

File No. **50,631** 15. Formation Code: 540 Drainage Basin: **Big Blue River** County: RL Special Use: Stream:

16. Points of Diversion											
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
CHK				31010	SE NW NW	6	7S	5E	2	3993	4396

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files
50	8	50	8	16,512 & 37,718

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										Total	Owner	Chg? NO	Overlap Files		
T	MOD	DEL	ENT	PUSE	S	T	R	ID							
NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
CHK 70527 6 7S 5E 2											7a	N	NA		

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: August 23, 2022

FROM: Brandon Milner

RE: Application, File Nos. 50,631

Andrew Larson has filed the above referenced application (50,631) proposing to appropriate 8 million gallons of groundwater per calendar year at a maximum rate of 50 gallons per minute for industrial use, more specifically bottling of spring water on his property. The applicant has signed the agreement verifying that they have access to the point of diversion.

The point of diversion will be a point located in the Northwest Quarter of Section 6, Township 7 South, Range 5 East in Riley County. The operation consists of spring water being caught in a concrete collection area and then pumped to a facility to be processed and bottled. The senior water right no.16,512 was approved on November 25, 1969, as a surface water facility. However, an order on April 4, 1988, changed the source from surface water to a groundwater well. One nearby notification was mailed out on August 3, 2022, with no response to date. This application overlaps with Water Right Nos, 16,512 & 37,718 which are used for domestic and stockwatering purposes.

Based off the well log submitted with the application, the source of water is of the Chase Group. The area of consideration was 8,042 acres will be considered for safe-yield review. Based on a potential recharge of 2.5 inches, with 100% available for appropriation, safe yield was determined to be 1,675.52 acre-feet. Prior appropriations within the 2-mile radius is 22.62 acre-feet which would leave 1,652.9 acre-feet for appropriation for which application No. 50,631 complies with safe yield.

The place of use will be a nearby bottling facility located in the Northwest Quarter of Section 6, Township 7 South, Range 5 East in Riley County. The volume of 8 million gallons per year based on the estimated usage of 21,900 gallons per day X 365 day/year equals roughly 8 million gallons per year.

There is only one well within one half mile of this point of diversion that is a residential well and meets standard spacing requirements per 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.

The priority date for application no.50,631 received in Manhattan Headquarters is August 9, 2021.

Based on all information listed above, this area meets safe-yield, I do not believe it will not affect nearby wells and it is recommended that the referenced application be approved.

Brandon Milner
Environmental Scientist
New Applications Unit

Safe Yield Report Sheet
Water Right- A5063100
Point of Diversion in 06-07S-05E
Footages from SE corner- 3,993 feet North 4,396 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 1,675.52 AF.

Total prior appropriations in the circle is 47.17 AF.-24.55=22.62 AF

Total quantity of water available for appropriation is 1,628.35 AF.+24.55 AF=1652.9 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 2.5 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 03-AUG-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 3 water rights and 1 point 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 16512 00	STK	NK	G		SE	NW	NW	3993	4396	06	07	05E	2	WRF	8.13	8.13		
A 37718 00	STK	NK	G		SE	NW	NW	3993	4396	06	07	05E	2	WRF	14.49	14.49		
A 50631 00	IND	AY	G		SE	NW	NW	3993	4396	06	07	05E	2	WR	24.55	24.55		

Limitations

File Number	Seq Num	Limitations
A 16512 00	1	COMMENT-33GPM COMBINED UNDER ANY USE
A 37718 00	1	30GPM COM/W #16,512

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. 50,631** of the applicant

**ANDREW LARSON
14790 FANCY CREEK RD
RANDOLPH, KS 66554**

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 9, 2021.
2. That the water sought to be appropriated shall be used for industrial use in the Northwest Quarter (NW $\frac{1}{4}$) of Section 6, Township 7 South Range 5 East, Riley County Kansas.
3. That the authorized source from which the appropriation shall be made is to be withdrawn by means of one well (1) located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 6, more particularly described as being near a point 3,993 feet North and 4,396 feet West of the Southeast corner of said section, in Township 7 South, Range 5 East, Riley County, Kansas located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **50 gallons per minute** (0.11 c.f.s.) and to a quantity not to exceed **8 million gallons** 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, which is currently \$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 accompanied by the required statutory fee, which is currently \$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, 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.

Ordered this 21 day of September, 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 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

ANDREW LARSON
14790 FANCY CREEK RD
RANDOLPH, KS 66554

RE: Appropriation of Water,
File No. 50,631

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

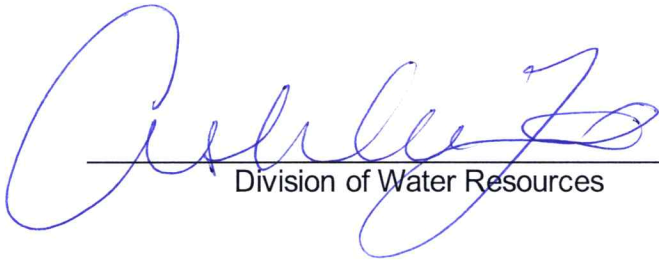
CERTIFICATE OF SERVICE

On this 28 day of September, 2022, I hereby certify that the foregoing Approval of Application, File No. 50,631, dated 21 September 2022 was mailed postage prepaid, first class, US mail to the following:

ANDREW LARSON
14790 FANCY CREEK RD
RANDOLPH, KS 66554

With photocopies to:

Topeka Field Office



Division of Water Resources