

File No. **50,599** 15. Formation Code: **113** Drainage Basin: DELAWARE RIVER County: AT Special Use: Stream:

16. Points of Diversion										
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
√	88880	NW SE NE		21	6S	17E	1	3725	950 (GEOCTR)	
ENT	89557	NE SE NE		21	6S	17E		3725	650	
ENT	89558	NW SE NE		21	6S	17E		3725	950	
ENT	89559	NW SE NE		21	6S	17E		3725	1250	
BATTERY ID # 2300										

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
800	270.5	800	270.5	NONE

18. Storage: Rate _____ Quantity _____ ac/ft Additional Rate _____ 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 **12/31/2023** 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					
√	70442	21	6S	17E	1			40	40	18.5	18.5	40	25	40	40	8.5									270.5	7c. 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: May 2, 2022

FROM: Lloyd Hemphill

RE: Application, File No. 50,599

William Becker has filed the referenced new application requesting to appropriate 270.5 acre-feet of groundwater at a rate of 800 gallons per minute for irrigation use. The proposed point of diversion is a battery of three wells located in the Northeast Quarter of Section 21, Township 6 South, Range 17 East, Atchison County, within the Delaware River Drainage Basin. This application does not overlap any other files. The place of use and point of diversion are owned by William H. and Mary M. Becker; and Donald J and Sherri L Becker. The legal access statement was not signed on the original application, but the applicant submitted a signed supplemental sheet stating he has legal access to, or control of, the point of diversion.

The requested quantity of water (270.5 acre-feet), is reasonable to irrigate the proposed 270.5 acres, based on the reasonable quantity for irrigation in Atchison County (270.5 acres x 1 AF/acre = 270.5 AF), per K.A.R. 5-3-23. The requested rate is the maximum allowed for a battery of wells and is reasonable for this project.

Two municipal wells (City of Muscotah) and three domestic wells within one-half mile of the proposed point of diversion were identified on the application. Nearby notification letters were sent on November 17, 2021. The City of Muscotah responded by letter on November 27, 2021 with concerns that the proposed point of diversion will not meet the required wells spacing of 1,320 feet and general concerns that the proposed wells would affect the quality of water that the City provides their customers. Measurement using GIS tools shows that the proposed point of diversion (geocenter) is located 1,663 feet from the City's closest well. Insufficient information was provided to suggest that a properly constructed well would be a hazard to the City's water supply. A response letter was sent to the City on December 15, 2021. No other comments were received.

The nearest domestic well is located approximately 1,400 feet away from the proposed point of diversion. The nearest non-domestic well (File No. 34,264 – City of Muscotah) is located approximately 1,663 feet away from the proposed point of diversion. Therefore, the proposed point of diversion meets minimum well spacing criteria to all existing wells per K.A.R. 5-4-4 and the proposed appropriation is not expected to impair any existing water rights.

The source of supply appears to be the Delaware River alluvium (113). The proposed wells are located just inside the topographically defined alluvial valley. A geologic map published by the USGS (Hydrologic Investigations Atlas, HA-467) indicates that the surface geology at the proposed point of diversion is Quaternary Alluvium. A test hole log provided by the applicant shows that the subsurface lithology consists of sandy and silty clay to 30 feet depth, underlain by sand and gravel to a depth of 70 feet where drilling stopped due to loss of water circulation. Artesian aquifer conditions were noted upon reaching the top of the sand formation and the static water level was 6 feet above ground surface.

Because no specific criteria have been developed for safe yield evaluation of this particular confined aquifer, it appears that the best method available is the safe yield criteria outlined in K.A.R. 5-3-11 for unconfined aquifers. This is consistent with other applications with a similar source of supply. This method of analysis calculates the maximum potential safe yield for this area (i.e. the recharge received by a confined aquifer would likely only be a portion of the recharge to a shallow unconfined aquifer). The procedure outlined by K.A.R. 5-3-11 allows for a potential recharge of 5.2 inches, with 100 percent available for appropriation. The area of consideration, defined by the extent of the alluvial aquifer within a two-mile radius, is 3,405 acres, resulting in a safe yield of 1,475 acre-feet. Existing water rights within the area of consideration have appropriated 109.52 acre-feet, leaving 1,365.8 acre-feet available for appropriation considering full recharge. Even if the confined or semi-confined aquifer only received 8 percent of the recharge expected to reach an unconfined aquifer (0.42 inches) there would be sufficient water for the proposed appropriation. Therefore, there is sufficient quantity of water available for appropriation, and the application meets safe yield criteria.

The applicant has submitted a signed Minimum Desirable Streamflow 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 these permits.

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 these permits, check valves will also need to be installed.

In an April 25, 2022 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 applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced new application be approved.

Lloyd Hemphill
Environmental Scientist
Topeka Field Office

Hemphill, Lloyd [KDA]

From: Tietsort, Katie [KDA]
Sent: Monday, April 25, 2022 2:41 PM
To: Hemphill, Lloyd [KDA]
Subject: RE: Application, File No. 50599: Bill Becker - For Your Recommendation

Lloyd,

The TFO has no objections to approval of this application.

Thank you,
Katie

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: Hemphill, Lloyd [KDA] <Lloyd.Hemphill@ks.gov>
Sent: Friday, April 22, 2022 10:52 AM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: Application, File No. 50599: Bill Becker - For Your Recommendation

Katie,

Will you provide your recommendation on File No. 50599 (Bill Becker)? It is a battery of wells sourcing the Delaware River alluvium for irrigation.

Let me know if you have any questions.

Thanks,
Lloyd

Lloyd Hemphill, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources, Topeka Field Office
1131 SW Winding Rd, Suite 400
Topeka, KS 66615
(785) 296-5733

NOTE NEW ADDRESS

April 21, 2022
Received
Topeka Field Office
Division of Water Resources



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

SWORN STATEMENT
PURSUANT TO K.S.A. 82a-709

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 19, 2022


Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

April 21, 2022
Received
Topeka Field Office
Division of Water Resources

4-19-2022
(Date)

Kansas Department of Agriculture
Division of Water Resources
Earl D. Lewis, Jr., Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application
File No. 50,599

Minimum Desirable Streamflow

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies (Delaware River Alluvium).

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.


Signature of Applicant

State of Kansas)
County of Doniphan) ss

William Becker
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 19 day of April, 2022.


Notary Public

My Commission Expires:
Exp: 07/24/2025

BORIS DELZEIT
Notary Public
State of Kansas

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

700' West of Bourbon Rd
(North side of Ditch West end of tree row)
N 39 31' 2.1"
W 95 31' 5.2"

SWL – 6' (above ground)(elevation 960')

5-9 silty clay light gray and brown

9-14 sandy clay light gray

14-19 sandy clay gray

19-28 silty clay light grayish brown

28-30 silty clay olive

30-40 sand and gravel brown (went artesian probably close to 100 gpm)

40-70 sand F-M brown (fair sample hole erodes and pit fills with water while changing drill pipe, then water loss while drilling)

65-70 coarser material maybe some gravel, no sample water loss was too great had to stop drilling at 70'

WELLS WITHIN ½ MILE

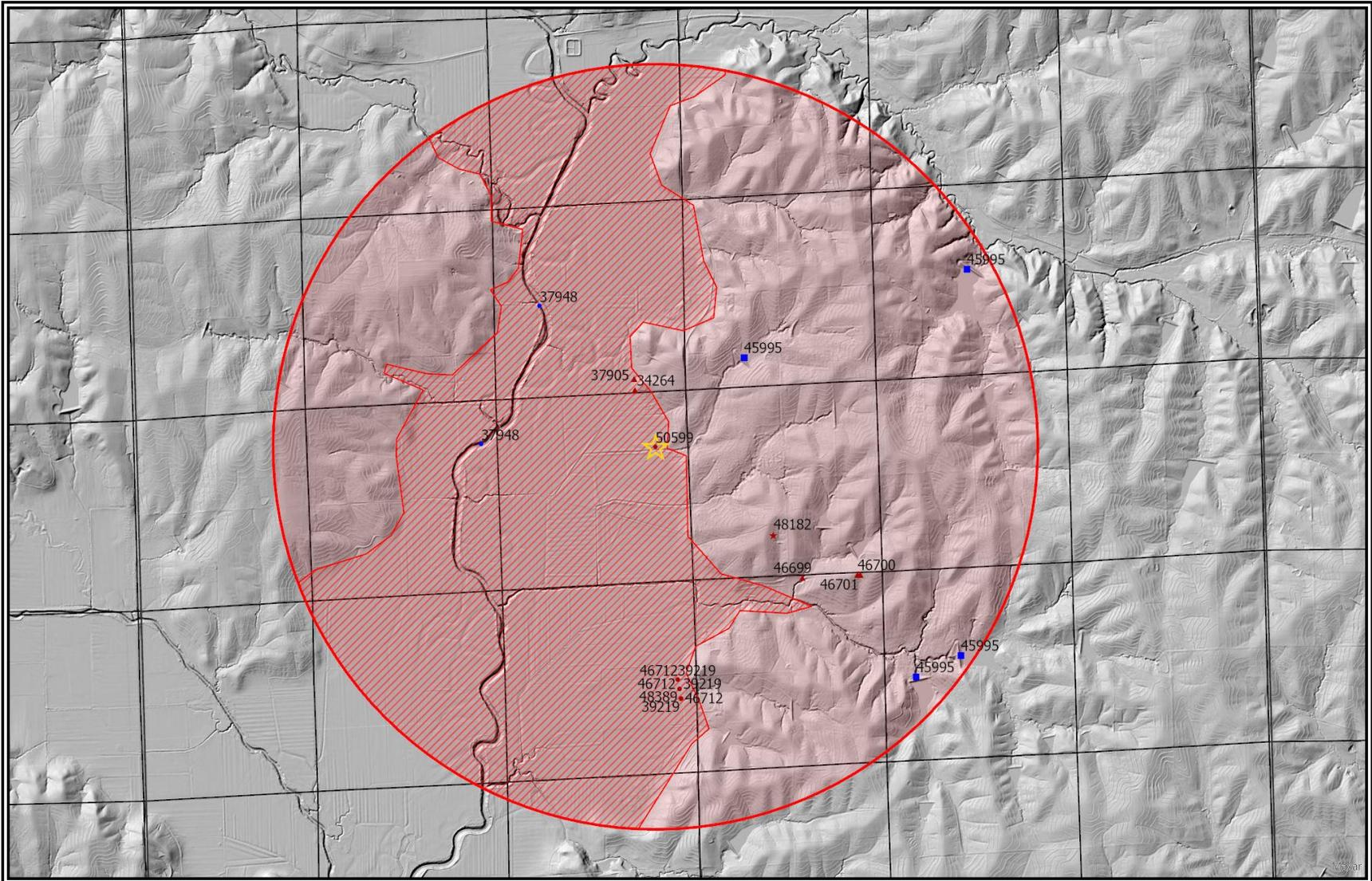
#1) EUGENE & LOUELLA BEACH (DOMESTIC)
5367 BOURBON RD
MUSCOTAH KS 66058

#2) ALVIN H TIMPE TRUST (DOMESTIC)
5549 BOURBON RD
MUSCOTAH KS 66058

#3) RYAN M CHEW (DOMESTIC)
5800 BOURBON RD
MUSCOTAH KS 66058

#4) **CITY OF MUSCOTAH**
Attn: MAYOR BRIAN HIGLEY
PO BOX 295
MUSCOTAH, KS 66058

Safe Yield Report Sheet
Water Right- A5059900
Point of Diversion in 21-06S-17E
Footages from SE corner- 3,725 feet North 950 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 1,475.33 AF.

Total prior appropriations in the circle is 380.02 AF.

Total quantity of water available for appropriation is 1,095.31 AF.

Safe Yield Variables

The area used for the analysis is set at 3,405 acres.

The potential annual recharge at the circle center is estimated to be 5.2 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 04-OCT-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 7 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 34264 00	MUN	NK	G		SE	SW	SE	100	1425	16	06	17E	1	WR	31.52	31.52		
A 37905 00	MUN	NK	G		SE	SW	SE	405	1425	16	06	17E	2	WR	8.29	0.00		
A 39219 00	IRR	NK	G		NE	NE	SE	2578	495	28	06	17E	3	WR	34.00	34.00	148.00	148.00
Same	IRR	NK	G		SE	SE	NE	2046	416	28	06	17E	5	WR				
Same	IRR	NK	G		SE	SE	NE	2312	455	28	06	17E	6	WR				
A 46712 00	IRR	NK	G		NE	NE	SE	2578	495	28	06	17E	3	WR	78.00	44.00	148.00	0.00
Same	IRR	NK	G		SE	SE	NE	2046	416	28	06	17E	5	WR				
Same	IRR	NK	G		SE	SE	NE	2312	455	28	06	17E	6	WR				
A 48389 00	IRR	NK	G		NE	NE	SE	2046	416	28	06	17E	4	WR	14.00	0.00	148.00	0.00
A 50599 00	IRR	AY	G		NW	SE	NE	3725	950	21	06	17E	1	WR	270.50	270.50	270.50	270.50

Limitations

File Number	Seq Num	Limitations
A 37905 00	2	10.265MGY @50GPM COM/W #34,264 * 31.5 AF - 31.52 AF = 0 AF - OK
A 46712 00	2	78 AF/YR @ 560 GPM COM/W #39219 * 78 AF - 34 AF = 44 AF - OK
A 48389 00	2	78 AF/YR COM/W #39219 & #46712 * 78 AF - 34 AF - 44 AF = 0 AF - OK

Water Rights and Points of Diversion Within 2 miles of point defined as:
 3725 Feet N and 950 Feet W of the Southeast Corner of Section 21 Twp 6S Rng 17E
 Located at: 95.518882 West Longitude and 39.517351 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	34264	00	MUN	NK	G		1727	--	SE	SW	SE	100	1425	16	6	17E	1	31.52	31.52	
A__ AF	37905	00	MUN	NK	G		2020	--	SE	SW	SE	405	1425	16	6	17E	2	8.29	.00	
A__ AF	39219	00	IRR	NK	G		6480	--	NE	NE	SE	2578	495	28	6	17E	3	B2	34.00	34.00
Same							6748	--	SE	SE	NE	2312	455	28	6	17E	6	G2		
Same							7016	--	SE	SE	NE	2046	416	28	6	17E	5	B2		
A__ AF	46699	00	MUN	KE	G		5409	--	NW	NW	NE	5176	2243	27	6	17E	2		250.00	250.00
A__ AF	46700	00	MUN	LO	G		6658	--	NE	NE	NE	5190	625	27	6	17E	1		250.00	250.00
A__ AF	46701	00	MUN	LO	G		8476	--	NE	NW	NW	4638	4047	26	6	17E	3		250.00	250.00
A__ AF	46712	00	IRR	NK	G		6480	--	NE	NE	SE	2578	495	28	6	17E	3	B2	78.00	44.00
Same							6748	--	SE	SE	NE	2312	455	28	6	17E	6	G2		
Same							7016	--	SE	SE	NE	2046	416	28	6	17E	5	B2		
A__ AF	48182	00	IND	LR	G		4022	--	NE	SE	SW	1168	3000	22	6	17E	1		6.14	6.14
A__ AF	48389	00	IRR	NK	G		7019	--	NE	NE	SE	2046	416	28	6	17E	4		14.00	.00
A__ AF	50599	00	IRR	AY	G		0	--	NW	SE	NE	3725	950	21	6	17E	1		270.50	270.50

Total Net Quantities Authorized:		Direct	Storage
Total Requested Amount (AF) =		270.50	.00
Total Permitted Amount (AF) =		250.00	.00
Total Inspected Amount (AF) =		506.14	.00
Total Pro_Cert Amount (AF) =		.00	.00
Total Certified Amount (AF) =		109.52	.00
Total Vested Amount (AF) =		.00	.00
TOTAL AMOUNT (AF) =		1136.16	.00

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:
 3725 Feet North and 950 Feet West of the Southeast Corner of Section 21 Twp 6S Rng 17E
 Located at: 95.518882 West Longitude and 39.517351 North Latitude
 GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

- ```

=====
File Number Use ST SR
> CITY OF MUSCOTAH
> CITY CLERK
> PO BOX 295
> MUSCOTAH KS 66059
> -----
> CITY OF MUSCOTAH
> CITY CLERK
> PO BOX 295
> MUSCOTAH KS 66059

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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. 50,599** of the applicant

**WILLIAM BECKER**  
**325 130TH RD**  
**DENTON, KS 66017**

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 **June 7, 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. 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> |       |       |
| 21 6S 17E       | 40                             | 40                             | 18.5                           | 18.5                           | 40                             | 25                             | 40                             | 40                             | 8.5                            |                                |                                |                                |                                |                                |                                |                                |       | 270.5 |

3. That the authorized source from which the appropriation shall be made is groundwater in the Delaware river basin, to be withdrawn by means of a battery of three (3) wells with a geographic center located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>) of Section 21, more particularly described as being near a point 3,725 feet North and 950 feet West of the Southeast corner of said section, in Township 6 South, Range 17 East, Atchison 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 270.5 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 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.



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

June 6, 2022

WILLIAM BECKER  
325 130TH RD  
DENTON, KS 66017

RE: Appropriation of Water, File No. 50,599

Dear Mr. Becker:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works, if applicable, 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](http://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](http://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  
Water Appropriation Program

KAB:lh  
Enclosures

pc: Donald J & Sherri L Becker  
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**

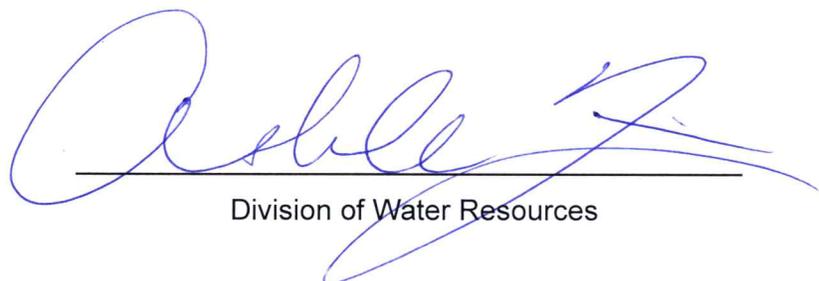
On this *16* day of *June*, 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,599, dated *25 May 2022* was mailed postage prepaid, first class, US mail to the following:

WILLIAM BECKER  
325 130TH RD  
DENTON, KS 66017

With photocopies to:

DONALD J & SHERRI L BECKER  
325 130TH RD  
DENTON, KS 66017

Topeka Field Office



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Division of Water Resources