

File No. **50,351** 15. Formation Code: 113 Drainage Basin: **Kansas River** County: RL Special Use: Stream:

16. Points of Diversion										
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
MOD			87959	SW NW NE	29	10	7E	8	4200	2610 (Batt 1 of 3)
ENT			88672	SW NW NE	29	10	7E		4380	2610 (Batt 2 of 3)
ENT			88673	NW NW NE	29	10	7E		4625	2190 (Batt 3 of 3)
ENT			88674	SW NW NE	29	10	7E		4402	2470 (Geo-Ctr)
BATTERY #2222										

17. Rate and Quantity MOD RATE				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
800	88	800	88	NONE

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 **12/31/2022** 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					
✓			69867	29	10	7E	7		40	40														80	7a.	NO	NONE	

Comments:

3/12/2021
KJN

3/12/2021
KAB

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

TO: Files

DATE: March 16, 2021

FROM: Doug Schemm

RE: Application, File No. 50,351

Jim Schmidt has filed the referenced new application to appropriate 88 acre-feet of groundwater from a proposed battery of three wells at a rate of 800 gallons per minute for irrigation use on 80 acres. The well battery will be located in the Northeast Quarter of Section 29, Township 10 South, Range 7 East, Riley County, within the Kansas River Drainage Basin. There are no overlapping water rights in point of diversion or place of use. The place of use is entirely owned by the applicant, who has signed the application form stating he has access to the point of diversion. The maximum allowable quantity of water to irrigate the proposed acreage of 80 acres, with 1.1 acre-feet per acre in Riley County would be 88 acre-feet.

Please note that the applicant had originally requested a single well and a diversion rate of 1,400 gallons per minute. However, after concerns expressed by a nearby irrigation well owner (Jon Howe, File Nos. 31,285 and 49,383), the applicant agreed to relocate his point of diversion to the west side of his property, thereby increasing the distance to Mr. Howe's existing well. The applicant also modified the application to request a battery of wells, with a corresponding reduction in rate of diversion to 800 gallons per minute. In addition, the applicant has installed an observation well near the original well location, between his proposed well battery and Mr. Howe's well (see letter received from applicant on January 27, 2021). DWR Technical Services staff have reviewed the revised well location and well logs, and has agreed that the application can be approved without causing impairment of senior water rights. The observation well will allow aquifer monitoring if deemed necessary in the future.

On the initial application, the applicant identified three nearby wells within one-half mile (complying with K.A.R. 5-3-4). Nearby notification letters were sent out on May 1, 2020. As noted above, a telephone call and subsequent written concern letter were received from nearby well owner Mr. Howe. Mr. Howe also provided depth to water measurements at his well from the years 1978 through 2014, which show a consistent depth to water of about 23 feet below ground surface. Mr. Howe does not believe this local aquifer can sustain additional pumping with the limited aquifer thickness. A response letter was sent to Mr. Howe on February 19, 2021 with a site map showing the new location for the applicant's well battery and the proposed observation well.

Due to the relocation of the point of diversion, additional notification letters were required for nearby wells within one-half mile. Four more notification letters were sent out on February 19, 2021. A telephone call was received from a nearby domestic well owner (Dustan Ridder) with general concerns of how the approval would impact his well. We discussed his senior priority domestic right and I provided him a link to the KGS site for well and aquifer information. Mr. and Mrs. Ridder also submitted a written letter expressing their concerns. A response letter was sent to them on March 12, 2021. Mr. Ridder called again on March 16, 2021 reiterating his concerns, and questioning whether the spacing to his domestic well is adequate. I informed him that this aquifer required a minimum spacing to 660 feet to domestic wells, and that he could request a copy of the application with supporting data by requesting through open records. The nearest domestic well is over 1,200 feet away, and the application complies with well spacing criteria of 660 feet to all domestic wells. The nearest non-domestic well is over 2,300 feet away, and the application complies with minimum well spacing of 1,320 feet, per K.A.R. 5-4-4 for all other aquifers. The existing well is located over ¼ mile from the Kansas River, so no notification of the KRWAD is required.

Well logs were submitted at the revised point of diversion location, showing in general, a sand and gravel layer extending from 45 feet to 70 feet below ground, and ending on limestone bedrock. However, test hole drilling also shows a substantial variation in aquifer thickness in the local area. Static water level is about 22 feet below ground surface. The source of water is the Kansas River alluvium.

K.A.R. 5-3-11 states that calculated recharge in the Kansas River alluvium shall be determined by taking 25% of the average annual rainfall in the area of consideration. For this application, the calculated recharge was determined to be 8.2 inches. The extent of the river alluvium for the area of consideration provides a total of 3,985 acres. Based on a potential recharge of 8.2 inches, with 75% available for appropriation, safe yield was determined to be 2,042.16 acre-feet. Existing water rights have appropriated 1,122.14 acre-feet within the area of consideration, leaving 920.02 acre-feet available, and the application requesting 88 acre-feet complies with safe yield.

The applicant has submitted a signed Kansas River Assurance District form, which has been properly notarized. By completing this statement, the applicant affirms his/her knowledge that there could be times when the diversion of water may not be allowed under this permit.

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 a February 16, 2021 e-mail, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced new 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 new application be approved.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Schemm, Doug [KDA]

From: Tietsort, Katie [KDA]
Sent: Tuesday, February 16, 2021 11:01 AM
To: Munson, John [KDA]; Bunger, Brett [KDA]; Schemm, Doug [KDA]; Baum, Kristen [KDA]
Subject: RE: Schmidt 50351

Good, everyone seems to be on the same page with this one and we can proceed.

Katie Tietsort

Water Commissioner

Katie.Tietsort@ks.gov
Ph. 785-296-5733 Cell 785-213-9188
Kansas Department of Agriculture
Topeka Field Office
1131 SW Winding Rd, Suite 400
Topeka, KS 66615

From: Munson, John [KDA] <John.Munson@ks.gov>
Sent: Monday, February 15, 2021 1:51 PM
To: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>; Schemm, Doug [KDA] <Doug.Schemm@ks.gov>; Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: RE: Schmidt 50351

I would be glad to install monitoring equipment to start a database for future reference.

I also do not see that the applicant would need to do any monitoring at this time.

I would like to have a contact person so I could contact them before installing any monitoring equipment so they would know when I am doing it.

The permit looks good to me.

John

From: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>
Sent: Monday, February 15, 2021 1:38 PM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>; Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Cc: Munson, John [KDA] <John.Munson@ks.gov>
Subject: RE: Schmidt 50351

I do not see any need for Jim to do any monitoring. I really thought the monitoring well was put in place to answer questions should Mr. Howe have issues. Lets not make Jim do something that we have no need for at this point. I think your final permit condition pretty much covers the possibilities should there be the need for additional monitoring.

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Monday, February 15, 2021 1:05 PM

To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>

Cc: Munson, John [KDA] <John.Munson@ks.gov>; Bungler, Brett [KDA] <Brett.Bunger@ks.gov>

Subject: Schmidt 50351

So I'm sending out additional nearby notification letters this Friday because Jim moved his well. I have modified the application in Docuware.

I have attached response letter to Jon Howe, and Proposed Permit conditioning similar to Woolsoncroft.

How much monitoring do we want Jim to do at the observation (Monitoring) well?

Please review,

Thanks, Doug

Analysis Results

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

The safe yield based on the variables listed below is 2,042.16 AF.

Total prior appropriations in the circle is 1,210.14 AF. - 88 AF = 1,122.14 AF

Total quantity of water available for appropriation is ~~832.02~~ AF.

920.02 AF

Application File No. 50,351 - Requesting 88 AF
Meets Safe Yield dws/dwr 2/22/2021

Safe Yield Variables

The area used for the analysis is set at 3,985 acres.

The potential annual recharge at the circle center is estimated to be 8.2 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 22-FEB-2021 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 22 water rights and 23 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 584 00	IRR	NK	G		SE	NW	NW	4615	3994	34	10	07E	1	WR	40.00	40.00	85.00	85.00
A 1478 00	IRR	NK	G					2456	3087	27	10	07E	6	WR	20.00	20.00	162.00	162.00
A 1823 D2	IRR	NK	G		NW	NW	NW	5223	5236	27	10	07E	4	WR	40.00	40.00	194.00	194.00
A 1823 D1	IRR	NK	G		NE	SW	NW	3590	4360	27	10	07E	2	WR	30.00	30.00	30.00	30.00
A 4828 00	IRR	NK	G		SE	NE	SE	1610	128	29	10	07E	1	WR	117.00	117.00	130.70	130.70
Same	IRR	NK	G		SE	NE	SE	1723	134	29	10	07E	6	WR				
Same	IRR	NK	G		SE	NE	SE	1667	131	29	10	07E	7	WR				
A 30582 00	IRR	NK	G		NE	SW	SW	680	4035	28	10	07E	11	WR	30.80	30.80	28.00	30.00
A 31285 00	IRR	NK	G		SE	NE	NE	4120	90	29	10	07E	2	WR	57.00	57.00	97.00	97.00
A 31286 00	IRR	NK	G		SE	SW	NW	3040	3980	28	10	07E	4	WR	50.00	50.00	50.00	50.00
A 31296 00	IRR	NK	G		SW	SW	NW	2700	4750	29	10	07E	3	WR	100.00	100.00	228.00	228.00
A 31407 00	IRR	NK	G		NW	NW	NW	4880	5045	29	10	07E	4	WR	66.00	66.00	228.00	0.00
A 33431 00	IRR	NK	G		SW	SW	SW	491	5234	20	10	07E	1	WR	66.00	66.00	160.00	160.00
A 36900 00	IRR	NK	G		NW	NW	NW	5223	5236	27	10	07E	4	WR	78.00	78.00	194.00	0.00
A 36901 00	IRR	NK	G		CE	SE	NE	3350	250	28	10	07E	6	WR	11.00	11.00	11.00	11.00
A 40877 00	IND	LR	G		NE	NE	SW	2500	3200	33	10	07E	2	WR	100.05	100.05		
A 41659 00	IND	NK	G					2425	3772	33	10	07E	6	WR	26.25	26.25		
Same	IND	NK	G					2406	3735	33	10	07E	7	WR				
Same	IND	NK	G					2415	3753	33	10	07E	8	WR				
A 44935 00	IRR	NK	G					4428	1370	28	10	07E	7	WR	80.00	59.00 ✓	194.00	0.00
A 46191 00	IRR	NK	G		NW	NW	NW	4880	5045	29	10	07E	4	WR	90.00	0.00 ✓	228.00	0.00
A 47685 00	IND	LR	G		SE	NW	SE	1618	1608	28	10	07E	8	WR	64.45	64.45		
Same	IND	LR	G		SE	NW	SE	1514	1608	28	10	07E	9	WR				
Same	IND	LR	G		SE	NW	SE	1721	1608	28	10	07E	10	WR				
A 47782 00	IND	NK	G					2425	3772	33	10	07E	6	WR	33.85	7.60 ✓		

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
Same	IND	NK	G					2406	3735	33	10	07E	7	WR				
Same	IND	NK	G					2415	3753	33	10	07E	8	WR				
A 49383 00	IRR	KK	G		SE	NE	NE	4120	90	29	10	07E	2	WR	105.00	49.00 ✓	97.00	0.00
A 49571 00	IRR	KE	G		SW	SW	SW	491	5234	20	10	07E	1	WR	176.00	110.00 ✓	160.00	0.00
A 50351 00	IRR	AY	G		NE	SW	NE	3916	1520	29	10	07E	8	WR	88.00	88.00	80.00	80.00

Limitations

File Number	Seq Num	Limitations
A 44935 00	2	177 AF/YR COM/W #1,823-D2 & 36,900 40 AF + 78 AF + 59 AF = 177 AF ✓
A 46191 00	3	166 AF/YR COM/W #31296 & #31407 100 AF + 66 AF = 166 AF ✓
Same	4	90 AF/YR @ 610 GPM COM/W #31407
A 47782 00	33.85 AF2	11.03 MGY @ 480 GPM COM/W #41659 26.25 AF + 7.6 AF = 33.85 AF ✓
A 49383 00	1	106 AF/YR @ 800 GPM COM/W #31285 57 AF + 49 AF = 106 AF ✓
A 49571 00	1	176 AF/YR COM/W #33431 66 AF + 110 AF = 176 AF ✓

Report Date: Monday, February 22 2021

Water Rights and Points of Diversion Within 2 miles of point defined as:

4402 Feet N and 2470 Feet W of the Southeast Corner of Section 29 Twp 10S Rng 7E

Located at: 96.671910 West Longitude and 39.158003 North Latitude

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	
A__ AF	584 00	IRR	NK	G	10380	--	SE	NW	NW	4615	3994	34	10	7E	1		40.00	40.00
A__ AF	1478 00	IRR	NK	G	10118	--	--	--	--	2456	3087	27	10	7E	6		20.00	20.00
A__ AF	1823 D1	IRR	NK	G	8695	--	NE	SW	NW	3590	4360	27	10	7E	2		30.00	30.00
A__ AF	1823 D2	IRR	NK	G	7803	--	NW	NW	NW	5223	5236	27	10	7E	4		40.00	40.00
A__ AF	4828 00	IRR	NK	G	3554	--	SE	NE	SE	1723	134	29	10	7E	6	B2	117.00	117.00
Same					3599	--	SE	NE	SE	1667	131	29	10	7E	7	G2		
Same					3644	--	SE	NE	SE	1610	128	29	10	7E	1	B2		
A__ AF	30582 00	IRR	NK	G	5250	--	NE	SW	SW	680	4035	28	10	7E	11		30.80	30.80
A__ AF	31285 00	IRR	NK	G	2395	--	SE	NE	NE	4120	90	29	10	7E	2		57.00	57.00
A__ AF	31286 00	IRR	NK	G	3977	--	SE	SW	NW	3040	3980	28	10	7E	4		50.00	50.00
A__ AF	31296 00	IRR	NK	G	2847	--	SW	SW	NW	2700	4750	29	10	7E	3		100.00	100.00
A__ AF	31407 00	IRR	NK	G	2618	--	NW	NW	NW	4880	5045	29	10	7E	4		66.00	66.00
A__ AF	33431 00	IRR	NK	G	3111	--	SW	SW	SW	491	5234	20	10	7E	1		66.00	66.00
A__ AF	36900 00	IRR	NK	G	7803	--	NW	NW	NW	5223	5236	27	10	7E	4		78.00	78.00
A__ AF	36901 00	IRR	NK	G	7539	--	CE	SE	NE	3350	250	28	10	7E	6		11.00	11.00
A__ AF	40877 00	IND	LR	G	8522	--	NE	NE	SW	2500	3200	33	10	7E	2		100.05	100.05
A__ AF	41659 00	IND	NK	G	8301	--	--	--	--	2425	3772	33	10	7E	6	B2	26.25	26.25
Same					8316	--	--	--	--	2415	3753	33	10	7E	8	G2		
Same					8330	--	--	--	--	2406	3735	33	10	7E	7	B2		
A__ AF	44935 00	IRR	NK	G	6341	--	--	--	--	4428	1370	28	10	7E	7		80.00	59.00
A__ AF	46191 00	IRR	NK	G	2618	--	NW	NW	NW	4880	5045	29	10	7E	4		90.00	.00
A__ AF	47685 00	IND	LR	G	6677	--	SE	NW	SE	1721	1608	28	10	7E	10	B2	64.45	64.45
Same					6720	--	SE	NW	SE	1618	1608	28	10	7E	8	G2		
Same					6763	--	SE	NW	SE	1514	1608	28	10	7E	9	B2		
A__ AF	47782 00	IND	NK	G	8301	--	--	--	--	2425	3772	33	10	7E	6	B2	33.85	7.60
Same					8316	--	--	--	--	2415	3753	33	10	7E	8	G2		
Same					8330	--	--	--	--	2406	3735	33	10	7E	7	B2		
A__ AF	49383 00	IRR	KK	G	2395	--	SE	NE	NE	4120	90	29	10	7E	2		105.00	49.00
A__ AF	49571 00	IRR	KE	G	3111	--	SW	SW	SW	491	5234	20	10	7E	1		176.00	110.00
A__ AF	50351 00	IRR	AY	G	1067	--	NE	SW	NE	3916	1520	29	10	7E	8		88.00	88.00
T__20149078 AF	SU	IND	GY	G	8522	--	NE	NE	SW	2500	3200	33	10	7E	2		128.30	128.30
T__20210002 AF	00	DEW	GY	G	8231	--	SE	NW	SW	1700	4470	32	10	7E	6		119.32	119.32

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Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      88.00        .00
Total Permitted Amount (AF) =     406.62        .00
Total Inspected Amount (AF) =     164.49        .00
Total Pro_Cert Amount (AF) =         .00        .00
Total Certified Amount (AF) =      798.65        .00
Total Vested Amount (AF) =          .00        .00
TOTAL AMOUNT (AF) =      1457.76        .00

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An * after the source of supply indicates a pending application for change under the file number.

An * after the ID indicates a 15 AF exemption was granted under the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2 miles of point defined as:

4402 Feet North and 2470 Feet West of the Southeast Corner of Section 29 Twp 10S Rng 7E

Located at: 96.671910 West Longitude and 39.158003 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

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File Number   Use ST SR
>   USDA NATURAL RESOURCES CONS SER
>   PLANT MATERIALS CENTER
>   3800 S 20TH ST
>   MANHATTAN KS 66502
>-----
>   STAGG HILL GOLF CLUB
>
>   4441 STAGG HILL ROAD
>   MANHATTAN KS 66502
>-----
>   BUTLER FAMILY REAL ESTATE LLC
>
>   PO BOX 1184
>   MANHATTAN KS 66505
>-----
>   RICHARD E & ANGELA G BRITT
>
>   1000 S SCENIC DR
>   MANHATTAN KS 66503
>-----
>   GREG NELSON
>
>   8530 NE HWY 24
>   MANHATTAN KS 66502
>-----
>   WOOD & WOOD FARMS INC
>   ALBERT D & LAURA M WOOD
>   5281 WILLIAM WOOD RD
>   MANHATTAN KS 66502
>-----
>   JON R & ROXANA HOWE
>
>   1080 AIRPORT RD
>   MANHATTAN KS 66503
>-----
>   JON R & ROXANA HOWE
>
>   1080 AIRPORT RD
>   MANHATTAN KS 66503
>-----
>   LEE D STADEL
>
>   2052 900 AVE
>   HOPE KS 67451
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> LEE D STADEL
>
> 2052 900 AVE
> HOPE KS 67451
>-----
> BRADLEY W & GLORIA M FOWLES
>
> 1511 12TH RD
> CLAY CENTER KS 67432
>-----
> RICHARD E & ANGELA G BRITT
>
> 1000 S SCENIC DR
> MANHATTAN KS 66503
>-----
> RICHARD E & ANGELA G BRITT
>
> 1000 S SCENIC DR
> MANHATTAN KS 66503
>-----
> MIDWEST CONCRETE MATERIALS
>
> 701 S 4TH ST
> MANHATTAN KS 66502
>-----
> MIDWEST CONCRETE MATERIALS
>
> 701 S 4TH ST
> MANHATTAN KS 66502
>-----
> RICHARD E & ANGELA G BRITT
>
> 1000 S SCENIC DR
> MANHATTAN KS 66503
>-----
> LEE D STADEL
>
> 2052 900 AVE
> HOPE KS 67451
>-----
> PENNYS CONCRETE INC
> ATTN MELANIE LORENZO
> 23400 W 82ND ST
> SHAWNEE MISSION KS 66227
>-----
> MIDWEST CONCRETE MATERIALS
>
> 701 S 4TH ST
> MANHATTAN KS 66502
>-----
> JON R & ROXANA HOWE
>
> 1080 AIRPORT RD
> MANHATTAN KS 66503
>-----
> BRADLEY W & GLORIA M FOWLES
>
> 1511 12TH RD
> CLAY CENTER KS 67432
>-----
> JIM SCHMIDT
>
> 7331 MCDOWELL CREEK RD
> MANHATTAN KS 66502
>-----
> MIDWEST CONCRETE MATERIALS
>
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```
> 701 S 4TH ST  
> MANHATTAN KS 66502  
>-----  
>   MIDWEST CONCRETE MATERIALS  
>  
> PO BOX 668  
> MANHATTAN KS 66505  
>-----  
=====
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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. 50,351** of the applicant

JIM SCHMIDT
7331 MCDOWELL CREEK RD
MANHATTAN KS 66502

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 **February 21, 2020**.
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	
29	10S	7E		40	40														80

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of three (3) wells with a geographic center located in the Southwest Quarter of the Northwest Quarter of the Northeast Quarter (SW¼ NW¼ NE¼), of Section 29, more particularly described as being near a point 4,402 feet North and 2,470 feet West of the Southeast corner of said section, in Township 10 South, Range 7 East, Riley 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 **88 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, 2022** 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, 2026** 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 this permit is limited such that all wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply, and shall supply water to a common distribution system.

20. That the applicant shall install, at the applicant's expense, an observation well located in the Southeast Quarter of the Northwest Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 29, more particularly described as being near a point 4,151 feet North and 1,377 feet West of the Southeast corner of said section, in Township 10 South, Range 7 East, Riley County, Kansas, prior to the diversion of water for beneficial use under the authority of this permit. Such observation well shall be completed in the same aquifer and screened in the same interval as the well authorized by this permit.

21. That the observation well shall be developed by the driller to ensure that it is hydraulically connected to the same aquifer as the wells authorized by this permit. The observation well must be completed to the same depth, and screened in the same interval as the irrigation wells.

22. That the observation well required herein shall be maintained, by the owner, in a condition that is satisfactory to the Chief Engineer.

23. That the owner shall provide access, for representatives of the Chief Engineer, to the observation well for measurements as may be necessary to document aquifer conditions.

24. That if the Chief Engineer determines that long-term groundwater monitoring is required, the owner will be responsible for installing and maintaining specified, necessary equipment at his expense. The required monitoring equipment will be determined by the Chief Engineer.

Ordered this *22* day of *March*, 2021, 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 *22* day of *March*, 2021, by Lane P. Letourneau, P.G., Water Appropriation 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

March 24, 2021

JIM SCHMIDT
7331 MCDOWELL CREEK RD
MANHATTAN KS 66502

RE: Appropriation of Water, File No. 50,351

Dear Mr. Schmidt:

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 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 Applications and Changes Supervisor
Division of Water Resources

KAB:dws
Enclosure(s)

pc: Topeka 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.

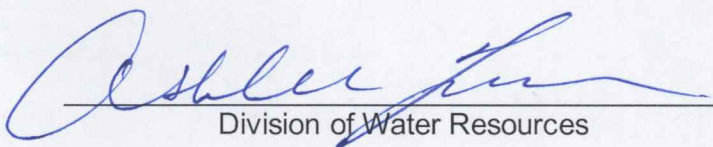
CERTIFICATE OF SERVICE

On this 21 day of March, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,351, dated 22 March, 2021, was mailed postage prepaid, first class, US mail to the following:

JIM SCHMIDT
7331 MCDOWELL CREEK RD
MANHATTAN KS 66502

With photocopies to:

Topeka Field Office


Division of Water Resources