

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

1. File Number: <p style="text-align: center;">50754</p>	2. Status Change Date: <p style="text-align: center;">7/18/2023</p>	3. Field Office: <p style="text-align: center;">1</p>	4. GMD:
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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 21417 New to system <input type="checkbox"/> Add Seq# _____</p> <p style="text-align: center;">HOWARD F & RHONDA S PARR P.O. BOX 416 ROSSVILLE, KS 66533-0416</p>	<p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>
<p>7b. Landowner(s) Person ID 63388 _____ New to system <input checked="" type="checkbox"/> Add Seq# _____</p> <p style="text-align: center;">BLUE EYES FARMS LLC 701 T C JESTER BLVD APT #6101 HOUSTON, TX 77008</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 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: **12/31/24** 11. Perfection Date: **12/31/28** 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: _____

Date Prepared: 6/19/23	By: BMM
Date Reviewed: 7/18/2023	By: KAK
Date Entered: 7/19/2023	By: 7/19/2023
KAnderson	LMoody

File No. 50754	15. Formation Code: 113	Drainage Basin: Kansas River	County: SN	Special Use:	Stream:																																																																																																																																																										
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="10" style="width:50%; vertical-align: top;"> 16. Points of Diversion T MOD DEL PDIV ENT Qualifier S T R ID 'N 'W (SE NW NW) </td> <td colspan="5" style="width:50%; vertical-align: top;"> 17. Rate and Quantity Authorized Additional Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files </td> </tr> <tr> <td style="text-align: left;">CHK</td> <td>29655</td> <td>NC S2</td> <td>NW NW</td> <td>12</td> <td>11S</td> <td>13E</td> <td>3</td> <td>4350</td> <td>4600</td> <td>1000</td> <td>92</td> <td>340</td> <td>0</td> <td>28519</td> </tr> </table>						16. Points of Diversion T MOD DEL PDIV ENT Qualifier S T R ID 'N 'W (SE NW NW)										17. Rate and Quantity Authorized Additional Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files					CHK	29655	NC S2	NW NW	12	11S	13E	3	4350	4600	1000	92	340	0	28519																																																																																																																												
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18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																																																																																																																																																															
19. Limitation: _____ 92 af/yr at _____ 1000 gpm (cfs) when combined with file number(s) 28,519 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____																																																																																																																																																															
20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be installed by _____ 12/31/2024 Date Acceptable Meter Installed _____																																																																																																																																																															
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2" style="width:25%;">21. Place of Use</td> <td colspan="4" style="width:12.5%;">NE¼</td> <td colspan="4" style="width:12.5%;">NW¼</td> <td colspan="4" style="width:12.5%;">SW¼</td> <td colspan="4" style="width:12.5%;">SE¼</td> <td style="width:5%;">Total</td> <td style="width:10%;">Owner</td> <td style="width:5%;">Chg?</td> <td style="width:10%;">Overlap Files</td> </tr> <tr> <td>T</td> <td></td> <td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>MOD</td> <td></td> <td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>DEL</td> <td>PUSE</td> <td>S</td> <td>T</td> <td>R</td> <td>ID</td> <td>NE ¼</td> <td>NW ¼</td> <td>SW ¼</td> <td>SE ¼</td> <td>NE ¼</td> <td>NW ¼</td> <td>SW ¼</td> <td>SE ¼</td> <td>NE ¼</td> <td>NW ¼</td> <td>SW ¼</td> <td>SE ¼</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>ENT</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>CHK</td> <td>29004</td> <td>12</td> <td>11S</td> <td>13E</td> <td>4</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>33</td> <td>20</td> <td>20</td> <td></td> <td></td> <td></td> <td></td> <td>73</td> <td>7b</td> <td>N</td> <td>28,519</td> </tr> <tr> <td>CHK</td> <td>58526</td> <td>12</td> <td>11S</td> <td>13E</td> <td>7</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>14</td> <td>14</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>28</td> <td>7b 7A</td> <td>N</td> <td>28,519</td> </tr> </table>						21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	T																						MOD																						DEL	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					ENT																						CHK	29004	12	11S	13E	4						33	20	20					73	7b	N	28,519	CHK	58526	12	11S	13E	7						14	14						28	7b 7A	N	28,519
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KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: July 12, 2023

FROM: Brandon Milner

RE: Application, File Nos. 50,754

Howard Parr has filed the referenced new application to appropriate 92 acre-feet of groundwater from an existing well a rate of 1000 gallons per minute for irrigational use. The point of diversion overlaps with Water Right No 28,519. This application is requesting an increase in pumping rate from 660 gallons per minute to 1,000 gallons per minute. There will be no increase in the permitted volume of 92-acre feet. The applicant identified three domestic wells and three existing water rights within one-half mile of this point of diversion as nearby letters were sent out on June 20th, 2023. Two different phone calls were received on this matter as the situation was explained in detail to each of them and there were no written letters of concern. The nearest non-domestic well is just within one half mile away, and the nearest domestic well is roughly 970' away. The point of diversion meets minimum well spacing criteria to all existing wells per the requirements in K.A.R. 5-4-4.

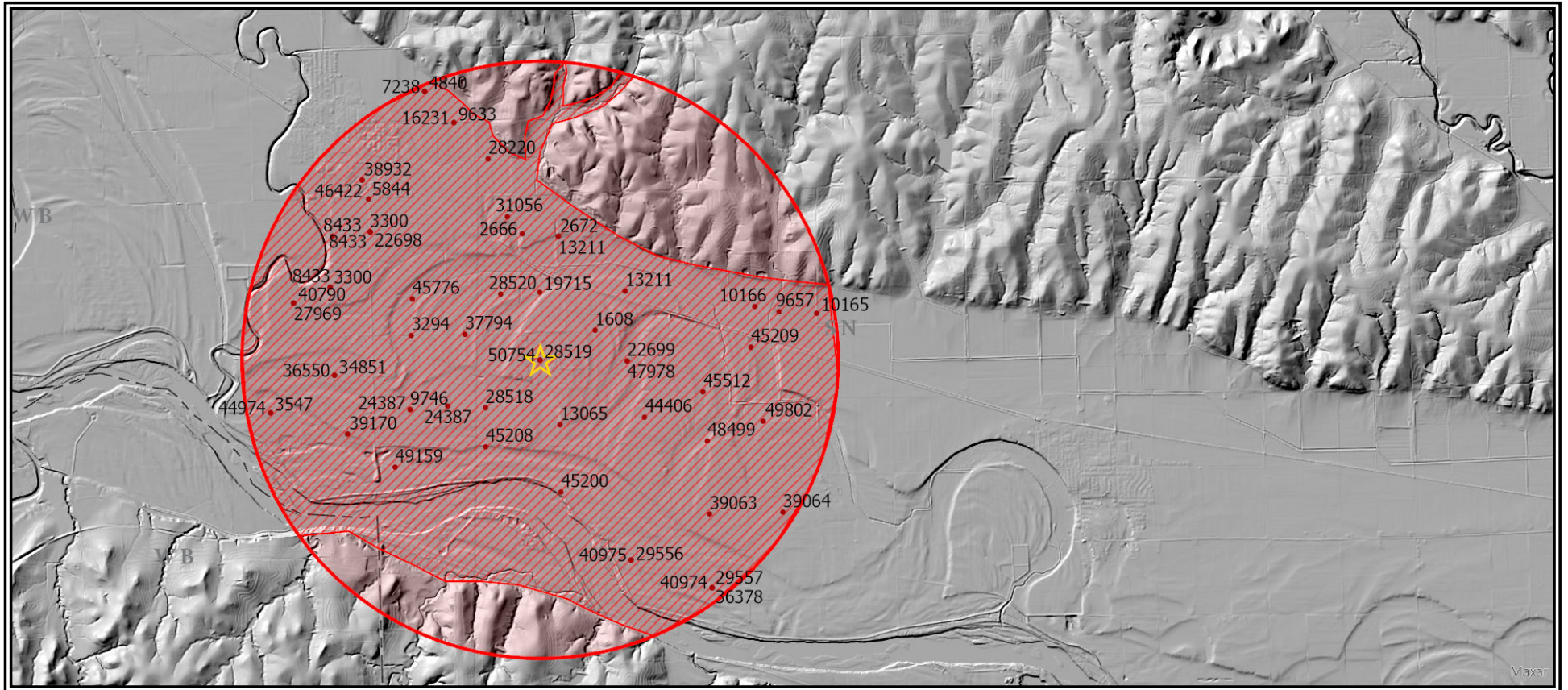
As mentioned above, this application will not be requesting more volume than the permitted volume of 92-acre feet. Although the increase of pumping rate is more than 15% and therefore subject to safe yield as required by K.A.R. 5-4-5, approval of the application will not impair existing water rights, will not affect the public and will not increase consumptive use. The well in question meets these criteria as the well associated with this application does meet spacing to other wells in the area as per K.A.R. 5-4-4, and will not use additional volume. Therefore, by way of K.A.R. 5-4-5 (b)(2) there does not appear to be any issues with impairment, the consumptive use should not increase as irrigation use will continue and this will not affect the public interest.

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 application was sent for consideration to Brett Bunger, Water Commissioner of the Topeka Field Office, on July 14, 2023. He provided a recommendation for approval of the application. Based on the above discussion, it is recommended that the referenced new application be approved.

Brandon Milner
Environmental Scientist
Manhattan Headquarters

Safe Yield Report Sheet
Water Right- A5075400
Point of Diversion in 12-11S-13E
Footages from SE corner- 4,350 feet North 4,600 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 3,334.34 AF.

Total prior appropriations in the circle is 3,547.70 AF.

Total quantity of water available for appropriation is 0.00 AF.

Safe Yield Variables

The area used for the analysis is set at 6,276 acres.

The potential annual recharge at the circle center is estimated to be 8.5 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 16-JUN-2023 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 54 water rights and 43 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 1608 00	IRR	NK	G		SW	SW	SE	0	0	01	11	13E	1	WR	142.00	142.00	142.00	142.00
A 2666 00	IRR	NK	G		NW	SW	NW	3560	5110	01	11	13E	7	WR	74.00	74.00	74.00	74.00
A 2672 00	IRR	NK	G		NW	SE	NW	3411	3821	01	11	13E	3	WR	72.00	72.00	159.00	159.00
A 3294 00	IRR	NK	G		NW	NE	NW	5260	3870	11	11	13E	12	WR	75.00	75.00	75.00	75.00
A 3300 00	IRR	NK	G		NW	SW	NW	3692	5213	02	11	13E	1	WR	236.00	236.00	388.50	388.50
Same	IRR	NK	G		SE	NW	SE	1742	1374	03	11	13E	11	WR				
A 3547 00	IRR	NK	G		NW	NE	SW	2625	3655	10	11	13E	6	WR	32.00	32.00	63.00	63.00
A 4840 00	IRR	NK	G		NE	SW	NW	3730	4160	35	10	13E	1	WR	119.00	11.00	119.00	11.00
A 5844 00	IRR	NK	G		NW	NW	NW	0	0	02	11	13E	2	WR	170.00	170.00	83.00	83.00
A 7238 00	IRR	NK	G		NE	SW	NW	3730	4160	35	10	13E	1	WR	178.00	59.00	119.00	0.00
A 8433 00	IRR	NK	G		NW	SW	NW	3692	5213	02	11	13E	1	WR	316.00	80.00	388.50	0.00
Same	IRR	NK	G		NW	SE	NE	3551	1241	03	11	13E	3	WR				
Same	IRR	NK	G		SE	NW	SE	1742	1374	03	11	13E	11	WR				
A 9633 00	IRR	NK	G		CN	NE	SW	2620	3300	35	10	13E	2	WR	71.00	71.00	107.00	107.00
A 9657 00	IRR	NK	G		SW	SE	SE	0	0	06	11	14E	1	WR	97.00	97.00	75.00	75.00
A 9746 00	IRR	NK	G		SW	SE	NW	2657	3944	11	11	13E	13	WR	97.00	97.00	273.00	273.00
A 10165 00	IRR	NK	G		SW	SW	SW	0	0	05	11	14E	1	WR	134.00	134.00	75.00	75.00
A 10166 00	IRR	NK	G		NW	SW	SE	715	2175	06	11	14E	3	WR	100.00	100.00	120.00	120.00
A 13065 00	IRR	NK	G		NW	NE	SW	2016	3887	12	11	13E	1	WR	61.00	61.00	80.00	80.00
A 13211 00	IRR	NK	G		NW	SE	NW	3411	3821	01	11	13E	3	WR	158.00	94.50	159.00	0.00
Same	IRR	NK	G		SE	NW	SE	1412	1483	01	11	13E	4	WR				
A 16231 00	IRR	NK	G		CN	NE	SW	2620	3300	35	10	13E	2	WR	40.00	40.00	107.00	0.00
A 19715 00	IRR	NK	G		SE	NW	SW	1400	4420	01	11	13E	5	WR	61.00	61.00	77.00	77.00
A 22698 00	IRR	NK	G		NW	SW	NW	3692	5213	02	11	13E	1	WR	64.00	0.00	388.50	0.00
A 22699 00	IRR	NK	G		SE	NW	NE	4100	1420	12	11	13E	6	WR	56.00	56.00	106.00	106.00

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 24387 00	IRR	NK	G				NC	2748	2608	11	11	13E	9	PD	75.00	75.00	273.00	0.00
Same	IRR	NK	G		SW	SE	NW	2657	3944	11	11	13E	13	PD	35.00	35.00		
A 27969 00	IRR	NK	G		NE	SE	SW	1190	2655	03	11	13E	12	WR	46.00	46.00	128.00	128.00
A 28220 00	IRR	NK	G		NC	W2	SE	1300	2100	35	10	13E	4	WR	85.00	85.00	85.00	85.00
A 28518 00	IRR	NK	G		SW	SE	NE	2657	1277	11	11	13E	15	WR	71.00	71.00	80.00	80.00
A 28519 00	IRR	NK	G	NC	S2	NW	NW	4350	4600	12	11	13E	3	WR	92.00	92.00	101.00	101.00
A 28520 00	IRR	NK	G		NC	E2	SE	1330	660	02	11	13E	4	WR	80.00	80.00	88.00	88.00
A 29556 00	IRR	NK	G		NE	NW	SE	2450	1500	13	11	13E	4	WR	72.00	72.00	120.00	120.00
A 29557 00	IRR	NK	G			NC	SW	1320	3930	18	11	14E	1	WR	69.00	69.00	130.00	130.00
A 31056 00	IRR	NK	G		SE	NE	NE	4100	400	02	11	13E	5	WR	23.00	23.00	27.00	27.00
A 34851 00	IRR	NK	G			NC	NE	3950	1317	10	11	13E	7	WR	54.00	54.00	156.00	156.00
A 36378 00	IRR	NK	G			NC	SW	1320	3930	18	11	14E	1	WR	55.00	10.00	130.00	0.00
A 36550 00	IRR	NK	G			NC	NE	3950	1317	10	11	13E	7	WR	68.00	68.00	156.00	0.00
A 37794 00	IRR	NK	G		CN	NW	NE	5240	2000	11	11	13E	6	WR	32.00	2.00	273.00	0.00
A 38932 00	IRR	NK	G		NC	S2	SE	660	1365	34	10	13E	6	WR	3.20	3.20	36.00	36.00
A 39063 00	IRR	NK	G			NC	NW	3960	3960	18	11	14E	2	WR	102.00	102.00	136.00	136.00
A 39064 00	IRR	NK	G			NC	NE	3960	1330	18	11	14E	3	WR	136.00	136.00	136.00	136.00
A 39170 00	IRR	NK	G		SW	NE	SE	1860	924	10	11	13E	5	WR	60.00	60.00	60.00	60.00
A 40790 00	IRR	NK	G		NE	SE	SW	1190	2655	03	11	13E	12	WR	72.00	26.00	128.00	0.00
A 40974 00	IRR	NK	G			NC	SW	1320	3930	18	11	14E	1	WR	114.00	35.00	130.00	0.00
A 40975 00	IRR	NK	G		NE	NW	SE	2450	1500	13	11	13E	4	WR	120.00	48.00	120.00	0.00
A 44406 00	IRR	NK	G		NW	NE	SE	2210	871	12	11	13E	5	WR	90.00	90.00	100.00	100.00
A 44974 00	IRR	NK	G		NW	NE	SW	2625	3655	10	11	13E	6	WR	45.00	13.00	63.00	0.00
A 45200 00	IRR	NK	G		NW	NE	NW	4835	3948	13	11	13E	3	WR	11.00	11.00	116.00	116.00
A 45208 00	IRR	NK	G			NC	SE	1273	1294	11	11	13E	11	WR	62.00	62.00	62.00	62.00
A 45209 00	IRR	NK	G		SW	NW	NE	4555	2248	07	11	14E	1	WR	54.00	54.00	54.00	54.00
A 45512 00	IRR	NK	G		SE	SW	NW	3007	3993	07	11	14E	2	WR	71.00	71.00	71.00	71.00
A 45776 00	IRR	NK	G		NW	SE	SW	1282	3772	02	11	13E	6	WR	105.00	54.00	388.50	0.00
A 46422 00	IRR	NK	G		NC	S2	SE	660	1365	34	10	13E	6	WR	9.50	9.50	36.00	0.00
A 47978 00	IRR	MM	G		SE	NW	NE	4100	1420	12	11	13E	6	WR	106.00	50.00	106.00	0.00
A 48499 00	IRR	LR	G		NW	SE	SW	1270	3950	07	11	14E	3	WR	80.00	80.00	80.00	80.00
A 49159 00	IRR	LR	G		SW	SW	SW	635	4630	11	11	13E	14	WR	60.50	60.50	60.50	60.50
A 49802 00	IRR	LR	G		NC	NW	SE	1980	1980	07	11	14E	5	WR	38.00	38.00	40.00	40.00
A 50754 00	IRR	AY	G	NC	S2	NW	NW	4350	4600	12	11	13E	3	WR	92.00	0.00	101.00	0.00

Limitations

File Number	Seq Num	Limitations
A 4840 00	1	LIMITED TO 119 AF/YR ON THIS LAND
A 7238 00	1	178 AF/YR @ 4.0 CFS ON THIS 119 AC OF LAND
A 8433 00	1	316 AF/YR @ 3280 GPM COM/W APP #3300
A 13211 00	1	158AF/YR@2000GPM COM/W #2672 ON LAND LISTED IN CERT

File Number	Seq Num	Limitations
A 22698 00	1	64 AF/YR COM/W #8433 & #3300
A 36378 00	1	79AF/YR @850GPM COM/W #29,557
A 36550 00	1	815 GPM (2.72 CFS) COM/W #34851 FOR IRR ON LAND DESCRIBED IN CERT
A 37794 00	1	174AF/YR COM/W #9746 & 24387
A 40790 00	2	72AF/YR @ 715GPM COM/W #27969
A 40974 00	2	114AF/YR @ 890GPM COM/W #29557 & 36378
A 40975 00	2	120AF/YR @ 975GPM COM/W #29556
A 44974 00	2	45AF/YR @ 525GPM COM/W #3547
A 45776 00	2	370 AF/YR COM/W #3300, #8433 & #22698
A 46422 00	2	30GPM COM/W #38932
A 47978 00	1	106AF/YR @ 1000GPM COM/W #22699

From: Bungler, Brett [KDA]
Sent: Fri 7/14/2023 2:55 PM
To: Milner, Brandon [KDA]
Subject: RE: Application 50,754 Memo
Attachments: 50754 Memo.docx

I made a few changes to the memo. You did not mention the fact that we don't meet safe yield which is why we went where we did with the 5-4-5. Please put something in there about safe yield. Otherwise, as I indicated in the memo, I recommend approval of the application.

Brett

From: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Sent: Friday, July 14, 2023 1:21 PM
To: Bungler, Brett [KDA] <Brett.Bunger@ks.gov>
Subject: Application 50,754 Memo

Brett,

Could you take a look at my memo for application 50,754 and provide a recommendation for this application? Thanks for clearing up the increase in rate question associated with this.

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. 50,754** of the applicant

HOWARD F PARR
PO BOX 416
ROSSVILLE KS 66533-0416

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 **March 25, 2022**.

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	
12 - 11S - 13E						33	34	34									101

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE¼ NW¼ NW¼) of Section 12, more particularly described as being near a point 4,350 feet North and 4,600 feet West of the Southeast corner of said section, in Township 11 South, Range 13 East, Shawnee 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 **1000 gallons per minute (2.23 c.f.s.)** and to a quantity not to exceed **92 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, 2024**, 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, 2028**, 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 Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The 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 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.

17. That the quantity of water and rate of diversion approved under this permit is further limited to the quantity and rate which combined with Water Right, File No. 28,519, will provide a total not to exceed 92 acre-feet of water per calendar year to be diverted at a maximum rate not in excess of 1,000 gallons per minute, for irrigation on the land described herein.

18. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

Ordered this 18 day of July, 2023, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 18 day of July, 2023, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Katie N. Anderson

Notary Public



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

July 25, 2023

HOWARD F PARR
PO BOX 416
ROSSVILLE KS 66533-0416

RE: Appropriation of Water
File No. 50,754

Dear Mr. Parr:

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/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 and Change Applications Unit Supervisor
Division of Water Resources

KAB:kak:bmm
Enclosure(s)

pc: Topeka Field Office
Blue Eyes Farms

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.

CERTIFICATE OF SERVICE

On this 25 day of July, 2023, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,754, dated July 18, 2023, was mailed postage prepaid, first class, US mail to the following:

HOWARD F & RHONDA S PARR
PO BOX 416
ROSSVILLE KS 66533-0416

With photocopies to:

BLUE EYES FARMS LLC
701 T C JESTER BLVD APT 6101
HOUSTON TX 77008

KDA-DWR Topeka Field Office



Division of Water Resources