



File No. <b>50,458</b>	15. Formation Code: <b>330</b>	Drainage Basin: <b>Solomon River</b>	County: <b>OT</b>	Special Use:	Stream:																
16. Points of Diversion T MOD DEL ENT			<b>5/19/2021</b> <b>KJN</b>			17. Rate and Quantity Authorized Additional Rate gpm      Quantity af      Rate gpm      Quantity af      Overlap PD Files															
PDIV Qualifier      S      T      R      ID      'N      'W																					
<b>MOD 70153</b>	<b>NW NW SE</b>	<b>28</b>	<b>10S</b>	<b>3W</b>	<b>2</b>	<b>2620</b>	<b>2242</b>	<b>GC</b>	<b>800</b>	<b>195</b>	<b>800</b>	<b>195</b>	<b>none</b>								
<b>ENT 88847</b>	<b>NW NW SE</b>	<b>28</b>	<b>10S</b>	<b>3W</b>		<b>2620</b>	<b>2232</b>														
<b>ENT 88848</b>	<b>NW NW SE</b>	<b>28</b>	<b>10S</b>	<b>3W</b>		<b>2620</b>	<b>2252</b>														
<b>ENT 88849</b>	<b>NW NW SE</b>	<b>28</b>	<b>10S</b>	<b>3W</b>		<b>2630</b>	<b>2242</b>														
<b>ENT 88850</b>	<b>NW NW SE</b>	<b>28</b>	<b>10S</b>	<b>3W</b>		<b>2610</b>	<b>2242</b>														
<b>BATT ID # 2238</b>																					
18. Storage: Rate _____ NF      Quantity _____ ac/ft      Additional Rate _____ NF      Additional Quantity _____ ac/ft																					
19. Limitation: _____ MG/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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No      To be installed by _____      Date Acceptable Meter Installed _____																					
21. Place of Use T MOD DEL ENT		<b>NE¼</b>				<b>NW¼</b>				<b>SW¼</b>				<b>SE¼</b>				<b>Total</b>	Owner	Chg? <b>NO</b>	Overlap Files
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				
<b>CHK 70153</b>	<b>28</b>	<b>10S</b>	<b>3W</b>	<b>1</b>										<b>40</b>	<b>40</b>	<b>40</b>	<b>30</b>	<b>150</b>	<b>7a</b>	<b>no</b>	<b>none</b>
Comments:																					

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** April 27, 2021

**FROM:** Kris Neuhauser

**RE:** New Application, File No. 50,458

Nolan Crosson has filed the above referenced new application proposing to appropriate 195 acre-feet of groundwater per calendar year at a maximum diversion rate not to exceed 800 gallons per minute for irrigation use from a battery of four (4) wells. The proposed point of diversion does not overlap any existing water rights. The geographic center of this battery is located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>) of Section 28, more particularly described as being near a point 2,664 feet North and 2,242 feet West of the Southeast corner of said section, in Township 10 South, Range 3 West, Ottawa County, Kansas (Solomon River Basin).

PD geocenter location was updated to 2620 'N & 2242 for NW NW SE after  
M. Billinger and KJN reviewed and call to owner to assure well location. \*

The point of diversion is owned by Mr. Crosson. He has also submitted a properly signed and notarized Minimum Desirable Streamflow form. Based on the provided well log, the general location, nearby domestic well logs, and nearby existing water rights, the source of supply appears to be (unconfined) Dakota aquifer system.

The proposed place of use is a total of 150 acres, located in the Southeast Quarter of Section 28, Township 10 South, Range 3 West, Ottawa County Kansas; solely owned by the applicant. The maximum quantity allowed for irrigation use in Ottawa County, Kansas is 1.3 acre-feet per acre. The requested quantity of 195 acre-feet is the maximum quantity allowed for the 150-acre place of use. (150 acres x 1.3 AF/acre = 195 AF). Therefore, the quantity appears to be reasonable.

The application was evaluated for safe yield based on the same criteria used for other files in the general area. The area of consideration for safe yield evaluation was determined to be the extent of the (unconfined) Dakota aquifer system. This provided a total of 8,042 acres. Based on a potential recharge of 2.7 inches, with 75% available for appropriation, safe yield was determined to be 1,357.17 acre-feet. Existing appropriations within the area of consideration total 525 acre-feet, leaving 832.17 acre-feet available for appropriation. Therefore, there is water available for appropriation, and the application requesting 195 acre-feet meets safe yield criteria.

No wells of any kind were identified within ½ mile of the proposed point of diversion. A review of KWIS, aerial photographs, and the WWC5 database also indicates there are no nearby wells. Therefore, no nearby notification letters were required. Furthermore, according to K.A.R. 5-4-4 (for the unconfined Dakota aquifer system) the proposed point of diversion complies with minimum spacing criteria.

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.

Kelly Stewart, Water Commissioner of the Stockton Field Office, gave a recommendation that the new application should be approved, in an e-mail conversation on April 28, 2021.

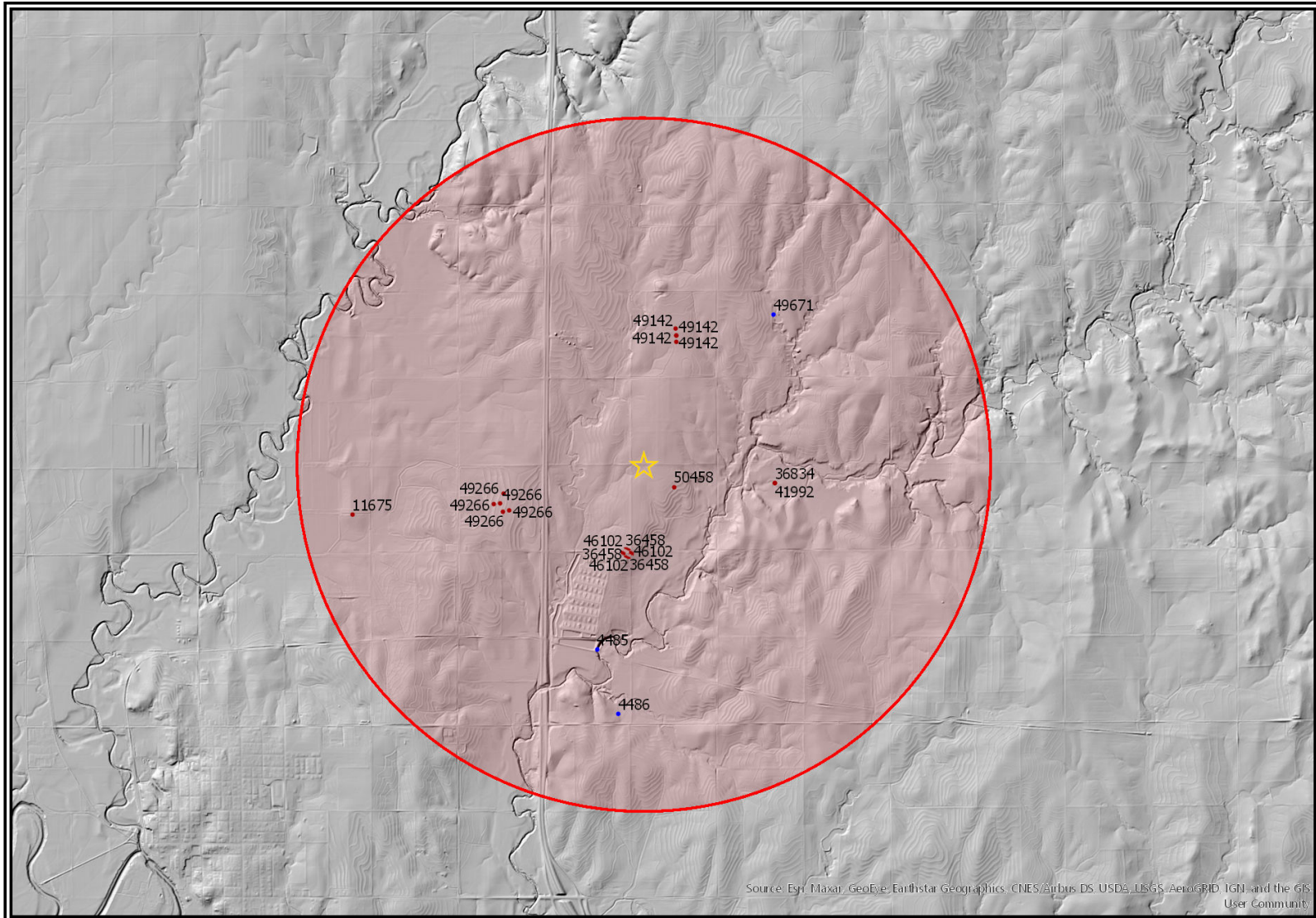
Based on the above discussion, the area is open to new appropriations, the application meets safe yield and well spacing criteria, and the approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.

\* LI/DWR 5/19/2021



Kris Neuhauser  
Environmental Scientist  
Water Appropriation Program

**Safe Yield Report Sheet**  
**Water Right- Proposed Point of Diversion**  
**Point of Diversion in 28-10S-03W**  
**Footages from SE corner- 2,664 feet North 2,242 feet West**



50458 meets SY\*

## Analysis Results

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

The safe yield based on the variables listed below is 1,357.17 AF.

Total prior appropriations in the circle is 720.00 AF. **- 195 AF = 525 AF**

Total quantity of water available for appropriation is ~~637.17 AF~~ **832.17 AF**

## 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 2.7 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 27-APR-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 8 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 11675 00	IRR	NK	G		CN	SE	SE	1200	500	30	10	03W	3	WR	30.00	30.00	87.00	57.00
A 36458 00	STK	NK	G		NE	NE	NW	5268	2769	33	10	03W	6	WR	88.00	88.00		
Same	STK	NK	G		NE	NE	NW	5252	2723	33	10	03W	9	WR				
Same	STK	NK	G		NE	NE	NW	5235	2676	33	10	03W	10	WR				
A 36834 00	IRR	NK	G		NW	NE	SW	2150	3650	27	10	03W	1	WR	1.00	1.00	30.00	30.00
A 41992 00	IRR	NK	G		NW	NE	SW	2150	3650	27	10	03W	1	WR	16.00	15.00	30.00	0.00
A 46102 00	STK	LR	G		NE	NE	NW	5268	2769	33	10	03W	6	WR	88.00	88.00		
Same	STK	LR	G		NE	NE	NW	5252	2723	33	10	03W	9	WR				
Same	STK	LR	G		NE	NE	NW	5235	2676	33	10	03W	10	WR				
A 49142 00	IRR	LO	G		SW	NE	SE	1325	1250	21	10	03W	1	WR	143.00	143.00	110.00	110.00
Same	IRR	LO	G		SW	NE	SE	1325	1250	21	10	03W	2	WR				
Same	IRR	LO	G		SW	NE	SE	1525	1250	21	10	03W	3	WR				
Same	IRR	LO	G		NW	SE	SE	1125	1250	21	10	03W	4	WR				
A 49266 00	IRR	LO	G		SW	NE	SE	1493	1254	29	10	03W	7	WR	160.00	160.00	124.00	124.00
Same	IRR	LO	G		SE	NW	SE	1693	1464	29	10	03W	8	WR				
Same	IRR	LO	G		SW	NE	SE	1693	1044	29	10	03W	9	WR				
Same	IRR	LO	G		NE	SW	SE	1293	1464	29	10	03W	10	WR				
Same	IRR	LO	G		NW	SE	SE	1293	1044	29	10	03W	11	WR				
A 50458 00	IRR	AY	G			N2	SE	1980	1320	28	10	03W	2	WR	<del>195.00</del>	<del>195.00</del>	150.00	150.00

## Limitations

File Number	Seq Num	Limitations
A 11675 00	1	50AF/YR COM/W #6988 ON LAND LISTED IN CERTIFICATE
A 41992 00	2	16 AF/YR @ 125 GPM COM/W #36834

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File Number	Seq Num	Limitations
A 46102 00	1	250GPM COM/W #36458

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**From:** Stewart, Kelly [KDA]  
**Sent:** Wed 4/28/2021 10:32 AM  
**To:** Neuhauser, Kris [KDA];Hageman, Rebecca [KDA]  
**Cc:** Billinger, Mark [KDA]  
**Subject:** RE: New App 50458 recommendation request

Kris,

I have no objection to the approval of this application.

Kelly

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**From:** Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>  
**Sent:** Wednesday, April 28, 2021 9:51 AM  
**To:** Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>  
**Cc:** Billinger, Mark [KDA] <Mark.Billinger@ks.gov>  
**Subject:** New App 50458 recommendation request

Morning Kelly,

Attached is my draft memo and safe yield report for New App 50458, for your review and recommendation. Requesting a battery of four wells for irrigation in Ottawa county; looks like Mark assisted initially. No nearby's within a half mile of the proposed PD, so no notification letters were required. Let me know if you need anything further.

Thanks!

***Kris Neuhauser***

Environmental Scientist

Water Appropriations Program – Kansas Dept of Agriculture

(785) 564-6643



WEIDLER, RICHARD LIFE ESTATE

DRUMMOND, FRANCES A TRUST

TIBBITS, JOHN T & ROSALEE

28

1289

50458-00 id 2 IRR

10S03W28

Ottawa

1300

N 150th Rd

10S03W27

HADDOCK, DARLENE J TRUST #1

CROSSON NOLAN & AMANDA

TIBBITS, JOHN T

1302

Mulberry Rd

1304

10S03W34

5/19/2021  
KJN



# 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. 50,458** of the applicant

**NOLAN & AMANDA CROSSON**  
**1370 UNION RD**  
**CONCORDIA, KS 66901**

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 **October 22, 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 <sup>1</sup> / <sub>4</sub>				NW <sup>1</sup> / <sub>4</sub>				SW <sup>1</sup> / <sub>4</sub>				SE <sup>1</sup> / <sub>4</sub>				TOTAL
			NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	
28	10S	3W													40	40	40	30	150

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells, with a geographical center located in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>) of Section 28, more particularly described as being near a point 2,620 feet North and 2,242 feet West of the Southeast corner of said section, in Township 10 South, Range 3 West, Ottawa 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 (1.78 c.f.s.)** and to a quantity not to exceed **195 acre feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2022** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2026** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

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

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

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

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That 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

**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.



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

NOLAN & AMANDA CROSSON  
1370 UNION RD  
CONCORDIA, KS 66901

RE: Appropriation of Water, File No. 50,458

Dear Mr. & Mrs. Crosson:

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](http://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](http://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 Stockton Field Office at 785-425-6787. 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: Stockton Field Office

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

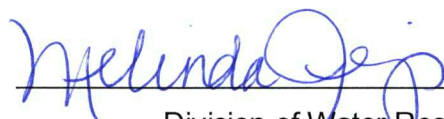
## CERTIFICATE OF SERVICE

On this 25 day of May, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,458, dated 20 May, 2021, was mailed postage prepaid, first class, US mail to the following:

NOLAN & AMANDA CROSSON  
1370 UNION RD  
CONCORDIA, KS 66901

With photocopies to:

Stockton Field Office

  
\_\_\_\_\_  
Division of Water Resources