

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;">50,598</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;">8/3/2022</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">02</p>	4. GMD:
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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 **67829**
New to system Add Seq# _____

PRAIRIESTONE INC
3266 KIMBALL AVE
MANHATTAN, KS 66503

7b. Landowner(s) Person ID **67831**
New to system Add Seq# _____

CORY A & JENNEEN A LEMAY
7467 CROOKED CREEK RD
RILEY, KS 66531-9553

7c. Landowner(s) Person ID **67830**
New to system Add Seq# _____

CROOKED CREEK PROPERTIES LLC
32666 KIMBALL AVE
MANHATTAN KS 55403

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: 12/31/2023 11. Perfection Date: 12/31/2027 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? Yes No Date to Comply: _____ Date WLMD Installed: _____

8/2/2022
JDK Date Prepared: **4/12/22** By: **BMM**
 Date Entered: 8/8/2022
LMoody By:

File No. **50598** 15. Formation Code: 540 Drainage Basin: Kansas River County: RL Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity				
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized	Additional	Overlap PD Files		
										Rate gpm	Quantity af	Rate gpm	Quantity af	
CHK	88879	NW SE NE	3	9S	5E	1	3910	1201		150	46	150	46	NA

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 **12/31/2023** Date Acceptable Meter Installed _____

21. Place of Use																		Total	Owner	Chg? NO	Overlap Files					
T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼								
						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	70440	3	9S	5E	1			10	13													23	7a,7b 7C	N	NA	
CHK	70441	3	9S	5E	2	19	5															24	7a,7b	N	NA	

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

FROM: Brandon Milner

Place of Use is
owned by applicant
and business
partner who is a
neighbor to the
North

8/2/2022
BMM

DATE: July 7, 2022

RE: Application, File No. 50,598

PrairieStone Inc. has filed the referenced application to appropriate 46 acre-feet of groundwater from a proposed well at the rate of 150 gallons per minute to irrigate 47 acres in Riley County. The proposed place of use is ~~wholly owned by the applicant and he has signed the application form stating he has access to the point of diversion.~~ There are no overlapping files in point of diversion or place of use. The well is in the Northeast Quarter of Section 3, Township 9 South, Range 5 East, Riley County, within the Kansas River Drainage basin. The well for this application was found to be an illegal diversion by a field inspection in May of 2021. Hence this new application was filed to correct the missing permit.

The requested quantity of water under the new application of 46 acre-feet for the irrigation of 47 acres of trees and shrubs, provides for 0.98 acre-feet per acre, which is less than the maximum allowable quantity for "normal" irrigation use in Riley County, of 1.1 acre-feet per acre, per K.A.R. 5-3-19 and K.A.R. 5-3-24. However, the applicant does feel that this amount is adequate for their nursery.

The applicant identified multiple nearby domestic well owners, and notification letters were sent out to all well owners on February 16, 2022. Multiple calls and letters of concern were received by nearby well owners. There was general concern for the domestic well water levels in the area possibly decreasing with the approval of this irrigation application. This is a newer area of development for water appropriation so there is not as much nearby well information in the area as more developed areas. A this analysis was performed in the area to identify potential impact to nearby domestic wells in this area. No significant impact was seen to affect nearby domestic wells from this study. However, with historical use of this well since 2017, there has not been any impact on neighboring wells. I believe that this application could be approved without impact to nearby wells since this well has been in use since 2017.

Well logs for this application and other nearby wells in the KGS WWC-5 database, show the only lithologic units encountered were alternating limestone and shale layers, with some interbedded clays. They indicate that the limestone bedrock is generally the source of water, by noting where water was encountered on the well log. KGS Bulletin No. 39, "The Geology of Riley and Geary Counties, Kansas" states that the Cottonwood limestone and the Fort Riley limestone are the chief aquifers throughout the two counties. The bulletin *notes that the limestone strata if unbroken and unweathered is virtually impermeable, but, as it is slightly soluble in ground water, solution channels develop along bedding and joint planes when the rock has been in contact with water for some time. Therefore, in the plateau-like uplands where limestone lies just below the surface soil mantle it can be expected to carry large quantities of water. The City of Riley obtains its water from a well that penetrates the Barneston limestone (Chase Group) at a depth of 128 feet. The well produces 25 to 45 gallons of water per minute through a 10-inch drill hole.*

Leonardville, in the western part of Riley County, obtains water for the municipal system from two wells, drilled into the Barneston limestone at depths of 157 and 160 feet. One of these wells produces as much as 89 gallons a minute. The two wells are said to have produced 23,874,800 gallons of water in one year. These city wells give evidence of the large supply of fresh water obtainable from limestone beds below extensive dip slopes, and the importance of this supply was noted by Haworth (1913, pp. 87-89), when he cited the many farm wells near Leonardville and in similar geological surroundings near Winfield, Cowley County, Kansas. In Riley and Geary counties, the Cottonwood limestone, Fort Riley

limestone, and Florence limestone are the most important water-bearing limestones. Locally other limestone beds are aquifers.

In keeping with other senior files in this area, and based on local well logs, the area of consideration is the extent of the bedrock aquifer in the two-mile circle, which was determined to be 8,042 acres. Based on a potential recharge of 2.6 inches, with 75% available for appropriation, safe yield was determined to be 1,306.9 acre-feet. Existing water rights within this area of consideration have appropriated 417.16 acre-feet, leaving 889.74 acre-feet available, and the application clearly meets safe yield criteria.

The nearest non domestic well is located roughly 1420' away while the nearest domestic well is located roughly 450' away. This nearby domestic well does not meet standard spacing to domestic wells from non-domestic wells owner of this nearby well has signed a domestic well consent form providing that they do not have any issue with the well not meeting standard spacing to domestic wells.

The applicant has submitted a signed Minimum Desirable Streamflow form, which has been properly notarized. By completing this statement, the applicant affirms his/her knowledge that there could be times when the diversion of water may not be allowed under this permit.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

In a July 11, 2022 e-mail, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced application. Based on the above discussion, approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced new application be approved.

Brandon Milner
Environmental Scientist
Manhattan Headquarters

From: Tietsort, Katie [KDA]
Sent: Mon 7/11/2022 10:05 AM
To: Baum, Kristen [KDA];Milner, Brandon [KDA]
Subject: FW: Scott Hirt
Attachments: DAM REGISTRATION EXEMPTION FORM For Scott Hirt.pdf, Site map and land owners with structure design.pdf

FYI

Katie Tietsort

Water Commissioner

Katie.Tietsort@ks.gov

Ph. 785-296-5733 Cell 785-213-9188

Kansas Department of Agriculture

Topeka Field Office

1131 SW Winding Rd, Suite 400

Topeka, KS 66615

From: Travis Rokey <travis@nutradrip.com>
Sent: Wednesday, July 6, 2022 11:57 AM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: RE: Scott Hirt

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Katie,

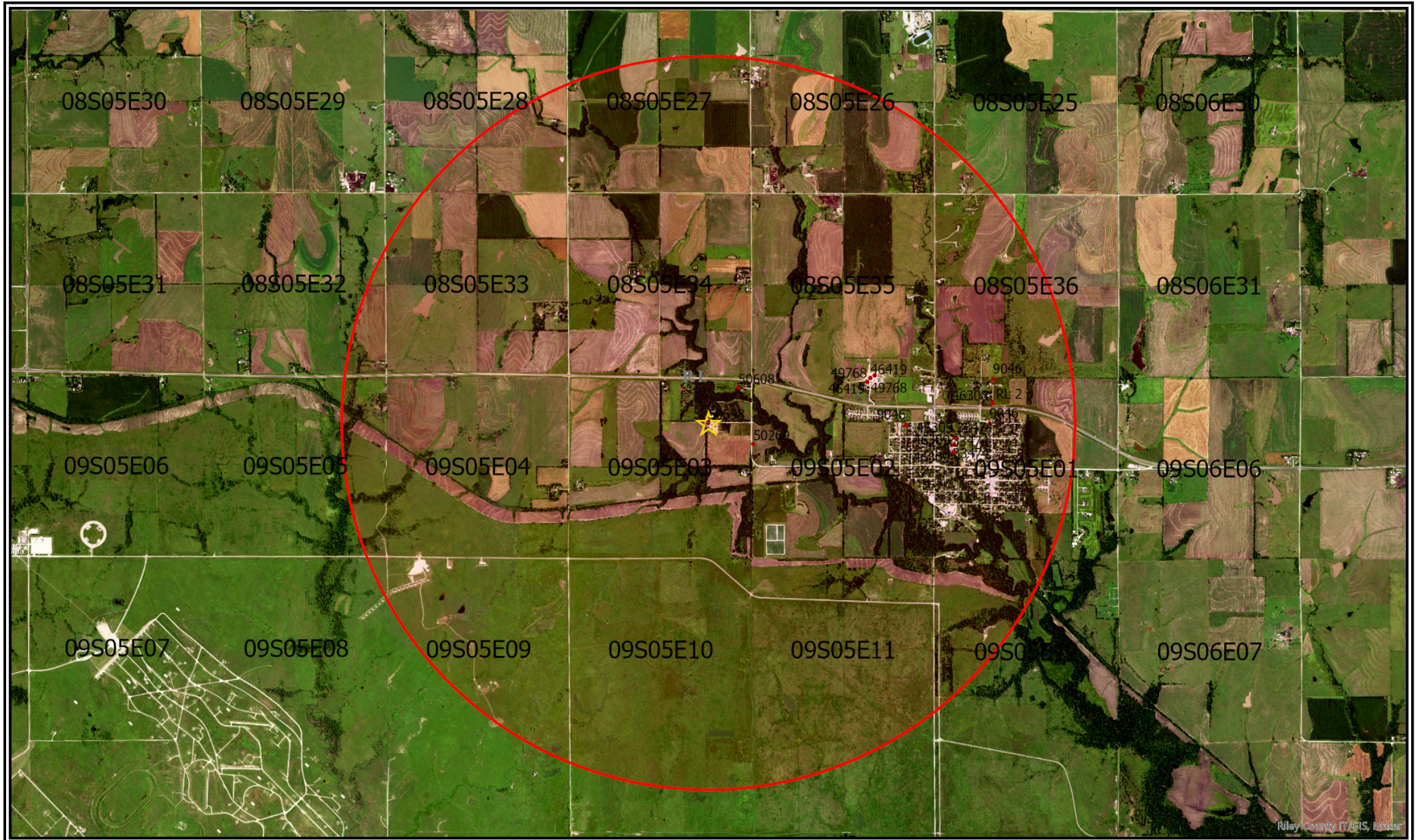
Thanks for reaching out and giving me a bit of an education as well as informing me about Scott's permit. Attached is the Class A exemption app as well as site data. Let me know if I am still missing some information.

Thanks,



Travis Rokey
(785)-285-0619

Safe Yield Report Sheet
Water Right- A5059800
Point of Diversion in 03-09S-05E
Footages from SE corner- 3,910 feet North 1,201 feet West



Analysis Results

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

The safe yield based on the variables listed below is 1,306.90 AF.

Total prior appropriations in the circle is 469.30 AF. -46-6.14=**417.16 AF**

Total quantity of water available for appropriation is 837.60 AF. **889.74**

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 2.6 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 15-FEB-2022 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 13 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 9046 00	MUN	NK	G		NW	SE	NE	3914	823	02	09	05E	2	WR	52.82	52.82		
Same	MUN	NK	G		NW	NE	NW	5270	3625	01	09	05E	3	WR				
Same	MUN	NK	G		SW	NE	NW	4015	3687	01	09	05E	1	WR				
A 33474 00	MUN	NK	G		SW	SW	NW	3218	4708	01	09	05E	8	WR	26.97	26.97		
Same	MUN	NK	G		NW	SW	NW	3628	4679	01	09	05E	7	WR				
Same	MUN	NK	G		NW	SW	NW	3423	4693	01	09	05E	9	WR				
V RL 2 00	MUN	AA	G		NW	NE	NW	4646	3584	01	09	05E	2	WR	19.95	19.95		
A 46308 00	MUN	LO	G		NW	NE	NW	4646	3584	01	09	05E	2	WR	41.43	41.43		
A 46309 00	MUN	LO	G		SW	SW	NW	3218	4708	01	09	05E	8	WR	43.59	43.59		
Same	MUN	LO	G		NW	SW	NW	3628	4679	01	09	05E	7	WR				
Same	MUN	LO	G		NW	SW	NW	3423	4693	01	09	05E	9	WR				
A 46419 00	IRR	NK	G		NE	NW	NE	5242	1822	02	09	05E	3	WR	31.50	31.50	144.00	144.00
Same	IRR	NK	G		NE	NW	NE	5138	1915	02	09	05E	4	WR				
Same	IRR	NK	G		SE	SW	SE	66	1729	35	08	05E	1	WR				
A 49768 00	IRR	LO	G		NE	NW	NE	5242	1822	02	09	05E	3	WR	157.30	157.30	144.00	0.00
Same	IRR	LO	G		NE	NW	NE	5138	1915	02	09	05E	4	WR				
Same	IRR	LO	G		SE	SW	SE	66	1729	35	08	05E	1	WR				
A 50269 00	IRR	LO	G					3350	5159	02	09	05E	5	WR	43.60	43.60	21.80	21.80
A 50598 00	IRR	AY	G		NW	SE	NE	3910	1201	03	09	05E	1	WR	46.00	46.00	47.00	47.00
A 50608 00	IRR	AY	G		NE	NE	NE	4925	330	03	09	05E	2	WR	6.14	6.14	7.00	7.00

Limitations

File Number	Seq Num	Limitations
A 9046 00	2	200GPM COM/W #RL 002

File Number	Seq Num	Limitations
A 46308 00	1	59GPM COM/W #RL 002
A 46309 00	1	97GPM COM/W #33474

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. 50,598** of the applicant

**PRAIRIESTONE INC
3266 KIMBALL AVE
MANHATTAN, KS 66503**

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 June 7, 2021.
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	
3	9S	3E	19	5	10	13													47

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well center located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW¼,SE¼,NE¼) of Section 3, more particularly described as being near a point 3,910 feet North and 1,201 feet West of the Southeast corner of said section, in Township 9 South, Range 5 East, Riley County, Kansas, 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 **150 gallons per minute** 0.33 c.f.s.) and to a quantity not to exceed **46 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, 2023**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$400.00, when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2027**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 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 the well drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a703c for the source of supply to which this water right applies.

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www.agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

PRAIRIESTONE INC
3266 KIMBALL AVE
MANHATTAN, KS 66503

August 16, 2022

RE: Appropriation of Water, File No.
50,598

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 Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

KAB:bmm
Enclosure(s)
pc: TopekaField Office

Cory & Jenneen Lemay

CERTIFICATE OF SERVICE

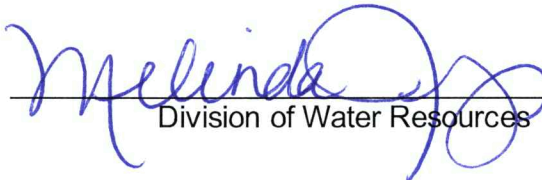
On this 16 day of August, 2022, I hereby certify that the foregoing Approval of Application, File No. 50,598, dated 3 August, 2022 was mailed postage prepaid, first class, US mail to the following:

PRAIRIESTONE INC
3266 KIMBALL AVE
MANHATTAN, KS 66503

With photocopies to:

CORY A & JENNEEN A LEMAY
7467 CROOKED CREEK RD
RILEY, KS 66531-9553

Topeka Field Office



Division of Water Resources