

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

1. File Number: <div style="text-align: center; font-size: 1.2em;">50,356</div>	2. Status Change Date: <div style="text-align: center; color: purple;">2/15/2021</div>	3. Field Office: <div style="text-align: center; font-size: 1.2em;">02</div>	4. GMD: <div style="text-align: center; font-size: 1.2em;">02</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 65250
New to system Add Seq# _____

JACOB J & EMILY A MARTIN
27330 W 29TH ST N
ANDALE KS 67001

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~~ **22** 11. Perfection Date: 12/31/2026 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: 12/31/2021 Date WLMD Installed: _____

Date Prepared: **12/17/20** By: **JNE**
Date Entered: 2/15/2021 By: **L Moody**

Arkansas River SG

File No. **50,356** 15. Formation Code: **190** Drainage Basin: ~~CHIKASKIA RIVER~~ County: ~~SU~~ Special Use: Stream:

16. Points of Diversion									
MOD	PDIV	Qualifier	S	T	R	ID	'N	'W	
MOD	87968	SE NW NW	30	25S	2W	1 2	4005'	4026'	

17. Rate and Quantity				
Authorized		Additional		
Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
800GPM	104AF	800	104	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? Yes No To be installed by 12/31/2021 ~~2022~~ Date Acceptable Meter Installed _____

21. Place of Use T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				LOT 4 NW 1/4				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	69876	30	25S	2W	1 2					40	40													80	7A	NONE

Comments: 2/3/2021
KJN 1/19/2021
KAB

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: File

DATE: December 3, 2020

FROM: Jessica Engelbrecht

RE: Application, File No. 50,356

Jacob Martin has filed the referenced application ~~on behalf of Tamela D Eck Irrevocable Trust~~, to appropriate groundwater for irrigation use, requesting one (1) well, a quantity of 104 acre-feet, and a diversion rate of 800 gallons per minute. The proposed well is to be located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 30, more particularly described as being near a point 4,005 feet North and 4,026 feet West of the Southeast corner of said section, in Township 25 South, Range 2 West, Sedgwick County, within the Arkansas River drainage basin. The proposed point of diversion is located within the boundaries of Equus Beds Groundwater Management District No. 2. There are no other water rights overlapping the proposed point of diversion or place of use. The proposed place of use is owned by Jacob Martin. The applicant has signed the application form stating that they have legal access to the point of diversion.

The applicant identified 4 possible domestic wells within one-half mile of the proposed well and no non-domestic wells. Nearby well notification letters were sent out on July 22, 2020. No contact of any kind was received. According to the WRIS database, the nearest non-domestic point of diversion (Water Right, File No. 41,485) is located over 2,250 feet away. Based on the site map the nearest domestic well is approximately 1,600 feet away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-22-2 for wells located within Equus Beds Groundwater Management District No. 2, the minimum well spacing should be 1,320 feet to all other non-domestic wells and 660 feet to domestic wells.

A driller's test log shows sandy top soil 0 to 2 feet, fine/medium sand from 2 to 26 feet, brown clay from 26 to 27 feet, medium sand from 27 to 36 feet, tan clay from 36 to 42 feet, medium to coarse sand from 42 to 59 feet, and brown clay from 59 to 60 feet. A completed well depth or static water level was not provided.

The requested quantity of water, 104 acre-feet, is to irrigate the proposed 80 acres identified in the application. This comes out to 1.3 acre-feet per acre which is the maximum allowable of 1.3 acre-feet per acre for Sedgwick County, Kansas.

A copy of the application was submitted to Equus Beds Groundwater Management District No. 2 on August 5, 2020. GMD #2 recommended approval of the application in a letter, received via email, on November 24, 2020. In the letter they said the application complies with K.A.R. 5-22-1 through 5-22-17 and 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. A water level measurement tube is required because this is a proposed new well exceeding 100 gpm.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on December 14, 2020. Based on the above discussion, well spacing and safe yield criteria are met, 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.

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



DIRECTORS:
JOE BERGKAMP
ALAN BURGHART
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

November 24, 2020

Chief Engineer, Division of Water Resources
Attn: Jessica Engelbrecht
300 S. Main Street
Stafford, KS 67578

Re: Appropriation Application No. 50356 – Jacob J. Martin

Dear Ms. Engelbrecht:

The Equus Beds Groundwater Management District No. 2 reviewed the referenced new application on November 24, 2020, 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: Jacob J. & Emily Martin, Applicant and Landowner

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

1) Application No. 50356 Date filed: 2-24-20
 2) Applicant: Jacob J. Martin County: Sedgwick
 3) Proposed maximum quantity: 104 acre-feet/year Rate: 800 GPM
 4) Proposed Use: Irrigation
 5) P/D location: SE-NW-NW 30-25S-2W Geo Center: North 4005 ft, West 4026 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: 1865.00 af/yr
 (c) Total small user exemptions: 0.00 af/yr
 (d) Total non-consumptive use: 0.00 af/yr
 (e) Total consumptive use: 1865.00 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: 1.3 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

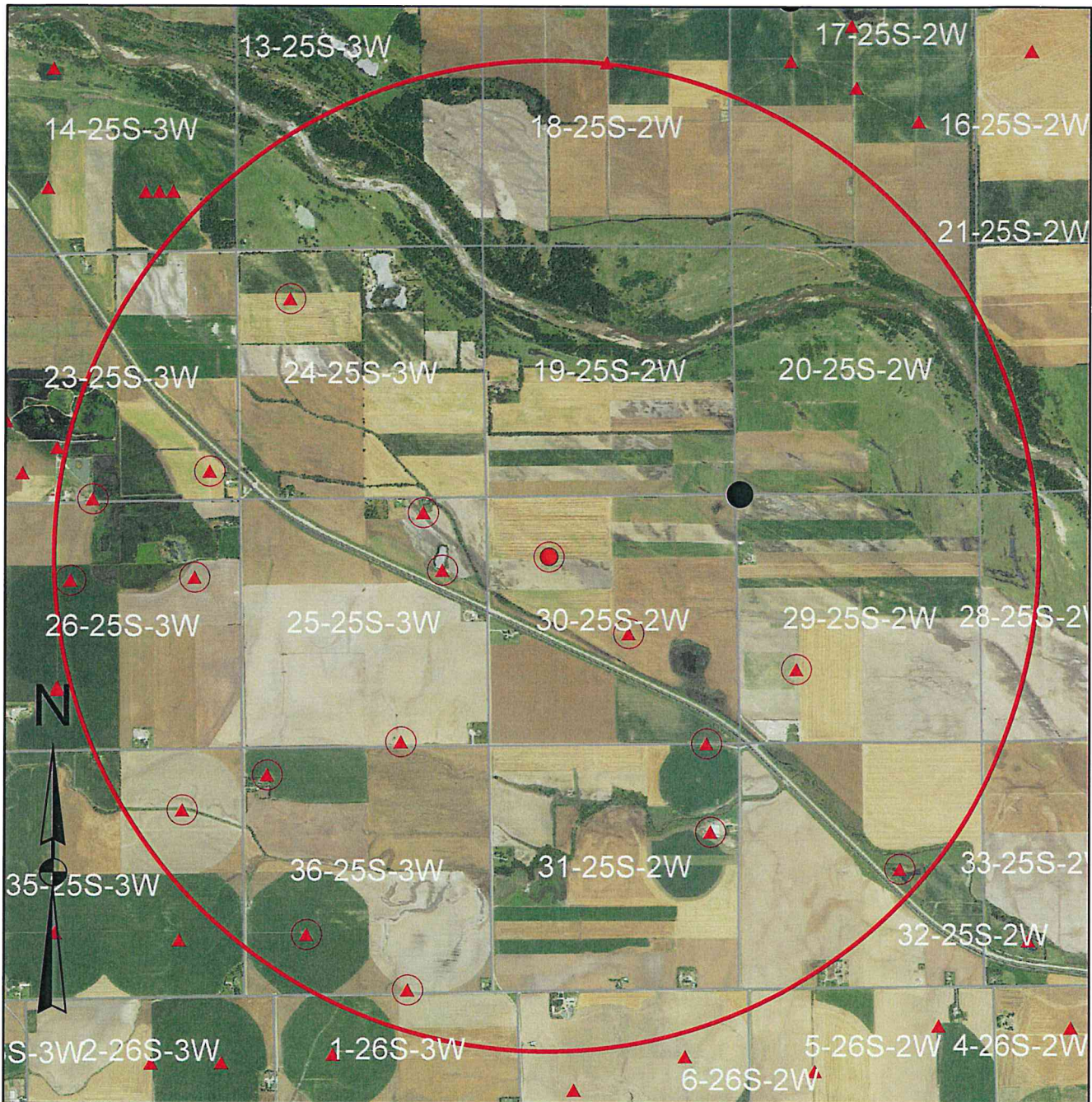
11) Reasonable rate for intended use? Yes No N/A
 12) Depth to water: 7.05 bls at observation well: EB244A

13) Date reviewed: 11/24/2020
 14) Reviewed by: T. Boese Title: Manager
 15) District recommendation: Approve Deny Other, see comment

16) Comments and Calculations:

Review completed for a new application submitted by Jacob J. Martin for irrigation use in Sedgwick County. Nearby well owner notifications sent by DWR. No responses received by DWR. Nearby water-level data indicates groundwater levels in the area are stable. The proposed well is located approximately 1 mile south of the Arkansas River and is an area of increased salinity in the groundwater. The test well log submitted with the application indicates the irrigation well will be drilled to ~60 feet bls. No water quality sample data from the test well was submitted. GMD2 monitoring well site EB244 is located about 4300 feet east-northeast of the proposed well and is located slightly closer than the proposed well from the Arkansas River. Water quality data from EB244 indicates increased salinity with depth. EB244A is 41 feet deep and Chloride values range from 380-657 mg/L. EB244C is 120 feet deep and Chloride values range from 630-930 mg/L.
 Item 10: 104 AF / 80 acres = 1.3 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- #50356 - Jacob J. Martin
SENWNW (4005'N & 4026'W) 30-25S-02W, Sedgwick County
Prepared By: T. Boese Date: 11/24/2020



<ul style="list-style-type: none"> ● Proposed Point of Diversion ⌒ Area of Consideration Boundary ● Monitoring Wells ▲ Points of Diversion District Boundary 	<p style="text-align: center;">Map Legend</p> <ul style="list-style-type: none"> Major Highway Other Roadway Major Stream Other Water Feature County Boundary City Boundary 	<p>0.45 0.225 0 0.45 Miles</p>
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SAFEYIELD EVALUATION - NO. 50356 - JACOB J. MARTIN
LOCATION: SENWNW (4005'N & 4026'W) 30-25S-02W, Sedgwick County

SPECIAL USE AREA: None

EVALUATION DATE:- 11/24/2020

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
A00517500	1742	25S	03W	26	NWSENE	REC	29
A01307800	121	25S	02W	30	NWNWSE	IRR	35
A03257800	394	25S	03W	36	46504780	IRR	86
A03327000	1486	25S	02W	31	52000660	IRR	20
A03606800	799	25S	03W	23	5900640	IRR	49
A03686000	108	25S	03W	35	39551315	IRR	194
A03726200	743	25S	03W	25	49351338	IRR	47
A04055300	199	25S	03W	36	351838	IRR	195
A04105900	519	25S	03W	36	12553978	IRR	195
A04148300	2146	25S	02W	32	24701850	REC	7
A04148500	2148	25S	03W	25	36960954	REC	5.2
A04571400	3122	25S	02W	31	33180600	IRR	27
A04571500	3123	25S	02W	31	52000660	IRR	34
A04617400	3262	25S	02W	31	33180600	IRR	27
A04643800	3354	25S	02W	29	15534011	IRR	65
A04810600	3905	25S	03W	36	46504780	IRR	168.8
A04921500	4838	25S	03W	23	5900640	IRR	22.5
A05013300	5224	25S	03W	23	213149	REC	200.2
A05026000	5255	25S	03W	25	401900	IRR	196.3
A05033500P	5302	25S	03W	24	42424130	IRR	156
A05035600P	5303	25S	02W	30	40054026	IRR	104
VSG009100	1151	25S	03W	26	NWSENW	REC	2.5

Allowable Appropriations	4,021.00	Total Existing Appropriation	1,865.50
Small User Quantity	0	Non Consumptive Appropriations	0
Remaining SUQ	45	Consumptive Appropriations	1,865.50
Note- Values are in acre-feet		Available Appropriations	2,155.50

Equus Beds Groundwater Management District No. 2 Spacing Evaluation- #50356 - Jacob J. Martin SENWNW (4005'N & 4026'W) 30-25S-02W, Sedgwick County Prepared By: T. Boese Date: 11/24/2020



<ul style="list-style-type: none"> ● Proposed Point of Diversion — Area of Consideration Boundary ● Monitoring Wells ▲ Points of Diversion District Boundary 	<p style="text-align: center;">Map Legend</p> <ul style="list-style-type: none"> Major Highway Other Roadway Major Stream Other Water Feature County Boundary City Boundary
<p>0.065 0.0325 0 0.065 Miles</p>	<p style="font-size: small;">Equus Beds Groundwater Management District No. 2 313 Spruce Street, Halstead, KS 67056 316-835-2224, equusbeds@gmd2.org</p>

Equus Beds Groundwater Management District No. 2

Inorganic Chemistry Query

of Water Quality Database

24-Nov-20

Well Name:

EB244A

Township, Range, Section:

25S-02W-20

Section Tract:

SW-SW-SW

Sample		Total CaCO3	Calcium	Sodium	Chloride	Magnesium	Sulfate	Nitrate-N	Spec Cond	Iron	Manganese
Date Sampled	Depth										
3/12/1990	41	399	116.5	378.5	530.0	26.3	189	0.10	2640	7.47	0.74
7/18/1990	41	417	124.21	387.89	657.0	26.021	198	0.50	2820	2.011	0.491
4/1/1991	41	NA	NA	NA	604.0	NA	179	NA	2680	NA	NA
7/28/1993	41	NA	NA	NA	600	NA	NA	NA	2570	NA	NA
7/24/2001	41	338.09	101	386	499	21	195	.1	2360	.810	.450
4/12/2006	41	320	94	330	560	20	162	ND	2350	0.06	0.39
4/27/2011	41	290	85	300	480	19	170	ND	2080	ND	0.33
12/3/2012	41	NA	NA	290	380	NA	190	NA	2020	NA	NA

Explanation: N/A = Not analyzed, ND = None detected

Sample depth - feet; Results expressed in - milligrams/liter;

Spec Cond - Micro Mhos/cm

Data source - Equus Beds Groundwater Management District No. 2

Equus Beds Groundwater Management District No. 2

Inorganic Chemistry Query

of Water Quality Database

24-Nov-20

Well Name:

EB244C

Township, Range, Section:

25S-02W-20

Section Tract:

SW-SW-SW

Sample											
Date Sampled	Depth	Total CaCO3	Calcium	Sodium	Chloride	Magnesium	Sulfate	Nitrate-N	Spec Cond	Iron	Manganese
3/12/1990	120	417	120.0	461.5	630.0	28.5	267	0.40	3000	1.09	0.01
7/18/1990	120	430	126.77	445.14	706.0	27.744	274	0.20	3070	0.077	0.008
4/1/1991	120	NA	NA	NA	740.0	NA	278	NA	3150	NA	NA
7/28/1993	120	NA	NA	NA	740	NA	NA	NA	3080	NA	NA
7/24/2001	120	418.6	123	481	726	27	240	.1	3020	.005	.003
4/12/2006	120	410	120	430	810	27	219	ND	2910	ND	0.017
4/27/2011	120	420	120	420	930	28	200	ND	2980	ND	0.009
12/3/2012	120	NA	NA	420	750	NA	180	NA	3060	NA	NA

Explanation: N/A = Not analyzed, ND = None detected

Sample depth - feet; Results expressed in - milligrams/liter;
Spec Cond - Micro Mhos/cm

Data source - Equus Beds Groundwater Management District No. 2

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. 50,356** of the applicant

JACOB J & EMILY A MARTIN
27330 W 29TH ST N
ANDALE, KS 67001

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:

- That the priority date assigned to such application is **February 24, 2020**.
- That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
30	25S	2W					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, which is to located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 30, more particularly described as being near a point 4,005 feet North and 4,026 feet West of the Southeast corner of said section, in Township 25 South, Range 2 West, Sedgwick County, 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 (1.78 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 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 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.
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 15 day of February, 2021, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 15 day of February, 2021, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
Notary Public

Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

JACOB J & EMILY A MARTIN
27330 W 29TH ST N
ANDALE, KS 67001

February 16, 2021

RE: Application, File No. 50,356

Dear Applicant:

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 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,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:jne
Enclosures

pc: Stafford Field Office
GMD#2

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

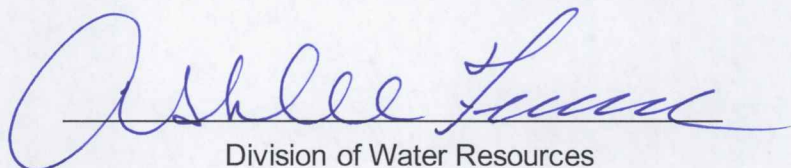
On this 16 day of February, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,356, dated 15 February, 2021, was mailed postage prepaid, first class, US mail to the following:

JACOB J & EMILY A MARTIN
27330 W 29TH ST N
ANDALE, KS 67001

With photocopies to:

Stafford Field Office

Big Bend GMD #2


Division of Water Resources