

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

1. File Number: <p style="text-align: center; font-size: 1.2em;">50,421</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;">5/20/2021</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">2</p>	4. GMD:
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> Meter			
<p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 67363 Add Seq# _____</p> <p>CHARLES L STEVENS 6 N LINDEN DR WICHITA, KS 67206-2449</p>	<p>7c. Landowner(s) New to system <input checked="" type="checkbox"/></p> <p style="text-align: right;">Person ID 67816 Add Seq# _____</p> <p>SMITH & COMPANY INC 517 MINNEHA AVE ANDOVER KS 67002</p>		
<p>7b. Landowner(s) New to system <input checked="" type="checkbox"/></p> <p style="text-align: right;">Person ID 24766 Add Seq# _____</p> <p>R A RUUD & SON INC PO BOX 16082 WICHITA KS 67216-0082</p>	<p>7d. Misc. New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>		
<p>8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: right;">Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p> <p>7a</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p style="padding-left: 40px;"><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p style="padding-left: 40px;"><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p style="padding-left: 40px;"><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>		
10. Completion Date: <u>12/31/2022</u> 11. Perfection Date: <u>12/31/2026</u> 12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
<p>Date Prepared: 4/28/2021 By: KJN</p> <p>Date Entered: 5/24/2021 By: LMoody</p>			

5/19/2021
Llreland

File No. 50,421	15. Formation Code: 113	Drainage Basin: Arkansas River	County: SG	Special Use:	Stream:																																																																																																																						
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="10">16. Points of Diversion</th> <th colspan="5">17. Rate and Quantity</th> </tr> <tr> <td rowspan="2" style="font-size: small;">T MOD DEL ENT</td> <td rowspan="2" style="font-size: small;">PDIV</td> <td rowspan="2" style="font-size: small;">Qualifier</td> <td rowspan="2" style="font-size: small;">S</td> <td rowspan="2" style="font-size: small;">T</td> <td rowspan="2" style="font-size: small;">R</td> <td rowspan="2" style="font-size: small;">ID</td> <td rowspan="2" style="font-size: small;">'N</td> <td rowspan="2" style="font-size: small;">'W</td> <td colspan="2" style="font-size: small;">Authorized</td> <td colspan="3" style="font-size: small;">Additional</td> </tr> <tr> <td style="font-size: small;">Rate gpm</td> <td style="font-size: small;">Quantity af</td> <td style="font-size: small;">Rate gpm</td> <td style="font-size: small;">Quantity af</td> <td style="font-size: small;">Overlap PD Files</td> </tr> <tr> <td>MOD</td> <td>88341</td> <td>NE SE SE</td> <td>15</td> <td>28S</td> <td>1E</td> <td>28</td> <td>1000</td> <td>1500</td> <td>500</td> <td>67.85</td> <td>500</td> <td>67.85</td> <td>none</td> </tr> <tr> <td>MOD</td> <td>88342</td> <td>SW SE SE</td> <td>15</td> <td>28S</td> <td>1E</td> <td>29</td> <td>1500</td> <td>1200</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>ENT</td> <td>new</td> <td>NE SW SE</td> <td>15</td> <td>28S</td> <td>1E</td> <td></td> <td>1250</td> <td>1500</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td>88846</td> <td></td> </tr> <tr> <td colspan="6" style="text-align: center;">(GEOCENTER)</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="6" style="text-align: center;">BATT ID # 2237</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>						16. Points of Diversion										17. Rate and Quantity					T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional			Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files	MOD	88341	NE SE SE	15	28S	1E	28	1000	1500	500	67.85	500	67.85	none	MOD	88342	SW SE SE	15	28S	1E	29	1500	1200						ENT	new	NE SW SE	15	28S	1E		1250	1500							88846													(GEOCENTER)														BATT ID # 2237													
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KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: March 24, 2021

FROM: Kris Neuhauser

RE: New Application, File No. 50,421

Charles L. Stevens has filed the above referenced new application proposing to appropriate 67.85 acre-feet of groundwater per calendar year at a maximum diversion rate not to exceed 500 gallons per minute for irrigation use from a battery of two (2) wells. The proposed point of diversion doesn't overlap with any existing water rights. The geographic center of this battery is located in the Northeast Quarter of the Southwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 15, more particularly described as being near a point 1,250 feet North and 1,350 feet West of the Southeast corner of said section, in Township 28 South, Range 1 East, Sedgwick County, Kansas (Arkansas River Basin). The point of diversion is owned by R.A. Ruud & Son Inc. The applicant has signed where required, stating he has legal access. The source of supply is Arkansas River main stem alluvium.

The proposed place of use is a total of 52.19 acres, located in the Southeast Quarter of Section 15, Township 28 South, Range 1 East, Sedgwick County Kansas; owned by both R.A. Ruud & Son Inc. and Smith & Company Inc.

Initially, the application proposed a quantity of 75 acre-feet and a place of use of 54.77 acres. After correspondence with the applicant, the correct acreage was determined to be 52.19 acres. The maximum quantity allowed for irrigation use in Sedgwick County, Kansas is 1.3 acre-feet per acre. The requested quantity was adjusted to 67.85 acre-feet, which is the maximum quantity allowed for the 52.19-acre place of use. (52.19 acres x 1.3 AF/acre = 67.85 AF). Therefore, the quantity appears to be reasonable.

In 2004 the United States Geological Survey (USGS) completed a hydrologic model of a portion of the Arkansas River and associated drainage basins (Ninnescah River), generally bounded by Ranges 2 West to 3 East and Townships 26 South to 34 South (near state line). The USGS model indicated that the aquifer in this area receives more recharge from precipitation than DWR has historically used in safe yield calculations. The data and analyses are detailed in the USGS Scientific Investigations Report 2004—2005 entitled "Characterization and Simulation of Flow in the Lower Arkansas River Alluvial Aquifer, South-Central Kansas". In order to evaluate the potential impact of this study on our safe yield calculations, DWR suspended processing applications for new appropriations of water in the model area.

DWR completed an evaluation of a USGS model and has determined that the precipitation recharge value of 5.4 inches per year that is used in the USGS model is reasonable and appropriate. In order to reserve water in the alluvial aquifers that can contribute to base flow to area streams and for domestic use, it was determined that 75 percent of the 5.4 inches of precipitation recharge shall be available for appropriation. This is consistent with safe yield appropriation in many other basins across the state and is the current percent available for applications in the Ninnescah River basin in the area. Therefore, for pending applications within the model area, safe yield will be valued using the standard methodology in K.A.R. 5-3-11, which is based on the extent of the unconfined aquifer (area of consideration), a potential annual recharge value of 5.4 inches, and a percent of recharge available for appropriation of 75 percent.

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 included the extent of the unconfined aquifer, which provided an area of consideration of 5,548 acres. With a potential annual recharge of 5.4 inches, and 75% of recharge available for appropriation, safe yield was determined to be 1,872.58 acre-feet. Existing water rights have appropriated 200.64 acre-feet, providing a difference of 1,671.94 acre-feet available for appropriation, and the application requesting 67.85 acre-feet complies with safe yield.

Due to the large number of domestic wells in the vicinity, a public notice was published in the Wichita Eagle, a local newspaper, for three consecutive weeks. Fifteen days following the final publication day (April 1, 2021) were allowed for comments from the public, but no comments of any kind were received. An affidavit of publication was provided by the applicant and was properly signed and notarized.

The nearest non-domestic well (File No. 49,376) is over 3,000 away and the nearest domestic well is over 1,000 feet away. Therefore, the proposed point of diversion complies with minimum spacing criteria according to K.A.R. 5-4-4.

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.

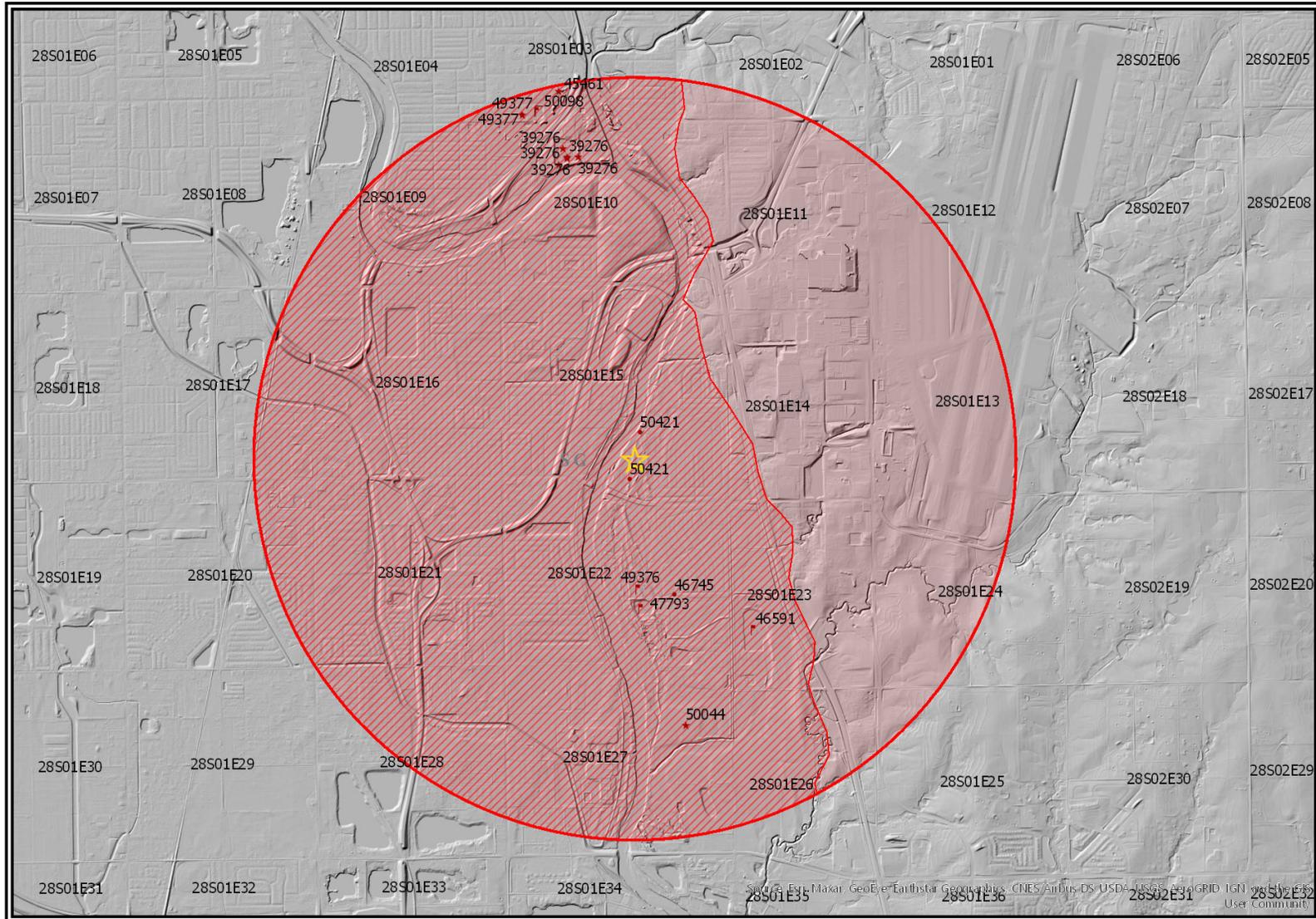
In an e-mail conversation on April 28, 2021, Jeff Lanterman, Water Commissioner of the Stafford Field Office, and Cameron Conant, Assistant Water Commissioner of the Stafford Field Office, recommended approval of the application.

Based on the above discussion, the area is open to new appropriations, the application meets safe yield and 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

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 15-28S-01E
Footages from SE corner- 1,250 feet North 1,350 feet West



Analysis Results

50421 PASSES SY*

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 1,872.58 AF.

Total prior appropriations in the circle is 268.49 AF. **- 67.85 AF = 200.64 AF**

Total quantity of water available for appropriation is ~~1,604.10 AF~~ **1671.94 AF**

Safe Yield Variables

The area used for the analysis is set at 5,548 acres.

The potential annual recharge at the circle center is estimated to be 5.4 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 23-FEB-2021 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 10 water rights and 15 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 39276 00	IND	NK	G		SE	NE	NW	4092	3085	10	28	01E	7	WR	12.28	12.28		
Same	IND	NK	G		SE	NE	NW	4060	2773	10	28	01E	10	WR				
Same	IND	NK	G		NW	SE	NW	3910	3323	10	28	01E	12	WR				
Same	IND	NK	G		SE	NE	NW	4340	3173	10	28	01E	8	WR				
Same	IND	NK	G		SE	NE	NW	4060	3073	10	28	01E	9	WR				
A 45461 00	IND	NK	G		SW	SE	SW	852	3280	03	28	01E	2	WR	15.74	15.74		
A 46591 00	REC	NK	G		SW	NE	SW	1637	3344	23	28	01E	3	WR	25.00	25.00		
A 46745 00	IRR	NK	G		SE	SE	NE	2722	279	22	28	01E	13	WR	3.20	3.20	2.00	2.00
A 47793 00	REC	NK	G					2318	1151	22	28	01E	14	WR	8.00	8.00		
A 49376 00	REC	LO	G					2820	1295	22	28	01E	15	WR	4.00	4.00		
A 49377 00	IND	KE	G		SE	SW	SW	215	4295	03	28	01E	11	WRF	34.43	34.43		
A 49377 00	IRR	KE	G		SE	SW	SW	215	4295	03	28	01E	11	WRF	9.84	9.84	3.00	3.00
A 50044 00	IND	GY	G		NE	SE	NE	3600	40	27	28	01E	31	WR	78.50	78.50		
A 50098 00	REC	KE	G		SW	SE	SW	291	3809	03	28	01E	13	WR	2.50	2.50		
A 50421 00	IRR	AY	G		NW	SW	SE	700	1500	15	28	01E	28	WR	75.00	75.00	55.00	55.00
Same	IRR	AY	G		SW	NE	SE	2000	1200	15	28	01E	29	WR	67.85	67.85		

From: Lanterman, Jeff [KDA]
Sent: Thu 4/29/2021 1:27 PM
To: Neuhauser, Kris [KDA];Conant, Cameron [KDA]
Subject: RE: New App 50421 recommendation request

Kris.

This one looks like a slam dunk. No objections to approval here.

Thanks
Jeff

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Wednesday, April 28, 2021 4:03 PM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Cc: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: New App 50421 recommendation request

No worries, I did too honestly. Came across it in Docuware and jogged my memory. Good to proceed with approvals as is?

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Wednesday, April 28, 2021 3:32 PM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Cc: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: New App 50421 recommendation request

No, I didn't need anything else on this one. I forgot about it to be quite honest.

Cameron

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Wednesday, April 28, 2021 3:27 PM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Cc: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: New App 50421 recommendation request

Hey Cameron, are you still wanting a bit more from the applicant on this one? When Janelle talked to him, he mentioned they didn't have future plans yet for the area. Maybe we add a condition saying they should send future plans in when available? Just spit balling, let me know what you think.

Thanks!

Kris

From: Neuhauser, Kris [KDA]
Sent: Friday, April 16, 2021 2:26 PM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Cc: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: New App 50421 recommendation request

Janelle reached out to Charlie. He is not planning development right now - Janelle mentioned we can go ahead with the app without anything from structures.

From: Neuhauser, Kris [KDA]
Sent: Friday, April 16, 2021 11:40 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Cc: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: New App 50421 recommendation request

Cameron, checking with Janelle now. I shot her the app and corresponding PU map – will let you know.

I'm guessing it is for future development.. but I can definitely run it by the applicant to be sure. See if he could provide future plans. I talked to him on the phone initially, since then he's been very easy to reach via email – charlie@marchoil.com

Kris

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Friday, April 16, 2021 11:22 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: New App 50421 recommendation request

Kris, is there any issues here with floodplain and such that Janelle needs to weigh in on for this one? The application says irrigation for "grass" with "in ground sprinkler". Do you think this is irrigation for a future development? If so, it would be nice to have the current plans for the development in the file. I know the red outlined p/u map has a bunch of trees and such so this is a long way off from anything getting finished I would think.

Thoughts?

Cameron

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Wednesday, April 7, 2021 4:13 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: New App 50421 recommendation request

Afternoon guys,

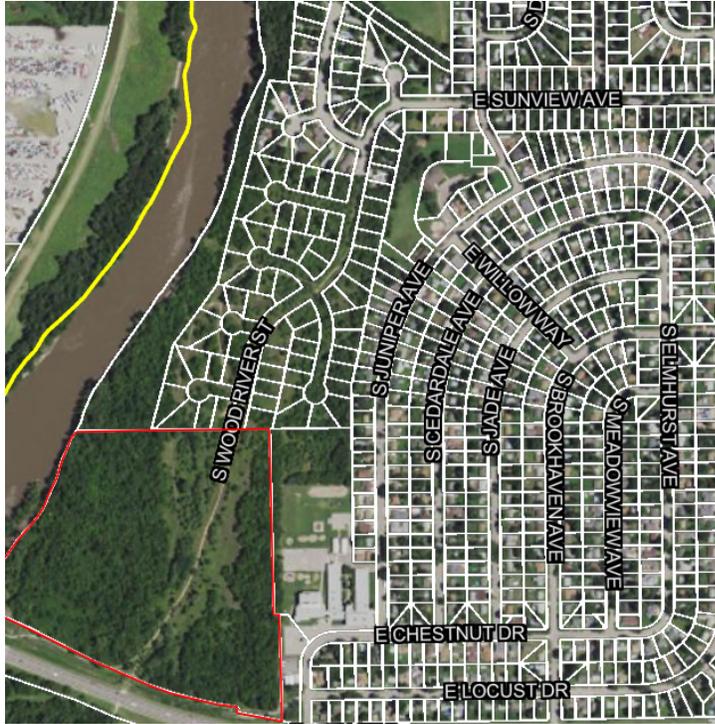
Attached is my memo and safe yield report for New Application 50421. This one is in Wichita, so had the applicant publish a public notice. Hasn't quite been 15 days from the last publication.. but haven't heard a peep so far. I'll follow up if I do.

Could you please provide a recommendation? Thanks!

P.S. Heard you guys were getting snow?? Classic Kansas.

Kris Neuhauser

Environmental Scientist
Water Appropriations Program – Kansas Dept of Agriculture
(785) 564-6643



Owner Information

Owner : R A RUUD & SON INC

Mailing Address : PO BOX 16082 WICHITA, KS
67216-0082

Property Details

Property Type : Residential Vacant Land

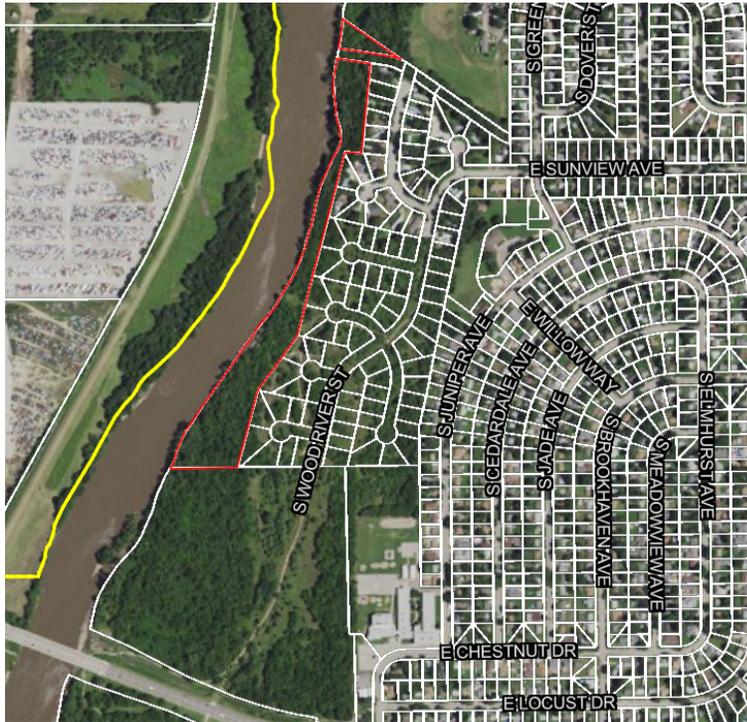
Property Status : Active

Taxing Unit : 2004 781 RIVERSIDE TWPU-260-
OIDRI

Neighborhood Code : 704.4

[Building Sketch](#)

[Google Map Street View](#)



Parcel Summary (For [Full Report click here](#))

[Add to Multi-Parcel Report](#)

Parcel ID :

Owner Name : SMITH & COMPANY INC

Location :

Boundary Desc :

Owner Information

Owner :

Mailing Address :

Property Details

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 PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,421** of the applicant

CHARLES L. STEVENS
6 N LINDEN DR
WICHITA, KS 67206-2449

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 **August 3, 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	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				TOTAL
			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	
15	28S	1E													13.61	2.24	23.27	13.07	52.19

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of two (2) wells, with a geographical center located in the Northeast Quarter of the Southwest Quarter of the Southeast Quarter (NE¹/₄ SW¹/₄ SE¹/₄) of Section 15, more particularly described as being near a point 1,250 feet North and 1,350 feet West of the Southeast corner of said section, in Township 28 South, Range 1 East, Sedgwick 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 **500 gallons per minute (1.11 c.f.s.)** and to a quantity not to exceed **67.85 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.

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 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 acceptable water flow meters 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. These water flow meters 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.

18. That this permit is further limited such that all wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply, and shall supply water to a common distribution system.

Ordered this *20* day of *May*, 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 *20* day of *May*, 2021, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
Notary Public

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

May 25, 2021

CHARLES L STEVENS
6 N LINDEN DR
WICHITA, KS 67206-2449

RE: Appropriation of Water, File No. 50,421

Dear Mr. Stevens:

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,

Kristen A. Baum
New Applications and Changes Supervisor
Division of Water Resources

KAB: kjn: li
Enclosure(s)

pc: Stafford Field Office
R A Ruud & Son Inc
Smith & Company Inc

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

CERTIFICATE OF SERVICE

On this 25 day of May, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,421, dated 20 May, 2021, was mailed postage prepaid, first class, US mail to the following:

CHARLES L. STEVENS
6 N LINDEN DR
WICHITA, KS 67206-2449

With photocopies to:

R A RUUD & SON INC
PO BOX 16082
WICHITA KS 67216-0082

SMITH & COMPANY INC
517 MINNEHA AVE
ANDOVER KS 67002

Stafford Field Office



Division of Water Resources