



File No. **50495**      15. Formation Code: ~~100-~~ **113**      Drainage Basin: **Kansas River**      County: **PT**      Special Use:      Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>CHK</b>	<b>88534</b>	<b>SW SE SW</b>	<b>12</b>	<b>10S</b>	<b>8E</b>	<b>6</b>	<b>50</b>	<b>3600</b>			<b>1200</b>	<b>144.1</b>	<b>1200</b>	<b>144.1</b>	<b>NA</b>

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** <sup>23</sup>      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use																		Total	Owner	Chg? <b>NO</b>	Overlap Files							
MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼								
								NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼					
<b>CHK</b>	<b>70223</b>	<b>12</b>	<b>10S</b>	<b>8E</b>	<b>5</b>							<b>11.5</b>	<b>11</b>	<b>40</b>	<b>40</b>			<b>0.5</b>	<b>28</b>				<b>131</b>	<b>7A</b>	<b>N</b>	<b>NA</b>		

Comments: 1/13/2022  
KJN



**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** June 1, 2021

**FROM:** Brandon Milner

**RE:** New Application,  
File No. 50,495

Greg Nelson has filed an application to appropriate groundwater for irrigation use, requesting a quantity of 144.1 acre-feet at a rate of 1,200 gallons per minute. The proposed point of diversion is a single well located in the ~~Northwest quarter of the~~ Southwest quarter of the Southeast quarter of the Southwest Quarter of Section 12 more specifically described as being near a point at 50' North and 3,600 West of the Southeast corner of said section, in Township 10 South, Range 8 East in Pottawatomie County.

This application does not overlap with any points of diversion. The applicant is requesting to irrigate 131 acres in Pottawatomie County. The volume of 144.1 acre-feet over 131 acres is equal to 1.1 acre-feet per acre which is the maximum allowed for irrigation in Pottawatomie County.

The source of water from nearby water rights would concur that the source is Kansas River alluvium. 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 5,386 acres. With a potential annual recharge of 8.3 inches, and 75% of recharge available for appropriation, safe yield was determined to be 2,937.84 acre-feet. There are multiple existing water rights within the area of consideration, with the total prior appropriation being 1,724.06 acre-feet. This leaves 1,213.78 acre-feet available for appropriation for this irrigation application.

There are six domestic water rights within ½ mile of the point of diversion. Nearby letters were sent out to these owners on May 13, 2021 with one response from Chip Adolph who just wanted to verify the location of the proposed well and did not object to the application. There were no existing water rights within 1320' and no domestic wells within 660' so spacing has been met according to K.A.R. 5-4-4.

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.

This application is not part of any GMD. This application was sent to the Topeka Field Office on June 2, 2021 for recommendation and was recommended for approval on June 4, 2021.

Based on the above discussion, the area is open to new appropriations, the application complies with safe yield, it is recommended that the referenced new application be approved.  
df

1/13/2022  
KJN

Brandon Milner  
Environmental Scientist  
New Applications Unit

**From:** Tietsort, Katie [KDA]  
**Sent:** Fri 6/4/2021 8:02 AM  
**To:** Milner, Brandon [KDA]  
**Cc:** Crawford, Alex [KDA]  
**Subject:** RE: Application 50495 Recommendation

This is the "Land to be Retained" Map under the reduction of 47362.



Here is the new app map...





The acres make sense... you are very correct. Please proceed and GOOD JOB!

**Katie Tietsort**

Water Commissioner

[Katie.Tietsort@ks.gov](mailto: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

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**From:** Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>

**Sent:** Thursday, June 3, 2021 3:15 PM

**To:** Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>

**Cc:** Crawford, Alex [KDA] <Alex.Crawford@ks.gov>

**Subject:** Re: Application 50495 Recommendation

Does the reduction order from January in docuware remove the acreage where partial overlap occurred? I can reread through that and let you know.

Brandon

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**From:** Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Sent:** Thursday, June 3, 2021 3:09 PM  
**To:** Milner, Brandon [KDA] <[Brandon.M.Milner@ks.gov](mailto:Brandon.M.Milner@ks.gov)>  
**Cc:** Crawford, Alex [KDA] <[Alex.Crawford@ks.gov](mailto:Alex.Crawford@ks.gov)>  
**Subject:** RE: Application 50495 Recommendation

Hello Brandon,

I think this is ready for approval, but only if signed with the certificate under File No. 47,362 and with both being issued on same day right? We have to do this as a package or the file isn't approvable because it doesn't meet K.A.R. 5-3-5n. There currently exists a partial overlap on place of use with File No. 47,362 for 28 acres and that partial overlap in place of use won't meet K.A.R. 5-3-5n to authorize either land not included on any other land permitted or exactly the same land. So I recommend that Alex get the draft out and that this be signed when that certificate is issued after the draft comment period (or get the wone to sign off on the certificate).

Katie

## Katie Tietsort

Water Commissioner

[Katie.Tietsort@ks.gov](mailto: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

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**From:** Milner, Brandon [KDA] <[Brandon.M.Milner@ks.gov](mailto:Brandon.M.Milner@ks.gov)>  
**Sent:** Wednesday, June 2, 2021 2:01 PM  
**To:** Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Subject:** Application 50495 Recommendation

Good afternoon Katie,

Attached is the memo for new application 50,495 for Greg Nelson in Pottawatomie County. Could you please provide a recommendation on this? Thanks!

Brandon Milner  
Environmental Scientist  
Water Appropriation Program



# 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. 50,495** of the applicant

**GREG B NELSON TRUST  
8530 E US HIGHWAY 24  
MANHATTAN, KS 66502-8663**

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 **December 31, 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	NE <sup>1</sup> / <sub>4</sub>				NW <sup>1</sup> / <sub>4</sub>				SW <sup>1</sup> / <sub>4</sub>				SE <sup>1</sup> / <sub>4</sub>				TOTAL
			NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	
12	10S	8E								11.5	11	40	40		0.5	28		131	

3. That the authorized source from which the appropriation shall be made is groundwater to be withdrawn by means of one well located in the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>) of Section 12, more particularly described as being near a point 50 feet North and 3,600 feet West of the Southeast corner of said section, in Township 10 South, Range 8 East, Pottawatomie County, Kansas.

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 **144.1 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, 2023** 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, 2027** 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 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.



Ordered this 18 day of January, 2022, 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 18 day of January, 2022, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

*Ashlee Freeman*  
Notary Public

