

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

1. File Number: <p style="text-align: center; font-size: 1.2em;">50788</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;">9/15/2022</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">4</p>	4. GMD: <p style="text-align: center; font-size: 1.2em;">3</p>
--	---	---	--

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

<p>7a. Applicant(s) Person ID 68387 New to system <input type="checkbox"/> Add Seq# _____</p> <p>DON SCOTT 6957 ROAD M LIBERAL, KS 67901</p>	<p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>
<p>7b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p>7a</p>	<p>7d. Misc. Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>

<p>8. WUR Correspondent Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>
---	--

10. Completion Date: 12/31/2023 11. Perfection Date: 12/31/2027 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 9/13/2022
JDK Date Prepared: **7/19/2022** By: **AM**

Date Entered: 9/15/2022 By: **L Moody**

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

File Number: 50,788

FO: 4 GMD: 3

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	5/12/2022	26	GMD 3	Well Spacing	Well to Well Spacing
Rule Number	Date Granted	Date Denied	Justification:	Dealing with a small quantity (15 AF) and only neighboring well have stated they have no issue with the new water right. Recommended waiver request and approval from GMD 3.	
K.A.R. 5-23-3(a)(1)	9/15/2022				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

9/15/2022
LMoody

Date Prepared 7/19/2022 By AM

Date Entered _____ By _____

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

TO: Files

DATE: July 19, 2022

FROM: Austin McColloch

RE: New Application, File No. 50,788

Don Scott has filed the above referenced application proposing to appropriate water at a maximum rate of 99 gallons per minute, and at 15 acre-feet per calendar year for irrigation use at a polo field. The applicant is requesting a 15 acre-feet exemption based on K.A.R. 5-23-4. The application was received in the Office of the Chief Engineer on May 12, 2022. The proposed application is in the drainage basin of the Cimarron River. The source of supply appears to be the Ogallala formation (211).

The point of diversion is located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 19 more particularly described as being near a point 5035 feet North and 4793 feet West of the Southeast Quarter of said section, in Township 34 South, Range 32 West, Seward County, Kansas. There are no other 15 acre-feet exemption files located within two mile of the proposed point of diversion.

Two (2) domestic wells and one (1) irrigation well within $\frac{1}{2}$ mile of the point of diversion were identified. The two domestic wells identified meet well spacing requirements as per K.A.R. 5-23-3, however the irrigation well under Water Right, File No. 45332 does not meet spacing requirements. Water Right, File No. 45332 is authorized at 740 acre-feet with a required spacing of 2,300 feet. The proposed point of diversion is located approximately 1,600 feet away. A waiver request for K.A.R. 5-23-3 has been submitted. Nearby letters were sent out on May 23, 2022 notifying of the diversion works proposed. No response of any kind was received.

The point of diversion is located within the boundary of Groundwater Management District No. 3. A letter was sent to GMD No. 3 for a recommendation on the application on June 14, 2022. GMD No. 3 provided a recommendation for approval on July 13, 2022 along with the recommendation to approve the waiver of well spacing.

The application has been reviewed by Mike Meyer, Water Commissioner at the Garden City Field Office. In an email dated July 19, 2022, Mr. Meyer recommended the approval of the application.

In accordance with K.S.A. 82a-706(c), the Chief Engineer retains full authority to require any water user to install meters, gauges, or other measuring 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 thru 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, well spacing regulations are recommended to be waived, 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
Garden City Field Office

From: Meyer, Mike [KDA]
Sent: Tue 7/19/2022 1:46 PM
To: McColloch, Austin [KDA]
Subject: RE: Recommendation New App File No. 50788

APPROVE

Mike

From: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Sent: Tuesday, July 19, 2022 1:39 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Recommendation New App File No. 50788

Mike,

Attached is my draft memo for the above referenced new application. This is for a polo field in SW Co. Also attached is the GMD recommendation. Let me know if you have any questions.

Thanks,

Austin McColloch
Ph: (620) 276-2901

Water Rights and Points of Diversion Within 2 miles of point defined as:
 5035 Feet N and 4793 Feet W of the Southeast Corner of Section 19 Twp 34S Rng 32W
 Located at: 100.848976 West Longitude and 37.082624 North Latitude
 GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan							
A__ AF	13773	00	IRR	NK	G				7101	--	SE	SE	SW	-----	-----	17	34	32W	3		888.00	888.00		
A__ AF	17636	00	IRR	NK	G				8126	--	--	CN	NW			5200	3960	17	34	32W	1		272.00	272.00
A__ AF	22751	00	IRR	NK	G				8683	--	NE	NE	NW			5180	3170	29	34	32W	2		290.00	290.00
A__ AF	26578	00	IRR	NK	G				9997	--	NW	SE	NW			3600	3700	12	34	33W	1		324.00	324.00
A__ AF	31980	00	IRR	NK	G				5782	--	SW	SE	SE			101	880	12	34	33W	7		220.00	220.00
A__ AF	32124	00	IRR	NK	G				7932	--	SE	NE	SW			1790	2671	12	34	33W	9		268.00	268.00
A__ AF	33034	00	IRR	NK	G				5782	--	SW	SE	SE			101	880	12	34	33W	7		272.00	272.00
A__ AF	38259	00	IRR	NK	G				9997	--	NW	SE	NW			3600	3700	12	34	33W	1		133.00	133.00
A__ AF	42805	00	IND	NK	G				9556	--	--	--	CN			5155	2540	26	34	33W	2		750.01	750.01
A__ AF	44039	00	IRR	NK	G				7932	--	SE	NE	SW			1790	2671	12	34	33W	9		659.00	143.00
A__ AF	44040	00	IRR	NK	G				9997	--	NW	SE	NW			3600	3700	12	34	33W	1		586.00	.00
A__ AF	44041	00	IRR	NK	G				5782	--	SW	SE	SE			101	880	12	34	33W	7		880.00	.00
A__ AF	44607	00	IND	NK	G				9556	--	--	--	CN			5155	2540	26	34	33W	2		39.52	39.52
A__ AF	45318	00	IRR	NK	G				10449	--	NE	NE	NE			4894	81	12	34	33W	5		570.00	240.00
A__ AF	45332	00	IRR	NK	G				1624	--	SW	NE	NE			4442	1190	24	34	33W	4		740.00	740.00
A__ AF	45339	00	IND	NK	G				5661	--	NW	SW	NW			3550	5152	24	34	33W	5		538.01	538.01
A__ AF	45737	00	IRR	NK	G				7834	--	SE	SE	NW			2739	2639	20	34	32W	2		683.00	683.00
A__ AF	50788	00	IRR	AY	G				0	--	NW	NW	NW			5035	4793	19	34	32W	3		15.00	15.00
T__ AF	20209082	00	IND	GY	G				5661	--	NW	SW	NW			3550	5152	24	34	33W	5		1846.80	.00
Same									9556	--	--	--	CN			5155	2540	26	34	33W	2			

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	15.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	5800.53	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	5815.53	.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:

5035 Feet North and 4793 Feet West of the Southeast Corner of Section 19 Twp 34S Rng 32W
Located at: 100.848976 West Longitude and 37.082624 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number      Use ST SR
> JEFFERY D & ELIZABETH HEADRICK
>
> PO BOX 216
> KISMET KS 67859
>-----
>   ROCO INC
>   STACY COPE
>   1791 N CALHOUN AVE
>   LIBERAL KS 67901
>-----
>   PAUL D & LARRY BLASER
>
>   210 CARTWRIGHT LANE
>   TURPIN OK 73950
>-----
>   NICK R HATCHER
>
>   1701 N KANSAS STE 102
>   LIBERAL KS 67901
>-----
>   NICK R HATCHER
>
>   1701 N KANSAS STE 102
>   LIBERAL KS 67901
>-----
>   NICK R HATCHER
>
>   1701 N KANSAS STE 102
>   LIBERAL KS 67901
>-----
>   NICK R HATCHER
>
>   1701 N KANSAS STE 102
>   LIBERAL KS 67901
>-----
>   NICK R HATCHER
>
>   1701 N KANSAS STE 102
>   LIBERAL KS 67901
>-----
>   NATIONAL BEEF PACKING CO LLC
>   CORP ENVRMT DIR-SEWARD CO WELLS
>   PO BOX 20046
>   KANSAS CITY MO 64195
>-----
>   NICK R HATCHER
>
>   1701 N KANSAS STE 102
>   LIBERAL KS 67901
>-----
>   NICK R HATCHER
>
>   1701 N KANSAS STE 102
>   LIBERAL KS 67901
>-----
>   NICK R HATCHER
>
>   1701 N KANSAS STE 102
>   LIBERAL KS 67901
>-----

```


> NATIONAL BEEF PACKING CO LLC
> CORP ENVRMT DIR-SEWARD CO WELLS
> PO BOX 20046
> KANSAS CITY MO 64195
>-----
> HATCHER LAND CO LP
>
> 1701 N KANSAS AVE STE 102
> LIBERAL KS 67901
>-----
> DAN & DEAN BROWN
>
> 7495 ROAD 7
> LIBERAL KS 67901
>-----
> NATIONAL BEEF PACKING CO LLC
> CORP ENVRMT DIR-SEWARD CO WELLS
> PO BOX 20046
> KANSAS CITY MO 64195
>-----
> LARRY D HITTLE ET UX
>
> 17744 ROAD 4
> LIBERAL KS 67901
>-----
> DON SCOTT
>
> 6957 ROAD M
> LIBERAL KS 67901
>-----
> NATIONAL BEEF PACKING CO LLC
> CORP ENVRMT DIR-SEWARD CO WELLS
> PO BOX 20046
> KANSAS CITY MO 64195
>-----

=====

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

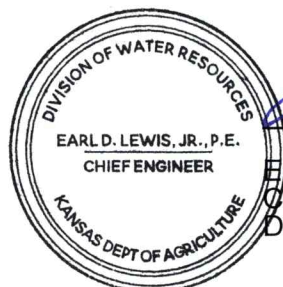
K.A.R. 5-23-3(a)(1)


Date: September 15, 2022

Re: Application of Appropriation, File No. 50,788

1. That K.A.R. 5-23-3(a)(1) states in part, that the minimum well spacing shall be based on the maximum annual quantity of water in acre-feet authorized and requested for the proposed well or authorized and requested by a senior application, permit or water right.
2. K.A.R. 5-23-3(a)(1) requires a minimum well spacing of 2,300 feet between wells authorized more than 500 acre-feet.
3. That the proposed point of diversion, for File No. 50,788 and the well authorized by File No. 45,332 is approximately 1,600 feet apart.
4. That the quantity authorized by the proposed well is 15 acre feet.
5. Included with the recommendation was a comment from the owner of File No. 45,332, Dan Brown, stating that they did not have an issue with the application since it was for a small amount and did not think it would be affecting his well, therefore supporting the waiver.
6. Southwest Groundwater Management District No. 3, Board of Directors recommended approval of the proposed application with a waiver of the spacing.
7. That a waiver of K.A.R. 5-23-3(a)(1) will not prejudicially or unreasonably affect the public interest and will not impair any existing water rights.

Comments:





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. 50,788** of the applicant

DON SCOTT
6957 ROAD M
LIBERAL, KS 67901

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 **May 12, 2022**.
2. That the water sought to be appropriated shall be used for irrigation use on land, described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
19	34S	32W					24.5											24.5	

3. That the authorized source from which the appropriation shall be made is groundwater from the stream or basin, to be withdrawn by means of one (1) well located in the Northwest Quarter of the Northwest Quarter (NW¼ NW¼ NW¼) of Section 19, more particularly described as being near a point 5,035 feet North and 4,793 feet West of the Southeast corner of said section, in Township 34 South, Range 32 West, Seward 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 **99 gallons per minute (0.22 c.f.s.)** and to a quantity not to exceed **15 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 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).

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

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

15. That 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.

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.

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

September 20, 2022

DON SCOTT
6957 ROAD M
LIBERAL, KS 67901

RE: Appropriation of Water, File No. 50,788

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 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.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.

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 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

Enclosure(s)

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

CERTIFICATE OF SERVICE

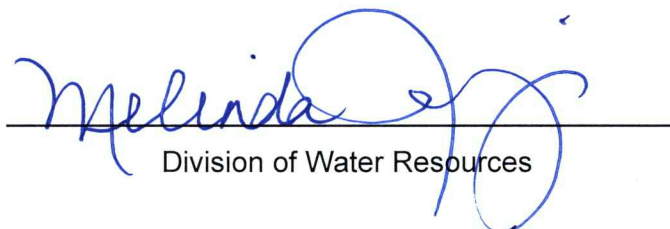
On this 20 day of September, 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,788, dated 15 September 2022 was mailed postage prepaid, first class, US mail to the following:

DON SCOTT
6957 ROAD M
LIBERAL, KS 67901

With photocopies to:

Garden City Field Office

Groundwater Management District No. 3



Division of Water Resources