

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

1. File Number: <div style="text-align: center; font-weight: bold; font-size: 1.2em;">50569</div>	2. Status Change Date: <div style="text-align: center; color: purple; font-weight: bold; font-size: 1.2em;">1/7/2022</div>	3. Field Office: <div style="text-align: center; font-weight: bold; font-size: 1.2em;">4</div>	4. GMD: <div style="text-align: center; font-weight: bold; font-size: 1.2em;">3</div>
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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

7a. Applicant(s) Person ID 17747
New to system Add Seq# _____

BRADNER A TATE
PO BOX 69
LAKIN, KS 67860

7b. Landowner(s) Person ID _____
New to system Add Seq# _____

7a

7c. Landowner(s) Person ID _____
New to system Add Seq# _____

7d. Misc. Person ID _____
New to system Add Seq# _____

8. WUR Correspondent Person ID _____
New to system Add Seq# _____
Overlap File (s) WUC Notarized WUC Form
Agree Yes No

7a

9. Use of Water: Changing? Yes No

Groundwater Surface Water

IRR REC DEW MUN

STK SED DOM CON

HYD DRG WTR PWR ART RECHRG

IND SIC: _____ OTHER: _____

10. Completion Date: ~~12/31/2021~~ ²⁰²³ 11. Perfection Date: ~~12/31/2025~~ ²⁰²⁷ 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: _____

WAIVER INCLUDED

1/5/2022
LIreland

Date Prepared: **9/22/2021** By: **AM**
 Date Entered: 1/10/2022 By: LMoody

File No. **50569** 15. Formation Code: **211** Drainage Basin: **ARKANSAS RIVER** County: **KE** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
CHK	40608	SW NW SE			29	23S	37W	2	1400	2600	362	240	47	0	27099

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: **240** af/yr at **362** gpm (**0.80** cfs) when combined with file number(s) **27099**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2021 2023** Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files				
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼										
CHK	14221	33	23S37W	1				30.75	31	30.75	31	30.75	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	495	7a	N	MULTIPLE	
CHK	15670	30	23S37W	1				31	31	31	31																		248	7a	N	MULTIPLE	
CHK	19787	28	23S37W	1								31	31	31	31	31	31	31	31										248	7a	N	MULTIPLE	
CHK	20475	29	23S37W	1				31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	496	7a	N	MULTIPLE	

Comments: **OVERLAPPING WR ON PLACE OF USE: 3450; 6283; 8065; 8903; 25235; 27099; 27136; 50570**

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: **50,569**

FO: 4 GMD: 3

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	9/22/2021	32	GMD 3	Safe Yield	High Plains Aquifer
Rule Number	Date Granted	Date Denied	Justification:	Dealing with a rate of diversion only application, no additional quantity. K.A.R. 5-23-4 does not allow exemptions for rate only applications. Rate increase is 15%.	
K.A.R. 5-23-4	1/7/2022				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared **9/22/2021** By **AM**

Date Entered 1/10/2022 By LMoody

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

TO: Files

DATE: September 22, 2021

FROM: Austin McColloch

RE: Application, File No. 50,569

Bradner Tate has filed the referenced application to appropriate 240 acre-feet of groundwater for irrigation use, to be diverted at a rate of 362 gallons per minute, from an existing well located in the Southeast Quarter of Section 29, Township 23 South, Range 37 West, Kearny County, Kansas. The new application is requesting an **increase in rate of diversion only**, with no additional quantity. The well is currently authorized under Water Right, File No. 27,099. The applicant has signed the application form stating that he has access to the point of diversion.

The current well under Water Right, File No. 27099 has appropriated a total of 240 AF at 315 gpm. Based on the applications request for 362 gallons per minute, an increase of 47 gallons per minute does equal a 15 percent increase in the authorized maximum rate of diversion. There has also been no significant physical enlargement of the capacity of the diversion works to divert water. This allows the application to be exempt from meeting safe yield requirements for GMD3. **Complies with KAR 5-4-5. li/dwr**

The place of use also overlaps with Water Right, File Nos. 3450; 6283; 8065; 8903; 25235; 27099; 27136 and New Application File No. 50570(rate only as well) which consists of a total of 1487 acres located in Sections 28; 29; 30 and 33, all in Township 23 South, Range 37 West. The applicant owns all of the place of use.

The applicant identified one non-domestic wells under Water Right, File No. 7923, owned by Triple B Land LLC, located within one-half mile of this existing well. Nearby well owner notice letters were sent out informing about this application on May 27, 2021. No response of any kind has been received. As noted above, this new application is requesting only an increase in rate of diversion from an existing well that has been in place for many years. Any nearby well owner would certainly be aware of this well and related irrigation use. No physical changes will be occurring at the well. The nearest irrigation well, not owned by the applicant, is 2,099 feet away. Minimum well spacing requirements as per K.A.R. 5-23-3 for the quantity proposed is 1,600 feet. Therefore the application does comply with minimum spacing.

The quantity of water and rate of diversion will be limited to the quantity and rate which combined with Water Right, File No. 27099, will provide a total not to exceed 240 acre-feet of water per calendar year to be diverted at a maximum diversion rate not in excess of 362 gallons per minute.

In a letter dated June 11, 2021, a copy of the application along with a request to submit a recommendation was sent to GMD No. 3. In a letter dated July 15, 2021, Jason Norquest, Assistant Manager, Groundwater Management District No. 3, recommended approval of the referenced application for rate only. In an email dated July 15, 2021, Mark Rude, Executive Director, also recommended waiver of K.A.R. 5-23-4(C) for the application of rate only and with no additional quantity, but the total combined annual quantity is greater than 15 acre-feet.

In an email dated September 17, 2021, Mike Meyer, Water Commissioner, Garden City Field Office, recommended approval of the application.

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.

Based on the above discussion, this is for additional rate only, well spacing requirements are met, the application is not subject to safe yield criteria, 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 application be approved.

Austin McColloch
Assistant Water Commissioner

From: Meyer, Mike [KDA]
Sent: Fri 9/17/2021 8:00 AM
To: McColloch, Austin [KDA]
Subject: RE: Recommendation New App File No. 50569

approve

Mike

From: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Sent: Thursday, September 16, 2021 4:01 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Recommendation New App File No. 50569

Mike,

Attached is my draft memo for the above referenced file. This is for additional rate only. A waiver of K.A.R. 4-23-4(C) is needed for the total annual quantity exceeding 15AF combined from the well. Please note the overall limitation of the file.

Thanks,

Austin McColloch
Ph: (620) 276-2901

From: Meyer, Mike [KDA]
Sent: Wed 9/15/2021 2:56 PM
To: McColloch, Austin [KDA]
Subject: FW: New Appropriations, files 50568, 50569 & 50570
Attachments: 50568+ Decision MEMORANDUM.docx, Resolution 2018-5 (requiring offsets for new appropriations in closed area).pdf

Mike

From: Mark Rude <mrude@gmd3.org>
Sent: Thursday, July 15, 2021 4:10 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Cc: Jason Norquest <norquest@gmd3.org>; Bret Rooney <bret.rooney@yahoo.com>
Subject: New Appropriations, files 50568, 50569 & 50570

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good morning, Mike.

This is to follow up on Jasons recommendation of the board from their review of the two additional rate applications yesterday. From our staff discussions today, it appears all three applications need a waiver of K.A.R. 5-23-4. High plains aquifer. This was not included in the considerations of the staff and board review yesterday as evidenced in the attached decision memo paragraph "Main rule(s) concerns." Also, it is worth pointing out the 2018 resolution of the board to look for offsets to all new appropriations in closed aquifers to preserve conservation efforts and avoid adverse impacts, which the quantity limitation is expected to adequately address.

From the draft revised management program text in the water conservation activities section: **Offsets and substitute supply.** GMD3 will work with the Chief Engineer to efficiently implement offsets, augmentation or substitute supply activities to conserve and extend local groundwater supply for existing water rights. GMD3 will assist in identifying existing base water rights with wet water supply sources in GMD3 that may be available to support new appropriations without expanding appropriations in the district. The fundamental conservation policy of GMD3 is that there is no additional water available in storage beyond what is needed to satisfy the existing water rights over time in mining conditions of the OHP Aquifer. This thinking appears to be in line with the recommendation.

The additional rate proposals do not meet the exceptions of the rule. So until that rule can be revised, the rule must be waived to implement the recommendation of the board, and we recommend that occur.

Just wanted to identify to DWR the rule conflict and support of the rule waivers based on the evaluation results of no significant effects to other members water rights and the management program. Please include this in the file records. Thanks for your attention to this matter.

Mark

Mark E. Rude, Executive Director
Southwest Kansas Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, KS 67846
O (620) 275-7147
C (620) 272-3001

Water Rights and Points of Diversion Within 2 miles of point defined as:
 1400 Feet N and 2600 Feet W of the Southeast Corner of Section 29 Twp 23S Rng 37W
 Located at: 101.404476 West Longitude and 38.020769 North Latitude
 Both SURFACE WATER and GROUNDWATER

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan					
A__ AF	3247	00	IRR	NK	G				10440	NC	N2	N2	SW	-----	-----	4	24	37W	1		320.00	320.00
A__ AF	3248	00	IRR	NK	G				9304	--	NW	NW	SW	-----	-----	34	23	37W	1		306.00	306.00
A__ AF	3450	00	IRR	NK	G				2959	--	NW	SW	SW	-----	-----	28	23	37W	1		1880.00	1880.00
A__ AF	6256	00	IRR	NK	G				9116	--	CW	SW	SW	-----	-----	19	23	37W	1		356.00	356.00
A__ AF	6283	00	IRR	NK	G				5825	--	SE	SE	NW	-----	-----	30	23	37W	1		343.00	343.00
A__ AF	7923	00	IRR	NK	G				2099	--	NE	NW	NW	5240	4110	32	23	37W	1		320.00	320.00
A__ AF	8065	00	IRR	NK	G				3589	--	SW	NW	NW	4510	5085	33	23	37W	1		1081.00	342.00
A__ AF	8197	00	IRR	NK	G				10249	--	NW	NW	SE	-----	-----	25	23	38W	3		320.00	320.00
A__ AF	8544	00	IRR	NK	G				10440	NC	N2	N2	SW	-----	-----	4	24	37W	1		166.00	166.00
A__ AF	8853	00	IRR	NK	G				5899	--	NC	W2	SE	-----	-----	28	23	37W	2		504.00	504.00
Same									6562	--	--	NC	SE	-----	-----	28	23	37W	3			
A__ AF	8903	00	IRR	NK	G				6554	--	SW	SW	NE	2860	2595	33	23	37W	3		371.00	.00
A__ AF	13031	00	IRR	NK	G				8106	--	SE	SW	SW	-----	-----	19	23	37W	2		428.00	428.00
A__ AF	13772	00	IRR	NK	G				7964	--	NW	NW	SW	2590	5180	30	23	37W	2		360.00	360.00
A__ AF	13848	00	IRR	NK	G				4772	--	SW	SW	SW	100	5180	20	23	37W	1		277.00	277.00
A__ AF	18900	00	IRR	NK	G				9275	--	--	CN	NE	5234	1290	36	23	38W	2		252.00	252.00
A__ AF	23204	00	IRR	NK	G				7228	--	--	--	--	5230	5125	5	24	37W	4		320.00	320.00
A__ AF	24332	00	IRR	NK	G				8910	--	SE	SW	SW	52	4334	27	23	37W	2		143.00	143.00
A__ AF	25235	00	IRR	NK	G				3855	--	SE	SW	NW	2705	4260	28	23	37W	4		305.00	305.00
A__ AF	25578	00	IRR	NK	G				10096	--	--	CN	SW	2600	3960	34	23	37W	6		267.00	14.00
A__ AF	25885	00	IRR	NK	G				9454	--	NE	NE	SE	4337	1294	36	23	38W	6		231.00	231.00
A__ AF	27099	00	IRR	NK	G				7	--	SW	NW	SE	1400	2600	29	23	37W	2		240.00	15.00
A__ AF	27136	00	IRR	NK	G				4770	--	NE	SW	NW	3920	4022	33	23	37W	5		181.00	.00
A__ AF	50569	00	IRR	AY	G				7	--	SW	NW	SE	1400	2600	29	23	37W	2		240.00	.00
A__ AF	50570	00	IRR	AY	G				4770	--	NE	SW	NW	3920	4022	33	23	37W	5		205.00	.00

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	7202.00	.00

Total Vested Amount (AF) = .00 .00
TOTAL AMOUNT (AF) = 7202.00 .00

An * after the source of supply indicates a pending application for change under the file number.
An * after the ID indicates a 15 AF exemption was granted under the file number.
A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2 miles of point defined as:
1400 Feet North and 2600 Feet West of the Southeast Corner of Section 29 Twp 23S Rng 37W
Located at: 101.404476 West Longitude and 38.020769 North Latitude
Both SURFACE WATER and GROUNDWATER
WATER USE CORRESPONDENTS:

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File Number      Use ST SR
> JAYCE STABEL
>
> 2913 N HWY 25
> LAKIN KS 67860
>-----
> STEWART & A ROCHEL STABEL
>
> 2913 N HWY 25
> LAKIN KS 67860
>-----
> BRADNER A TATE
>
> PO BOX 69
> LAKIN KS 67860
>-----
> JAMES R & KRISTINA A BELL
>
> 1466 ROAD R3
> LAKIN KS 67860
>-----
> BRADNER A TATE
>
> PO BOX 69
> LAKIN KS 67860
>-----
> TRIPLE B LAND LLC
>
> PO BOX 363
> LAKIN KS 67860
>-----
> BRADNER A TATE
>
> PO BOX 69
> LAKIN KS 67860
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> STEWART & A ROCHEL STABEL
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> 2913 N HWY 25
> LAKIN KS 67860
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> JAYCE STABEL
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> 2913 N HWY 25
> LAKIN KS 67860
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> STEWART & A ROCHEL STABEL
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> 2913 N HWY 25
> LAKIN KS 67860
>-----
> BRADNER A TATE

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> PO BOX 69
> LAKIN KS 67860
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> JAMES R & KRISTINA A BELL
>
> 1466 ROAD R3
> LAKIN KS 67860
>-----
> BEYMER & BEYMER INC
> ROBERT K BEYMER
> PO BOX 363
> LAKIN KS 67860
>-----
> KIRK BURROWS
>
> 205 LOW DIVIDE
> CRESCENT CITY CA 95531
>-----
> ROGER & STACEY BARNHARDT
>
> PO BOX Q
> LAKIN KS 67860
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> STEWART & A ROCHEL STABEL
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> 2913 N HWY 25
> LAKIN KS 67860
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> LAKIN KS 67860

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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

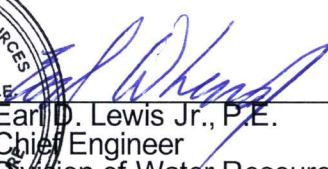
WAIVER OF REGULATION
K.A.R. 5-23-4

Date: January 7, 2022

Re: Application of Appropriation, File No. 50,569

1. That K.A.R. 5-23-4 states in part, that the district shall be closed to new appropriations of water in the high plains aquifer.
2. That the referenced application is requesting 240 acre-feet of groundwater at a rate of diversion 362 gallons per minute for irrigation use, and the source of supply is the high plains aquifer.
3. That the application does not meet safe yield criteria as set forth in K.A.R. 5-23-4. The application is requesting a rate of diversion increase only, with no additional quantity of water. The rate of diversion increase is 15 percent.
4. That there is no exemption to K.A.R. 5-23-4 for additional rate only applications. However, K.A.R. 5-4-5 does allow an exemption from safe yield if the application is requesting an increase in the authorized maximum rate of diversion of 15 percent or less.
5. That Southwest Groundwater Management District No. 3, Board of Directors recommended approval of the proposed application with a waiver of safe yield regulation K.A.R. 5-23-4.
6. That a waiver of K.A.R. 5-23-4 will not prejudicially or unreasonably affect the public interest and will not impair any existing water rights.

Comments:

The seal of the Division of Water Resources, Kansas Department of Agriculture, featuring the text "DIVISION OF WATER RESOURCES" and "KANSAS DEPT OF AGRICULTURE".
A handwritten signature in blue ink, appearing to read "Earl D. Lewis Jr.", written over a horizontal line.
EARL D. LEWIS, JR., P.E.
CHIEF ENGINEER
Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources

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. 50,569** of the applicant

BRADNER A TATE
PO BOX 69
LAKIN, KS 67860

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 **April 19, 2021**.
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	
28	23S	37W					31	31	31	31	31	31	31	31					248
29	23S	37W	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	496
30	23S	37W	31	31	31	31									31	31	31	31	248
33	23S	37W	30.75	30.75	30.75	30.75	31	31	31	31	31	31	31	31	31	31	31	31	495

3. That the authorized source from which the appropriation shall be made is groundwater from the Arkansas River basin, to be withdrawn by means of one (1) well located in the Southwest Quarter of the Northwest Quarter of the Southeast Quarter (SW¼NW¼SE¼) of Section 29, more particularly described as being near a point 1,400 feet North and 2,600 feet West of the Southeast corner of said section, in Township 23 South, Range 37 West, Kearny 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 **362 gallons per minute (0.80 c.f.s.)** and to a quantity not to exceed **240 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, 2023** 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, 2027** 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 the 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 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.

17. 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.

That the quantity of water and rate of diversion approved under this permit is further limited to the quantity and rate which combined with Water Right, File No. 27,099, will provide a total not to exceed **240 acre-feet** of water per calendar year to be diverted at a maximum diversion rate not in excess of **362 gallons per minute** (0.80 c.f.s.) for irrigation use on the land described herein.

Ordered this 7th day of January, 2022, 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 7 day of January, 2022, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
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

January 11, 2022

BRADNER A TATE
PO BOX 69
LAKIN, KS 67860

RE: Appropriation of Water, File No. 50,569

Dear Mr. Tate:

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 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 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.kswateruserreport.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.

Enclosed 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/divisions-programs/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 field office which is the Garden City Field Office at 620-276-2901. 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:am:li

Enclosure(s)

pc: Garden City Field Office
Southwest Kansas GMD No. 3

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:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) 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 Section, 1320 Research Park Drive, Manhattan, KS 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 hearing 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, KS 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.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 – 6777.

CERTIFICATE OF SERVICE

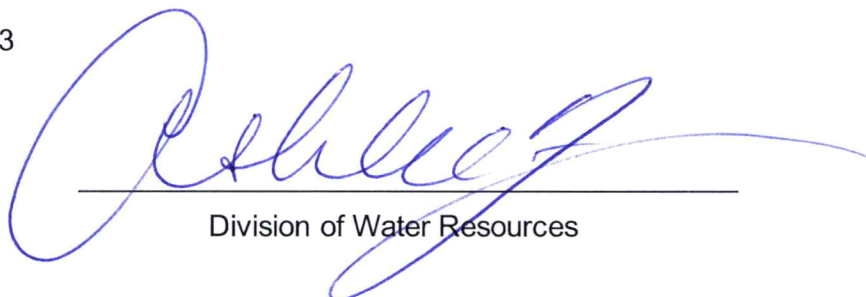
On this 11 day of January, 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,569, dated 12 January, 2022, was mailed postage prepaid, first class, US mail to the following:

BRADNER A TATE
PO BOX 69
LAKIN, KS 67860

With photocopies to:

Garden City Field Office

Groundwater Management District No. 3



Division of Water Resources