

File No. **50246** 15. Formation Code: **632** Drainage Basin: **Stranger Creek** County: **LV** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity				
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized Rate gpm	Quantity af	Additional Rate gpm	Quantity af	Overlap PD Files
CHK	87468	SW NW NE	30	10S	22E	1	4296	2499		16	3	16	3	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 **12/31/2020 2021** Date Acceptable Meter Installed _____

21. Place of Use																		Total	Owner	Chg? NO	Overlap Files					
T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼								
						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	69423	30	10S	22E	1		3.30	3														6.3	7a	N	NA	

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: October 21, 2019

FROM: Brandon Milner

RE: New Application,
File No. 50,246

Douglas Porter has filed an application to appropriate groundwater for irrigation use of requesting with one (1) well quantity of 3 acre-feet at a diversion rate of 16 gallons per minute. The proposed point of diversion is an existing well located in the Southwest quarter of the Northwest quarter of the Northeast quarter of Section 30 more specifically described as being near a point at 4296 North and 2499 West of the Southeast corner of said section, in Township 10 South, Range 22 West in Leavenworth County. The entire place of use is owned by Douglas Porter. The applicant has signed the application form stating that he has legal access to the point of diversion.

This application does not overlap with any existing water rights in the area. The proposed quantity of 3 acre-feet per year would be used for the irrigation of 6.3 acres of hops. The quantity of 3 acre-feet for the 6.3 acres would figure out to be 0.48 acre-feet per acre. This would provide less than the 1 acre-foot of water per acre for Leavenworth County.

The source of water is the Tonganoxie Sandstone found locally. Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer, provided an area of consideration of 8,042 acres. With a potential annual recharge of 5.8 inches, and 100% of recharge available for appropriation, safe yield was determined to be 3887.20 acre-feet. There are no existing water rights within the area of consideration, with the total prior appropriation being 0 acre-feet. This leaves the full allotment available for appropriation for this irrigation application.

There are three domestic right and no water rights within ½ mile of the point of diversion. Nearby letters were sent to the domestic well owners on September 9, 2019. Two responses were received with concerns of keeping the water level steady for and not having drawdown issues. Michael & Andrea Strick voiced concerns in a phone call about sustaining enough water for their domestic well on September 18, 2019. Daniel & Connie Seitter voiced concerns in a September 19, 2019 phone call about sustaining enough water for their domestic well.

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.

**Nearest domestic is approx 1000' away. At 3 AF
and 16gpm, impairment is unlikely.**

2/5/2020
KAB

This application was sent to the Topeka Field Office on October 22nd, 2019 for recommendation and was recommended for approval on October 23, 2019.

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

Brandon Milner
Environmental Scientist

Analysis Results

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

The safe yield based on the variables listed below is 3,887.20 AF.

Total prior appropriations in the circle is 3.00 AF.

Total quantity of water available for appropriation is 3,884.20 AF.

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 5.8 inches.

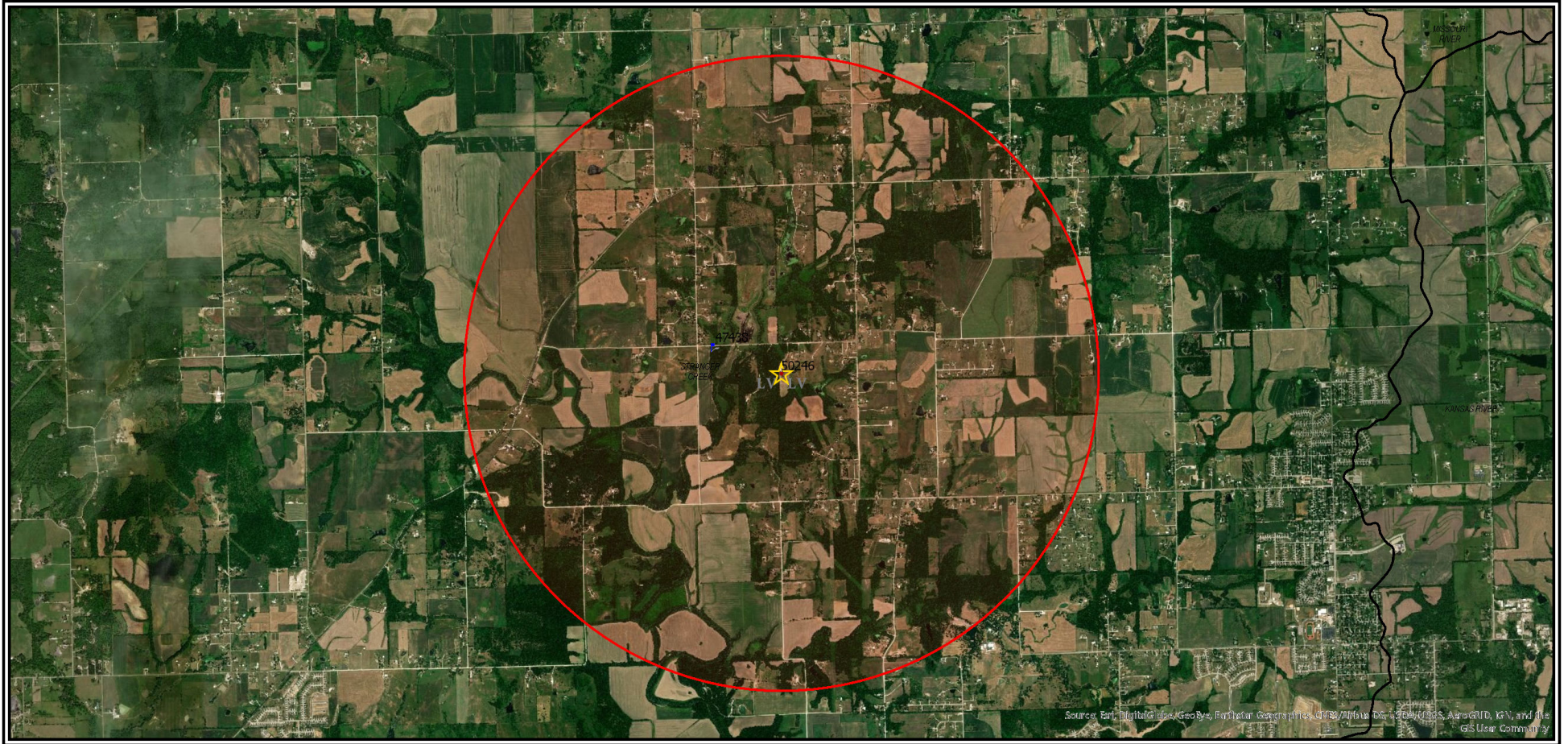
The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 16-OCT-2019 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 is 1 water right and 1 point 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 50246 00	IRR	AY	G		SW	NW	NE	4296	2499	30	10	22E	1	WR	3.00	3.00	6.30	6.30

Safe Yield Report Sheet
Water Right-
Point of Diversion in 30-10S-22E
Footages from SE corner- 4,296 feet North 2,499 feet West



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

DOUGLAS W PORTER
18265 DONAHOO RD
TONGANOXIE, KS 66086

February 19, 2020

FILE COPY

RE: Appropriation of Water, File No. 50,246

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.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 Topeka Field Office at 785-296-5733. 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:bmm
Enclosure(s)

pc: Topeka Field Office



 THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
 Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
 David W. Barfield, 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. 50,246 of the applicant

DOUGLAS W PORTER
18265 DONAHOO RD
TONGANOXIE, KS 66086

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 26, 2019**
2. That the water sought to be appropriated shall be used for irrigation use on land, all located in the 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	
30	10S	22E		3.30	3													6.30	

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 Northwest Quarter of the Northeast Quarter (SW¼ NW¼ NE¼) of Section 30, more particularly described as being near a point 4296 feet North and 2499 feet West of the Southeast corner of said section, in Township 10 South, Range 22 East, Leavenworth County, Kansas located substantially as shown on the map accompanying the application.
4. That installation of works for diversion of water shall be completed on or before **December 31, 2021** 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.

5. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before December 31, 2025 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the 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).

13. 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.

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

15. 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.

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.

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.

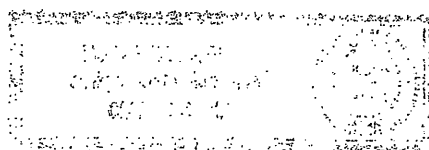
CERTIFICATE OF SERVICE

On this 19th day of February, 2020, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,246, dated February 17, 2020 was mailed postage prepaid, first class, US mail to the following:

DOUGLAS W PORTER
18265 DONAHOO RD
TONGANOXIE, KS 66086

With photocopies to:

Topeka Field Office



Kate Anderson

Division of Water Resources

