

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;">50,043</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;">8/25/2022</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em; color: green;">2 3</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) New to system <input type="checkbox"/> CARY CORY WAHLMEIER 401 2600th RD JENNINGS KS 67643 Person ID 63165 Add Seq# _____	7c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
7b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	7d. Misc. New to system <input type="checkbox"/> Person ID _____ Add Seq# _____

8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No 7a Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/>	9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water <input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____
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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: _____

8/24/2022 KAB	Date Prepared: 6/10/2022 By: KJN Date Entered: _____ By: _____	
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File No. 50,043	15. Formation Code: 210 Drainage Basin: Arkansas River NF Solomon County: SU DC													Special Use:	Stream:																										
16. Points of Diversion T MOD DEL ENT										17. Rate and Quantity																															
<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%;">PDIV</td> <td style="width:10%;">Qualifier</td> <td style="width:5%;">S</td> <td style="width:5%;">T</td> <td style="width:5%;">R</td> <td style="width:5%;">ID</td> <td style="width:5%;">'N</td> <td style="width:5%;">'W</td> <td colspan="2"></td> </tr> </table>										PDIV	Qualifier	S	T	R	ID	'N	'W			<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:20%;">Authorized</td> <td colspan="3">Additional</td> <td colspan="2"></td> </tr> <tr> <td>Rate gpm</td> <td>Quantity af</td> <td>Rate gpm</td> <td>Quantity af</td> <td colspan="2">Overlap PD Files</td> </tr> </table>					Authorized	Additional					Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files						
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Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files																																					
MOD 86736 SW SW SW 9 5S 26W 1 50 5000										200 5 200 5 none																															
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No To be installed by _____ Date Acceptable Meter Installed _____																																									
21. Place of Use T MOD DEL ENT		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	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																								
CHK 68863 9 5S 26W 1												11						11	7a	no	none																				
Comments: 5 AF EXEMPTION																																									

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 16, 2022

FROM: Kris Neuhauser

RE: New Application, File No. 50,043

Cary Wahlmeier has filed the above referenced new application proposing to appropriate 5 acre-feet of groundwater per calendar year at a diversion rate not to exceed 200 gallons per minute for irrigation use from one (1) well, located in the Southwest Quarter of Section 9, Township 5 South, Range 26 West, Decatur County, Kansas. Based on the well log provided and other nearby wells, the source of supply appears to be the Ogallala Formation. The applicant has signed part 6 of the application stating he has legal access to the point of diversion.

The application is applying for a 5-acre-foot small use exemption as per K.A.R. 5-3-16a. It is located within the 'Northwest Kansas Guidance Document' region (applications potentially impacting Kansas compliance with the Republican River in Northwest Kansas), which is effectively closed to further new applications. When filed, the guidance document did not allow small use exemptions. However, the document was updated to allow small use exemptions recently. The document went into effect on June 14, 2022, after being signed by Chief Engineer, Earl D. Lewis Jr.

The place of use is a total of 11 acres in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 9, Township 5 South, Range 26 West, Decatur County, Kansas. The applicant owns the entire place of use.

According to K.A.R. 5-4-4, the proposed point of diversion meets minimum well spacing requirements, with the nearest non-domestic well over 1.5 miles away (Water Right, File No. 29,473), and the nearest domestic well over 2,000 feet away. Three (possible) domestic wells were identified within a half mile of the proposed point of diversion. Three nearby notification letters were mailed on June 16, 2022. **No responses of any kind were received.**

a phone conversation on June 13th, 2022

In ~~an email conversation on (DATE)~~, Kelly Stewart, Water Commissioner of the Stockton Field Office, gave a recommendation that the new application should be approved.

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.

Based on the above discussion, with the Northwest Kansas Guidance Document now updated to allow a 5 acre-foot exemption, the application meeting well spacing criteria, and an approval not impairing senior water rights nor prejudicially or unreasonably affecting the public interest, it is recommended that the referenced application be approved.



Kris Neuhauser
New Applications Lead
Water Appropriation Program

From: Stewart, Kelly [KDA]
Sent: Fri 6/10/2022 8:23 AM
To: Baum, Kristen [KDA];Neuhauser, Kris [KDA]
Subject: RE: NWKS Guidance Document, pending 50043

Kristen,

I'll start working on this next week. We also have the upcoming discussion with Earl, Chris, and Lane regarding offsets in the restricted area (Decatur Co. Beef) so this is timely.

From: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Sent: Thursday, June 9, 2022 3:07 PM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Cc: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Subject: NWKS Guidance Document, pending 50043

I need to give you this project. We need to get a permit signed for this gentleman, file no. 50043.

This one is located in the NWKS Guidance Doc region, which is effectively closed to further new apps. We want to approve it as a 5AF exemption but the guidance doc doesn't currently allow small use exemptions.

I think we have something that could be signed by Earl, but we got off on a tangent about offsets. We need to set aside the offset discussion for now and get the small use exemption in place.

I think what we need to do is work the application to the point of Earl's signature, then put both in front of him to be signed at the same time – the approval of this file and an updated NWKS Guidance Doc that allows small use exemptions.

We may need to regroup with Kelly and Mark first. I don't know if we want to nix 5 and 6 in the document for now and just add 4, or if we leave them all.

I'm sure you'll have questions, but it will be fun 😊.

Kristen A. Baum
Division of Water Resources – Water Appropriations
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan KS 66502
(785) 564-6627

From: Baum, Kristen [KDA]
Sent: Tue 6/14/2022 4:04 PM
To: Neuhauser, Kris [KDA]
Subject: FW: Guidance Document Re: Republican River compliance
Attachments: 2022-06-14 Guidance Document.pdf

We ended up getting this guidance doc signed after a call we had regarding Decatur Co Feed yard. We should be good to move forward on 50043 now.

From: Mathos, Sheila [KDA] <Sheila.Mathos@ks.gov>
Sent: Tuesday, June 14, 2022 3:56 PM
To: Letourneau, Lane [KDA] <Lane.Letourneau@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Lewis, Earl [KDA] <Earl.Lewis@ks.gov>
Subject: Guidance Document Re: Republican River compliance

Please see attached. Have a great day!

Thank you!

Sheila Mathos

Senior Administrative Specialist
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Dr 3rd floor
Manhattan, KS 66502
785-564-6670 (office)
785-564-6778 (fax)
sheila.mathos@ks.gov
<http://agriculture.ks.gov/dwr>

Responsibility~Activator~Communication~Restorative~Woo

Guidance Document

Applications to Appropriate Water for Beneficial Use
potentially impacting Kansas compliance
with the Republican River in northwest Kansas.


The Chief Engineer has determined that the criteria in K.A.R. 5-3-10 and K.A.R. 5-3-11 are no longer sufficient to maintain the long-term sustainable yield of groundwater, prevent impairment of existing water rights, and protect public interest along with maintaining compliance with the Kansas-Nebraska-Colorado Republican River Compact as required by K.S.A. 82a-711 and K.S.A. 82a-518 within in the area specified below.

Effective June 14, 2022, all applications for permit to appropriate water for beneficial use, received in the office of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, which propose to appropriate water from areas of the Republican River tributary basins identified in "Attachment A", where pumping would deplete Republican River tributary flows by 1% or more over 50 years, as shown by the Republican River Compact Administration Groundwater Model, shall be dismissed.

The following applications shall not be subject to this guideline:

1. Applications for domestic use of water
2. Applications for temporary permits
3. Applications for term permits of five years or less
4. Applications for groundwater for 5 acre-feet or less as per K.A.R. 5-3-16a
5. Applications for groundwater that are offset by the concomitant reduction or dismissal of existing water rights, where the new application meets safe yield, doesn't increase consumptive use, and would not unreasonably increase depletions to streamflow which would potentially threaten Kansas Compact compliance as determined by the Chief Engineer.

This guidance document is effective from this 14th day of June, 2022.



Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

“ATTACHMENT A”
Republican River Potential Impact Area in Northwest Kansas

Decatur County

Township 01S, Range 26W, Sections 1 through 36
Township 01S, Range 27W, Sections 1 through 36
Township 01S, Range 28W, Sections 1 through 36
Township 01S, Range 29W, Sections 1 through 36
Township 01S, Range 30W, Sections 1 through 36
Township 02S, Range 26W, Sections 1 through 36
Township 02S, Range 27W, Sections 1 through 36
Township 02S, Range 28W, Sections 1 through 36
Township 02S, Range 29W, Sections 1 through 36
Township 02S, Range 30W, Sections 1 through 36
Township 03S, Range 26W, Sections 1 through 36
Township 03S, Range 27W, Sections 1 through 36
Township 03S, Range 28W, Sections 1 through 36
Township 03S, Range 29W, Sections 1 through 36
Township 03S, Range 30W, Sections 1 through 36
Township 04S, Range 26W, Sections 1 through 36
Township 04S, Range 27W, Sections 1 through 36
Township 04S, Range 28W, Sections 1 through 36
Township 04S, Range 29W, Sections 1 through 36
Township 04S, Range 30W, Sections 1 through 36
Township 05S, Range 26W, Sections 1 through 24, and 26 through 32
Township 05S, Range 27W, Sections 1 through 31, and 33 through 36
Township 05S, Range 28W, Sections 1 through 36

Norton County

Township 01S, Range 21W, Sections 1 through 36

Township 01S, Range 22W, Sections 1 through 36

Township 01S, Range 23W, Sections 1 through 36

Township 01S, Range 24W, Sections 1 through 36

Township 01S, Range 25W, Sections 1 through 36

Township 02S, Range 21W, Sections 1 through 36

Township 02S, Range 22W, Sections 1 through 36

Township 02S, Range 23W, Sections 1 through 36

Township 02S, Range 24W, Sections 1 through 36

Township 02S, Range 25W, Sections 1 through 36

Township 03S, Range 21W, Sections 1 through 11, and 16 through 19

Township 03S, Range 22W, Sections 1 through 24, and 26 through 33

Township 03S, Range 23W, Sections 1 through 36

Township 03S, Range 24W, Sections 1 through 36

Township 03S, Range 25W, Sections 1 through 36

Township 04S, Range 22W, Sections 4 through 9, and 17 through 19

Township 04S, Range 23W, Sections 1 through 24, and 26 through 33

Township 04S, Range 24W, Sections 1 through 36

Township 04S, Range 25W, Sections 1 through 36

Township 05S, Range 24W, Sections 4 through 6

Township 05S, Range 25W, Sections 1 through 11, and 18

Phillips County

Township 01S, Range 16W, Sections 1 through 24, and 26 through 33

Township 01S, Range 17W, Sections 1 through 36

Township 01S, Range 18W, Sections 1 through 36

Township 01S, Range 19W, Sections 1 through 36

Township 01S, Range 20W, Sections 1 through 36

Township 02S, Range 16W, Section 6

Township 02S, Range 17W, Sections 1 through 9, 11, 12, 16 through 19, and 21

Township 02S, Range 18W, Sections 1 through 6, 8 through 16, and 24

Township 02S, Range 19W, Sections 1, and 5 through 7

Township 02S, Range 20W, Sections 1 through 12, 14 through 21, and 29 through 31

Rawlins County

Township 01S, Range 31W, Sections 1, 2, and 9 through 36

Township 01S, Range 32W, Sections 13, 23 through 29, and 31 through 36

Township 01S, Range 33W, Sections 35 and 36

Township 01S, Range 34W, Section 31

Township 02S, Range 31W, Sections 1 through 36

Township 02S, Range 32W, Sections 1 through 36

Township 02S, Range 33W, Sections 1 through 4, and 7 through 36

Township 02S, Range 34W, Sections 2 through 36

Township 02S, Range 35W, Sections 1 through 4, 8 through 18, 20 through 29, and 32 through 36

Township 02S, Range 36W, Section 13

Township 03S, Range 31W, Sections 1 through 36

Township 03S, Range 32W, Sections 1 through 8, 12 through 14, and 22 through 36

Township 03S, Range 33W, Sections 1 through 23, and 27 through 36

Township 03S, Range 34W, Sections 1 through 36

Township 03S, Range 35W, Sections 1 through 5, 8 through 17, 20 through 29, and 32 through 36

Township 04S, Range 31W, Sections 1 through 36

Township 04S, Range 32W, Sections 1 through 36

Township 04S, Range 33W, Sections 1 through 6

Township 04S, Range 34W, Sections 1 through 6

Township 04S, Range 35W, Sections 1 through 5

Smith County

Township 01S, Range 15W, Sections 1 through 18, 20 through 24, and 26 through 28

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. 50,043** of the applicant

CARY WAHLMEIER
401 2600th RD
JENNINGS KS 67643

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 **April 24, 2018**.
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	
9	5S	26W										11						11	

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW¹/₄ SW¹/₄ SW¹/₄) of Section 9, more particularly described as being near a point 50 feet North and 5,000 feet West of the Southeast corner of said section, in Township 5 South, Range 26 West, Decatur 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 **200 gallons per minute (0.45 c.f.s.)** and to a quantity not to exceed **5 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 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, 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 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).

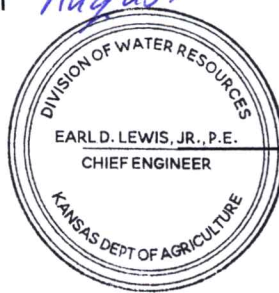
14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure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

Ordered this 25th day of August, 2022, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.

Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 25 day of August, 2022, by Earl D. Lewis Jr., P.E., Chief Engineer, 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

August 30, 2022

CARY WAHLMEIER
401 2600th RD
JENNINGS KS 67643

RE: Appropriation of Water, File No. 50,043

Dear Mr. Wahlmeier:

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 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
Enclosure(s)

pc: Stockton 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

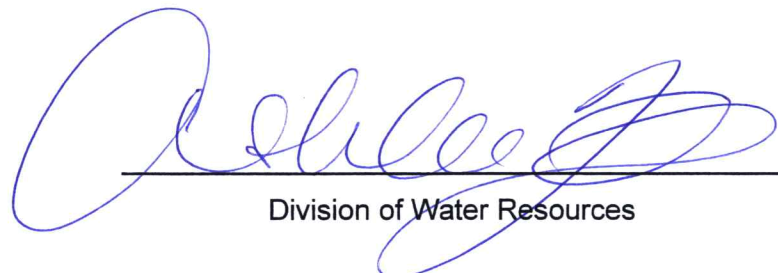
CERTIFICATE OF SERVICE

On this 30 day of August, 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,043, dated 25 August, 2022, was mailed postage prepaid, first class, US mail to the following:

CARY WAHLMEIER
401 2600th RD
JENNINGS KS 67643

With photocopies to:

Stockton Field Office



Division of Water Resources

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

CARY WAHLMEIER
401 2600th RD
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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 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
Enclosure(s)

pc: Stockton Field Office



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. 50,043** of the applicant

CARY WAHLMEIER
401 2600th RD
JENNINGS KS 67643

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 **April 24, 2018**.
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	
9	5S	26W										11							11

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW¼ SW¼ SW¼) of Section 9, more particularly described as being near a point 50 feet North and 5,000 feet West of the Southeast corner of said section, in Township 5 South, Range 26 West, Decatur 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 **200 gallons per minute (0.45 c.f.s.)** and to a quantity not to exceed **5 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 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, 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 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).

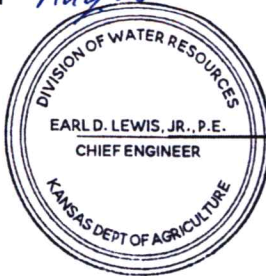
14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure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

Ordered this 25th day of August, 2022, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.

Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 25 day of August, 2022, by Earl D. Lewis Jr., P.E., Chief Engineer, 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.

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

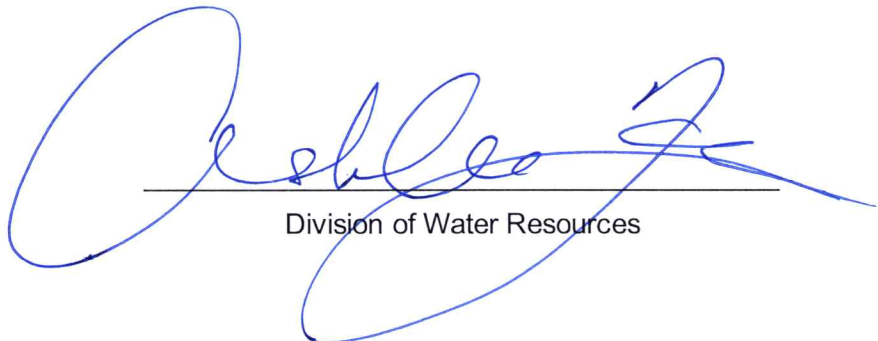
CERTIFICATE OF SERVICE

On this 21 day of September, 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,043, dated 25 August, 2022, was mailed postage prepaid, first class, US mail to the following:

CARY WAHLMEIER
401 2600th RD
JENNINGS KS 67643

With photocopies to:

Stockton Field Office



Division of Water Resources