

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

1. File No.: <b>51,311</b>		2. Status Change Date: <b>4/10/2025</b>	4. Field Office: <b>01 - Topeka</b> GMD: Structures File No.: Filing/Priority Date: <b>9/13/2024</b>	
3. Associated File No(s): <b>Change 50,269</b>				
5a. <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change  <b>SCOTT HOWE 12780 MADISON RD RILEY KS 66531 9521</b>		Person ID <b>64302</b> Add Seq#	5b. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change  Person ID Add Seq#	
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: <b>12/31/2026</b> Perfection/Expiration Date: <b>12/31/2030</b>			7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: <b>IRR-Irrigation</b> 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 <b>PU range is 5E not 5W</b>			Processed <b>CLA 4/9/25</b>	Entered <b>4/11/2025</b> <b>KAnderson</b>
			Reviewed <b>KAK</b> <b>4/10/2025</b>	

File No. **51,311**      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 <b>AF</b>		Rate <b>gpm</b>		Storage Qty <b>AF</b>		Storage Rate	Overlaps
									Auth	Add	Auth	Add	Auth	Add	Auth/Add	
<b>CHK</b>	<b>87666</b>	<b>NW</b>	<b>SW</b>	<b>NW</b>	<b>2</b>	<b>9S</b>	<b>5E</b>	<b>5</b>	<b>3350</b>	<b>5159</b>	<b>56</b>	<b>0</b>	<b>300</b>	<b>0</b>		<b>*</b>

15. Limitations **NEW** Type: **Combined Rate and Quantity** Quantity: **56 AF** Rate: **300 gpm** combined with file no(s): **50,269**  
**NEW** Type:      Quantity:      **AF** Rate:      **gpm** combined with file no(s):

16. Metering     Metering Required     Anti-Reverse Required     Seal Required    Compliance Date: **12/31/2026**

17. Place of Use

PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
<b>ENT</b>	<b>2</b>	<b>9S</b>	<b>5E</b>						2.5	16.0	21.5	11.0									51.00	<b>5a</b>	<input type="checkbox"/>	<b>*</b>
<del><b>DEL</b></del>	<del><b>69526</b></del>																				0.00		<input type="checkbox"/>	
																					0.00		<input type="checkbox"/>	
																					0.00		<input type="checkbox"/>	
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18. Point of Diversion and Place of Use Overlaps

* <b>50,269</b>	**
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# MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

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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](mailto:Nathan.Westrup@ks.gov)

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**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

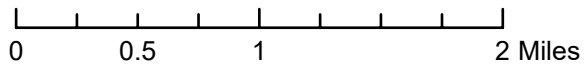
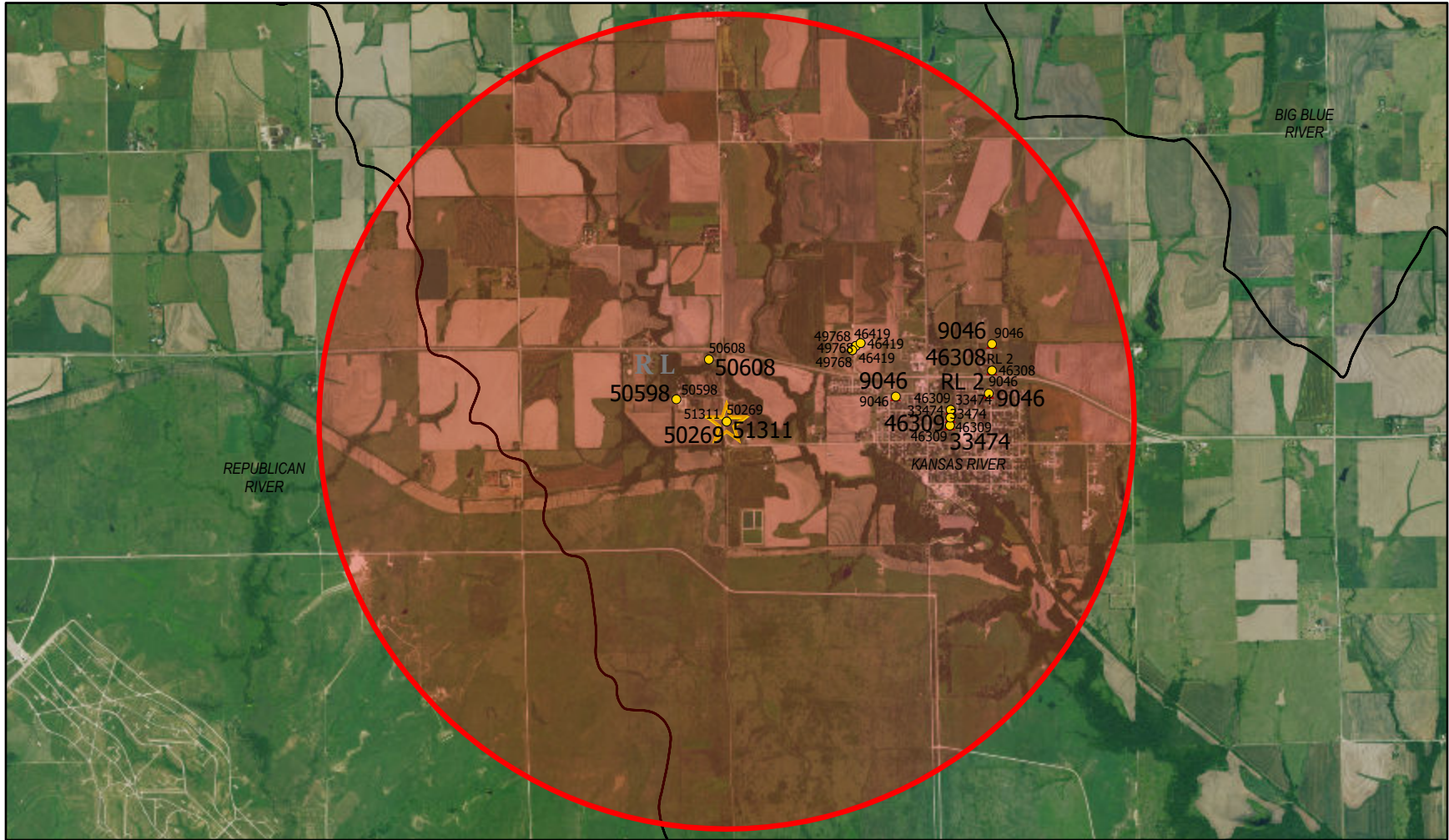
Good afternoon Nathan,

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](mailto:Christa.anhold@ks.gov)

Safe Yield Report Sheet  
File No. 51311  
Point of Diversion in 02-09S-05E  
Footages from SE corner: 3350 feet North 5159 feet West



ANALYSIS RESULTS

**\*passes safe yield\***

The selected PD is in an area OPEN to New appropriations

The safe yield based on the variables listed below is 1306.83 AF.

Total prior appropriations in the circle is 525.3 AF. -56.00 = 469.3

Total quantity of water available for appropriation is 781.53 AF. 1306.83-469.3 = 837.53

SAFE YIELD VARIABLES

The area used for the analysis is calculated as 8042 acres. The radius is set at 2.0 miles.

The potential annual recharge at the circle center is estimated to be 2.6 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 2025-03-11 and are based on Appropriated and Vested ground water rights.

Domestic, Term and Temporary water rights, and GMD #2 Stream Nodes have been excluded.

There are 11 water rights and 13 points of diversion within the circle.

File Number	Use	ST	SR	DIST	Q4	Q3	Q2	Q1	FtN	FtW	S	TP	RN	ID	Aquifers	QBy	Auth_Qnt	Add_Qnt	
A	9046	MUN	NK	G	4448		NW	SE	NE	3914	823	02	09	05E	2	540	WR	52.82	52.82
A	9046	MUN	NK	G	7191		NW	NE	NW	5270	3625	01	09	05E	3	540	WR		
A	9046	MUN	NK	G	6858		SW	NE	NW	4015	3687	01	09	05E	1	540	WR		
A	33474	MUN	NK	G	5809		SW	SW	NW	3218	4708	01	09	05E	8	540	WR	26.97	26.97
A	33474	MUN	NK	G	5835		NW	SW	NW	3628	4679	01	09	05E	7	540	WR		
A	33474	MUN	NK	G	5821		NW	SW	NW	3423	4693	01	09	05E	9	540	WR		
V	RL 2	MUN	AA	G	7027		NW	NE	NW	4646	3584	01	09	05E	2	540	WR	19.95	19.95
A	46419	IRR	NK	G	3892		NE	NW	NE	5242	1822	02	09	05E	3	540	WR	31.50	31.50
A	46419	IRR	NK	G	3760		NE	NW	NE	5138	1915	02	09	05E	4	540	WR		
A	46419	IRR	NK	G	4039		SE	SW	SE	66	1729	35	08	05E	1	540	WR		
A	46308	MUN	LO	G	7027		NW	NE	NW	4646	3584	01	09	05E	2	540	WR	41.43	41.43
A	46309	MUN	LO	G	5809		SW	SW	NW	3218	4708	01	09	05E	8	540	WR	43.59	43.59
A	46309	MUN	LO	G	5835		NW	SW	NW	3628	4679	01	09	05E	7	540	WR		
A	46309	MUN	LO	G	5821		NW	SW	NW	3423	4693	01	09	05E	9	540	WR		
A	49768	IRR	LR	G	3892		NE	NW	NE	5242	1822	02	09	05E	3	540	WR	157.30	157.30
A	49768	IRR	LR	G	3760		NE	NW	NE	5138	1915	02	09	05E	4	540	WR		
A	49768	IRR	LR	G	4039		SE	SW	SE	66	1729	35	08	05E	1	540	WR		
A	50269	IRR	LR	G	0					3350	5159	02	09	05E	5	500	WR	43.60	43.60
A	50598	IRR	KE	G	1432		NW	SE	NE	3910	1201	03	09	05E	1	540	WR	46.00	46.00
A	50608	IRR	KE	G	1681		NE	NE	NE	4925	330	03	09	05E	2	540	WR	6.14	6.14
A	51311	IRR	AY	G	0					3350	5159	02	09	05E	5	500	WR	56.00	56.00 -56

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File	Number	Seq	Limitations
A	9046	2	200GPM COM/W #RL 002
A	46308	1	59GPM COM/W #RL 002
A	46309	1	97GPM COM/W #33474

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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. 51,311** of the applicant

SCOTT HOWE  
12780 MADISON RD  
RILEY KS 66531 9521

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 13, 2024**.
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	
2 - 9S - 5E					2.5	16.0	21.5	11.0									51.0

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 Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW¼ SW¼ NW¼) of Section 2, more particularly described as being near a point 3,350 feet North and 5,159 feet West of the Southeast corner of said section, in Township 9 South, Range 5 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 **300 gallons per minute (0.67 c.f.s.)** and to a quantity not to exceed **56 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, 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.



6. 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.

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. 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).

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 the quantity of water and rate of diversion approved under this permit is further limited to the quantity and rate which combined with Appropriation of Water, File No. 50,269, will provide a total not to exceed **56 acre-feet** of water per calendar year to be diverted at a maximum diversion rate not in excess of **300 gallons per minute (0.67 c.f.s.)** for irrigation use on the land described herein.

18. 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 *10th* day of *April*, 2025, in Manhattan, Riley County, Kansas.

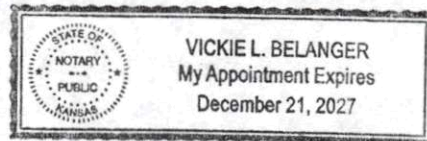
*Lane P. Letourneau*

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 *April*, 2025, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

*Vickie 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](http://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](http://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 14<sup>th</sup> day of April, 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 April 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