY ANNA MURR
MURRFIELD FARMS
22947 243RD ST
MCLOUTH KS 66054

RE: Appropriation of Water
File No. 51,066

Dear Sir or Madam:

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 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 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: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, 2025, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 51,066, dated January 21, 2025, was mailed postage prepaid, first class, US mail to the following:

MURRFIELD FARMS
22947 243RD ST
MCLOUTH KS 66054

With photocopies to:

KDA-DWR Topeka Field Office



Division of Water Resources