

Kansas Department of Agriculture
Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: <p style="text-align: center;">50,531</p>	2. Status Change Date: <p style="text-align: center;">2/7/2022</p>	3. Field Office: <p style="text-align: center;">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

<p>7a. Applicant(s) Person ID 65957 New to system <input type="checkbox"/> Add Seq# _____</p> <p>DICK WALSH 910 N 4TH HEBRON NE 68370</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>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>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: **12/31/2023** 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: _____

Date Prepared: **11/15/2021** By: **KJN**
Date Entered: **2/8/2022** By: **LMoody**

1/27/2022
Lireland

File No. 50,531	15. Formation Code: 330	Drainage Basin: SOLOMON RIVER	County: CD	Special Use:	Stream:																																													
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; vertical-align: top;"> 16. Points of Diversion T MOD DEL PDIV ENT Qualifier S T R ID 'N 'W CHK 46743 NW SW NE 19 8S 4W 2 3930 2425 MOD 3933 2414 </td> <td style="width:50%; vertical-align: top;"> 17. Rate and Quantity Authorized Additional Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files 800 208 800 208 20219018** </td> </tr> <tr> <td colspan="2" style="text-align: center;"> COMPLIANCE OF 11/10/2021 DETERMINED ACTUAL PD FEET DISTANCES LI/DWR </td> </tr> </table>						16. Points of Diversion T MOD DEL PDIV ENT Qualifier S T R ID 'N 'W CHK 46743 NW SW NE 19 8S 4W 2 3930 2425 MOD 3933 2414	17. Rate and Quantity Authorized Additional Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files 800 208 800 208 20219018**	COMPLIANCE OF 11/10/2021 DETERMINED ACTUAL PD FEET DISTANCES LI/DWR																																										
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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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be installed by <u>12/31/2019 12/31/2023</u> Date Acceptable Meter Installed _____																																																		
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:20%; vertical-align: top;"> 21. Place of Use T MOD DEL ENT PUSE S T R ID </td> <td style="width:10%; text-align: center;"> NE¼ </td> <td style="width:10%; text-align: center;"> NW¼ </td> <td style="width:10%; text-align: center;"> SW¼ </td> <td style="width:10%; text-align: center;"> SE¼ </td> <td style="width:10%; text-align: center;"> Total </td> <td style="width:10%;">Owner</td> <td style="width:10%;">Chg? NO</td> <td style="width:10%;">Overlap Files</td> </tr> <tr> <td></td> <td style="text-align: center;">NE ¼</td> <td style="text-align: center;">NW ¼</td> <td style="text-align: center;">SW ¼</td> <td style="text-align: center;">SE ¼</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>CH 68753 19 8 4W 3</td> <td style="text-align: center;">40</td> <td style="text-align: center;">40</td> <td style="text-align: center;">40</td> <td style="text-align: center;">40</td> <td style="text-align: center;">160</td> <td>7a</td> <td>NO</td> <td>20219018**</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>						21. Place of Use T MOD DEL ENT PUSE S T R ID	NE¼	NW¼	SW¼	SE¼	Total	Owner	Chg? NO	Overlap Files		NE ¼	NW ¼	SW ¼	SE ¼					CH 68753 19 8 4W 3	40	40	40	40	160	7a	NO	20219018**																		
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CH 68753 19 8 4W 3	40	40	40	40	160	7a	NO	20219018**																																										
Comments: NOTICE OF COMPLETION CAN BE PROCESSED AT SAME TIME AS APPROVAL ** 20219018 expired on 12/31/2021																																																		

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: October 27, 2021

FROM: Kris Neuhauser

RE: Application, File No. 50,531

Dick Walsh has filed the above referenced new application to appropriate 208 acre-feet of groundwater at a diversion rate of 800 gallons per minute for irrigation use, from a single well. The well is existing; drilled many years ago under File No. 28,102, which was dismissed on June 6, 1988. The applicant reapplied and was approved at the same well, under File No. 49,992, which was eventually dismissed due to failure to complete. Mr. Walsh submitted a notice of proof and completion (and \$400 fee) along with the referenced new application. Once the application is approved, the notice and proof of completion (and payment) can be processed on the same date. (See memo by Alex Crawford on March 2, 2020 in Docuware).

The place of use is wholly owned by the applicant, and it comprises 160 acres. The well is located in the Northeast Quarter of Section 19, Township 8 South, Range 4 West, in Cloud County, Kansas. The requested quantity of 208 acre-feet is the maximum allowable to irrigate the proposed 160 acres (1.3 Acre-Feet per acre allowed in Cloud County).

The source of water for the pending application appears to be the unconfined Dakota aquifer system based on nearby well logs and geographical location of the well. The nearest well (Hurley domestic well in the Southeast Quarter of Section 19), shows sandstone extending from 15 feet to 72 feet below ground surface, ending on clay to a total depth of 77 feet. Static water level was 30 feet. No well log was submitted with the application, but information on the application states the existing well has a total depth of 79.5 feet, depth to water bearing formation of 26 feet and static water level of 28 feet. This would further indicate these wells are located in a similar formation.

Other nearby wells sourcing the unconfined Dakota aquifer system within the two-mile circle generally have depths to top of the sandstone aquifer of 30 feet or less, and have static water levels at or below top of the sandstone aquifer, also supporting the unconfined Dakota aquifer system extends to the Northeast from this application. However, the Solomon River and associated alluvium extend throughout the Southwestern portion of the circle. K.A.R. 5-3-11 applies to safe yield evaluations for all unconfined aquifers. One of the specific criteria is to determine the extent of the unconfined aquifer, which as discussed above, it was determined that a portion of the two-mile circle containing alluvium be excluded, providing 5,703 acres. Safe yield was determined to be 855.41 acre-feet, there are no existing appropriations (other than junior File No. 50,655), leaving 855.41 acre-feet available, and this application requesting 208 acre-feet meets safe yield.

The applicant did not identify any known wells within one-half mile of the proposed point of diversion. A review of aerial photograph and WWC-5 database also indicates that there are no nearby domestic wells (i.e. no visible houses or windmills), within ½ mile. Therefore, no nearby well owner letters are required. The point of diversion complies with well spacing criteria for the unconfined Dakota aquifer system of one-quarter mile to domestic wells (closest domestic over ½ mile away) and one-half mile to non-domestic wells (closest water right is over a mile away and junior to this pending application).

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

In an email conversation on October 28, 2021, Kelly Stewart, Water Commissioner, Stockton Field Office, recommended approval of the referenced application. 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.

A handwritten signature in black ink, appearing to read "Kris Neuhauser". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

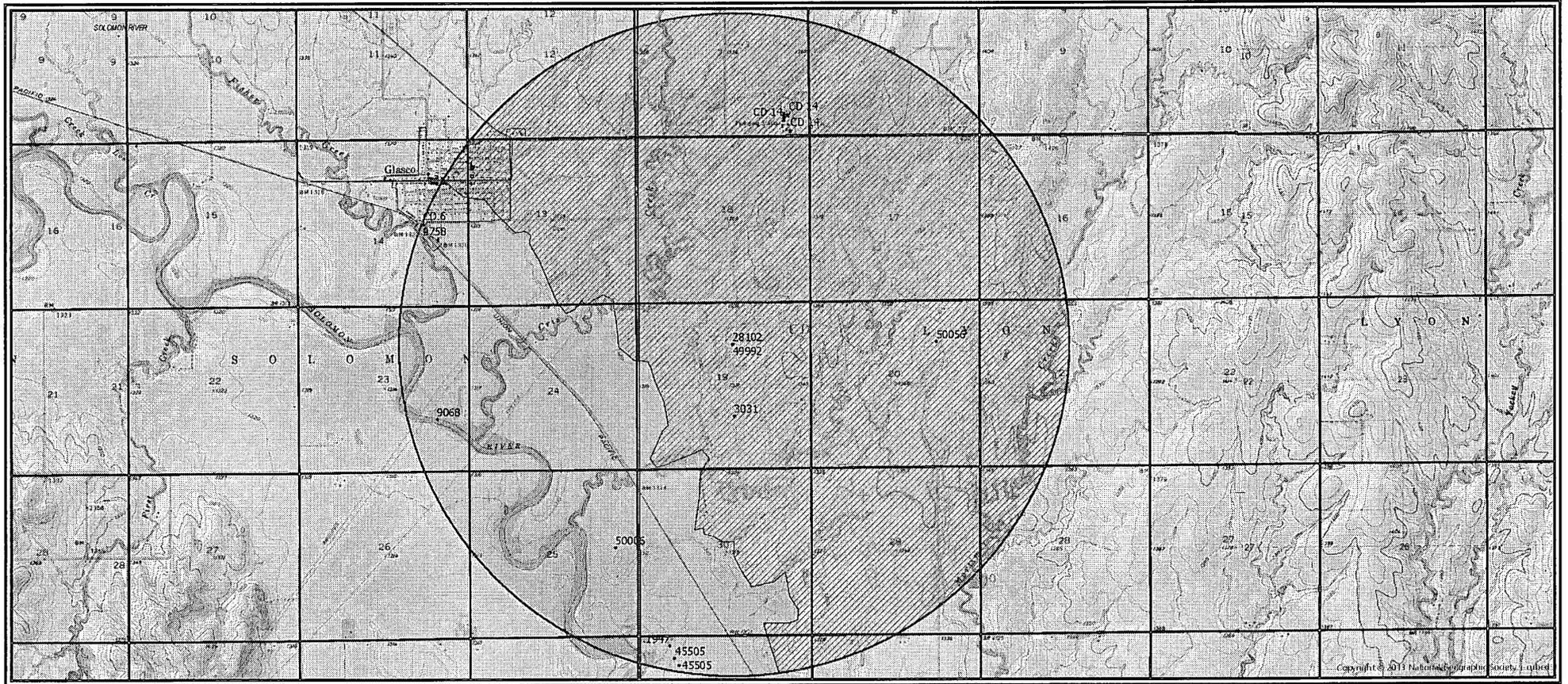
Kris Neuhauser
New Applications Lead
Water Appropriation Program

Safe Yield Report Sheet

Water Right- ~~A4999200~~ 50531

Point of Diversion in 19-08S-04W

Footages from SE corner- 3,930 feet North 2,425 feet West



Analysis Results

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

The safe yield based on the variables listed below is 855.41 AF.

Total prior appropriations in the circle is 416.00 AF.

Total quantity of water available for appropriation is ~~439.41~~ AF.

855.41 AF

Safe Yield Variables

The area used for the analysis is set at 5,703 acres.

The potential annual recharge at the circle center is estimated to be 2.4 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 09-JUL-2018 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 2 water rights and 2 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
50531 A 49992 00	IRR	AY	G	NC	W2	W2	NE	3930	2425	19	08	04W	2	WR	208.00	208.00	160.00	160.00
A 50056 00	IRR	AY	G				NE	3960	1320	20	08	04W	1	WR	208.00	208.00	160.00	160.00
50056 dismissed																		
<hr/>																		
50655																		
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345																		
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345																		
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From: Stewart, Kelly [KDA]
Sent: Thu 10/28/2021 1:50 PM
To: Neuhauser, Kris [KDA];Hageman, Nancy [KDA]
Cc: Billinger, Mark [KDA];Baum, Kristen [KDA];Moody, Laura [KDA];Freeman, Ashlee [KDA]
Subject: RE: 50531 recommendation request

Kris,

I recommend approval of this application.

Kelly

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Thursday, October 28, 2021 10:35 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Moody, Laura [KDA] <Laura.Moody@ks.gov>; Freeman, Ashlee [KDA] <Ashlee.Freeman@ks.gov>
Subject: 50531 recommendation request

Kelly,

Attached is a 50531 memo for your review and recommendation. Have some good backstory logged in Docuware on it. Well is already completed, 49992 was dismissed due to failure to complete. Mr. Walsh submitted the new app and notice of completion at the same time, we are holding it until the 50531 is approved, then it can be processed.

I re-used and tweaked Doug's original SY on 49992 to stay consistent. 45505 is considered alluvium, 50056 was dismissed, and the only other WR in the 2 mile circle is junior – 50655. Let me know if you can think of anything else you want to include.

I'll keep you guys in the loop for when this is ready to go. That way we can get the notice of completion portion figured out correctly.

Thanks!

Kris Neuhauser

New Applications Lead

Kansas Department of Agriculture, Division of Water Resources

Phone: 785-564-6643

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. 50,531** of the applicant

DICK WALSH
910 N 4TH
HEBRON, NE 68370

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 **March 2, 2021**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
19	8S	4W	40	40	40	40													160

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 Northwest Quarter of the Southwest Quarter of the Northeast Quarter (NW¼ SW¼ NE¼) of Section 19, more particularly described as being near a point 3,933 feet North and 2,414 feet West of the Southeast corner of said section, in Township 8 South, Range 4 West, Cloud 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 **208 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 an acceptable water flow meter 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. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

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

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

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

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

Ordered this 7 day of February, 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)
)
County of Riley) SS

The foregoing instrument was acknowledged before me this 7 day of February, 2022, by Lane P. Letourneau, P.G., Program Manager, 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

February 8, 2022

DICK WALSH
910 N 4TH
HEBRON, NE 68370

RE: Appropriation of Water, File No. 50,531

Dear Mr. Walsh:

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.

We are in receipt of your Notice of Completion and the required fee. It will be processed after your permit has been issued and archived. Please be reminded that the water flowmeter must be maintained in operational condition and utilized for the annual water use report.

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.kswateruserreport.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: li
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 further judicial review under the Kansas Judicial Review Act.

CERTIFICATE OF SERVICE

On this 8 day of February, 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,531, dated 7 February 2022 was mailed postage prepaid, first class, US mail to the following:

DICK WALSH
910 N 4TH
HEBRON, NE 68370

With photocopies to:

Stockton Field Office



Division of Water Resources