

File No. 50,344	15. Formation Code: 540	Drainage Basin: SMOKY HILL RIVER	County: DK	Special Use:	Stream:																	
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:55%; vertical-align: top;"> 16. Points of Diversion T MOD DEL ENT PDIV Qualifier S T R ID 'N 'W </td> <td style="width:45%; vertical-align: top;"> 17. Rate and Quantity Authorized Additional Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files </td> </tr> <tr> <td> ✓ 87918 NE SW SW 24 11 2E 8 1313 4022 </td> <td> 1500 378 1500 0 NONE </td> </tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>						16. Points of Diversion T MOD DEL ENT PDIV Qualifier S T R ID 'N 'W	17. Rate and Quantity Authorized Additional Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files	✓ 87918 NE SW SW 24 11 2E 8 1313 4022	1500 378 1500 0 NONE													
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✓ 87918 NE SW SW 24 11 2E 8 1313 4022	1500 378 1500 0 NONE																					
18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																						
19. Limitation: <u> 378 </u> af/yr at _____ gpm (_____ cfs) when combined with file number(s) FILE NO. 50,004 (on the place of use) 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> 12/31/2021 </u> Date Acceptable Meter Installed _____																						
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	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
✓ 68772 24 11 2E 3										40	40	35	40	40	40	40	40	315	7a	NO	50,004	
Comments:																						

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

TO: Files

DATE: April 16, 2020

FROM: Doug Schemm

RE: Application, File No. 50,344

Scott Hill has filed the above referenced new application proposing to appropriate 378 acre-feet of groundwater at a diversion rate of 1,500 gallons per minute from a proposed well. The point of diversion is located in the Southwest Quarter of Section 24, Township 11 South, Range 2 East, Dickinson County, Kansas in the Smoky Hill River Basin. The applicant has signed the application form stating that he has legal access to the point of diversion. There are no overlapping files in point of diversion, however File No. 50,004 overlaps in place of use. The proposed place of use is described as 315 acres, wholly owned by the applicant. The requested quantity of water of 378 acre-feet is the maximum allowable to irrigate the proposed 315 acres, based on the 1.2 acre-feet per acre allowable in Dickinson County, Kansas. Note that senior File No. 50,004 is authorized for 378 acre-feet on the same place of use, so this junior file will not provide any additional water.

The applicant identified only his own domestic well and his own irrigation well within one-half mile, therefore no notification letters are required. His domestic well is over 1,200 feet away, while the nearest irrigation well (owned by the applicant) is over 2,400 feet away. Based on information from the senior file, nearby senior wells are sourcing a bedrock aquifer, likely the Chase Group (540). The application complies with well spacing criteria for all other aquifers.

A test hole log submitted with nearby File No. 50,004 shows interbedded shales and limestones to a total depth of 176 feet. A fractured limestone layer encountered between 56 feet to 70 feet below ground produced small quantity of water. It appears that a highly weathered, fractured shale layer from 118 feet to 139 feet below ground surface is the primary aquifer, producing greater than 100 gpm. No voids of any kind were noted, however it is not uncommon to encounter them in this type of bedrock lithology. The static water level was reported at 55 feet below ground level, which would correspond to the shallow limestone layer. As noted above, in keeping with nearby wells, the source of water for the proposed well appears to be the Permian System – Chase Group.

As noted above, the static water level does correspond with the shallow show of water, but the comment is “8 gpm”, therefore this would not be a significant contributing zone in the aquifer. It would appear this aquifer is semi-confined, with the static water level extending above the top of the primary aquifer at 118 feet below ground. Per K.A.R 5-3-14, safe yield for a confined aquifer is processed on a case by case basis using the best available information. Because no specific criteria have been developed for safe yield evaluation of this particular aquifer, it appears that the pending application can be reviewed using the safe yield criteria outlined in K.A.R. 5-3-11 for unconfined aquifers. This is consistent with other applications with a bedrock source of supply. This safe yield analysis provides a maximum potential annual recharge of 2.8 inches, since a deeper confined aquifer would likely only receive a portion of the recharge that a shallow, unconfined aquifer would receive. If the procedure outlined by K.A.R. 5-3-11 indicates that a significant quantity of water remains available for appropriation, then there would be sufficient water for this application even with a considerable reduction in the amount of recharge reaching the deeper semi-confined aquifer (in this case about 2 inches of recharge would provide sufficient water for both prior and proposed appropriations).

The area of consideration, defined by the extent of the bedrock aquifer within a two-mile radius, is 8,042 acres. Based on a potential recharge of 2.8 inches, with 100% available for appropriation, safe yield was determined to be 1,876.58 acre-feet. There are five existing water rights that have appropriated 1,338 acre-feet, leaving 538.58 acre-feet available, so there is sufficient water available for appropriation, and the application meets safe yield. Note that this application is requesting 0 additional acre-feet when combined with senior File No. 50,004.

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.

Katie Tietsort, Water Commissioner, Topeka Field Office, recommended the referenced application be approved in an April 15, 2020 e-mail. Based on the above discussion, the application complies with safe yield and well spacing criteria, 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.

Doug Schemm
Environmental Scientist
Topeka Field Office

Schemm, Doug [KDA]

From: Tietsort, Katie [KDA]
Sent: Wednesday, April 15, 2020 3:29 PM
To: Schemm, Doug [KDA]
Subject: RE: 50,344 Scott Hill

Hi Doug,

The TFO has no objections to approval of this application.

Thanks! Katie

Katie Tietsort
Water Commissioner

Katie.Tietsort@ks.gov

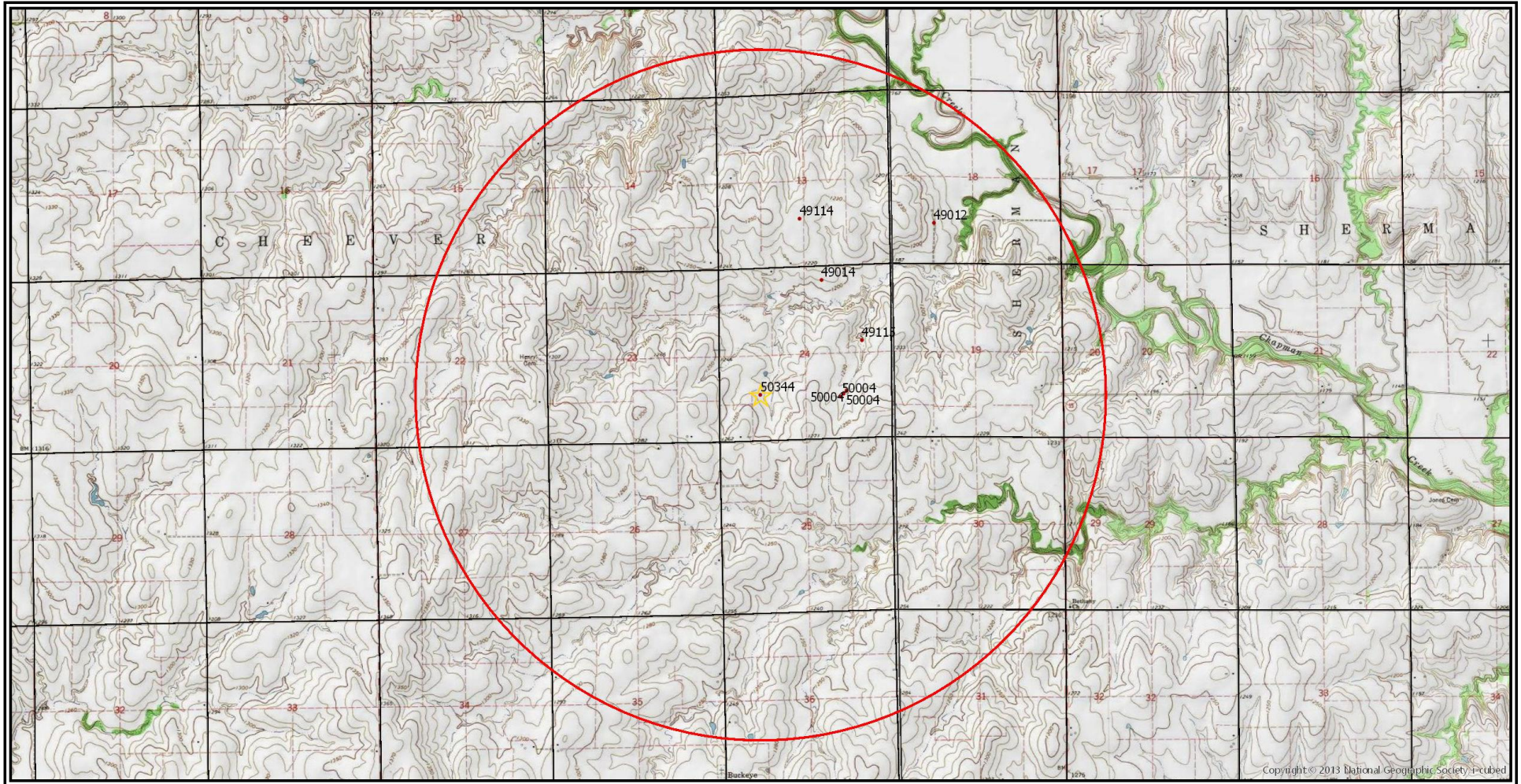
785-296-5733

PLEASE NOTE OUR NEW ADDRESS:
Kansas Department of Agriculture
Topeka Field Office
1131 SW Winding Rd, Suite 400
Topeka, KS 66615

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Wednesday, April 15, 2020 10:53 AM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: 50,344 Scott Hill

Another bedrock well for Scott. No additional water when combined with 50,004. No nearbys, no issues.

Safe Yield Report Sheet
Water Right- A5034400
Point of Diversion in 24-11S-02E
Footages from SE corner- 1,313 feet North 4,022 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 1,876.58 AF.

Total prior appropriations in the circle is 1,338.00 AF.

Total quantity of water available for appropriation is 538.58 AF.

Application File No. 50,344 - Requesting 378 AF

Meets Safe Yield

dws/dwr 4/15/20

(*Note: 0 additional when combined with File No. 50,004)

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 2.8 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 14-APR-2020 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 6 water rights and 8 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 49012 00	IRR	LO	G		NW	SE	SW	1310	3883	18	11	03E	2	WR	960.00	960.00	800.00	800.00
A 49014 00	IRR	LO	G		NW	NW	NE	4823	2108	24	11	02E	5	WR	960.00	0.00 ✓	800.00	0.00
A 49114 00	IRR	LO	G		SE	NE	SW	1426	2664	13	11	02E	1	WR	420.00	0.00 ✓	800.00	0.00
A 49115 00	IRR	HK	G		SW	SE	NE	2971	889	24	11	02E	3	WR	520.00	0.00 ✓	800.00	0.00
A 50004 00	IRR	HK	G		NE	SW	SE	1244	1559	24	11	02E	4	WR	378.00	378.00	315.00	315.00
Same	IRR	HK	G		SE	NW	SE	1421	1382	24	11	02E	6	WR				
Same	IRR	HK	G		SE	NW	SE	1333	1471	24	11	02E	7	WR				
A 50344 00	IRR	AY	G		NE	SW	SW	1313	4022	24	11	02E	8	WR	378.00	0.00 ✓	315.00	0.00

Limitations

File Number	Seq Num	Limitations
A 49014 00	1	960 AF/YR COM/W #49012
A 49114 00	1	960 AF/YR COM/W #49012, #49014
A 49115 00	1	960 AF/YR COM/W #49012, #49014 & #49114

All limitations are correct as shown.

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

SCOTT HILL
1209 3300 AVE
ABILENE KS 67410

RE: Appropriation of Water, File No. 50,344

Dear Mr. Hill:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approval documents. A water meter is required on the proposed diversion works and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00. There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:dws
Enclosures

pc: Topeka Field Office

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting 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. 50,344** of the applicant

**SCOTT HILL
1209 3300 AVE
ABILENE KS 67410**

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:

- That the priority date assigned to such application is **February 7, 2020**.
- 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	11S	2E																	315

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 Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE¼ SW¼ SW¼) of Section 24, more particularly described as being near a point 1,313 feet North and 4,022 feet West of the Southeast corner of said section, in Township 11 South, Range 2 East, Dickinson 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 **1,500 gallons per minute (3.34 c.f.s.)** and to a quantity not to exceed **378 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, 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.

6. 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.

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 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).

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.

18. That the applicant shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

19. That the quantity of water approved under this permit is further limited to the quantity which combined with Appropriation of Water, File No. 50,004, will provide a **total not to exceed 378.0 acre-feet** of water per calendar year for irrigation use on the land described herein.

Ordered this 22nd day of June, 2020, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 22nd day of June, 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Katie N. Anderson

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 further judicial review under the Kansas Judicial Review Act.

CERTIFICATE OF SERVICE

On this 24th day of June, 2020, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,344, dated: June 22, 2020 was mailed postage prepaid, first class, US mail to the following:

SCOTT HILL
1209 3300 AVE
ABILENE KS 67410

With photocopies to:

Topeka Field Office

Katy Anderson

Division of Water Resources