

File No. **50,407** 15. Formation Code: **140** Drainage Basin: **COW CREEK** County: **RN** Special Use: Stream:

16. Points of Diversion										
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
MOD 88017			5064	SE NE SE	24	22S	7W	1	1395	630 1 OF 2
CHK 11855				SE NE SE	24	22S	7W	2	1393	529 2 OF 2
ENT 88984				SE NE SE	24	22S	7W		1394	580 GEO C
BATTERY ID #2256										

17. Rate and Quantity				
Authorized			Additional	
Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
	56		56	
800	51.18	800	51.18	
<div style="border: 1px solid green; padding: 5px; display: inline-block;"> 7/27/2021 KAB </div>				

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 **12/31/2022** Date Acceptable Meter Installed _____

21. Place of Use										NE 1/4								LOT 4				SW 1/4				SE 1/4				Total	Owner	Chg? NO	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4										
CHK			13963	24	22S	7W	1																										
mod																																	

Comments: **PU AND PD OVERLAP DISMISSED FILE 34185**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: File

DATE: July 26, 2021

FROM: Jessica Engelbrecht

RE: Application, File No. 50,407

Richard J Schuller has filed the referenced application to appropriate 103.18 acre-feet of groundwater for irrigation use. GMD 2 notified DWR on April 16, 2021 that the application would need to be modified to accommodate the K14 Highway Project. On April 16, 2021, modifications to the requested quantity and place of use were made to the application. The irrigation use quantity requested is 56.00 acre-feet from a battery of two (2) wells at a diversion rate of 800 gallons per minute. The proposed geographic center of the battery is to be located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 24, more particularly described as being near a point 1,395 feet North and 630 feet West of the Southeast corner of said Section, in Township 22 South, Range 7 West, Reno County, within the Cow Creek drainage basin. The applicant has signed the sworn statement form stating they have legal access.

The requested irrigation quantity of 56.00 acre-feet is to irrigate crops on 40 acres identified in this application. This comes out to 1.4 acre-feet per acre which is the maximum allowable acre-feet per acre for Reno County, Kansas. The proposed battery of two wells was previously authorized by File No. 34,185. The owner requested the water right be dismissed in a letter dated February 3, 1990. File number 34,185 was dismissed on February 15, 1990. The application does not have any current

Letters were sent out on August 20, 2020 to thirteen nearby landowners. Two nearby landowners called with general concerns. No concerns were ever submitted in writing. According to the WRIS database, the nearest non-domestic point of diversion (Water Right, File No. 37,567) is located over 3,500 feet away. The nearest domestic well is approximately 986 feet away (GPS measurements from GMD 2). The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-25-2(a) for wells located within Equus Beds Groundwater Management District No. 2, the minimum well spacing for a battery of wells should be 1,320 feet from the geographic center of the battery to all other non-domestic wells and 960 feet to domestic wells.

A driller's well log of the East well shows top soil from 0 to 4, fine to medium sand & gravel from 4 to 18 feet, medium coarse sand & gravel from 18-20 feet, fine sand & gravel with thin clay streaks from 20 to 24 feet, fine to coarse sand with streaks brown & black clay from 24 to 27 feet, medium to coarse sand and gravel from 27 to 34 feet. Static water level was listed at 9 feet which provides a saturated thickness of 25 feet. A driller's well log of the West well shows sandy top soil from 0 to 3 feet, brown and gray clay from 3 to 5 feet, medium coarse sand and gravel from 5 to 19 weeks, black clay from 19 to 21 black clay, fine to medium sand and gravel, some coarse streaks from 21 to 29 feet (fine sand at 27 feet), and fine sand & gravel from 29-34 feet.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office on July 2, 2020.

A copy of the application was submitted to Equus Bends Groundwater Management District No. 2 on June 21, 2021. GMD #2 recommended approval of the application in a letter, received via email, on June 28, 2021. 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. The recommendation for GMD#2 approval was received on January 21, 2021 before the application was modified. Due to the modification of the application having less impact than the original application, it was not sent back to GMD 2 for another review.

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 July 26, 2021. 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.

From: Tim Boese
Sent: Tue 7/27/2021 1:54 PM
To: Baum, Kristen [KDA]
Cc: Engelbrecht, Jessica [KDA];Lanterman, Jeff [KDA]
Subject: RE: No. 50407 - Richard Schuller
Attachments: 50407_safeyield_7_27_2021.pdf

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Thanks Kristen for the explanation. I don't think the certification for the irrigation use would have been held up by the industrial perfection period because the pit will probably be dug and completed way before the irrigation perfection expires since the pit will be used for borrow material for the K-14 Highway construction, but I am OK with the approval of No. 50407 for just the irrigation use and I do think it should be 56 AF on 40 acres. I attached a new safe yield evaluation for No. 50407 with just the 56 AF proposed for irrigation. There appears to be still over 500 AF available, so should be plenty available for the groundwater pit application No. 50614. Please consider this email my recommendation of approval of No. 50407 for the irrigation use of 56 AF on 40 acres if this is the route you are taking.

My only concern is how long No. 50614 will take to be reviewed and approved. Will it be expedited? Since the pit will be dug for borrow material for the K-14 Highway construction, I am guessing the applicant and dirt contractor will need this very soon. I will also need a spacing consent form signed by Mr. Schuller for the groundwater pit to be located closer than 1,320 feet to the irrigation well battery authorized by No. 50407, and maybe a spacing consent form for the pit being too close to his domestic well, since this is now a separate application and the groundwater pit and well battery are no longer on the same application. I can send the spacing consent forms to Mr. Schuller to sign.

Thanks.

Tim Boese, Manager
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<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.gmd2.org%2F&data=04%7C01%7Ckristen.baum%40ks.gov%7Ca4a11262d5214e80eb3408d9512ff720%7Cdcae8101e92d480cbc43e6761ccccc5a%7C0%7C0%7C637630088878276676%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C1000&sdata=Ne5ZxtLruKc6SeGPZqg6DyHNXrStWtwfear70pYKNI%3D&reserved=0>

-----Original Message-----

From: Baum, Kristen [KDA] [<mailto:Kristen.Baum@ks.gov>]
Sent: Tuesday, July 27, 2021 10:06 AM
To: tboese (tboese@gmd2.org)
Cc: Engelbrecht, Jessica [KDA]; Lanterman, Jeff [KDA]
Subject: RE: No. 50407 - Richard Schuller

Hi Tim,

Jessica forwarded me your email - I apologize for all the confusion on this application. We had some miscommunication at HQ. Leslie reviewed this one and she wasn't aware of the background information on it. She also didn't have access to your most recent recommendation on it so she was anticipating

a large number of waivers to get it approved. I think we have it straightened out but we realized we should've re-notified the nearby since this was a pretty substantial change to the application. In light of that, we felt there would be some advantages to filing a second application. That allows us to go ahead and get the irrigation portion approved right away (today potentially) and not be held up by the new notification period. It also cleans up the conflicting perfection periods that would've ensued - now the irrigation certification won't be held up by the industrial use perfection period.

I do believe you are correct about the quantity. With a second application being filed for the pit, we only need to reduce the quantity of the irrigation file to 56AF, provided there is enough safe yield available for both. I believe that to be so, but do mind confirming?

Thanks,
Kristen

From: Tim Boese [<mailto:tboese@gmd2.org>]
Sent: Monday, July 26, 2021 9:43 PM
To: Engelbrecht, Jessica [KDA]
<Jessica.Engelbrecht@ks.gov<<mailto:Jessica.Engelbrecht@ks.gov>>>
Subject: RE: No. 50407 - Richard Schuller

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Hi Jessica. I am slightly confused and am wondering why it is not acceptable now, since this is how Kristen advised to modify the application. Will No. 50407 be divided into 50407-D1 and D2, or will it just be reduced to the 51.8 AF on 40 acres for irrigation, and an entirely new application be filed for the groundwater pit? I had originally thought No. 50407 would have to split into D1 and D2 or a change application filed after the original approval, but Kristen advised it could be done the way it is now, but now apparently it can't be?

Anyway, if No. 50407 is just being reduced to the irrigation and an entirely new application filed for the GW pit, shouldn't the irrigation quantity be reduced to 56 AF on 40 acres, using 1.4 acre-feet per acre? If it has to be divided into D1 and D2, then I understand the 51.8 AF on 40 acres and the 52 AF for the 24 acre GW pit.

Can you let me know if 50407 will be divided into D1 and D2, or a new application filed for the GW pit.

Thanks for all your help on this.

Tim Boese, Manager

Equus Beds GMD2

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tboese@gmd2.org<<mailto:tboese@gmd2.org>>

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.gmd2.org%2F&data=04%7C01%7Ckristen.baum%40ks.gov%7Ca4a11262d5214e80eb3408d9512ff720%7Cdcae8101c92d480cbc43c6761ccccc5a%7C0%7C0%7C637630088878286632%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IjkiLCJBIiI6IjkiLCJXVCi6Mn0%3D%7C1000&sdata=3dCZJibkxxljGCbNG8J2o%2F06GWjvuboayqB2%2FxlZmps%3D&reserved=0><<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.gmd2.org%2F&data=04%7C01%7Ckristen.baum%40ks.gov%7Ca4a11262d5214e80eb3408d9512ff720%7Cdcae8101c92d480cbc43c6761ccccc5a%7C0%7C0%7C637630088878286632%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IjkiLCJBIiI6IjkiLCJXVCi6Mn0%3D%7C1000&sdata=3dCZJibkxxljGCbNG8J2o%2F06GWjvuboayqB2%2FxlZmps%3D&reserved=0>>

2Fwww.gmd2.org%2F&data=04%7C01%7CKristen.Baum%40ks.gov%7C9c497d281bb54e528f9a08d9510a4e48%7Cdcae8101c92d480cbc43c6761cccc5a%7C0%7C0%7C637629926963792899%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C1000&sdata=LLzVJdb8T4%2BU16bc3DqVDTiwa7G248SaaEIwaVpciGc%3D&reserved=0>

From: Engelbrecht, Jessica [KDA] [<mailto:Jessica.Engelbrecht@ks.gov>]
Sent: Friday, July 23, 2021 2:59 PM
To: Tim Boese
Subject: RE: No. 50407 - Richard Schuller

Tim,

The Richard Schuller/Bob Bergkamp Construction application was returned to me from Headquarters. It was reviewed and found to not be acceptable for final processing. I spoke earlier today with both Chris Snook from Bob Bergkamp Construction and Richard Schuller about changes that will need to be made. The application will need to be split in two. I am having Chris Snook file a separate application for IND use for a 24 acre groundwater pit on behalf of Richard Schuller.

I can take the original irrigation application that you had reviewed and recommended approval and submit it to headquarters for review with changes cutting back the requested quantity to 51.8 AF and place of use of 40 acres. We will not be sending out nearby notification letters on the irrigation application as we are decreasing the quantity and area and the application will not have any greater impact than previously planned. Since quantity and PU are decreasing vs increasing, I wanted to ask if you would like to have the application re-submitted to you for review or, if I could have your permission to continue with your original recommendation, noting that the quantity and place of use was changed after your approval recommendation.

Please let me know at your earliest convenience.

Thank you,

Jessica Engelbrecht, Environmental Scientist KDA Division of Water Resources
Stafford Field Office
(620) 234-5311 Office
(620) 234-6900 Fax

Jessica.engelbrecht@ks.gov<<mailto:Jessica.engelbrecht@ks.gov>>

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<https://gcc02.safelinks.protection.outlook.com/?url=h>

<http://www.agriculture.ks.gov><<http://www.agriculture.ks.gov>>&data=04%7C01%7CKristen.Baum%40ks.gov%7C9c497d281bb54e528f9a08d9510a4e48%7Cdcae8101c92d480cbc43c6761cccc5a%7C0%7C0%7C637629926963802862%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C1000&sdata=784qUK8xpQaurAzkcR8X06KvHEwiQ3G3uk2b4mrCdh4%3D&reserved=0>

[cid:image001.png@01D782CC.66DF2BC0]

From: Tim Boese [<mailto:tboese@gmd2.org>]
Sent: Monday, April 5, 2021 11:09 AM
To: Baum, Kristen [KDA] <Kristen.Baum@ks.gov<<mailto:Kristen.Baum@ks.gov>>>; Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov<<mailto:Jessica.Engelbrecht@ks.gov>>>
Cc: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov<<mailto:Jeff.Lanterman@ks.gov>>>; Letourneau, Lane [KDA] <Lane.Letourneau@ks.gov<<mailto:Lane.Letourneau@ks.gov>>>

Subject: RE: No. 50407 - Richard Schuller

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Attached is a map I received from Rick Thome, Bergkamp Construction, showing the proposed modifications to pending application No. 50407 for the K-14 HWY project. He advised the owner/applicant, Richard Schuller, has agreed to make these changes. The proposed modifications would change the proposed PD from a well battery to a well battery and groundwater pit. The irrigation quantity would be 51.18 AF on 40 acres PU and the groundwater pit would be 52 acre-feet for 24 acres groundwater pit for recreational use.

Let me know if you need anything else to modify the application and then send back to be for another review and recommendation.

Thanks.

Tim Boese, Manager

Equus Beds GMD2

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From: Baum, Kristen [KDA] [<mailto:Kristen.Baum@ks.gov>]

Sent: Friday, March 12, 2021 9:50 AM

To: Tim Boese; Engelbrecht, Jessica [KDA]

Cc: Lanterman, Jeff [KDA]; Letourneau, Lane [KDA]

Subject: RE: No. 50407 - Richard Schuller

I'm okay with it provided we would be getting to the same spot with a new app and change. It will take us a little effort to modify our documents but it will save us time in the long run and get the approval in place faster.

Get us the new information and anticipate another request for a recommendation on it. Thanks!

Kristen A Baum

New Applications and Changes Supervisor

DWR Appropriations

From: Tim Boese <tboese@gmd2.org<mailto:tboese@gmd2.org>>

Sent: Friday, March 12, 2021 8:21 AM

To: Baum, Kristen [KDA] <Kristen.Baum@ks.gov<mailto:Kristen.Baum@ks.gov>>;

Engelbrecht, Jessica [KDA]

<Jessica.Engelbrecht@ks.gov<mailto:Jessica.Engelbrecht@ks.gov>>

Cc: Lanterman, Jeff [KDA]

<Jeff.Lanterman@ks.gov<mailto:Jeff.Lanterman@ks.gov>>; Letourneau, Lane

[KDA] <Lane.Letourneau@ks.gov<mailto:Lane.Letourneau@ks.gov>>

Subject: RE: No. 50407 - Richard Schuller

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Thanks Kristen. Schuller will remain the owner. They will want to retain some of the quantity for irrigation from the proposed well battery, and add a groundwater pit. Are you OK with the pending new application being modified to have both a well battery for irrigation and a groundwater pit for recreational use?

If so, I will have Bergkamp send over the proposed groundwater pit size and shape and what they want to leave for irrigation and forward to DWR so the application can be modified and sent back to me for another review and recommendation.

Tim Boese, Manager
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From: Baum, Kristen [KDA] [<mailto:Kristen.Baum@ks.gov>]
Sent: Thursday, March 11, 2021 11:21 AM
To: Tim Boese; Engelbrecht, Jessica [KDA]
Cc: Lanterman, Jeff [KDA]; Letourneau, Lane [KDA]
Subject: RE: No. 50407 - Richard Schuller

This application hasn't been sent for signatures yet. I think we can take this opportunity to modify the new application to reflect what they now propose as long as we aren't increasing rate or quantity and we aren't moving a PD too far. Will Schuller remain the owner of the entire WR?

Kristen A Baum
New Applications and Changes Supervisor
DWR Appropriations

From: Tim Boese <tboese@gmd2.org<mailto:tboese@gmd2.org>>
Sent: Thursday, March 11, 2021 10:07 AM
To: Engelbrecht, Jessica [KDA]
<Jessica.Engelbrecht@ks.gov<mailto:Jessica.Engelbrecht@ks.gov>>
Cc: Lanterman, Jeff [KDA]
<Jeff.Lanterman@ks.gov<mailto:Jeff.Lanterman@ks.gov>>; Baum, Kristen [KDA]
<Kristen.Baum@ks.gov<mailto:Kristen.Baum@ks.gov>>; Letourneau, Lane [KDA]
<Lane.Letourneau@ks.gov<mailto:Lane.Letourneau@ks.gov>>
Subject: No. 50407 - Richard Schuller

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Jessica - I was checking on the status of pending new application No. 50407. It appears that Bergkamp Construction is wanting to file a change

application on this as soon as the new permit is approved and convert some of the place of use and quantity to a borrow pit for the K-14 Highway construction. I can help them with the change application as soon No. 50407 appropriation application is approved.

I copied Kristen and Lane so that they can expedite this if the application is at HQ.

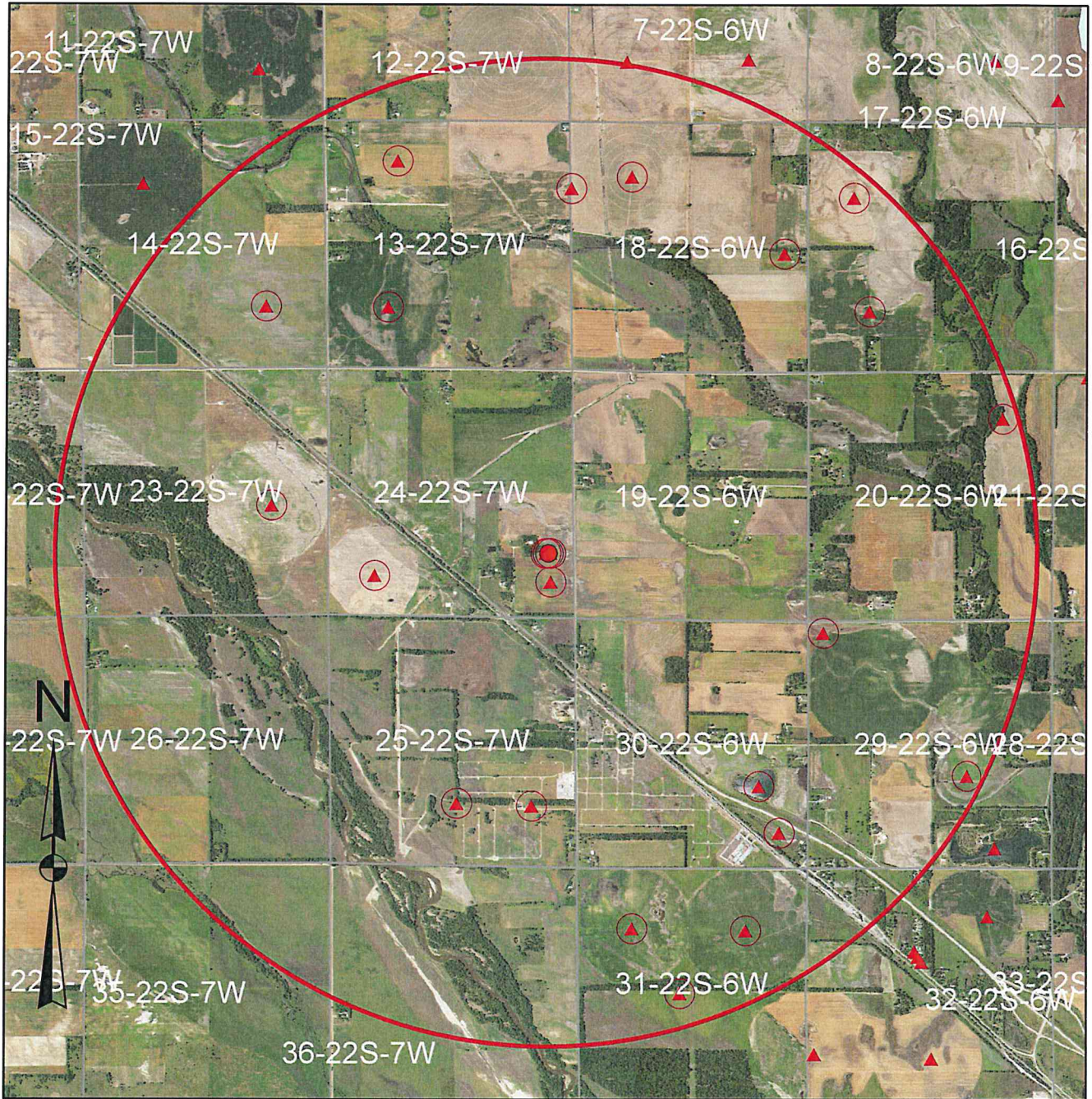
Thanks.

Tim Boese, Manager
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Fax: 316-835-2225

tboese@gmd2.org<mailto:tboese@gmd2.org>

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.gmd2.org%2F&data=04%7C01%7Ckristen.baum%40ks.gov%7Ca4a11262d5214e80eb3408d9512ff720%7Cdcae8101c92d480cbc43c6761ccccc5a%7C0%7C0%7C637630088878286632%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCI6Mn0%3D%7C1000&sdata=3dCZJibkxxljGCbNG8J2o%2F06GWjvuboayqB2%2FxlZmps%3D&reserved=0>
https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwebdefence.global.blackspider.com%2Furlwrap%2F%3Fq%3DAXicE2RnyG11YLjcwBQlFNpaJauV1xUppebmJmTnJ9XUpSfo5ecn8tQ5mjuUxCVY25gYmRsacCQnZpZkqFXkpWYkprnkJmcm5mXDFaWUVJSYKWvX15erpeem2Kk11-Urs_AwKBYwcAAANHRIJg%26Z&data=04%7C01%7CKristen.Baum%40ks.gov%7C9c497d281bb54e528f9a08d9510a4e48%7Cdcae8101c92d480cbc43c6761ccccc5a%7C0%7C0%7C637629926963822776%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCI6Mn0%3D%7C1000&sdata=El0yjBMwXDsLWnfsbprBEWA7ioVJyn3jdpDeaQONJuE%3D&reserved=0

Equus Beds Groundwater Management District No. 2 Safe Yield Evaluation #50407 Irrigation Well Battery SENESE (1394'N & 580'W) 24-22S-07W, Reno County Prepared By: T. Boese Date: 7/27/2021



	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



SAFEYIELD EVALUATION - NO. 50407 - IRR. WELL BATTERY ONLY - RICHARD J. SCHULLER

LOCATION: SENESE (1394'N & 580'W) 24-22S-07W, Reno County

SPECIAL USE AREA: None

EVALUATION DATE:- 7/27/2021

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
A01695800	586	22S	06W	18	39975074	IRR	22
A03051700	611	22S	07W	25	13492573	IND	500
A03051700	610	22S	07W	25	13160976	IND	500
A03235100	1042	22S	06W	31	40253760	IRR	168
A03277300	73	22S	06W	29	20121802	IRR	17
A03336600	873	22S	06W	29	20121802	IRR	29
A03442700	1810	22S	07W	23	23751225	IRR	158
A03756700	834	22S	07W	24	9574290	IRR	105
A03928100	2139	22S	07W	13	13203960	IRR	234
A04012200	1807	22S	06W	29	51034861	IRR	152
A04131600	709	22S	06W	18	42273774	IRR	99
A04289800	2481	22S	07W	13	44203700	IRR	100
A04440000	2810	22S	06W	30	17671051	REC	17
A04443750	2859	22S	06W	18	25320500	DOM	1
A04450100	2843	22S	06W	30	7660610	REC	8.3
A04638900	3341	22S	06W	20	43140998	IRR	54
A04676200	3451	22S	06W	17	13103982	IRR	166
A04697100	3487	22S	06W	17	37434296	IRR	102
A04823600	3994	22S	07W	14	13201320	IRR	182
A04929900	4839	22S	06W	29	51034861	IRR	129.4
A04980500	4966	22S	06W	18	42273774	IRR	68
A04980600	5121	22S	06W	18	39975074	IRR	0
A05004100	5203	22S	06W	31	26302745	IRR	354.2
A05040700P	5299	22S	07W	24	13950630	IRR	0
A05040700P	5298	22S	07W	24	13940580	IRR	56
A05040700P	5300	22S	07W	24	13930529	IRR	0
A05061400P	5314	22S	07W	24	7850525	IND	0
A20219046P	5315	22S	07W	24	7850525	HYD	1047
MF20197049	0	22S	07W	23	23751225	IRR	0
VRN001300	530	22S	06W	31	39601320	IRR	229.5
Allowable Appropriations		4,021.00			Total Existing Appropriation		4,498.40
Small User Quantity		0			Non Consumptive Appropriations		1,047.00
Remaining SUQ		45			Consumptive Appropriations		3,451.40
Note- Values are in acre-feet					Available Appropriations		569.6



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl Lewis, 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. 50,407** of the applicant

**RICHARD J SCHULLER
5907 N DEAN RD
NICKERSON KS 67561**

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 **July 2, 2020**.
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					
24 22S 7W																	35			5	40

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of two (2) wells, with a geographical center located in the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE¼ NE¼ SE¼) of Section 24, more particularly described as being near a point 1,394 feet North and 580 feet West of the Southeast corner of said section in Township 22 South, Range 7 West, Reno County, located substantially as shown on the 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 **56 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.

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.

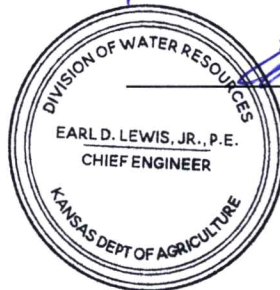
Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

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.

Ordered this *29th* day of *July*, 2021, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.

 Earl D. Lewis Jr., P.E.
 Chief Engineer
 Division of Water Resources
 Kansas Department of Agriculture

State of Kansas)
) SS
 County of Riley)

The foregoing instrument was acknowledged before me this *29* day of *July*, 2021, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman

 Notary Public
 Ashlee Freeman

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

August 5, 2021

RICHARD J SCHULLER
5907 N DEAN RD
NICKERSON, KS 67561

RE: Appropriation of Water, File No. 50,407

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 Applications and Changes Supervisor
Division of Water Resources

KAB:jne

Enclosure(s)

pc: Stafford Field Office
Equus Beds GMD No. 2

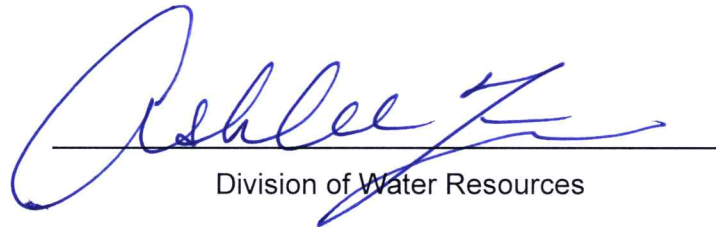
CERTIFICATE OF SERVICE

On this 5 day of August, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,407, dated 29 July, 2021, was mailed postage prepaid, first class, US mail to the following:

RICHARD J SCHULLER
5907 N DEAN RD
NICKERSON KS 67561

With photocopies to:

Stafford Field Office
GMD 2



Division of Water Resources