

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

1. File Number: <p style="text-align: center; font-size: 1.2em;">50,623</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;">9/21/2022</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">01</p>	4. GMD: <p style="text-align: center; font-size: 1.2em;">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 63678 New to system <input type="checkbox"/> Add Seq# _____</p> <p>UNIFIED SCHOOL DISTRICT #378 P O BOX 326 204 W KANSAS RILEY KS 66531</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: **12/31/2023** 11. Perfection Date: **12/31/2027** 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: _____

<p style="color: red; font-weight: bold; font-size: 1.1em;">9/15/2022</p> <p style="color: red; font-weight: bold;">JDK</p>	<p>Date Prepared: 7/20/2022 By: LHH</p> <p>Date Entered: 9/26/2022 By: _____</p>	
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File No. **50,623** 15. Formation Code: **500** ****** Drainage Basin: KANSAS RIVER County: **RL** Special Use: Stream:

16. Points of Diversion	T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
CHK					88993	SE NE NE	26	8S	5E	1	4430	635

17. Rate and Quantity				
Authorized			Additional	
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
99	16	99	16	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 **12/31/2023** Date Acceptable Meter Installed _____

21. Place of Use	T	MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files		
										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						
√					70510					26	8S	5E	8.00														8.00	7a	No	NONE	

Comments: ****UPDATE DRAINAGE BASIN: TO KANSAS RIVER BASIN****

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: July 20, 2022

FROM: Lloyd Hemphill

RE: Application, File No. 50,623

Unified School District #378 has filed the above referenced application proposing to appropriate 16 acre-feet of groundwater at a diversion rate of 99 gallons per minute, from one existing well located in the Northeast Quarter of Section 26, in Township 8 South, Range 5 East, in Riley County. The proposed appropriation is located in the Kansas River drainage basin. There are no other water rights overlapping the point of diversion or place of use. The application was signed by a representative of the District, stating they have access to the point of diversion.

The applicant identified multiple domestic wells within one-half mile of the proposed point of diversion, and nearby notification letters were sent out on April 8, 2022 and May 5, 2022. One telephone call was received from Wanda Allen (Haynie), on April 14, 2022 with general questions but no specific concerns. WRIS database information shows three non-domestic water rights within a two-mile radius. The proposed point of diversion meets minimum well spacing to all existing non-domestic wells, with the nearest non-domestic well over 9,700 feet away. The nearest domestic well, owned by Wanda Allen (Haynie), is located approximately 850 feet from the proposed well which meets the minimum well spacing of 660 feet per K.A.R. 5-4-4.

A WWC-5 report for the existing well shows the only lithologic units encountered were interbedded shale and limestone units. According to the well log, groundwater was encountered at 154 feet depth, at the top of a 15 foot limestone interval. This appears to be the primary aquifer, although there are other limestone units between 154 feet and the static water level of 90 feet. Based on the well log and information in "The Geology of Riley and Geary Counties, Kansas" Bulletin No. 39, it would appear that the source of water is Permian Age Sumner or Chase Group. The primary limestone formations within the Chase Group are the Nolans; Winfield; and Barneston Limestones, which in the Clay and Riley County bulletins are all listed as yielding small to moderate quantities of water. The driller estimated a production rate of 90 gallons per minute.

Static water level was given as 90 feet below ground surface. With a top of aquifer at 154 feet below ground surface, this indicates that the aquifer is confined. Other area wells (although not going as deep as these test holes) indicate that static water levels are above the depth where water was first encountered also indicating the aquifer is confined. If the aquifer is confined, per K.A.R. 5-3-14 safe yield for a confined aquifer is processed on a case-by-case basis using the best available information. Because the upper limestone aquifers are relatively shallow, and no specific criteria have been developed for safe yield evaluation of this confined aquifer, it appears that the pending application can be reviewed using the safe yield criteria in K.A.R. 5-3-11, which is consistent with other applications in similar bedrock sources of supply.

The area of consideration is the extent of the bedrock aquifer in the two-mile circle, which was determined to be the entire 8,042 acres. Based on a potential recharge of 2.6 inches, with 75% available for appropriation, safe yield was determined to be 1,307 acre-feet. The existing water rights have appropriated 241.62 acre-feet, leaving 1,065 acre-feet of water available, and the application meets safe yield criteria.

Please note, that this safe yield value per K.A.R. 5-3-11 provides the **maximum allowable recharge** (2.6 inches) for the area of consideration, since a deeper confined aquifer would receive only a portion of the recharge that a shallow, unconfined aquifer would receive. If there is a significant quantity of water still remaining as determined by K.A.R. 5-3-11, then even with a considerable reduction in the amount of recharge reaching the confined aquifer there would still be sufficient water available. For this application the maximum recharge could be reduced to less than 0.5 inches of recharge (less than 20% of the maximum) and there would still be sufficient water available. As noted above, there are only three other appropriations within this aquifer system within this area of consideration.

The application is requesting 16 acre-feet for the irrigation of 8 acres, or 2 acre-feet per acre. The requested quantity exceeds the maximum quantity of 1.1 acre-feet per acre for "normal" irrigation purposes in Riley County per K.A.R. 5-3-19 and K.A.R. 5-3-24. However, the applicant provided additional information (per K.A.R. 5-3-20(c)(1)) for previous applications in the area indicating that the additional water is necessary based on turf grass requirements of 1 inches or more per week during the eight month growing season. Additional water requirements for turf grass have also been established by the Kansas State University Extension Service ("Managing Fescue Football Fields"). The additional water is necessary for proper turf management, both to get any new grass established and to prevent the existing grass from being damaged during the high traffic playing season. The applicant has provided information on the quantity of water and anticipated watering schedule. In addition, other turf grass projects in this area of the state have also been approved for additional water based on similar supporting documentation including information from the Turf Grass Sod organization indicating that tall fescue requires up to 4 AF/acre. Therefore, the requested quantity of water appears to be reasonable for the intended use.

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 chemicals will be injected into the water pumped under this permit, a check valve will also be required. A diversion rate of less than 100 gallons per minute has been proposed so a water level measurement device is not required on this well.

Katie Tietsort, Water Commissioner of the Topeka Field Office, recommended approval of the referenced application in a July 18, 2022 e-mail.

Based on the above discussion, the area is open to new appropriations, the point of diversion meets minimum well spacing criteria, the application complies with safe yield criteria, and approval will not impair senior water rights, it is recommended that the referenced application be approved.

Lloyd Hemphill
Environmental Scientist
Topeka Field Office

Hemphill, Lloyd [KDA]

From: Tietsort, Katie [KDA]
Sent: Monday, July 18, 2022 3:34 PM
To: Hemphill, Lloyd [KDA]
Subject: RE: Pending Applications, File Nos. 50623 & 50624: For Your Recommendation

Hello Lloyd,

Both these files appear to meet all applicable rules and regulations of the KWAA. I agree with your recommendation for approval. Please proceed.

Thanks for your work, 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: Monday, July 18, 2022 2:11 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: Pending Applications, File Nos. 50623 & 50624: For Your Recommendation

Katie,

Will you provide your recommendation on these two pending applications for USD #378 near Leonardville?

These applications propose to use groundwater from a bedrock aquifer to irrigate athletic fields at two separate school campuses.

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

WELLS WITHIN ½ MILE

- #1 TANNER GLEASON (DOM.)
8700 FALCON RD
RILEY KS 66531

- #2 NORMA SHARP TRUST (DOM.)
8980 FALCON RD
RILEY KS 66531-9672

- #3) WANDA J HAYNIE (DOM.)
12595 FAIRVIEW CHURCH RD
RILEY KS 66531-9676

- #4 JUSTINE & WAYLON FLOHR (DOM.)
PO BOX 5
RILEY KS 66531-0128

- #5 STEVE & NICOLE BOWMAN (DOM.)
8771 FALCON RD
RILEY KS 66531-9816

- #6 FAIRVIEW PRESBYTERIAN CHURCH (DOM.)
ATTN GLENN ANDERSON
RT 1
LEONARDVILLE KS 66449-9701

1 LOCATION OF WATER WELL: County: Riley Fraction: SW 1/4 NE 1/4 NE 1/4 Section Number: 26 Township Number: T 8 S Range Number: R 5 E

Distance and direction from nearest town or city street address of well if located within city? From Riley, KS 602 miles north on 24 Highway

2 WATER WELL OWNER: U.S.D. 378 Riley County High School
 RR#, St. Address, Box #: Box 326
 City, State, ZIP Code: Riley, KS 66531
 Board of Agriculture, Division of Water Resources
 Application Number:

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:

N			
	NW	NE	
		X	
	SW	SE	
W			E
			S

4 DEPTH OF COMPLETED WELL: 180' ft. ELEVATION: ft.
 Depth(s) Groundwater Encountered 1. 154' ft. 2. ft. 3. ft.
 WELL'S STATIC WATER LEVEL: 90' ft. below land surface measured on mo/day/yr ft.
 Pump test data: Well water was ft. after hours pumping gpm
 Est. Yield: 90 gpm: Well water was ft. after hours pumping gpm
 Bore Hole Diameter: 9 in. to 180 ft., and in. to ft.
 WELL WATER TO BE USED AS:
 5 Public water supply 8 Air conditioning 11 Injection well
 1 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)
 2 Irrigation 4 Industrial 7 Lawn and garden only 10 Monitoring well
 Was a chemical/bacteriological sample submitted to Department? Yes..... No.....; If yes, mo/day/yr sample was submitted
 Water Well Disinfected: Yes No

5 TYPE OF BLANK CASING USED:
 1 Steel 3 RMP (SR) 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued Clamped
2 PVC 4 ABS 6 Asbestos-Cement 9 Other (specify below) Welded
 7 Fiberglass Threaded
 Blank casing diameter in. to 140 ft., Dia in. to ft., Dia in. to ft.
 Casing height above land surface: 2 in., weight sch 40 lbs./ft. Wall thickness or gauge No.
 TYPE OF SCREEN OR PERFORATION MATERIAL:
 1 Steel 3 Stainless steel 5 Fiberglass 7 PVC 10 Asbestos-cement
 2 Brass 4 Galvanized steel 6 Concrete tile 8 RMP (SR) 11 Other (specify)
 12 None used (open hole)
 SCREEN OR PERFORATION OPENINGS ARE: 25 1000
 1 Continuous slot 3 Mill slot 5 Gauzed wrapped 8 Saw cut 11 None (open hole)
 2 Louvered shutter 4 Key punched 6 Wire wrapped 9 Drilled holes
 7 Torch cut 10 Other (specify)
 SCREEN-PERFORATED INTERVALS: From 140 ft. to 180 ft., From ft. to ft.
 From ft. to ft., From ft. to ft.
 GRAVEL PACK INTERVALS: From 25 ft. to 180 ft., From ft. to ft.
 From ft. to ft., From ft. to ft.

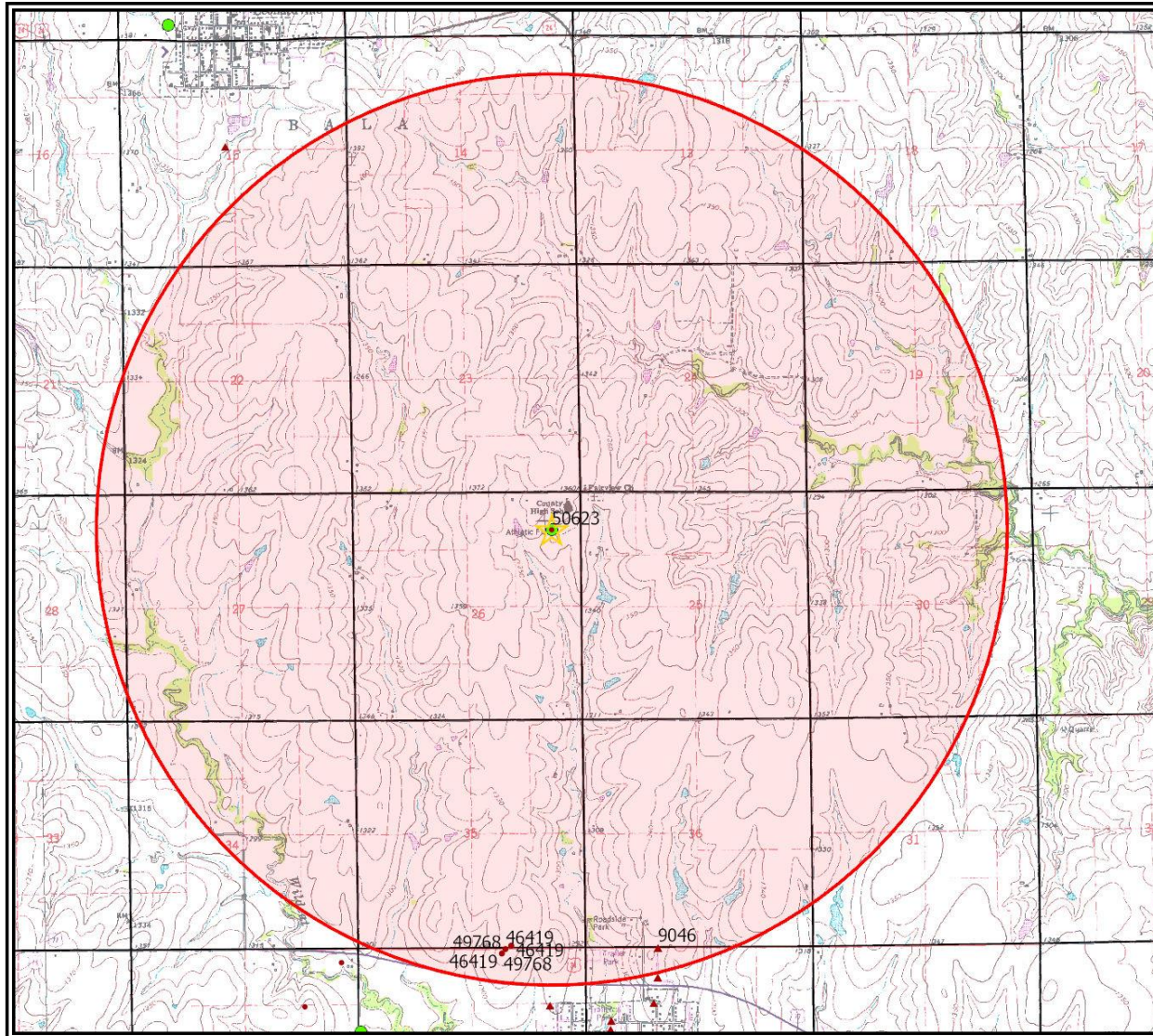
6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other
 Grout Intervals: From 0 ft. to 25 ft., From ft. to ft., From ft. to ft.
 What is the nearest source of possible contamination:
 1 Septic tank 4 Lateral lines 7 Pit privy 10 Livestock pens 14 Abandoned water well
2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 15 Oil well/Gas well
 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 16 Other (specify below)
 13 Insecticide storage
 Direction from well? WIST How many feet? 120'

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	1	Top Soil	128	154	Brown Shale
1	9	Brown Clay	154	169	Limestone = (water)
9	22	Yellow Shale	169	180	Grey Shale
22	37	Brown Shale			
37	41	Limestone			
41	46	Yellow Shale			
46	63	Greenish Shale			
63	82	Brown Shale			
82	84	Limestone			
84	95	Limestone			
95	97	Limestone			
97	112	Yellow Shale			
112	116	Limestone			
116	126	Brown Shale			
126	128	Limestone			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) 5/16/94 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 451 This Water Well Record was completed on (mo/day/yr) 5/22/94 under the business name of Halkerson Well Drilling by (signature) Craig H. CWD/PI

OFFICE USE ONLY

Safe Yield Report Sheet
Water Right- A5062300
Point of Diversion in 26-08S-05E
Footages from SE corner- 4,430 feet North 635 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 1,306.90 AF.

Total prior appropriations in the circle is 257.62 AF - 16 AF = 241.62 AF

Total quantity of water available for appropriation is 1,049.29 AF +16 AF = 1065.29 AF

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 2.6 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 27-MAY-2022 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 4 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 9046 00	MUN	NK	G		NW	NE	NW	5270	3625	01	09	05E	3	WR	52.82	52.82		
A 46419 00	IRR	NK	G		NE	NW	NE	5242	1822	02	09	05E	3	WR	31.50	31.50	144.00	144.00
Same	IRR	NK	G		NE	NW	NE	5138	1915	02	09	05E	4	WR				
Same	IRR	NK	G		SE	SW	SE	66	1729	35	08	05E	1	WR				
A 49768 00	IRR	LO	G		NE	NW	NE	5242	1822	02	09	05E	3	WR	157.30	157.30	144.00	0.00
Same	IRR	LO	G		NE	NW	NE	5138	1915	02	09	05E	4	WR				
Same	IRR	LO	G		SE	SW	SE	66	1729	35	08	05E	1	WR				
A 50623 00	IRR	AY	G		SE	NE	NE	4430	635	26	08	05E	1	WR	16.00	16.00	8.00	8.00

Limitations

File Number	Seq Num	Limitations
A 9046 00	2	200GPM COM/W #RL 002

Water Rights and Points of Diversion Within 2 miles of point defined as:
 4430 Feet N and 635 Feet W of the Southeast Corner of Section 26 Twp 8S Rng 5E
 Located at: 96.833038 West Longitude and 39.332746 North Latitude
 GROUNDWATER ONLY

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File Number      Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan
Unit
A__ 9046 00 MUN NK G      10081 -- NW NE NW  5270  3625  1  9  5E  3          52.82  52.82
  AF
A__ 46419 00 IRR NK G      9738 -- SE SW SE    66  1729  35  8  5E  1  B2          31.50  31.50
  AF
Same              9826 -- NE NW NE  5242  1822  2  9  5E  3  G2
Same              9943 -- NE NW NE  5138  1915  2  9  5E  4  B2
A__ 49768 00 IRR LO G      9738 -- SE SW SE    66  1729  35  8  5E  1  B2          157.30  157.30
  AF
Same              9826 -- NE NW NE  5242  1822  2  9  5E  3  G2
Same              9943 -- NE NW NE  5138  1915  2  9  5E  4  B2
A__ 50623 00 IRR AY G          0 -- SE NE NE  4430   635  26  8  5E  1          16.00  16.00
  AF
=====
    
```

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Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      16.00        .00
Total Permitted Amount (AF) =         .00        .00
Total Inspected Amount (AF) =     157.30        .00
Total Pro_Cert Amount (AF) =         .00        .00
Total Certified Amount (AF) =       84.32        .00
Total Vested Amount (AF) =          .00        .00
TOTAL AMOUNT (AF) =      257.62        .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:
 4430 Feet North and 635 Feet West of the Southeast Corner of Section 26 Twp 8S Rng 5E
 Located at: 96.833038 West Longitude and 39.332746 North Latitude
 GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

- ```

=====
File Number Use ST SR
> CITY OF RILEY
> CITY CLERK
> PO BOX 314
> RILEY KS 66531
>-----
> SCOTT HOWE
>
> 12780 MADISON RD
> RILEY KS 66531
>-----
> SCOTT HOWE
>
> 12780 MADISON RD
> RILEY KS 66531
>-----
> UNIFIED SCHOOL DISTRICT #378
>
> P O BOX 326 204 W KANSAS
> RILEY KS 66531
>-----
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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. 50,623** of the applicant

UNIFIED SCHOOL DISTRICT #378  
204 W KANSAS  
PO BOX 326  
RILEY, KS 66531

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 **August 3, 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 | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTAL |
|-----------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
|                 | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |       |
| 26 8S 5E        | 8   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 8     |

3. That the authorized source from which the appropriation shall be made is groundwater in the Kansas River basin, to be withdrawn by means of one well located in the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (SE¼ NE¼ NE¼) of Section 26, more particularly described as being near a point 4,430 feet North and 635 feet West of the Southeast corner of said section, in Township 8 South, Range 5 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 **99 gallons per minute** (0.22 c.f.s.) and to a quantity not to exceed **16 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 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.

16. 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.

Ordered this 21 day of September, 2022, in Manhattan, Riley County, Kansas.

*Lane P. Letourneau*

Lane P. Letourneau, P.G.  
Program Manager  
Water Appropriation Program  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
County of Riley ) SS

The foregoing instrument was acknowledged before me this 21 day of September, 2022, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



*Ashlee Freeman*  
Notary Public

**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 request an evidentiary hearing before the Chief Engineer, or 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 Division, 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 review 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.

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

September 28, 2022

UNIFIED SCHOOL DISTRICT #378  
P O BOX 326  
RILEY, KS 66531

RE: Appropriation of Water, File No. 50,623

Dear Sir or Madam:

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 Application Unit Supervisor  
Water Appropriation Program

KAB:llh  
Enclosures

pc: Topeka Field Office

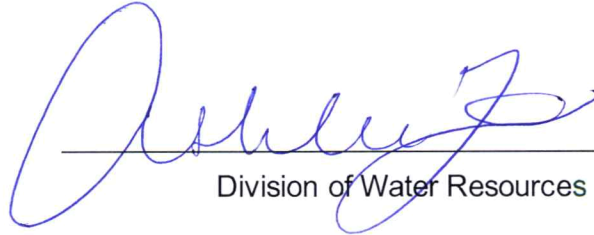
## CERTIFICATE OF SERVICE

On this 28 day of September, 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,623, dated 21 September 2022 was mailed postage prepaid, first class, US mail to the following:

UNIFIED SCHOOL DISTRICT #378  
P O BOX 326 204 W KANSAS  
RILEY, KS 66531

With photocopies to:

Topeka Field Office



Division of Water Resources