

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;">49,943</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;">2/8/2023</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">02</p>	4. GMD: <p style="text-align: center; font-size: 1.2em;">02</p>
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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

<p>7a. Applicant(s) Person ID <u>42084</u> New to system <input type="checkbox"/> Add Seq# <u>62084</u></p> <p style="font-size: 1.2em; margin-top: 10px;">UNIFIED SCHOOL DISTRICT 419 ATTN: MAINTENANCE SUPERVISOR 506 S KANSAS CANTON, KS 67428</p>	<p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>
<p>7b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p style="font-size: 1.2em; margin-top: 10px;">7a</p>	<p>7d. Misc. Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>

<p>8. WUR Correspondent Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="font-size: 1.2em; margin-top: 10px;">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><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: **12/31/2024** 11. Perfection Date: **12/31/2028** 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: _____

<p style="font-size: 1.2em; color: green;">2/2/2023 KKopp</p>	<p>Date Prepared: 01/31/23 By: JNE</p> <p>Date Entered: 2/9/2023 By: LMoody</p>
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File No. **49,943** 15. Formation Code: **100** Drainage Basin: **LITTLE ARKANSAS RIVER** County: **MP** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity				
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized Rate gpm	Quantity af	Additional Rate gpm	Quantity af	Overlap PD Files
CHK	79222	SE NW SE	21	19	1W	2	1862	1802	GEO CTR	99	11.7	99	11.7	SEE COMMENTS
CHK	79224	SE NW SE	21	19	1W	3	2052	1766	1 OF 2	2026' N and 1783'W				
CHK	79225	SE NW SE	21	19	1W	4	1672	1838	2 OF 2					
							1611	1861						

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 2024 Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
T MOD DEL ENT	PUSE	S	T	R	ID	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	62459	21	19	1W	4																								

Comments: **File No. 47,977 is a P/D and P/U overlap. It will be dismissed contingent upon approval of this new application.**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: November 7, 2022

FROM: Jessica Engelbrecht

RE: Application, File No. 49,943

The referenced new application has been filed by USD 419, to appropriate 11.7 acre-feet of groundwater per calendar year, to irrigate 9 acres at a diversion rate not to exceed 99 gallons per minute. The proposed point of diversion is to be a two well battery located in the Southeast Quarter of the Northwest Quarter of the Southeast Quarter of Section 21, Township 19 South, Range 1 West in McPherson County. The place of use is owned by the applicant. The source of water is the McPherson Formations, Quaternary.

The requested quantity of 11.7 acre-feet appears to be reasonable to irrigate 9 acres in McPherson County, Kansas as provided by K.A.R. 5-3-24, which allows 1/3 acre-feet per acre. The requested rate of 99 gallons per minute also appears reasonable based on the area of the place of use and the proposed irrigation system.

Due to the densely populated area, a public notice was published in the local paper for three consecutive weeks, the first issue dated August 08, 2012, and the last issue dated August 22, 2012. Not contact of any kind was received.

The nearest non-domestic well is 9,000 feet away According to the Kansas Geological Survey WWC5 well records, there does not appear to be any domestic wells within 660 feet of the geographic center of the battery. The application appears to meet spacing requirements of K.A.R. 5-4-4 of 660 feet to existing domestic wells and 1,320 feet to non-domestic wells. Per K.A.R. 5-4-4, the required minimum well spacing criteria is not necessary if no impairment will occur. The battery previously operated under water right, File no. 47,977 has operated since October 2012 without any reports of impairment. Therefore, spacing is sufficient to prevent impairment to nearby non-domestic and domestic wells.

Application, File No. 49,943 is located within the boundaries of Equus Beds Groundwater Management District No. 2 (GMD 2). A copy of the application was sent to GMD 2 with a request for recommendation in a correspondence dated October 10, 2022. The application was recommended for approval in a correspondence dated October 28, 2022.

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, recommended approval of the referenced application on January 18, 2022. Based on the above discussion, waivers of well spacing and safe yield criteria, 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.

Engelbrecht, Jessica [KDA]

From: Lanterman, Jeff [KDA]
Sent: Wednesday, January 18, 2023 11:44 AM
To: Engelbrecht, Jessica [KDA]
Subject: RE: 49943 Memo

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Jessica. I reviewed the water level data. GMD 2 used a well like 5 miles away but I found water level data much closer and included the hydrograph in the paper file. It looks pretty steady. Meets safe yield and spacing as near as I can tell. I wouldn't be surprised if some of those homes in town have a well but nothing from the applicant or GMD #2 on it so I will let that one go. Only way we would know for sure is boots on the ground.

Anyway it is a low rate and small quantity so I don't think it will create an impairment concern.

I recommend approval.

Jeff Lanterman
Water Commissioner

From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Sent: Monday, November 7, 2022 3:41 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: 49943 Memo

Jeff,
Attached is the memo and corresponding documents for 49,843 USD 419 Canton.
The school had to apply for additional water and acres after it was found they were irrigating unauthorized acres in 2017.
File No. 47,977 is to be dismissed pending the approval of 49943.

Jessica Engelbrecht, Environmental Scientist
KDA Division of Water Resources
Stafford Field Office
(620) 234-5311 Office
(620) 234-6900 Fax
Jessica.engelbrecht@ks.gov
www.agriculture.ks.gov



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. 49,943** of the applicant

**UNIFIED SCHOOL DISTRICT 419
506 S KANSAS
CANTON KS 67428**

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 **November 20, 2017**.
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	
21 – 19S – 1W															8.5	0.5	9.0

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 geographic center located in the Southeast Quarter of the Northwest Quarter of the Southeast Quarter (SE¼ NW¼ SE¼) of Section 21, more particularly described as being near a point 1,818 feet North and 1,822 feet West of the Southeast corner of said section, in Township 19 South, Range 1 West, McPherson 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 **99 gallons per minute** and to a quantity not to exceed **11.7 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, 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.

6. 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.
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 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.
12. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
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 no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
15. 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.

- 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.

ORDERED this 8 day of February, 2023, 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 8 day of February, 2023, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Katie N. Anderson

 Notary Public



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



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

Mike Beam, Secretary

Laura Kelly, Governor

February 10, 2023

JOHN DENK
UNIFIED SCHOOL DISTRICT 419
506 S KANSAS
CANTON, KS 67428

RE: Appropriation of Water
File No. 49,943

Dear Mr. Denk:

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.

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.

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.

Also included 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,

A handwritten signature in black ink that reads "Kristen A. Baum".

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

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 10 day of February, year, I hereby certify that the attached Approval of Application and Permit to Proceed, File No. 49,943, dated February 8, 2023, was mailed postage prepaid, first class, U.S. Mail to the following:

Original to:

UNIFIED SCHOOL DISTRICT 419
506 S KANSAS
CANTON, KS 67428

Photocopy to:

Stafford Field Office

Equus Beds GMD No. 2



DWR Staff