

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

1. File Number: <p style="text-align: center;">50,775</p>	2. Status Change Date: <p style="text-align: center;">6/20/2023</p>	3. Field Office: <p style="text-align: center;">3</p>	4. GMD:
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
7a. Applicant(s) New to system <input type="checkbox"/>		7c. Landowner(s) Person ID	
Person ID 68367 Add Seq# _____		Person ID _____	
REEDY BROTHERS FARMS 1321 HILL ST CONCORDIA, KS 66901			
7b. Landowner(s) New to system <input type="checkbox"/>		7d.	
Person ID 57508 Add Seq# _____			
SLIPSHOD FARMING INC 2077 WAGON RD CLYDE, KS 66938			
8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No	Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/>	9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7b		<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: _____	
10. Completion Date: 12/31/2024	11. Perfection Date: 12/31/2028	12. Exp Date: _____	
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
		Date Prepared: 6/13/2023 By: KJN Date Reviewed: 6/16/2023 By: KAK Date Entered: 6/20/2023 By: LMoody	

File No. **50,775** 15. Formation Code: **330** Drainage Basin: **Republican River** County: **CD** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		Overlap PD Files
											Rate gpm	Quantity af	Rate gpm	Quantity af	
CHK			89506	SE SE SW	2	5S	2W	5	202	3054 (GEO)	800	169	800	169	none
CHK			89507	SE SE SW	2	5S	2W	6	56	3040					
CHK			89508	SE SE SW	2	5S	2W	7	348	3068					

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 **12/31/2024** Date Acceptable Meter Installed _____

21. Place of Use						NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files	
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼			
MOD			70847	2	5S	2W	4					32.5	32.5	32.5	32.5					130	7b				no	none

Comments:

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

TO: Files

DATE: June 12, 2023

FROM: Kris Neuhauser

RE: Application, File No. 50,775

Joseph Reedy, on behalf of Reedy Brothers Farms, has filed the above referenced new application to appropriate 169 acre-feet of groundwater at a diversion rate of 800 gallons per minute for irrigation use from a battery of two (2) wells located in the Southwest Quarter of Section 2, Township 5 South, Range 2 West, Cloud County, Kansas. The place of use is made up of 130 acres in the Southwest Quarter of the same section and is owned by Slipshod Farming Inc. Neither the point of diversion or place of use overlap with any existing water rights. The applicant has signed the application form stating they have legal access to the point of diversion.

After a review of the Kansas Geological Survey (KGS) Cloud County bulletin, geologic map, and cross sections, it was determined that the two test logs submitted are sourcing the unconfined Dakota aquifer. Both logs show roughly 80 feet of what is described as a red/yellow "shale", before encountering sandstone and water. It appears that this upper layer is the Loveland Formation, which is described in the KGS Cloud County bulletin as "compact reddish-yellow silt and clay". As noted, water was encountered at the same time as the Dakota, with the static water level holding firm, indicating no confining pressure.

Safe yield was determined by the extent of the unconfined aquifer within a two-mile radius of the point of diversion. Evaluation of the area of consideration included the extent of the unconfined aquifer, which provided an area of consideration of 8,042 acres. With a potential annual recharge of 2.5 inches, and 75% of recharge available for appropriation, safe yield was determined to be 1,256.64 acre-feet. Existing water rights have appropriated 1,064.80 acre-feet, providing a difference of 191.84 acre-feet available for appropriation, and the application requesting 169 acre-feet complies with safe yield.

The applicant did not identify any domestic wells within one-half mile of the proposed point of diversion. After review of the WWC-5 database and aerial photography, this claim appears to be correct. Therefore, no nearby notification letters are required.

The WRIS database shows that the nearest non-domestic wells are roughly 0.6 mile away. The closest domestic well is roughly 1.15 miles away. Therefore, the point of diversion complies with well spacing criteria for the unconfined Dakota aquifer system.

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, recommended approval of the referenced application in an email conversation on June 13, 2023.

Based on the above discussion, safe yield criteria is met and approval of the new application should not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.



Kris Neuhauser
New Applications Lead
Water Appropriation Program

From: Stewart, Kelly [KDA]
Sent: Tue 6/13/2023 1:44 PM
To: Neuhauser, Kris [KDA]
Cc: Billinger, Mark [KDA]; Means, David [KDA]; Hageman, Nancy [KDA]
Subject: RE: 50775 recommendation request

Kris,

I would recommend approval based on your findings.

Kelly

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Tuesday, June 13, 2023 10:20 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Means, David [KDA] <David.Means@ks.gov>
Subject: 50775 recommendation request

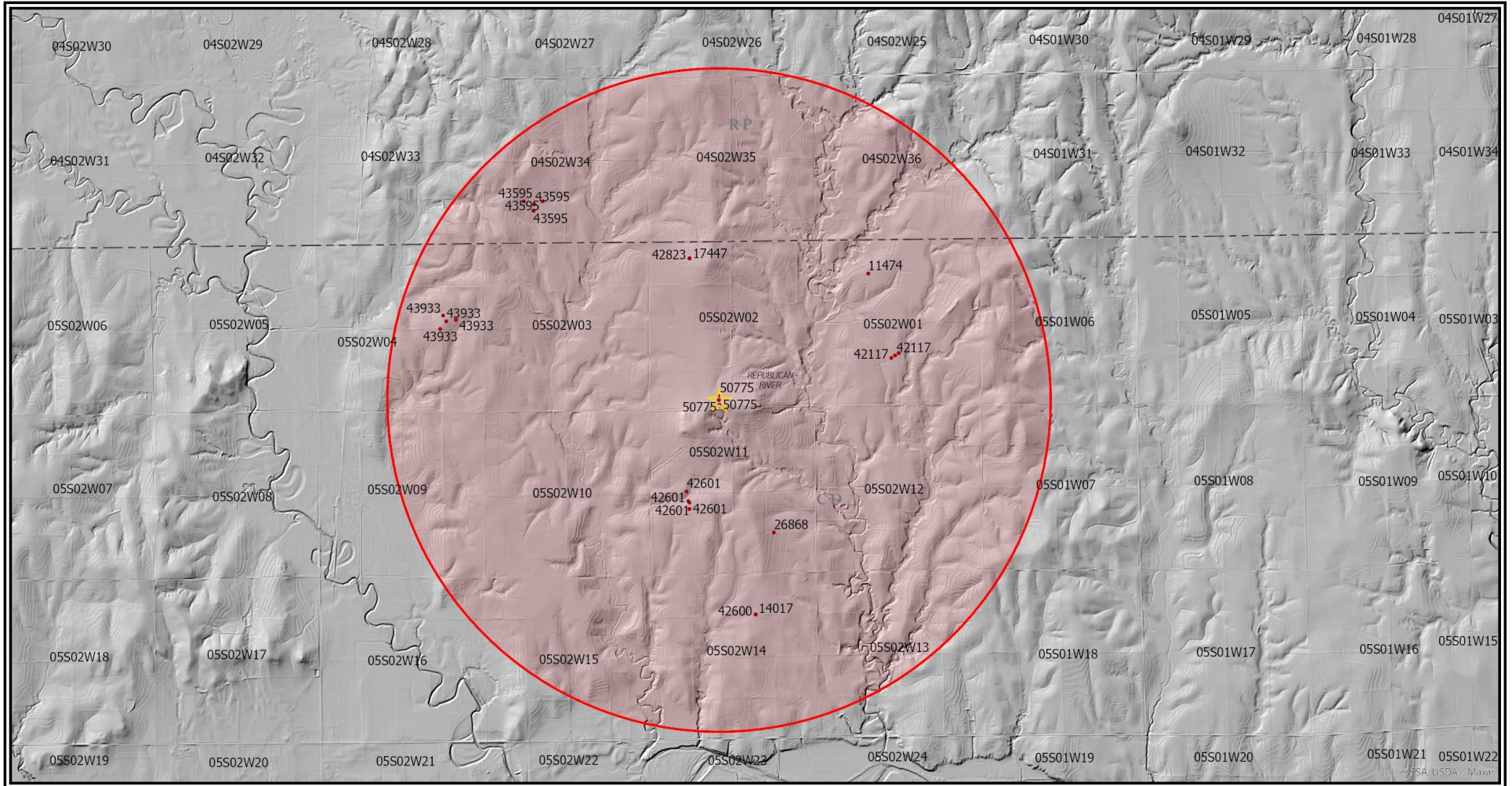
Kelly,

Went over 50775 in our Dakota meeting last Friday. Have a draft memo and SY report attached above. Calling this one unconfined Dakota. Just passes SY and meets spacing. Let me know if you need anything else or want to discuss further.

Thanks!

Kris

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 02-05S-02W
Footages from SE corner- 202 feet North 3,054 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 1,256.64 AF.

Total prior appropriations in the circle is 1,233.80 AF. **- 169 AF = 1064.80 AF**

Total quantity of water available for appropriation is ~~22.84 AF.~~ **191.84 AF AVAILABLE***

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 2.5 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 02-MAY-2023 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 11 water rights and 22 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 11474 00	IRR	NK	G			NE	NW	4030	3590	01	05	02W	2	WR	61.80	61.80	177.00	177.00
A 14017 00	IRR	NK	G		NC	W2	NE	3960	1980	14	05	02W	1	WR	67.00	67.00	128.00	128.00
A 17447 00	IRR	NK	G					4750	3960	02	05	02W	1	WR	70.00	70.00	130.00	130.00
A 26868 00	IRR	NK	G			NC	SE	1310	1320	11	05	02W	1	WR	90.00	90.00	80.00	80.00
A 42117 00	IRR	NK	G		SE	NE	SW	1490	2857	01	05	02W	3	WR	147.00	147.00	132.00	132.00
Same	IRR	NK	G		SW	NW	SE	1640	2622	01	05	02W	4	WR				
Same	IRR	NK	G		SE	NE	SW	1565	2740	01	05	02W	5	WR				
A 42601 00	IRR	NK	G		NE	NW	SW	2600	4120	11	05	02W	2	WR	123.00	123.00	128.00	128.00
Same	IRR	NK	G		NE	NW	SW	2240	4033	11	05	02W	3	WR				
Same	IRR	NK	G		NE	NW	SW	2030	4033	11	05	02W	5	WR				
Same	IRR	NK	G		NE	NW	SW	2290	4062	11	05	02W	6	WR				
A 42600 00	IRR	NK	G		NC	W2	NE	3960	1980	14	05	02W	1	WR	155.00	88.00	128.00	0.00
A 42823 00	IRR	NK	G					4750	3960	02	05	02W	1	WR	193.00	123.00	130.00	0.00
A 43595 00	IRR	NK	G		NW	SE	SW	1230	3660	34	04	02W	1	WR	174.00	174.00	130.00	130.00
Same	IRR	NK	G		SW	NE	SW	1330	3380	34	04	02W	3	WR				
Same	IRR	NK	G		SE	NW	SW	1330	3980	34	04	02W	4	WR				
Same	IRR	NK	G		NW	SE	SW	1030	3680	34	04	02W	5	WR				
A 43933 00	IRR	NK	G		SW	SE	NE	2880	1180	04	05	02W	1	WR	121.00	121.00	90.00	90.00
Same	IRR	NK	G		SW	SE	NE	3070	1288	04	05	02W	2	WR				
Same	IRR	NK	G			NC	E2	2646	1382	04	05	02W	3	WR				
Same	IRR	NK	G		SW	SE	NE	2921	874	04	05	02W	4	WR				
A 50775 00	IRR	AY	G		SE	SE	SW	202	3054	02	05	02W	5	WR	169.00	169.00	130.00	130.00
Same	IRR	AY	G		SE	SE	SW	56	3040	02	05	02W	6	WR				
Same	IRR	AY	G		SE	SE	SW	348	3068	02	05	02W	7	WR				

Limitations

File Number	Seq Num	Limitations
A 42600 00	2	155AF/YR @ 625GPM COM/W #14017 ✓
A 42823 00	2	193AF/YR @ 700GPM COM/W #17447 ✓

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. 50,775** of the applicant

**REEDY BROTHERS FARMS
1321 HILL ST
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 **April 25, 2022**.
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		
2 - 5S - 2W										32.5	32.5	32.5	32.5					130.0

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of two (2) wells, with a geographical center located in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE¼ SE¼ SW¼) of Section 2, more particularly described as being near a point 202 feet North and 3,054 feet West of the Southeast corner of said section, in Township 5 South, Range 2 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 **169 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2024**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2028**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

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

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

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

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

11. That 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. The 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 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.

17. 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, shall be limited to a total maximum diversion rate not in excess of eight hundred (800) gallons per minute (1.78 c.f.s.), and shall supply water to a common distribution system.

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

Ordered this 20 day of June, 2023, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

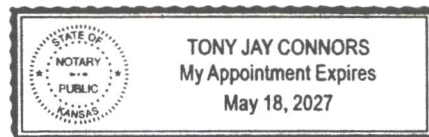
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 20 day of June, 2023, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Tony Jay Connors

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

June 22, 2023

JOSEPH REEDY
REEDY BROTHERS FARMS
1321 HILL ST
CONCORDIA KS 66901

RE: Appropriation of Water
File No. 50,775

Dear Mr. Reedy:

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.

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.

Also included is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/dwr. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local 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:kak:kjn
Enclosure(s)

pc: Slipshod Farming Inc
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 request an evidentiary hearing before the Chief Engineer, or 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 Division, 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 review 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 22 day of June, 2023, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,775, dated June 20, 2023, was mailed postage prepaid, first class, US mail to the following:

REEDY BROTHERS FARMS
1321 HILL ST
CONCORDIA KS 66901

With photocopies to:

SLIPSHOD FARMING INC
2077 WAGON RD
CLYDE KS 66938

KDA-DWR Stockton Field Office



Division of Water Resources