

File No. **50607** 15. Formation Code: 100 Drainage Basin: Smoky Hill River County: SA Special Use: Stream:

16. Points of Diversion

T
MOD
DEL
ENT

8/29/2022
BMM

BATTERY ID 2310

PDIV	Qualifier	S	T	R	ID	'N	'W
CHK	88955 NW SE NE	24	15S	3W	2	3754	1022 (GEO)
ENT	NW SE NE 89763	24	15S	3W		3754	922 (1 of 4)
ENT	NW SE NE 89764	24	15S	3W		3854	1022 (2 of 4)
ENT	NW SE NE 89765	24	15S	3W		3654	1022 (3 of 4)
ENT	NW SE NE 89766	24	15S	3W		3754	1122 (4 of 4)

17. Rate and Quantity

Authorized		Additional		Overlap PD Files
Rate gpm	Quantity af	Rate gpm	Quantity af	
800	89.7	800	89.7	NA

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** Date Acceptable Meter Installed _____

21. Place of Use

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PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
					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	70494	24	15S	3W	2	5.5		24.5	39												69	7b	N	NA

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: July 7, 2022

FROM: Brandon Milner

RE: Application, File Nos. 50,607

Clint Ade has filed the above referenced application (50,607) proposing to appropriate 89.7 acre-feet of groundwater per calendar year at a maximum rate of 800 gallons per minute for irrigation use. The applicant is proposing to install a battery of four (4) wells for this application. The applicant has signed the agreement verifying that they have access to the point of diversion.

As mentioned above, the point of diversion will be a battery of (four) wells with the geographical center located in the Northeast Quarter of Section 24, Township 15 South, Range 3 West in Saline County. Five notification letters were sent to nearby domestic well owners one comment was received in the form of a letter on May 10, 2022. A nearby landowner was concerned about having a steady source of water from their domestic well. The domestic well in question is roughly 1,380' away from the geo-center of the battery of four wells. The applicant will need to maintain spacing of 660' from this and all domestic wells in the area. The geo-center does satisfy the spacing according to 5-4-4 as a response letter will be sent to the concerned neighbor however, all established wells of the battery must meet spacing when completed.

Based off the well log submitted with the application, the source of water is alluvium from the Smoky Hill River. The area of consideration was 7,776 acres will be considered for safe-yield review. Based on a potential recharge of 2.9 inches, with 75% available for appropriation, safe yield was determined to be 1409.49 acre-feet. Prior appropriations within the 2-mile radius is 1272.82 acre-feet which would leave 136.67 acre-feet for appropriation for which application # 50,607 complies with safe yield.

The proposed place of use consists of 69 acres that will be irrigated by 89.7 Acre-Feet. This is the maximum allowable of 1.3 acre-feet of water per acre in Saline County.

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.

July 13, 2021 **2021**

The priority date for application no.50,607 received in Manhattan Headquarters is ~~September 14, 2022~~. The application was sent to the Stockton Field Office for recommendation on July 7, 2022. It was then recommended for approval on the same day.

8/29/2022
BMM

Based on all information listed above, this area meets safe-yield, I do not believe it will not affect nearby wells and it is recommended that the referenced application be approved.

Brandon Milner
Environmental Scientist
Permits Unit

From: Stewart, Kelly [KDA]
Sent: Thu 7/7/2022 11:19 AM
To: Milner, Brandon [KDA]
Cc: Billinger, Mark [KDA];Hageman, Nancy [KDA]
Subject: RE: 50607 Memo Recommendation

Brandon,

I have no objection to the approval of this application.

Kelly

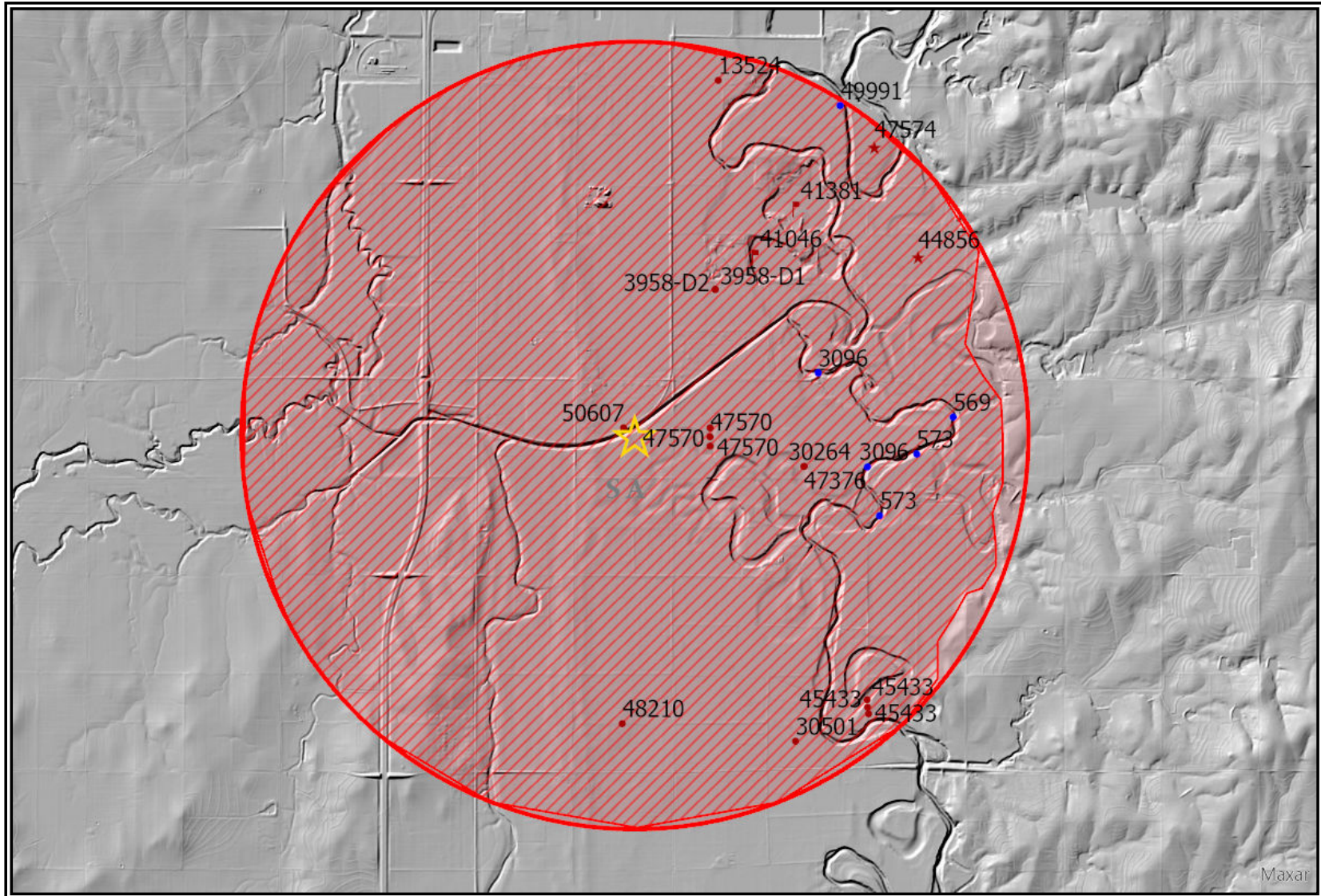
From: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Sent: Thursday, July 7, 2022 9:53 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Hageman, Nancy [KDA] <Nancy.Hageman@ks.gov>
Subject: 50607 Memo Recommendation

Good morning,

Attached is a memo for application no. 50,607 for Clint Ade. Thanks again for checking into the confusion with the safeyield analysis on this one but everything should be cleared on this one. There was a concern from a nearby domestic well owner but spacing has been met from the Geo-center. Could you provide a recommendation on this application? Thanks!

Brandon Milner
Environmental Scientist
Water Appropriation Program

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 24-15S-03W
Footages from SE corner- 3,754 feet North 1,022 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 1,409.49 AF.

Total prior appropriations in the circle is 1,268.27 AF. **-89.7 +94.25 AF=1272.82 AF**

Total quantity of water available for appropriation is 136.67 AF

Safe Yield Variables

The area used for the analysis is set at 7,776 acres.

The potential annual recharge at the circle center is estimated to be 2.9 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 27-APR-2022 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 14 water rights and 16 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 13524 00	IRR	NK	G		SE	SW	NW	2830	3995	07	15	02W	10	WR	149.00	149.00	161.00	161.00
A 30264 00	IRR	NK	G		SE	SW	NE	2950	1604	19	15	02W	3	WR	49.00	49.00	192.00	0.00
A 30501 00	IRR	NK	G		NC	SW	SE	675	1990	30	15	02W	8	WR	39.00	39.00	102.00	102.00
A 41046 00	REC	NK	G			SE	NW	3300	2900	18	15	02W	9	WR	34.13	34.13		
A 41381 00	REC	NK	G		NC	NW	NE	4600	1800	18	15	02W	11	WR	53.64	53.64		
A 44856 00	IND	HK	G		NC	S2	NW	3300	3960	17	15	02W	1	WR	259.00	259.00		
A 45433 00	IRR	NK	G			SW	NW	1563	5290	29	15	02W	5	WR	83.00	83.00	72.00	72.00
Same	IRR	NK	G			SW	NW	1934	5327	29	15	02W	6	WR				
Same	IRR	NK	G			SW	NW	1748	5309	29	15	02W	7	WR				
A 47376 00	IRR	NK	G		SE	SW	NE	2950	1604	19	15	02W	3	WR	94.25	0.00	192.00	0.00
A 47570 00	IRR	NK	G		NE	SW	NW	3778	4246	19	15	02W	7	WR	104.00	104.00	80.00	80.00
Same	IRR	NK	G		SE	NW	NW	4018	4246	19	15	02W	8	WR				
Same	IRR	NK	G		NE	SW	NW	3537	4246	19	15	02W	9	WR				
A 47574 00	IND	LO	G		NW	SW	SW	982	5129	08	15	02W	5	WR	48.00	48.00		
A 48210 00	IRR	NK	G			NC	SE	1316	1386	25	15	03W	1	WR	59.80	59.80	46.00	46.00
A 3958 D1	IRR	NK	G		NE	NW	SW	2459	3994	18	15	02W	12	WR	216.60	216.60	169.00	169.00
A 3958 D2	IRR	NK	G		NE	NW	SW	2459	3994	18	15	02W	12	WR	83.40	83.40	31.00	31.00
A 50607 00	IRR	AY	G				NE	3960	1320	24	15	03W	2	WR	89.70	89.70	69.00	69.00

Limitations

File Number	Seq Num	Limitations
A 13524 00	1	242AF/YR COM/W SA 15 & #2
A 47376 00	2	94.25 AF/YR @ 620 GPM COM/W #30264
Same	3	187 AF/YR COM/W #3096 & #30264

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. 50,607** of the applicant

**CLINT ADE
7932 E MENTOR RD
GYPSUM, KS 67448**

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 July 13, 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	
24	15S	3W	5.5		24.5	39													69

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means a battery of four (4) wells with a geo-center located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW¼, SE¼, NE¼) of Section 24, more particularly described as being near a point 3,754 feet North and 1,022 feet West of the Southeast corner of said section, in Township 15 South, Range 3 West, Saline County, Kansas, located substantially as shown on the 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 **89.7 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, 2023**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$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 accompanied by the required statutory fee, which is currently \$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, which is currently \$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 the well 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 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. 82a703c for the source of supply to which this water right applies.

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

September 15, 2022

GRAY FAMILY TRUST
1046 E. MENTOR RD
ASSARIA, KS 67416

RE: Application, File No. 50,607

Dear Mr. and Mrs. Gray,

The Division of Water Resources received your letter dated May 10, 2022, in which you expressed objections to the proposed appropriation of groundwater under the above referenced application. The application is proposing to appropriate groundwater for irrigation use. The Chief Engineer is required to approve applications for water appropriation unless the proposed appropriation will impair existing water rights or prejudicially and unreasonably affect the public interest.

While the Kansas Water Appropriation Act protects prior water rights, the law also recognizes that some reasonable fluctuations in groundwater levels are allowable, provided senior water right holders can continue their beneficial use of water. When processing an application, the law requires that we take into consideration the area, safe yield and recharge rate of the water supply, spacing to existing wells, and the priority and authorized quantity of existing water rights. Our evaluation includes a review of area well logs and relevant hydrographs. In some instances, we obtain additional hydrologic analysis in order to ensure that impairment is unlikely. If an application meets the rules and regulations, the Chief Engineer is obligated by law to approve it unless impairment is indicated.

In the event that an application is approved by the Chief Engineer and you believe the diversion of water is impairing a senior water right, you should notify your local Stockton Field Office at 785-425-6787. The Chief Engineer is required to investigate any complaint that a prior right to the use of water is being impaired. If such impairment is found, the Chief Engineer must secure water to satisfy prior water rights.

Additional information may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any questions, please contact me at 785-564-6640 or Kristen.Baum@ks.gov. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Division of Water Resources

KAB: kab
Enclosure(s)
pc: Stockton Field Office

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

CLINT ADE
7932 E MENTOR RD
GYPSUM, KS 67448

September 15, 2022

RE: Appropriation of Water, File No.
50,607

Dear Sir or Madam:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An acceptable water flowmeter must be installed on the diversion works authorized by this permit prior to using water. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed, and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/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 and Change Applications Unit Supervisor
Division of Water Resources

KAB:bmm
Enclosure(s)
pc: Stockton Field Office

Clay Ade

CERTIFICATE OF SERVICE

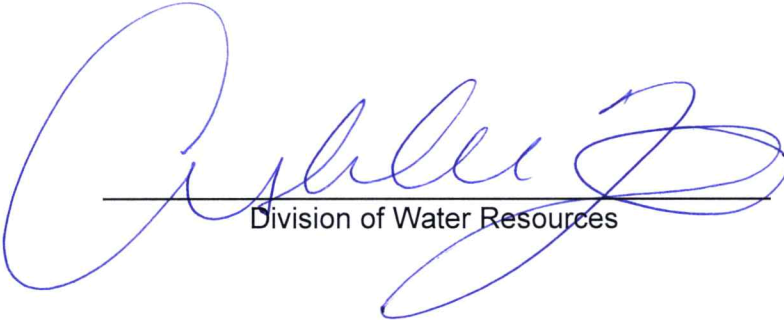
On this 15 day of September, 2022, I hereby certify that the foregoing Approval of Application, File No. 50,607, dated 12 September was mailed postage prepaid, first class, US mail to the following:

CLINT ADE
7932 E MENTOR RD
GYPSUM, KS 67448

With photocopies to:

CLAY ADE
1868 E MENTOR RD
ASSARIA, KS 67416

Stockton Field Office



Division of Water Resources