

File No. 50,523 15. Formation Code: 113 Drainage Basin: Missouri River County: ATf 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
CHK			80752	NE NW SE	16	5S	21E	1	2030	1745	2000	311	2000	311	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) _____

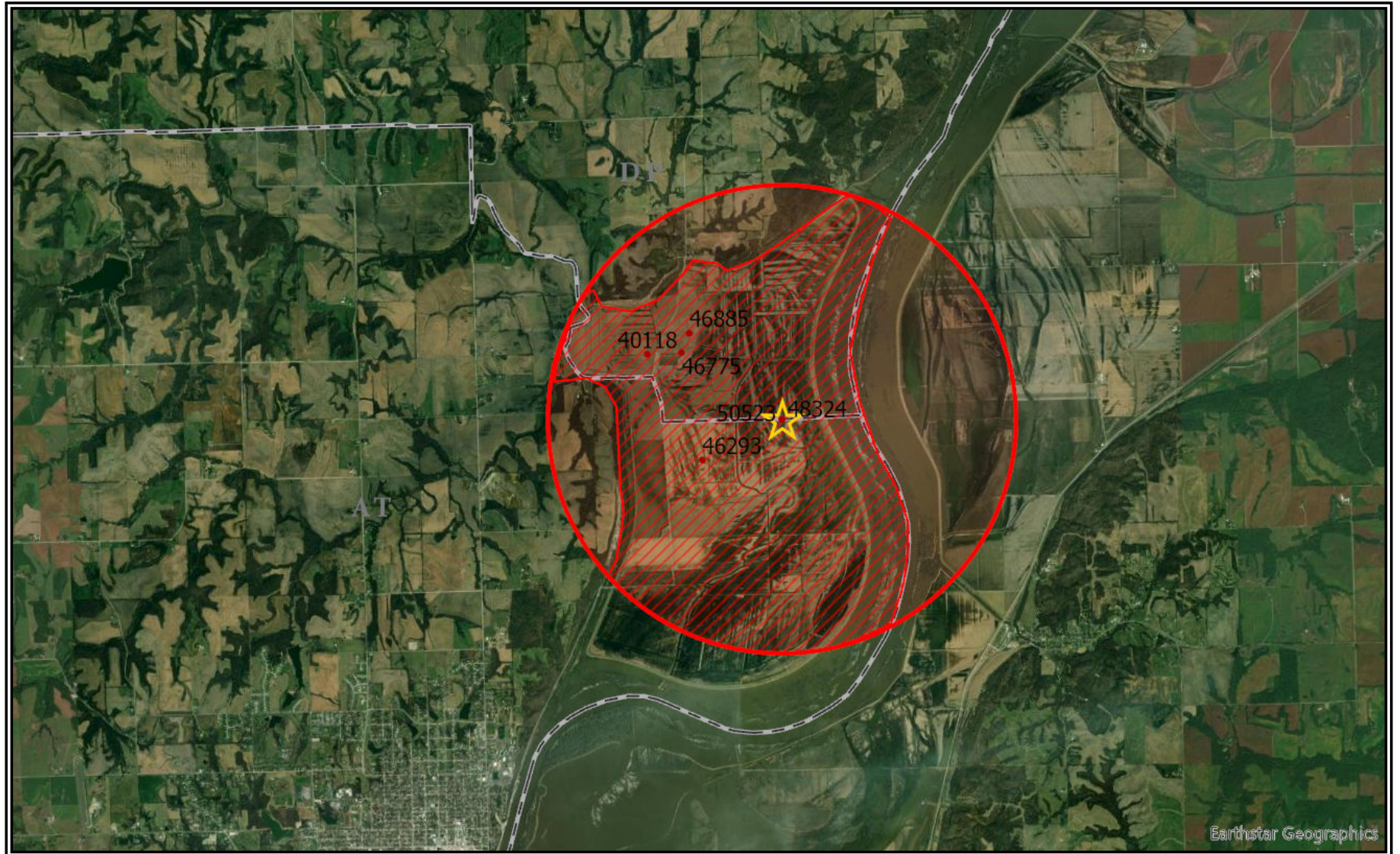
20. Meter Required? Yes No To be installed by _____ Date Acceptable Meter Installed _____

21. Place of Use																		Total	Owner	Chg?	Overlap Files						
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			63858	16	5S	21E	3	15	24.5	40	28					15	17			139.5	7a	7b	N	48,324			
CHK			63859	15	5S	21E	1						2	6						8	7a		N	48,324			
CHK			64422	16	5S	21E	4								24			40	23	23	17.5	18	7a	N	48,324		
CHK			64423	21	5S	21E	2					18								18	7a		N	48,324			

Comments: Approval of 50,523 is contingent of dismissal of 48,324

3/28/2022
 BMM

Safe Yield Report Sheet
Water Right- A5052300
Point of Diversion in 16-05S-21E
Footages from SE corner- 2,030 feet North 1,745 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 2,250.36 AF.

Total prior appropriations in the circle is 865.30 AF.

Total quantity of water available for appropriation is 1,385.06 AF.

1385.0+-311=

1696.06 AF

Safe Yield Variables

The area used for the analysis is set at 4,910 acres.

The potential annual recharge at the circle center is estimated to be 5.5 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 15-JUL-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 6 water rights and 5 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 40118 00	IRR	NK	G		NE	NE	NW	5224	2778	17	05	21E	3	WR	72.00	72.00	144.00	144.00
A 46293 00	IRR	NK	G		SE	SE	SE	354	420	17	05	21E	4	WR	131.00	131.00	209.00	209.00
A 46775 00	IRR	NK	G		SW	SE	SE	16	1254	08	05	21E	4	WR	7.30	7.30	12.00	12.00
A 46885 00	IRR	NK	G		NW	SE	SE	891	891	08	05	21E	3	WR	33.00	33.00	68.00	68.00
A 48324 00	IRR	KE	G		NE	NW	SE	2030	1745	16	05	21E	1	WR	311.00	311.00	311.00	311.00
A 50523 00	IRR	AY	G		NE	NW	SE	2030	1745	16	05	21E	1	WR	311.00	311.00	311.00	0.00

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: July 30, 2021

FROM: Brandon Milner

RE: Application,,
File No. 50,523

Mastco Inc. along with Frederick Ross and Cindy Williams and Frederick Ryan and Jessica Williams has filed the referenced new application to appropriate 311 acre-feet of groundwater from an existing well at a rate of 2,000 gallons per minute to irrigate 311 acres in Doniphan and Atchison Counties, within the Missouri River Basin.

Currently this application completely overlaps in place of use with Appropriation of Water File No. 48,324 that was first approved on October 31, 2012. However, this appropriation right was not developed correctly so new application No. 50,523 was filed to replace Appropriation of Water File No. 50,324. A voluntary dismissal will be processed under File No. 48,324 as this senior appropriation right was not developed properly.

The proposed point of diversion meets minimum well spacing criteria because there are no other wells within one-half mile. A safe yield analysis was prepared and results revealed that there are 1,696.06 acre-feet of water available. With a request for 311 acre-feet, this application meets safe yield. The proposed quantity of 311 acre-feet is reasonable to irrigate the proposed 311 acres with 1.0 acre-feet per acre allowable in Doniphan and Atchison Counties. The requested rate appears to be reasonable to operate the proposed irrigation system and cover the acreage. The source aquifer for this application is alluvium of the Missouri River.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require user to install meters, gages, or other measuring devices, which devices he or she or his or her read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through 12. If any chemical or foreign substance is injected into the water pumped under this permit, a will also need to be installed.

In an email on July 30, 2021 with Katie Tietsort, Water Commissioner, Topeka Office, she recommended approval of the referenced application. Based on the above discussion, the area is open to new appropriations, the application safe yield and well spacing criteria, and the approval of the application should not impair senior rights nor prejudicially or unreasonably affect the public interest, it is recommended that the application be approved in conjunction with the dismissal of Appropriation of Water File No. 48,324.

Brandon Milner
Environmental Scientist

From: Tietsort, Katie [KDA]
Sent: Fri 7/30/2021 12:52 PM
To: Milner, Brandon [KDA]
Subject: RE: Memo for 50,523
Attachments: 50523 Memo to File KAT.docx

Brandon,

I agree with your recommendation for approval- the applications meets all applicable requirements of the KWAA.

THANKS!

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: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Sent: Friday, July 30, 2021 12:23 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: Memo for 50,523

Good morning Katie,

Attached is a revamped memo from File No. 48,324 from Brett for new application 50,523. It looks like not much has changed since the approval of 48,324 besides a few ownership changes. Let me know if there is anything that needs to be added to the memo but I do have the dismissal findings and order ready for 48,324. Otherwise could you please provide a recommendation for the new app? 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. 50,523** of the applicant

MASTCO INC.
952 LAST CHANCE RD
TROY KS 66087

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 22, 2021.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Rng.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16 5S 21E	15	24.5	40	28									15	17			139.50
15 5S 21E										2	6						8
16 5S 21E									24			40	23	23	17.5	18	145.50
21 5S 21E					18												18

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 Northwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 16, more particularly described as being near a point 2,030 feet North and 1,745 feet West of the Southeast Quarter of said section, in Township 5 South, Range 21 East, Atchison County, Kansas.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **2,000 gallons per minute** (4.46 c.f.s.) and to a quantity not to exceed **311 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.

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, which is currently \$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 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. 82a703c for the source of supply to which this water right applies.

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 29, 2022

MASTCO INC.
952 LAST CHANCE RD
TROY KS 66087

RE: Appropriation of Water, File No. 50,523

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.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:bmm
Enclosure(s)

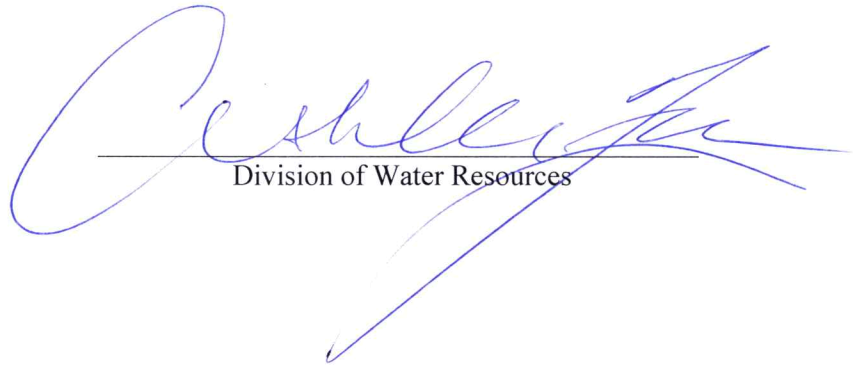
pc: Topeka Field Office
Frederick Ross & Cindy Williams
Frederick Ryan & Jessica Williams

CERTIFICATE OF SERVICE

On this 29 day of March, 2022, I hereby certify that the foregoing Approval of Application, File No. 50,523, dated 25 March, 2022, was mailed postage prepaid, first class, US mail to the following:

MASTCO INC.
952 LAST CHANCE RD
TROY KS 66087

With photocopies to:
Topeka Field Office
Frederick Ross & Cindy Williams
Frederick Ryan & Jessica Williams



Division of Water Resources