

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

1. File Number: 50,000	2. Status Change Date: 6/12/2020	3. Field Office: 2	4. GMD: 2
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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

<p>7a. Applicant(s) New to system <input type="checkbox"/> Person ID 59218 Add Seq# _____</p> <p>MATT BRACK 4001 E AVENUE G HUTCHINSON KS 67501-8280</p>	<p>7c. Landowner(s) Person ID _____</p>
<p>7b. Landowner(s) New to system <input checked="" type="checkbox"/> Person ID 59220 Add Seq# _____</p> <p>DELORES J DREW REV TRUST C/O DREW LAW FIRM PO BOX 462 BLAIR NE 68008</p> <p align="center">Address change</p>	<p>7d.</p>

<p>8. WUR Correspondent New to system <input type="checkbox"/> Person ID 24583 Overlap File (s) WUC Add Seq# _____ Agree <input type="checkbox"/> Yes <input type="checkbox"/> No Notarized WUC Form <input type="checkbox"/></p> <p>RICHARD E & KRISTINE SECK 6614 E EALES RD HUTCHINSON KS 67501-8328</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><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>
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10. Completion Date: ~~12/31/2020~~ **21** 11. Perfection Date: ~~12/31/2024~~ **25** 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: _____

Date Prepared: **10/15/19** By: **KJN**
Date Entered: **6/15/2020** By:
LMoody

File No. **50,000** 15. Formation Code: **190** Drainage Basin: ARKANSAS RIVER County: RN 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	86626	NE NE SW	17	24S	4W	3	2468	3332			1000	112	1000	112	none

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

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? **x Yes** No To be installed by **12/31/2020** **21** Date Acceptable Meter Installed _____

21. Place of Use T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files	
						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	68771	17	24S	4W	2									40	40							80	7b	No	none	

Comments: 6/3/2020
KAB

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: September 3, 2019

FROM: Kris Neuhauser

RE: New Application, File No. 50,000

Matt Brack has filed the above referenced new application proposing to appropriate 112 acre-feet of groundwater per calendar year at a diversion rate not to exceed 1,000 gallons per minute for irrigation use from one well. The proposed point of diversion is located in the Southwest Quarter (SW $\frac{1}{4}$) of Section 17, Township 24 South, Range 4 West, Reno County, Kansas, which is within the drainage basin of the Arkansas River. Based on surrounding well logs, and the log provided with the application, it appears the source of supply is mainstem alluvium of the Arkansas River.

The proposed place of use is a total of 80 acres in the North Half of the Southwest Quarter of Section 17, Township 24 South, Range 4 West, Reno County Kansas. Delores J. Drew Revocable Trust owns the entire place of use.

The requested quantity of 112 acre-feet applied to 80 acres is equal to the maximum quantity allowed for irrigation use in Reno County, Kansas (1.4 acre-feet per acre).

Three nearby well owners were notified during processing of the application by former DWR employee Alex Whitesell. Mike Edgecomb responded via phone call and email on August 28, 2018 with some concern for his domestic well. The well water is used for household purposes and to heat/cool Mr. Edgecomb's home. Based on the distance this well is away from the proposed point of diversion, the approval of this application should not impair it.

While Matt Brack was the original tenant who submitted the application, a new tenant, Steven Seck, has since taken over dealings with the application. Mr. Seck was contacted via phone and email on June 5, 2019 to confirm his address and that he still wanted to continue with the application process.

Per the requirements in K.A.R. 5-4-4, minimum well spacing should be 1,320 feet to non-domestic wells and 660 feet to domestic wells with the same source of supply. The closest Water Right of any kind is roughly 5,000 away, while the closest domestic well is over 2,300 feet away. Therefore, the proposed point of diversion meets minimum well spacing requirements.

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.

In a letter dated August 28, 2019, Tim Boese, Manager of the Equus Beds Groundwater Management District No. 2 recommended approval of the application.

Jeff Lanterman, Water Commissioner of the Stafford Field Office, gave a recommendation that the new application should be approved, in an e-mail conversation on October 8, 2019.

Based on the above discussion, the area is open to new appropriations, the application meets well spacing criteria, and the approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.



Kris Neuhauser
Environmental Scientist
Water Appropriation Program

JEFF WINTER, PRESIDENT
VIN KISSICK, VICE PRESIDENT
DAVID BOGNER, SECRETARY
MIKE MCGINN, TREASURER
TIM BOESE, MANAGER
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:
ALAN BURGHART
JOE PAJOR
DALE SCHMIDT
BOB SEILER
DAVID STROBERG

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

August 28, 2019

Chief Engineer, Division of Water Resources
Attn: Kris Neuhauser
1320 Research Park Dr.
Manhattan, KS 66502

Re: Appropriation Application File No. 50000 – Delores J. Drew Revocable Trust

Dear Mr. Neuhauser:

The Equus Beds Groundwater Management District No. 2 reviewed the referenced new application on August 28, 2019, using the District's Revised Management Program (effective May 1, 1995), and Rules and Regulations K.A.R. 5-22-1 through 5-22-17.

The new application complies with the Revised Aquifer Management program approved by the Chief Engineer and with the District's Rules and Regulations K.A.R. 5-22-1 through 5-22-17. Therefore, the new application is recommended for approval by the Equus Beds Groundwater Management District No. 2.

A District decision may be appealed to the District Board of Directors by submitting a written petition to the District office within 30 days from date of this notification, pursuant to K.A.R. 5-22-12.

Sincerely,
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

Tim Boese
Manager
TDB/db

Enclosures



pc: Delores J. Drew Revocable Trust, Landowner
Richard Seck, Tenant
Mike Edgecomb, Nearby well owner
Jeff Lanterman, Division of Water Resources - Stafford

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2 FINAL APPLICATION REVIEW CHECKLIST

- 1) Application No. 50000 Date filed: 2/26/18
 2) Applicant: Matt Brack (Owner is Delores J. Drew Rev. Trust) County: Reno
 3) Proposed maximum quantity: 112 acre-feet/year Rate: 1000 GPM
 4) Proposed Use: Irrigation
 5) P/D location: NE NE SW 17-24S-4W Geo Center: North 2468 ft, West 3332 ft
 6) Number and type of points of diversion listed on the application 1 Well

7) Meter required K.A.R. 5-22-4a or K.A.R. 5-22-8? Yes No, Why _____

8) Meets Safe Yield K.A.R. 5-22-7? Yes No N/A

- (a) Total allowable appropriations: 4021.00 af/yr
 (b) Total existing appropriations: 3758.80 af/yr
 (c) Total small user exemptions: 0.00 af/yr
 (d) Total non-consumptive use: 0.00 af/yr
 (e) Total consumptive use: 3758.80 af/yr
 (Total existing appropriations) – (Total non-consumptive use)
 (f) exempt from regulation? Yes No,
 Cite exemption: _____

9) Meets Well Spacing K.A.R. 5-22-2? Yes No N/A

- (a) POD in enhanced well spacing area? Yes No
 (b) Domestic well spacing interval: >660 ft
 (c) Non-Domestic well spacing interval: >1320 ft

10) Meets Max Reasonable Quantity K.A.R. 5-22-14? Yes No N/A

- (a) Irrigation max quantity: 1.4 acre-feet / acre
 application paragraph 3 value (acre-feet) / proposed acres = Q
 (b) Stockwater max quantity: _____ GPD _____ unit
 (c) Industry max quantity: _____ Acre _____
 Industry standard: _____
 (d) Municipal max quantity: _____ GCD
 Lesser of either 200 GCD or
 $1.10 * (X - Y) * 365 d * (z + t)$
 X - Average of last three years usage in Gallons per Capita per Day (GCD)
 Y - water usage for industries that use over 200,000 gal/yr (GCD)
 Z - Projected population in 20 years
 T - Reasonable projected water use for industries that use over 200,000 gallons per year (GCD)
 (e) Pond max quantity is _____
 (Net evap + seepage)/12 x pond area + any initial fill
 (f) Groundwater pit max Q: _____
 Net evap * pit area/12

11) Reasonable rate for intended use? Yes No N/A

12) Depth to water: 2.42 ft bls at observation well: EB215A

13) Date reviewed: 8/28/19

14) Reviewed by: T. Boese

Title: Manager

15) District recommendation:

Approve

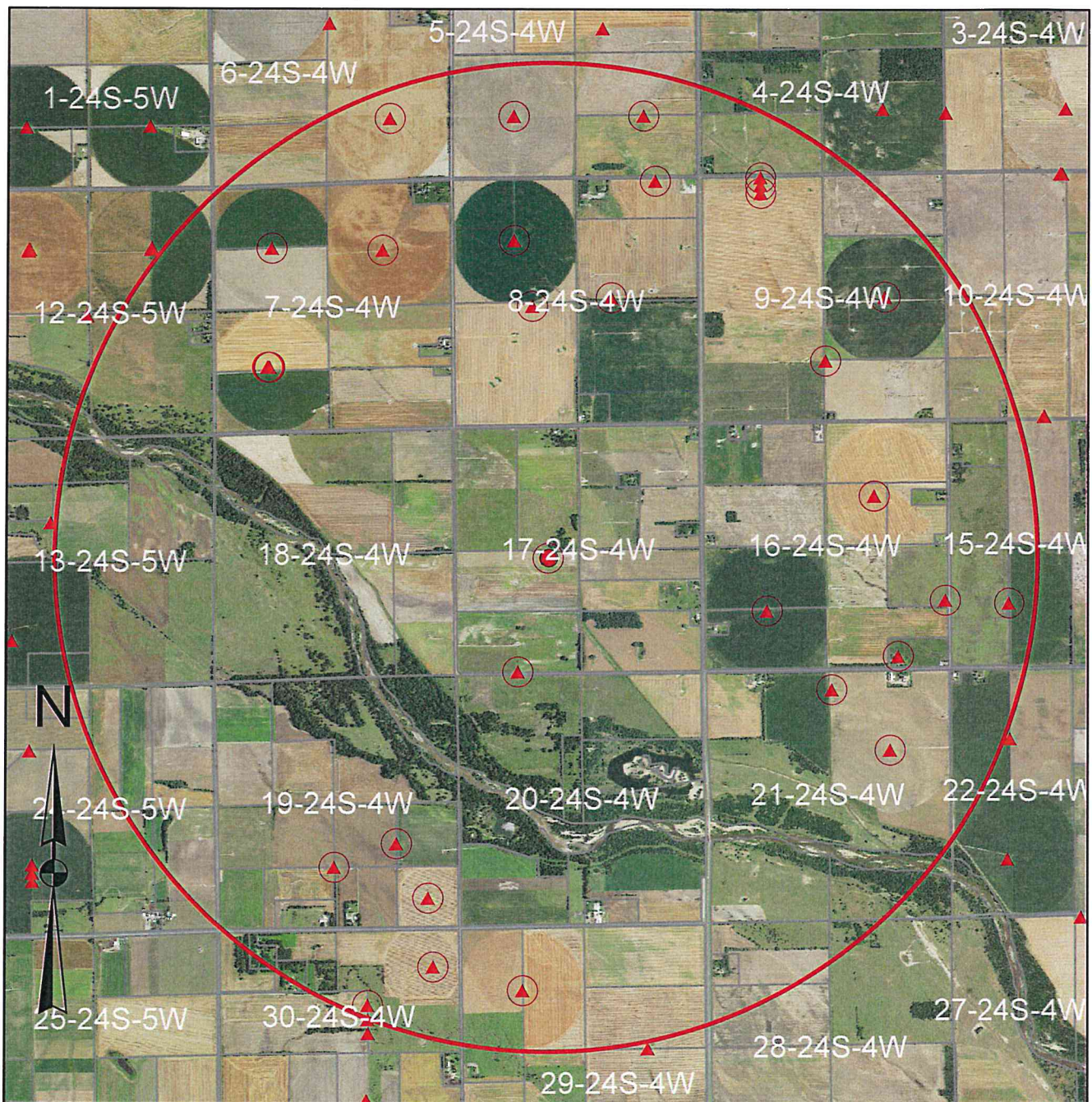
Deny

Other, see comment

16) Comments and Calculations:

Review complete for a new application submitted by Matt Brack for irrigation use in Reno county. Information from DWR indicates that Matt Brack is no longer the tenant on this property and the new tenant is Richard Seck. Reno County information indicates that the sole owner of the proposed PU is Delores J. Drew Rev. Trust
 No Overlapping Place of Use
 No Overlapping Point of Diversion
 Surrounding Well Owner Notifications sent, one nearby domestic well owner contacted DWR about possible impacts to his domestic well. Domestic well is located a little less than 1/2 mile northeast from proposed PD. Nearby water-level data indicates groundwater levels in the area are stable and not declining.
 No supplementary Rate/Quantity Limitations
 No Special Use Areas or IGUCAs
 Item 10: 112 AF / 80 acres = 1.4 AF/A
 Recommend Approval. Complies with K.A.R. 5-22-1 through 5-22-17

Equus Beds Groundwater Management District No. 2 Safe Yield Evaluation - #50000 - Delores J. Drew Rev. Tr. NENESW (2468'N & 3332'W) 17-24S-04W, Reno County Prepared By: T. Boese Date:8/27/2019



	Proposed Point of Diversion	Map Legend	
	Area of Consideration Boundary		Major Highway
	Monitoring Wells		Other Roadway
	Points of Diversion		Major Stream
	District Boundary		Other Water Feature
			County Boundary
			City Boundary

0.45 0.225 0 0.45 Miles

Equus Beds Groundwater Management District No. 2
 313 Spruce Street, Halstead, KS 67056
 316-835-2224, equusbeds@gmd2.org

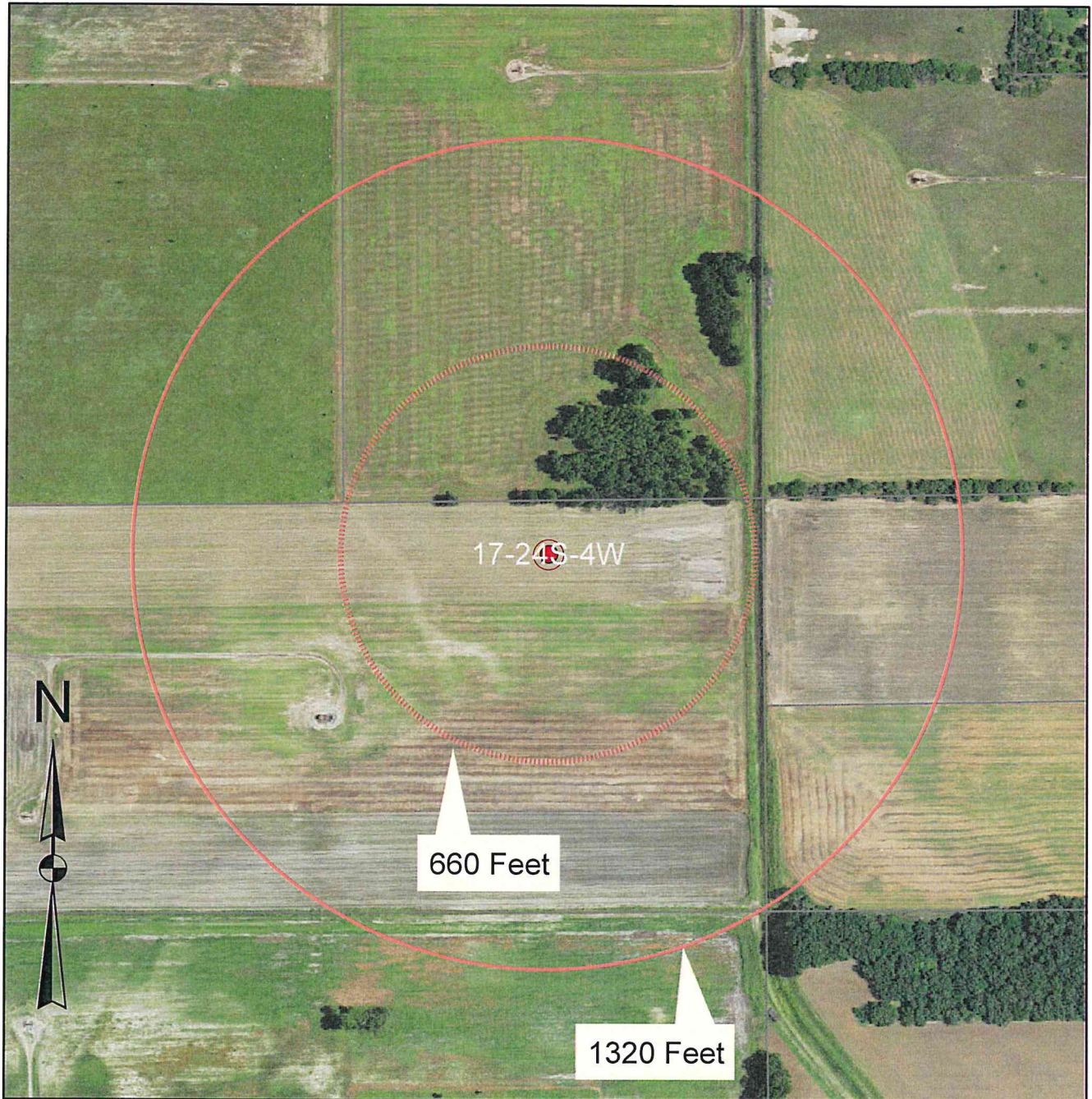
SAFEYIELD EVALUATION NO. 50000 - DELORES J. DREW REV TRUST
LOCATION: NENESW (2468'N & 3332'W) 17-24S-04W, Reno County
SPECIAL USE AREA: None












EVALUATION DATE:- 8/27/2019

Total Areas: 8,042 acres; Area in 3 inch discharge zone: 0 acres; Area in 6 inch discharge zone: 8,042 acres


FILE_ID	WELL_ID	TOWNSHIP	RANGE	SECTION	QUALIFIER	USE	AUTHQUANTITY
A00913400	1628	24S	04W	7	38001490	IRR	120
A01454200	1238	24S	04W	5	13253974	IRR	180
A02870300	334	24S	04W	8	NCNW	IRR	225
A02898300	981	24S	04W	16	2641119	IRR	25.5
A03678100	1223	24S	04W	7	13303950	IRR	0
A03678100	1224	24S	04W	7	13303965	IRR	0
A03678100	1225	24S	04W	7	13303980	IRR	0
A03678100	1226	24S	04W	7	13303995	IRR	0
A03678100	1227	24S	04W	7	13304000	IRR	0
A03678100	5084	24S	04W	7	13303975	IRR	90
A03682600	1365	24S	04W	6	13201305	IRR	195
A03687400	5118	24S	04W	7	13303950	IRR	0
A03687400	374	24S	04W	7	13303965	IRR	0
A03687400	375	24S	04W	7	13303980	IRR	0
A03687400	376	24S	04W	7	13303995	IRR	0
A03687400	377	24S	04W	7	13304000	IRR	0
A03687400	373	24S	04W	7	13303975	IRR	90
A03935200	1062	24S	04W	5	13253974	IRR	36
A04006800	1116	24S	04W	7	38001490	IRR	117.9
A04130700	554	24S	04W	19	6470682	IRR	45
A04301200	2496	24S	04W	8	25563610	IRR	195
A04329300	2547	24S	04W	16	12793924	IRR	92
A04329400	2548	24S	04W	16	12793924	IRR	99
A04352400	2620	24S	04W	29	39233995	IRR	91
A04365000	2661	24S	04W	21	36301300	IRR	195
A04368400	2674	24S	04W	29	39233995	IRR	91
A04417400	2764	24S	04W	7	38653882	IRR	97.5
A04418100	2765	24S	04W	7	38653882	IRR	97.5
A04476700	2885	24S	04W	21	49432543	IRR	35.3
A04546800	3030	24S	04W	30	44600593	IRR	63
A04551300	3036	24S	04W	9	26401320	IRR	190.4
A04566200	3108	24S	04W	15	13764004	IRR	89
A04586800	3162	24S	04W	16	37001600	IRR	90
A04602200	3225	24S	04W	16	14500100	IRR	140
A04748400	3644	24S	04W	9	13002610	IRR	92.4
A04750100	3654	24S	04W	16	37001600	IRR	48.6
A04761400	3707	24S	04W	21	49432543	IRR	71.4
A04769900	3737	24S	04W	8	27051925	IRR	86
A04770200	3744	24S	04W	8	51850951	IRR	140
A04777100	3815	24S	04W	9	50653960	IRR	187.6
A04777100	3816	24S	04W	9	52303960	IRR	0
A04777100	3817	24S	04W	9	49003960	IRR	0
A04926700	4385	24S	04W	19	18201348	IRR	144.2
A04926800	4384	24S	04W	19	13302690	IRR	0
A04957300	4862	24S	04W	5	13001200	IRR	76
A04964300	4896	24S	04W	17	414000	IRR	110.5
A04995100	5124	24S	04W	30	36512007	IRR	0
A05000000P	5212	24S	04W	17	24683332	IRR	112
Allowable Appropriations	4,021.00				Total Existing Appropriation		3,758.80
Small User Quantity	0				Non Consumptive Appropriations		0
Remaining SUQ	45				Consumptive Appropriations		3,758.80
Note- Values are in acre-feet					Available Appropriations		262.2


Equus Beds Groundwater Management District No. 2
 Spacing Evaluation - #50000 - Delores J. Drew Rev. Tr.
 NENESW (2468'N & 3332'W) 17-24S-04W, Reno County
 Prepared By: T. Boese Date:8/27/2019



	Proposed Point of Diversion	Map Legend
	Area of Consideration Boundary	 Major Highway
	Monitoring Wells	 Other Roadway
	Points of Diversion	 Major Stream
	District Boundary	 Other Water Feature
		 County Boundary
		 City Boundary

0.065 0.0325 0 0.065 Miles

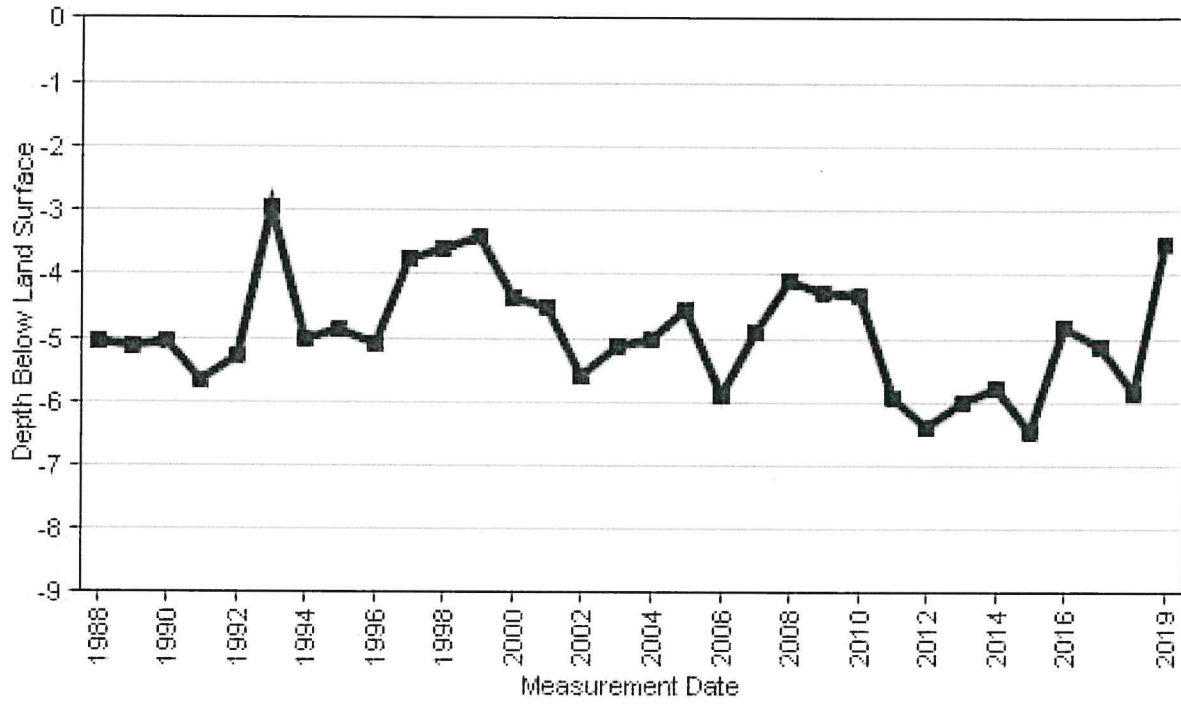




Equus Beds Groundwater Management District No. 2
 313 Spruce Street, Halstead, KS 67056
 316-835-2224, equusbeds@gmd2.org

WATER-LEVEL HYDROGRAPH – EB 215A

SE-SE-SE, SEC. 17-24S-4W, RENO COUNTY



JEFF WINTER, PRESIDENT
VIN KISSICK, VICE PRESIDENT
DAVID BOGNER, SECRETARY
MIKE MCGINN, TREASURER
TIM BOESE, MANAGER
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:
ALAN BURGHART
JOE PAJOR
DALE SCHMIDT
BOB SEILER
DAVID STROBERG

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

August 28, 2019

Delores J. Drew Rev. Trust
PO Box 462
Blair, NE 68008

Re: Appropriation Application File No. 50000

Dear Sir or Madam:

The Equus Beds Groundwater Management District No. 2 made a recommendation to the Division of Water Resources that new application No. 50000 be approved. Pursuant to K.A.R. 5-22-4a, the well described in the application must be equipped with a District approved water flowmeter: The well is located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter of Section 17, Township 24 South, Range 4 West, Reno County.

The well must be properly equipped with an approved meter within 30 days after the approved well is operational and prior to its operation. If more time is needed to install the meter or modify an existing meter installation, you may request an extension of time. The request must be made to the District before the end of the 30-day period.

Enclosed is a Flow Meter Installation form to be completed and returned to this office after completion of the meter installation or modifications. A copy of the Division of Water Resources' meter installation notification form (Notice and Proof of Completion of Works) may be substituted for the District form. Upon receiving the completed form, the District will inspect the installation.

Also enclosed is a copy of water meter and installation specifications. The water meter must meet these specifications and the list of certified water meters provided under K.A.R. 5-1-12, for District approval. The list of certified water meters can be obtained by contacting the District or at the following link: <http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-flowmeters>. If you have any questions about the District's metering program or the enclosed material, please contact the District for assistance.

Sincerely,
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

Tim Boese
Manager
TDB/db

Enclosures

Pc: Richard Seck, Tenant, with copy of enclosures
Jeff Lanterman, Division of Water Resources, Stafford

H:\MSOFFICE\LETTERS\METER\NewApplication\#50000_Drew.docx

From: Lanterman, Jeff [KDA]
Sent: Tue 10/8/2019 1:30 PM
To: Neuhauser, Kris [KDA]
Subject: FW: Rec Request New App File No. 50,000
Attachments: 50000_Memo To File.docx, Seck map.pdf

Kris.

This one looks OK Approve it.

Thanks
Jeff

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Monday, October 7, 2019 1:54 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Rec Request New App File No. 50,000

Jeff, this is an application for Irrigation within GMD#2. The quantity requested is reasonable at 1.4AF per acre or 112 AF on 80 acres. There are no overlaps and this is an application for a single well.

Spacing is met by a wide margin to nearby permitted wells and also to and domestic wells. One domestic well owner called HQ and discussed possible impact to their domestic. They had no major concerns and did not write in, they were located right at ½ mile from the proposed irrigation well.

http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=375725097463103 (55' deep well ~.75 miles away)

http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=375725097463102 (110' deep well ~.75 miles away)

The two nearest hydrographs shown above show stable water levels. SY analysis by GMD has been met (6" with 8042 acres). GMD#2 has recommended approval with no additional conditions.

I think we can recommend approval of this application. Please pass on to Kris if you agree.

Cameron

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Thursday, September 5, 2019 9:37 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Rec Request New App File No. 50,000

Jeff and Cameron,

Attached is my recommendation request for New Application, File No. 50,000. Alex started this one quite a while ago, has been a long process with the GMD since I've taken over. Let me know if you need anything else.

Thanks!

Kris Neuhauser

Environmental Scientist

Kansas Department of Agriculture, Division of Water Resources

Address: 1320 Research Park Drive, Manhattan, KS 66502

Phone: (785)564-6643

Website: <http://agriculture.ks.gov/divisions-programs/dwr>

**Kansas Department of Agriculture
Division of Water Resources**

LANDOWNER CHANGE

1. File No(s) 50000	1a. <input type="checkbox"/> Vested Right <input type="checkbox"/> Water Right <input checked="" type="checkbox"/> Appropriation of Water	1b. FO 2	1c. GMD 2
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2. Computer Only Letter Attached Stamped Document WUC Des Form

3. Informed by **Steven Seck**

<p>4a. Landowner(s) Person ID 59220 New to system <input checked="" type="checkbox"/> Add Seq# _____</p> <p>DELORES J DREW REV TRUST C/O DREW LAW FIRM PO BOX 462 BLAIR NE 68008</p>	<p>4b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>
<p>5. WUR Correspondent Person ID 24583 New to system <input type="checkbox"/> Add Seq# _____ Notarized WURC Form <input type="checkbox"/></p> <p>RICHARD E & KRISTINE SECK 6614 E EALES RD HUTCHINSON KS 67501-8328</p>	<p>6. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>

7. Name and person ID code of former WUR correspondent **Dean Johnson Rev Trust Et Al** **65758**
Name Person ID

8. Place of Use – County **RN**

File No.	PUSE ID	S	T	R	ID#	Owner	Chg?	Overlap Files

9. Comments Date Prepared **6/22/21** by **KJN**
Date Entered _____ by 6/15/2020
LMoody

Steven Seck provided new landowner and WUR correspondent info via email on 6/5/2019

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

RICHARD E & KRISTINE SECK
6614 E EALES RD
HUTCHINSON KS 67501-8328

RE: Appropriation of Water, File No. 50,000

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 Stafford Field Office at 620-234-5311. 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: kjn
Enclosure(s)

pc: Delores J Drew Rev Trust
Stafford Field Office
Equus Beds GMD No. 2

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting 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. 50,000** of the applicant

**RICHARD E & KRISTINE SECK
6614 E EALES RD
HUTCHINSON KS 67501-8328**

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 **February 26, 2018**.
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	
17	24S	4W									40	40							80

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 Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE¼ NE¼ SW¼) of Section 17, more particularly described as being near a point 2,468 feet North and 3,332 feet West of the Southeast corner of said section, in Township 24 South, Range 4 West, Reno County, Kansas, located substantially as shown on the aerial map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **1,000 gallons per minute** (2.23 c.f.s.) and to a quantity not to exceed **112 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, 2021**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$400.00, when construction of the diversion 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 accompanied by the required statutory fee, which is currently \$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, 2025**, 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, which is currently \$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 to 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.

Ordered this 12 day of June, 2020, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 12 day of June, 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman
Notary Public



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, 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 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, 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 16 day of June, 2020, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,000, dated 12 June 2020 was mailed postage prepaid, first class, US mail to the following:

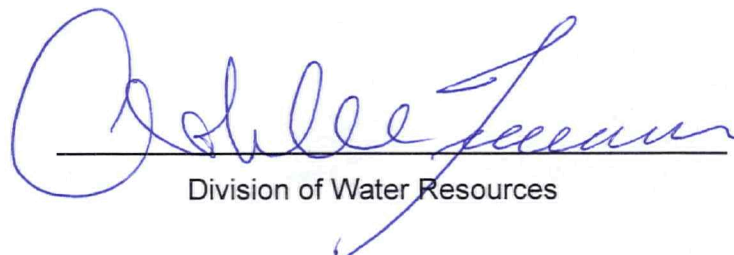
RICHARD E & KRISTINE SECK
6614 E EALES RD
HUTCHINSON KS 67501-8328

With photocopies to:

DELORES J DREW REV TRUST
C/O DREW LAW FIRM
PO BOX 462
BLAIR NE 68008

Stafford Field Office

GMD 2



Division of Water Resources