

File No. **50,731** 15. Formation Code: **100** Drainage Basin: **Arkansas River** County: **SU** Special Use: Stream:

16. Points of Diversion

T
MOD
DEL
ENT

BATTERY 2258

PDIV Qualifier S T R ID 'N 'W

MOD	84581	LOT 9	14	31S	2E	1	4997	1354	GEO-CENTER	
MOD	84582	LOT 9	14	31S	2E	1	5038	1136	1 OF 4 3	
MOD	84581	LOT 9	10	14	31S	2E	1	5202	1438	2 OF 4 3
MOD	84581	LOT 8	10	14	31S	2E	1	4750	1487	3 OF 4 3
MOD	84581	LOT 8	14	31S	2E	1	5180	1122	4 OF 4	

17. Rate and Quantity

Authorized		Additional		Overlap PD Files
Rate gpm	Quantity af	Rate gpm	Quantity af	
800	165.1	800	165.1	48,558
		95	74.1	

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

19. Limitation: 165.1 af/yr at 800 gpm (--- cfs) when combined with file number(s) **48,558**
 Limitation: --- af/yr at --- gpm (--- cfs) when combined with file number(s) ---

20. Meter Required? Yes No To be installed by 12/31/2023 **24** Date Acceptable Meter Installed ---

21. Place of Use

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PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files	
					L-9	NW ¼	SW ¼	L-8	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	51487	13	31S	2E	1					14	36	39.5	16.5									106	7b	NO	48,558
CHK	51488	14	31S	2E	1	9.5								11.5								21	7b	NO	48,558
						L-9								L-8											

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: File

DATE: December 8, 2022

FROM: Jessica Engelbrecht

RE: Application, File No. 50,731

Mike Thompson has filed the referenced application to appropriate groundwater for irrigation use, requesting a battery of four (4) wells, a quantity of 165.1 acre-feet, and a diversion rate of 800 gallons per minute. The application is a completed Place of Use and Point of Diversion overlap with File No. 48,588. The Geo-Center is located in Lot 9 (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 14, particularly described as being near a point 4,997 feet North and 1,354 feet West of the Southeast corner of said section, in Township 31 South, Range 2 East, Sumner County, within the Arkansas River drainage basin. The proposed place of use is owned by the applicant. The applicant has signed the application form stating that he has legal access to the point of diversion.

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 East and Township South, 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 2004-5204 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 recently completed an evaluation of 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 in for all applications in the Ninnescah River drainage basin. Therefore, for all pending applications within the model area, safe yield will be evaluated 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%. Current annual recharge across the model area is appropriately 3 inches.

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 circle radius of the point of diversion, which establishes the area of considerations. Evaluation of the area of considerations included the extent of the unconfined aquifer, which provided an area of 7,203 acres. With a potential annual recharge of 5.4 inches, and 75% of recharge available for appropriation, safe yield was determined to be 2,429.66 acre-feet. Existing water rights have appropriated 1,821.74 acre-feet, providing a difference of 607.92 acre-feet available for appropriation, and the application is requesting 169 acre-feet which complies with safe yield.

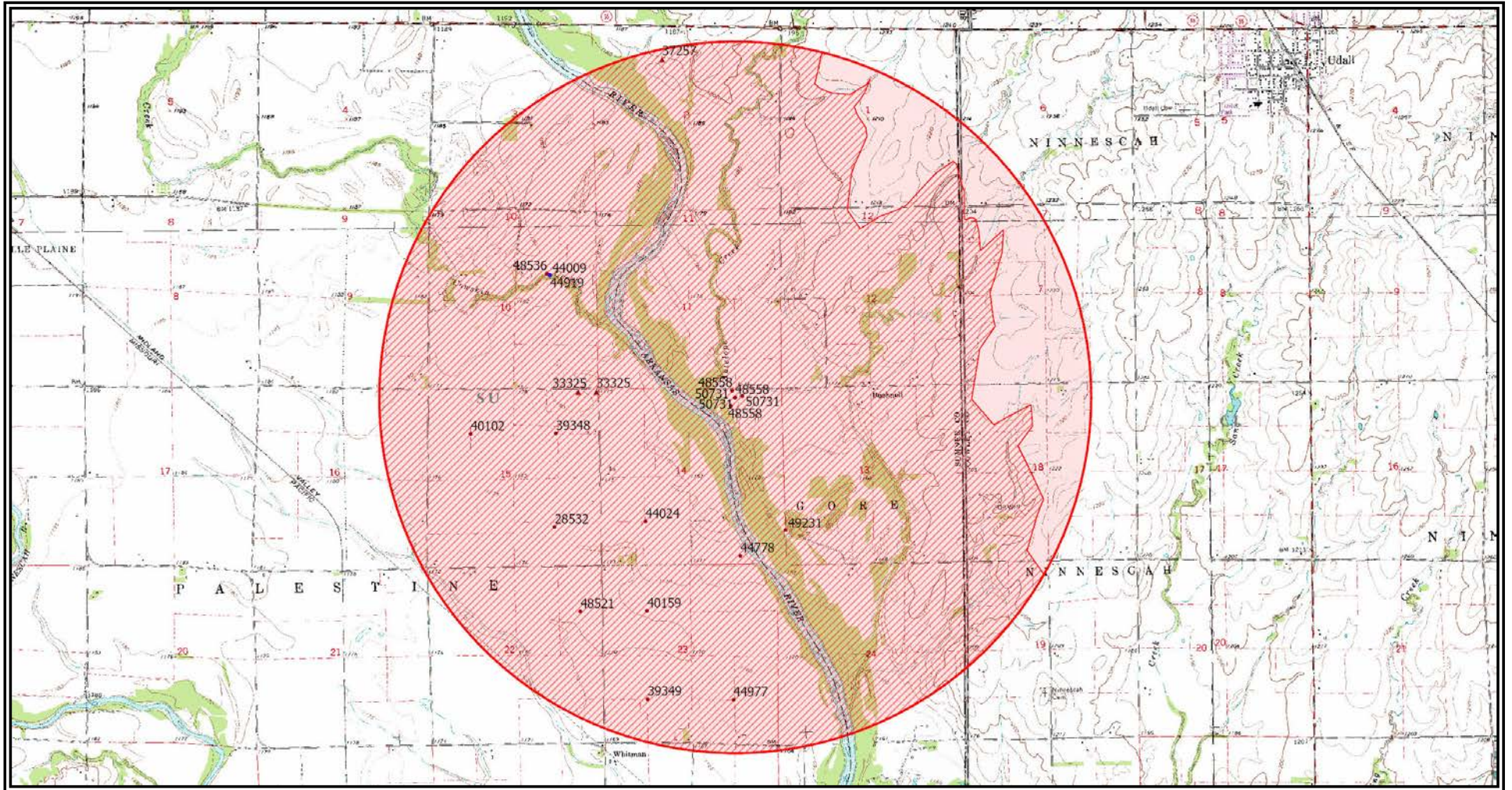
The applicant identified one domestic well, which was owned by the applicant and no non-domestic wells within one-half mile of the proposed well, which WRIS confirmed. No nearby letters were sent out. According to the WRIS database, the nearest non-domestic point of diversion (44m024) is located 4,764 feet away. The nearest domestic well is approximately 700 feet away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be 1,320 feet to all other non-domestic wells and 660 feet to domestic wells.

The requested quantity of water, 165.1 acre-feet, is to irrigate the proposed 130 acres identified in the application. This is the maximum allowable of 1.3 acre-feet per acre for Sumner County, Kansas. The application was filed as a complete Place of Use and Point of Diversion overlap for File No. 48,558 to increase the quantity and acres. The application will be limited to 169 acre-feet at a rate of 800 gallons per minute when combined with File No. 48,558.

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.

Jeff Lanterman, Water Commissioner, Stafford Field Office, gave a verbal recommendation for approval on December 8, 2022. 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.

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 14-31S-02E
Footages from SE corner- 4,997 feet North 1,354 feet West



***MEETS SAFE YIELD**

Analysis Results

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

The safe yield based on the variables listed below is 2,429.66 AF.

Total prior appropriations in the circle is 1,990.74 AF – 169.0 AF = 1,821.74 AF Total quantity of water available for appropriation is 438.92 AF + 169.0 AF = 607.92 AF

Safe Yield Variables

The area used for the analysis is set at 7,203 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 03-OCT-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 15 water rights and 18 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 28532 00	IRR	NK	G		NE	SW	SE	1170	1380	15	31	02E	7	WR	118.00	118.00	88.00	88.00
A 33325 00	MUN	NK	G		NE	NE	NE	5180	100	15	31	02E	2	WR	245.51	245.51		
Same	MUN	NK	G		NE	NE	NE	5180	645	15	31	02E	1	WR				
A 37257 00	MUN	NK	G		SW	NE	NW	4482	3462	02	31	02E	4	WR	42.96	22.59		
A 39348 00	IRR	NK	G		NW	SE	NE	3955	1314	15	31	02E	4	WR	186.00	186.00	124.00	124.00
A 39349 00	IRR	NK	G		SW	NE	SW	1455	3897	23	31	02E	1	WR	201.00	201.00	134.00	134.00
A 40102 00	IRR	NK	G			NC	NE	3974	3860	15	31	02E	5	WR	202.50	202.50	135.00	135.00
A 40159 00	IRR	NK	G		SW	NE	NW	4060	3871	23	31	02E	2	WR	210.00	210.00	140.00	140.00
A 44024 00	IRR	NK	G		SE	NW	SW	1332	4071	14	31	02E	5	WR	184.00	184.00	122.30	122.30
A 44778 00	IRR	NK	G					272	1255	14	31	02E	6	WR	150.00	150.00	115.30	115.30
A 44977 00	IRR	NK	G		SE	NW	SE	1375	1324	23	31	02E	3	WR	81.00	81.00	62.00	62.00
A 48521 00	IRR	LR	G		NC	E2	NE	3932	683	22	31	02E	3	WR	94.90	94.90	73.00	73.00
A 48536 00	IRR	LO	G		NE	SW	NE	3440	1490	10	31	02E	4	WR	202.80	202.80	156.00	0.00
A 48558 00	IRR	NK	G					4997	1354	14	31	02E	7	WR	91.00	91.00	127.00	127.00
Same	IRR	NK	G					5038	1136	14	31	02E	8	WR				
Same	IRR	NK	G					5202	1438	14	31	02E	10	WR				
Same	IRR	NK	G					4750	1487	14	31	02E	11	WR				
A 49231 00	REC	NK	G					918	5234	13	31	02E	2	WR	1.44	1.44		
A 50731 00	IRR	AY	G					4997	1354	14	31	02E	7	WR	169.00	0.00	127.00	0.00
Same	IRR	AY	G					5038	1136	14	31	02E	8	WR				
Same	IRR	AY	G					5202	1438	14	31	02E	10	WR				
Same	IRR	AY	G					4750	1487	14	31	02E	11	WR				

Limitations

File Number	Seq Num	Limitations
A 37257 00	1	34.904 MGY COM/W #8394 & #36374
A 40102 00	1	5 YR ALLOCATION
A 40159 00	1	5YR ALLOCATION
A 48536 00	1	217 AF/YR COM/W #44009 & #44919

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. 50,731** of the applicant

MIKE E THOMPSON
761 N OXFORD RD
UDALL KS 67146

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 **February 28, 2022**.
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	
13 - 31S - 2E					14.0	36.0	39.5	16.5									106.0
14 - 31S - 2E	Lot 9 9.5			Lot 8 11.5													21.0

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of three (3) wells with a geographic center located in Lot 9 of Section 14, more particularly described as being near a point 4,997 feet North and 1,354 feet West of the Southeast corner of said section, in Township 31 South, Range 2 East, Sumner County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **800 gallons per minute** (1.783 c.f.s.) and to a quantity not to exceed **165.1 acre-feet** of water for any calendar year.

5. That the quantity of water and rate of diversion approved under this permit are further limited to the quantity and rate which combined with Water Right, File No. 48,558, will provide a total not to exceed **165.1 acre-feet** of water per calendar year to be diverted at a maximum diversion rate not in excess of **800 gallons per minute** (1.783 c.f.s.) for irrigation use on the land described herein.
6. That installation of works for diversion of water shall be completed on or before **December 31, 2024** 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.
7. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2028** 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.
14. That an acceptable water flow meter shall be installed and maintained on the diversion 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

- 15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
- 16. That this permit is further limited such that all three (3) wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply and shall be limited to a total maximum diversion rate not in excess of eight hundred (800) gallons per minute (1.78 c.f.s.).
- 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 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.

Ordered this 21 day of December, 2022, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

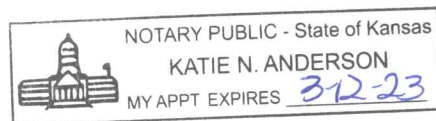
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 21 day of December, 2022, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Katie N. Anderson

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

January 11, 2023

MIKE E THOMPSON
761 N OXFORD RD
UDALL KS 67146

RE: Appropriation of Water
File No. 50,731

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/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 Application Unit Supervisor
Division of Water Resources

KAB:jne
Enclosure(s)

pc: Stafford Field Office

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 11 day of January, 2023, I hereby certify that the attached Approval of Application and Permit to Proceed, File No. 50,731, dated December 21, 2022 was mailed postage prepaid, first class, U.S. Mail to the following:

Original to:

MIKE E THOMPSON
761 N OXFORD RD
UDALL KS 67146

Photocopy to:

Stafford Field Office



DWR Staff