

File No. **50,199** 15. Formation Code: **190** Drainage Basin: **Little Ark** County: **MP** Special Use: Stream:

| 16. Points of Diversion | | | | | | | | | |
|-------------------------|-------|-----------|----|-----|----|----|------|-------------|--|
| T MOD DEL ENT | PDIV | Qualifier | S | T | R | ID | 'N | 'W | |
| ENT | 87273 | NW NW SE | 15 | 20S | 1W | 6 | 2417 | 2250 (GEO) | |
| ENT | 87274 | NW NW SE | 15 | 20S | 1W | 7 | 2250 | 2500 WELL 1 | |
| ENT | 87275 | NW NW SE | 15 | 20S | 1W | 8 | 2550 | 2000 WELL 2 | |
| ENT | 87276 | NW NW SE | 15 | 20S | 1W | 9 | 2150 | 2250 WELL 3 | |
| 2550' | | | | | | | | | |

| 17. Rate and Quantity | | | | |
|--|----------------|-------------|----------------|------------------|
| Authorized | | Additional | | |
| Rate gpm | Quantity af | Rate gpm | Quantity af | Overlap PD Files |
| 800 | 104 | 800 | 72 | NA |
| <div style="border: 1px solid red; padding: 5px; display: inline-block;"> 2/25/2021 BMM </div> | | | | |

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

19. Limitation: **312** af/yr at _____ gpm (_____ cfs) when combined with file number(s) **29,601 & 35,379**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2021** **2022** Date Acceptable Meter Installed _____

| 21. Place of Use | | | | | | | | | | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Total | Owner | Chg? NO | Overlap Files |
|------------------------|------|----|-----|----|----|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|-----|--------|---|-----------------|-------|-------|----------------|---------------|
| T 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 | | | | | | | | |
| ENT | 4106 | 15 | 20S | 1W | 1 | | | | | | | | | 40 | 40 | 40 | 40 | 2 | 40 | 31 | 7 | 240 | 8a, 8b | Y | 29,601 & 35,379 | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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Comments: 1/12/2021
KAB

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: November 4, 2020

FROM: Brandon Milner

RE: New Application,
File No. 50,199

Kendall Unruh has filed an application to appropriate groundwater for irrigation use, requesting a quantity of 104 acre-feet at a rate of 800 gallons per minute. The proposed point of diversion is a proposed battery of three (3) wells with a geographical center located in the Northwest quarter of the Northwest quarter of the Southeast quarter of Section 34 more specifically described as being near a point at 2,417 North and 2250 West of the Southeast corner of said section, in Township 20 South, Range 1 West in McPherson County.

This application does not overlap with any points of diversion. The place of use overlaps with Water Right Nos. 29,601 and 35,379. The source for this application is the Equus Beds.

The proposed place of use is 240 acres located in the Southwest quarter of Section 15, Township 20 South, Range 1 West in McPherson County Kansas. A change application has been filed and being submitted with this memo on Water Right Nos. 29,601 and 35,379 creating an identical place of use overlap. There will be a limitation on the place of use with a maximum of 312 acre-feet for 240 acres which equals 1.3 acre-feet/ when Water Rights 29,601, 35,379 and application 50,199 are combined.

The application was reviewed by Groundwater Management District No. 2 for safe-yield and spacing requirements. Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration determined that safe yield was determined to be 1624.5 acre-feet. There are nineteen existing water rights within the area of consideration, with the total prior appropriation being 1,511.05 acre-feet. This leaves 113.45 acre-feet available for appropriation, the application requesting a quantity of 104 acre-feet complies with safe yield.

As per spacing requirements per K.A.R. 5-22-2 of GMD No. 2, this application has no non-domestic wells within 1320' of the geo-center of the battery. There were no domestic wells identified by the applicant within 660' of the geo-center. This application also meets spacing requirements of K.A.R. 5-4-4. Nearby letters were sent out on September 6th, 2019 with no responses to date.

The application was sent to GMD #2 for recommendation on October 2nd, 2019 for recommendation and was recommended for approval on April 6, 2020. The application was sent to the Jeff Lanterman of the Stafford Field Office on November 4th, 2020 for recommendation and was recommended for approval on November 5, 2020..

This application looks to be in good standing, will not negatively affect nearby water rights and is recommended to be approved along with change application nos. 29,601 & 35,379.

Brandon Milner
Environmental Scientist

From: Lanterman, Jeff [KDA]
Sent: Thu 11/5/2020 8:55 AM
To: Milner, Brandon [KDA]
Cc: Conant, Cameron [KDA]
Subject: RE: New Application 50,199 and Change Applications 29,601 & 35,379

I looked at the proximity to the north well 29601 and that is like 1630' from the allowable 1620'. That is a total Tim deal shoe horning this one in. Then he will play the 300' game encroaching on spacing. I might have put in a condition to maintain spacing but this is all under the same ownership part of the same file so im not going to bother.

Brandon I already looked at water levels in this area and although I think the 3" safe yield here might be a little generous it does meet and there are no real water level declines in the area.

I recommend approval.

Thank You for your work on this thing.

From: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Sent: Wednesday, November 4, 2020 1:44 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: New Application 50,199 and Change Applications 29,601 & 35,379

Good afternoon guys,

Attached are memos for new application 50,199 and change applications 29,601 & 35,379. Could you provide a recommendation on these? They are being worked as a package deal.

Brandon Milner
Environmental Scientist
Water Appropriation Program

From: Lanterman, Jeff [KDA]
Sent: Mon 11/9/2020 10:01 AM
To: Milner, Brandon [KDA]
Cc: Conant, Cameron [KDA]
Subject: FW: New Application 50,199 and Change Applications 29,601 & 35,379
Attachments: 29601 PU Change App Approval Recommendation 11-02-20.pdf, 35379 PU Change App Approval Recommendation 11-02-20.pdf, 50199 Change App Memo.doc, 50199 New App Approval Recommendation 4-06-20.pdf, 50199 New App Memo.doc

Brandon. We have looked this over pretty extensively. I looked at GW levels nearby the 50199 application and I recommend approval of this new application package with the changes to create a complete overlap.

Let me know if you have any questions

Thanks

Jeff

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Monday, November 9, 2020 9:56 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: New Application 50,199 and Change Applications 29,601 & 35,379

From: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Sent: Wednesday, November 4, 2020 1:44 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: New Application 50,199 and Change Applications 29,601 & 35,379

Good afternoon guys,

Attached are memos for new application 50,199 and change applications 29,601 & 35,379. Could you provide a recommendation on these? They are being worked as a package deal.

Brandon Milner
Environmental Scientist
Water Appropriation Program

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. 50,199** of the applicant

KENDALL R & JONI G UNRUH
118 W JOHN ST
GALVA, KS 67443

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 **January 16, 2019**
2. That the water sought to be appropriated shall be used for irrigation use on land, all located in the 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 | | | | |
| 15 | 20S | 1W | | | | | | | | | | | | 40 | 40 | 40 | 40 | 2 | 40 | 31 | 7 | 240 |

3. That the authorized source from which the appropriation shall be made is groundwater to be withdrawn by means of a battery of three (3) wells with a geographic center located in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW ¼ , NW ¼, SE ¼), in Section 15, more particularly described as being near a point 2,417 feet North and 2,250 feet West of the Southeast corner of said section, in Township 20 South, Range 1 West, McPherson 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 **800 gallons per minute (2.14 c.f.s.)** and to a quantity not to exceed **104 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, 2022** 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, 2026** 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

January 21, 2021

KENDALL R & JONI G UNRUH
118 W JOHN ST
GALVA, KS 67443 RE:

Appropriation of Water, File No. 50,199

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 620-234-531. 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:bmm
Enclosure(s)
pc: StaffordField Office
Equus Beds GMD No. 2

WELDON & MELVA KOEHN
2486 DAKOTA RD
CANTON, KS 67428

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 21 day of January, 2021, I hereby certify that the foregoing Order dated 15 January, 2021, was mailed postage prepaid, first class, US mail to the following:

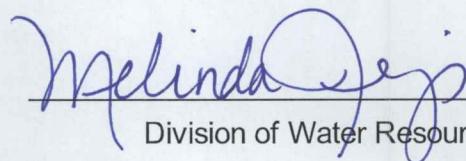
Original to:

KENDALL R & JONI G UNRUH
118 W JOHN ST
GALVA, KS 67443

With photocopy to:

Stafford Field Office
GMD #2

WELDON & MELVA KOEHN
2486 DAKOTA RD
CANTON, KS 67428



Division of Water Resources Staff