

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

1. File Number: <p style="text-align: center;">50,359</p>	2. Status Change Date: <p style="text-align: center;">6/12/2020</p>	3. Field Office: <p style="text-align: center;">01</p>	4. GMD: <p style="text-align: center;">0</p>
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

6. Enclosures: Check Valve N of C Form Water Tube Driller Copy Meter

<p>7a. Applicant(s) Person ID 67190 New to system <input type="checkbox"/> Add Seq# _____</p> <p style="text-align: center;">ANDREA DEJESUS 1374 COLLINS LANE MANHATTAN KS 66502</p>	<p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>
<p>7b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p>7a.</p>	<p>7d. Misc. Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>

<p>8. WUR Correspondent Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: 12/31/2021 11. Perfection Date: 12/31/2025 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? Yes No Date to Comply: _____ Date WLMD Installed: _____

Date Prepared: **4/29/2020** By: **DWS**
Date Entered: 6/15/2020 By: LMoody

File No. **50,359** 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	
√	39244	NW SE	19	10	8E	2	1580	1600	

17. Rate and Quantity MOD ADDL Rate				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
1200	267.3	545	267.3	30,754

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 **1,200** gpm (_____ cfs) when combined with file number(s) **30,754**

20. Meter Required? Yes No To be installed by **12/31/2021** 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	69878	19	10	8E	7							Lot 7 9				Lot 8 28.65	Lot 21 28.35	Lot 19 19		Lot 12 21	Lot 17 38.5		144.5	7a.	NO	NONE			
ENT	70002	19	10	8E				14.5				4				Lot 20 36.5				15	Lot 16 13	15.5	98.5	7a.	NO	NONE			

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: April 29, 2020

FROM: Doug Schemm

RE: Application, File No. 50,359

Andrea DeJesus has filed the referenced new application to appropriate 267.3 acre-feet of groundwater from an existing well at a rate of 1,200 gallons per minute for irrigation use on 243 acres. The well is located in the Southeast Quarter of Section 19, Township 10 South, Range 8 East, Riley County, within the Kansas River Drainage Basin. Water Right, File No. 30,754 overlaps in point of diversion only, there are no overlaps in the place of use. The place of use is entirely owned by the applicant, who has signed the application form stating she has access to the point of diversion. The maximum allowable quantity of water to irrigate the proposed acreage of 243 acres, with 1.1 acre-feet per acre in Riley County would be 267.3 acre-feet. The applicant has requested that the rate of diversion be limited to the senior file, not to exceed 1,200 gallons per minute.

The applicant identified three nearby domestic wells within one-half mile (complying with K.A.R. 5-3-4). Nearby notification letters were sent out on April 10, 2020. No responses of any kind were received. The nearest domestic well is over 900 feet away, and the application complies with well spacing criteria of 660 feet to all domestic wells. The nearest non-domestic well is over one-half mile 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.

The application notes that the existing well is 55 feet in total depth, with a static water level of 14 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 8.3 inches. The extent of the river alluvium for the area of consideration provides a total of 5,371 acres. Based on a potential recharge of 8.3 inches, with 75% available for appropriation, safe yield was determined to be 2,786.16 acre-feet. Existing water rights have appropriated 455.49 acre-feet within the area of consideration, leaving 2,330.67 acre-feet available, and the application requesting 267.3 acre-feet complies with safe yield.

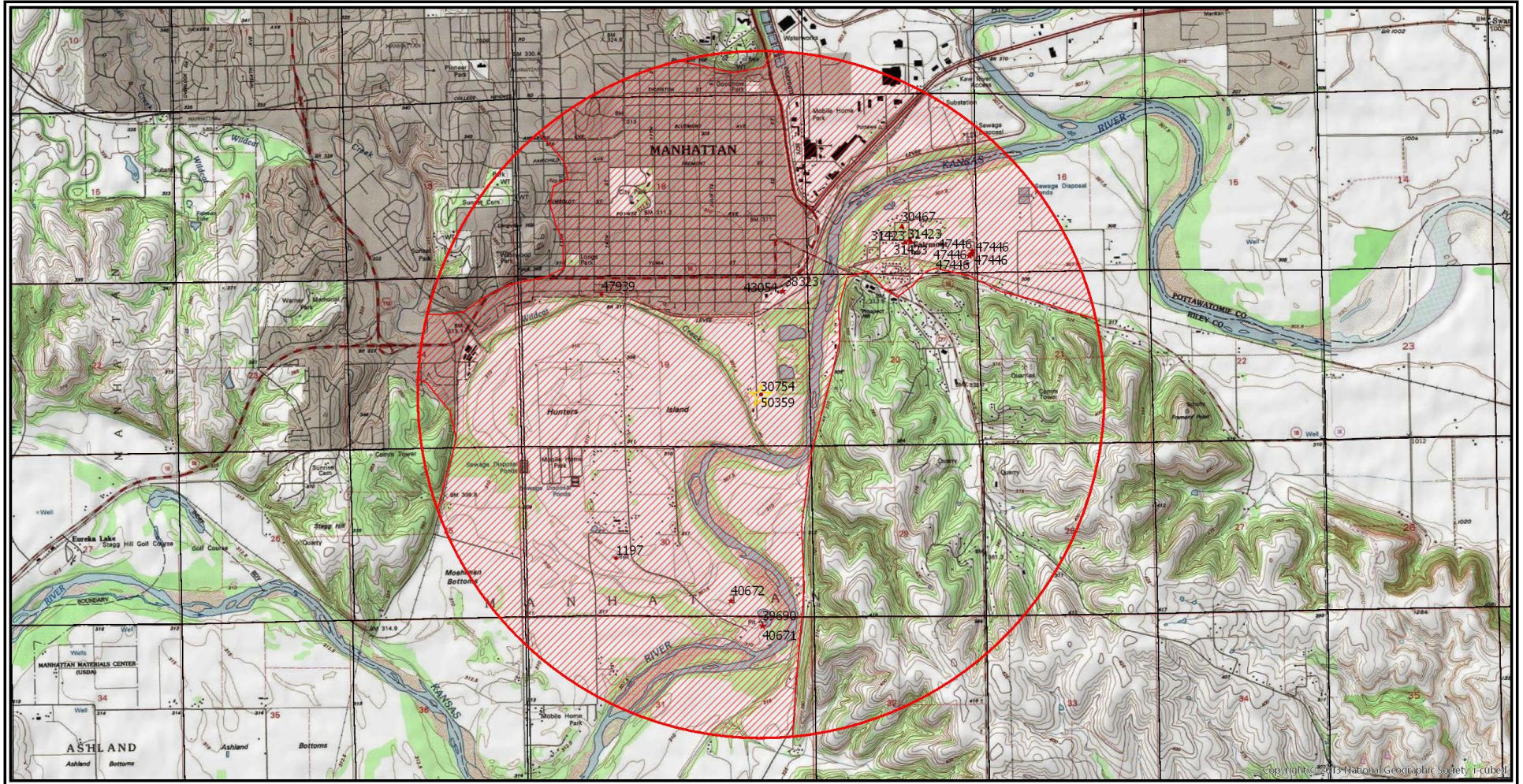
The applicant has submitted a signed Kansas River Assurance District form, which has been properly notarized. By completing this statement, the applicant affirms his/her knowledge that there could be times when the diversion of water may not be allowed under this permit.

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 an April 28, 2020 discussion, 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

Safe Yield Report Sheet
Water Right- A5035900
Point of Diversion in 19-10S-08E
Footages from SE corner- 1,580 feet North 1,600 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 2,786.16 AF.

Total prior appropriations in the circle is 722.79 AF. - 267.3 AF = 455.49 AF

Total quantity of water available for appropriation is ~~2,063.37~~ AF.
2,330.67 AF

Application File No. 50,359 - Requesting 267.3 AF
Meets Safe Yield
dws/dwr 4/27/20

Safe Yield Variables

The area used for the analysis is set at 5,371 acres.

The potential annual recharge at the circle center is estimated to be 8.3 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 06-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 12 water rights and 15 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 1197 00	IRR	NK	G					1950	6100	30	10	08E	3	WR	40.00	40.00	53.00	53.00
A 30467 00	MUN	NK	G		SW	NW	SE	1700	2150	17	10	08E	2	WR	26.88	26.88		
A 30754 00	IRR	NK	G			NW	SE	1580	1600	19	10	08E	2	WR	79.00	79.00	81.00	81.00
A 31423 00	MUN	NK	G					1025	2140	17	10	08E	4	WR	58.92	58.92		
Same	MUN	NK	G					1100	2050	17	10	08E	14	WR				
Same	MUN	NK	G					1062	2095	17	10	08E	3	WR				
A 38323 00	IND	NK	G					4850	700	19	10	08E	5	WR	10.21	10.21		
A 39690 00	IND	NK	G					5035	1580	31	10	08E	3	WR	22.26	22.26		
A 40671 00	IND	NK	G					5035	1580	31	10	08E	3	WR	164.98	142.73 ✓		
A 40672 00	IND	NK	G					560	2560	30	10	08E	13	WR	32.99	32.99		
A 43054 00	IND	NK	G					4850	700	19	10	08E	5	WR	15.01	4.80 ✓		
A 47446 00	IND	LR	G					570	197	17	10	08E	15	WR	30.00	30.00		
Same	IND	LR	G					513	248	17	10	08E	16	WR				
Same	IND	LR	G					528	231	17	10	08E	17	WR				
Same	IND	LR	G					572	160	17	10	08E	18	WR				
Same	IND	LR	G					670	152	17	10	08E	19	WR				
A 47939 00	IRR	LR	G					4792	6380	19	10	08E	7	WR	7.70	7.70	2.00	2.00
A 50359 00	IRR	AY	G			NW	SE	1580	1600	19	10	08E	2	WR	267.30	-267.30	0.00	0.00

Limitations

File Number	Seq Num	Limitations
A 40671 00	164.98 AF 2	53.76MGY @ 1050GPM COM/W #39690 22.26 AF + 142.73 AF = 164.99 AF ✓
A 43054 00	15 AF 2	4.89MGY @ 325GPM COM/W #38323 10.21 AF + 4.8 AF = 15 AF ✓

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

ANDREA DEJESUS
1374 COLLINS LANE
MANHATTAN KS 66502

RE: Appropriation of Water, File No. 50,359

Dear Ms. DeJesus:

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. **Please note, you must install a separate flowmeter from the flowmeter used for the overlapping senior file on this well.** 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 Application Unit Supervisor
Division of Water Resources

KAB:dws
Enclosure(s)

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. 50,359** of the applicant

**ANDREA DEJESUS
1374 COLLINS LANE
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 **March 6, 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				
19	10S	8E							Lot 7 9						Lot 8 28.65	Lot 21 28.35	Lot 19 19		Lot 12 21	Lot 17 38.5		144.5
19	10S	8E			14.5				4						Lot 20 36.5				15	Lot 16 13	15.5	98.5

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 Northwest Quarter of the Southeast Quarter (NW¼ SE¼), of Section 19, more particularly described as being near a point 1,580 feet North and 1,600 feet West of the Southeast corner of said section, in Township 10 South, Range 8 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 **1,200 gallons per minute (2.67 c.f.s.)** and to a quantity not to exceed **267.3 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).

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 16 day of June, 2020, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,359, dated 12 June 2020 was mailed postage prepaid, first class, US mail to the following:

ANDREA DEJESUS
1374 COLLINS LANE
MANHATTAN, KS 66502

With photocopies to:

Topeka Field Office


Division of Water Resources