

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

1. File Number: <p style="text-align: center;">50,811</p>	2. Status Change Date:	3. Field Office: <p style="text-align: center;">01</p>	4. GMD: <p style="text-align: center;">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 25745 New to system <input type="checkbox"/> Add Seq# <u>1</u></p> <p>JOHN POPPELREITER 19157 TURKEY CREEK RD MAPLE HILL, KS 66507-8522</p>	<p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>
<p>7b. Landowner(s) Person ID 25745 New to system <input type="checkbox"/> Add Seq# <u>1</u></p> <p>JOHN POPPELREITER 19157 TURKEY CREEK RD MAPLE HILL, KS 66507-8522</p>	<p>7d. Misc. Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>

<p>8. WUR Correspondent Person ID 25745 New to system <input type="checkbox"/> Add Seq# <u>1</u> 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: **12/31/2024** 11. Perfection Date: **12/31/2028** 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: 8/29/2023	By: LHH
Date Reviewed: 8/29/2023	By: KAK
Date Entered:	By:

File No. 50,811	15. Formation Code: 113	Drainage Basin: KANSAS RIVER	County: SN	Special Use:	Stream:																
16. Points of Diversion T MOD DEL PDIV ENT Qualifier S T R ID 'N 'W			17. Rate and Quantity																		
			Authorized	Additional																	
			Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files														
CHK 67413 NE SW SE 36 10S 12E 8 952 1370			800	66	190	25	44,382														
18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																					
19. Limitation: 66 af/yr at 800 gpm (1.78 cfs) when combined with file number(s) 44,382																					
Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) add limitation to WRIS																					
20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be installed by 12/31/2024 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				
√ 53655 36 10S 12E 6																		33 33 66	7a	No	44382
Comments:																					

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: August 29, 2023

FROM: Lloyd Hemphill

RE: Application, File No. 50,811

John Poppelreiter has filed the referenced new application requesting to appropriate 66 acre-feet of groundwater at a rate of 800 gallons per minute for irrigation use. The proposed point of diversion is an existing well located in the Northeast Quarter of the Southwest Quarter of the Southeast Quarter (NE¼ SW¼ SE¼) Section 36, Township 10 South, Range 12 East, Shawnee County, within the Kansas River Drainage Basin. This application overlaps the point of diversion and place of use of Water Right, File No. 44,382 which are owned by John T and Jean M Poppelreiter. The application was signed indicating legal access to the point of diversion.

This application was filed to provide additional quantity of water after Water Right, File No. 44,382 was exceeded by a relatively small amount. The senior file authorizes the diversion of 41 acre-feet of water at a rate of 610 gallons per minute. The shared place of use includes 66 acres. The reasonable quantity for irrigation of 66 acres in Shawnee County is 66 acre-feet (66 acres x 1 AF/acre = 66 AF), per K.A.R. 5-3-23. Both files will be limited to a quantity of 66 acre-feet, providing an additional quantity of 25 acre-feet. The requested rate is reasonable for this project.

The overlapping senior file originally requested, and was approved for, a quantity of 66 acre-feet and a rate of 800 gallons per minute. The file was perfected and certified as described above. The point of diversion location was modified with a May 8, 2002 change application to reconfigure the location of the center pivot system. The well was actually constructed 273 feet away from the authorized location (within the 300 ft tolerance). As a result, the well is located about 1,052 feet from the nearest non-domestic well (File No. 24,389 – Irrigation Use), thus does not meet the minimum well spacing of 1,320 feet per K.A.R. 5-4-4. However, this new application is proposing the same rate and quantity originally approved for the senior file. The applicant does not plan to make any actual changes to the operation of the well or equipment. This well has been operated at the current well spacing for 20 years without any history of impairment. Therefore, it appears that the standard spacing is not necessary to prevent direct impairment. There are no domestic wells within ½ mile of the proposed point of diversion. Therefore, the existing well location meets well spacing criteria per K.A.R. 5-4-4 and the proposed appropriation is not expected to impair any existing water rights.

Three nearby well owners were identified within one-half mile of the proposed point of diversion (all irrigation wells). There are no domestic wells. Nearby notification letters were sent on August 4, 2023. No response was received.

Based on the Geologic Map of Shawnee County, Kansas (KGS Map M-95) and the well's proximity to the river the source of supply is the Kansas River alluvium. The well log submitted for the senior file shows 13 feet of surface soil and clay, underlain by medium to large gravel extending to shale bedrock at a depth of 42 feet. The static water level was 18 feet below ground. The static water level is below the top of the aquifer formation, indicating that this is an unconfined aquifer.

The point of diversion is a single well completed in the Kansas River alluvium. K.A.R. 5-3-11 states that calculated recharge in the Kansas River alluvium shall be determined by taking 25% of the average annual rainfall in the area of consideration. For this application, the potential annual recharge is 8.5 inches and 75% of recharge is available for appropriation. The area of consideration (extent of the alluvium) covers 7,085 acres. Based on these values, safe yield was determined to be 3,764 acre-feet. Existing water rights have appropriated 2,816 acre-feet within the area of consideration, leaving 948 acre-feet of water available and the application complies with safe yield criteria.

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.

Brett Bunger, Water Commissioner, Topeka Field Office, recommended in an August 29, 2023 e-mail that the referenced new application should be approved. Based on the above discussion, the provisions of K.A.R. 5-4-4 (well spacing) are met, 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: Bunger, Brett [KDA]
Sent: Tuesday, August 29, 2023 9:32 AM
To: Hemphill, Lloyd [KDA]
Subject: RE: Application, File No. 50,811: For your recommendation

Lloyd, you and I had a brief discussion about this application a short time back. At that time I supported less than minimum spacing and still do. Please proceed with approval.

Brett

From: Hemphill, Lloyd [KDA] <Lloyd.Hemphill@ks.gov>
Sent: Tuesday, August 29, 2023 9:28 AM
To: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>
Subject: Application, File No. 50,811: For your recommendation

Brett,

Will you provide your recommendation on Application, File No. 50,811 for John Poppelreiter? This is an application for an existing irrigation well in the KS River alluvium. The new permit will solve a relatively small overpumping issue.

The only unusual item is that this well is located less than 1,320 feet from another permitted irrigation well. However, it appears that this particular well spacing is not necessary to prevent direct impairment and the application meets the provisions of K.A.R 5-4-4. See the memo for more discussion.

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
Office: (785) 296-5733

Well owners within ½ mile of the proposed point of diversion

File No. 24,389 (Irrigation)
HOWARD D FRENCH
4431 NW CAPPER RD
ROSSVILLE, KS 66533-9732

File No. 28,644 & 49,462 (Irrigation)
SHARON NICKOLS RICHARDSON ET AL
4307 STONEBRIDGE CT
CHAMPAIGN, IL 61822-9339

File No. 48,112 (Irrigation)
KANSAS RIVER PROPERTIES LLC
PO BOX 668
MANHATTAN, KS 66505-0668

Water Rights and Points of Diversion Within 2 miles of point defined as:

952 Feet N and 1370 Feet W of the Southeast Corner of Section 36 Twp 10S Rng 12E

Located at: 96.022021 West Longitude and 39.132129 North Latitude

GROUNDWATER ONLY

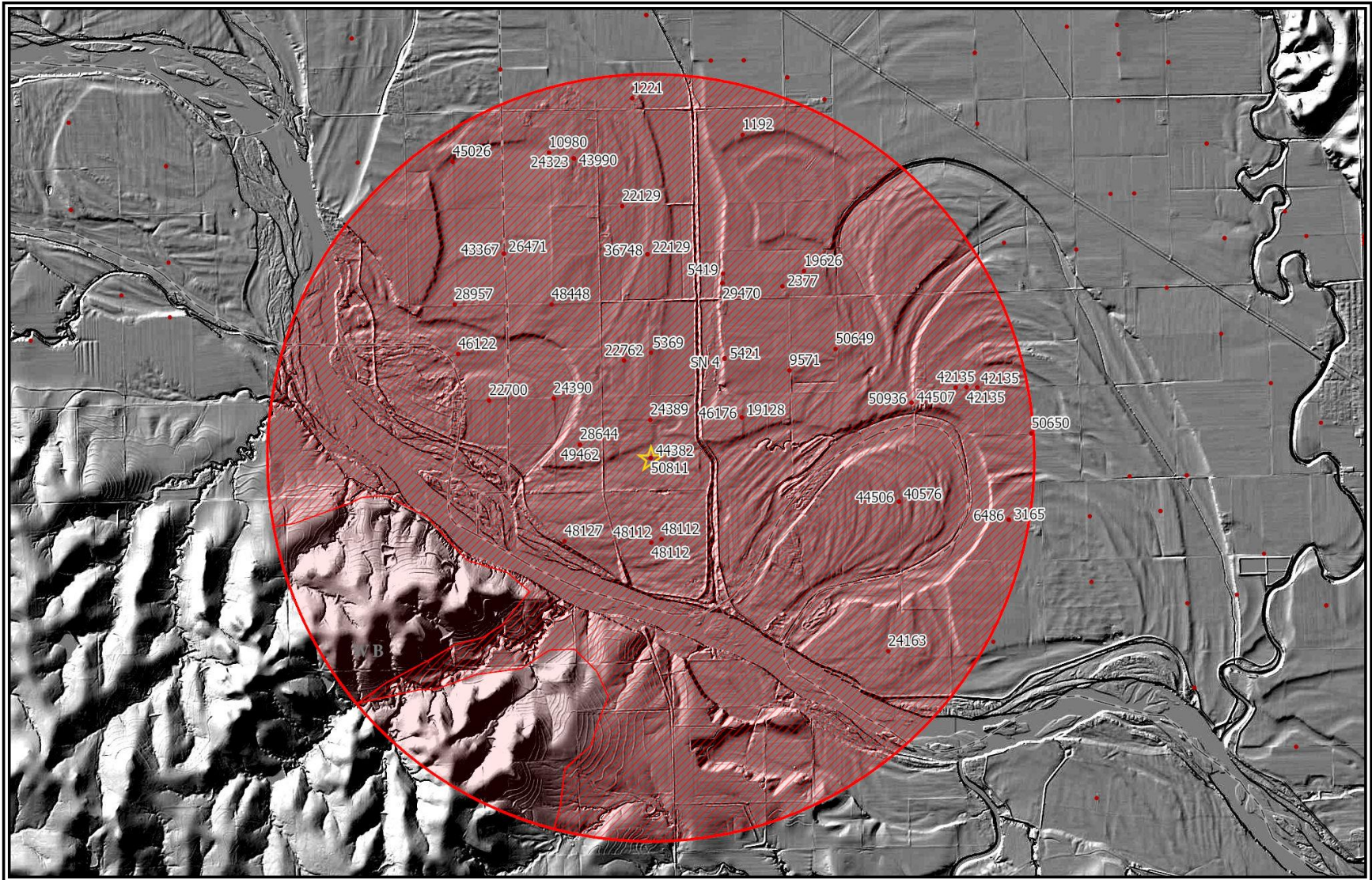
File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth	Quan	Add_Quan	Unit
A__	1192	00	IRR	NK	G	9293	--	SW	NE	NW	4534	3835	30	10	13E	7		306.00	306.00	AF
A__	1221	00	IRR	NK	G	9958	--	SE	SW	SE	-----	-----	24	10	12E	1		134.00	134.00	AF
A__	2377	00	IRR	NK	G	5935	--	SE	SE	SW	-----	-----	30	10	13E	3		42.00	42.00	AF
A__	3165	00	IRR	NK	G	10058	--	NW	SE	NE	3767	849	5	11	13E	2		79.00	79.00	AF
A__	5369	00	IRR	NK	G	2858	--	NW	SE	NE	3800	1250	36	10	12E	1		160.00	160.00	AF
A__	5419	00	IRR	NK	G	5474	--	NC	SW	SW	700	4450	30	10	13E	5		50.00	50.00	AF
A__	5421	00	IRR	NK	G	3449	--	NE	SW	NW	3600	4480	31	10	13E	1		40.00	40.00	AF
A__	6486	00	IRR	NK	G	10058	--	NW	SE	NE	3767	849	5	11	13E	2		147.00	68.00	AF
A__	9571	00	IRR	NK	G	4622	--	CE	SE	NW	3290	2670	31	10	13E	2		37.00	37.00	AF
A__	10980	00	IRR	NK	G	9152	--	SE	NW	NW	-----	-----	25	10	12E	2		62.00	62.00	AF
A__	19128	00	IRR	NK	G	2839	--	NE	NW	SW	2025	4020	31	10	13E	3		67.00	67.00	AF
A__	19626	00	IRR	NK	G	6687	--	NW	SW	SE	700	2200	30	10	13E	2		40.00	40.00	AF
A__	22129	00	IRR	NK	G	5642	--	SE	NW	SE	1331	1365	25	10	12E	10		60.00	60.00	AF
Same						6966	--	CN	NW	SE	2630	2028	25	10	12E	3		57.00	57.00	AF
A__	22700	00	IRR	NK	G	4742	--	--	--	--	2599	482	35	10	12E	1		38.00	38.00	AF
A__	22762	00	IRR	NK	G	2792	--	NW	SW	NE	3661	2045	36	10	12E	2		94.00	94.00	AF
A__	24163	00	IRR	NK	G	8471	--	SE	SW	SW	192	4300	5	11	13E	7		60.00	60.00	AF
A__	24323	00	IRR	NK	G	8491	--	NC	E2	NW	3960	3300	25	10	12E	5		49.00	49.00	AF
A__	24389	00	IRR	NK	G	1053	--	NE	NW	SE	2004	1353	36	10	12E	7		40.00	40.00	AF
A__	24390	00	IRR	NK	G	3106	--	--	NC	W2	2650	3970	36	10	12E	9		120.00	120.00	AF
A__	26471	00	IRR	NK	G	6883	--	--	CW	SW	1390	5270	25	10	12E	9		78.00	78.00	AF
A__	28644	00	IRR	NK	G	2004	--	NC	E2	SW	1300	3350	36	10	12E	5		36.60	36.60	AF
A__	28957	00	IRR	NK	G	6886	--	SE	SW	SE	58	1377	26	10	12E	3		88.00	88.00	AF
A__	29470	00	IRR	NK	G	4519	--	NE	NW	NW	4830	4400	31	10	13E	4		45.00	.00	AF
A__	36748	00	IRR	NK	G	5642	--	SE	NW	SE	1331	1365	25	10	12E	10		11.00	11.00	AF
A__	40576	00	IRR	NK	G	6971	--	--	--	--	4347	3882	5	11	13E	5		42.00	42.00	AF
A__	42135	00	IRR	NK	G	8658	--	SW	SE	NW	2645	3414	32	10	13E	2	B2	89.00	89.00	AF
Same						8950	--	SE	SE	NW	2641	3117	32	10	13E	1	G2			
Same						9241	--	NE	NE	SW	2637	2819	32	10	13E	3	B2			
A__	43367	00	IRR	NK	G	6883	--	--	CW	SW	1390	5270	25	10	12E	9		53.00	53.00	AF
A__	43990	00	IRR	NK	G	8491	--	NC	E2	NW	3960	3300	25	10	12E	5		67.00	18.00	AF
A__	44382	00	IRR	NK	G	0	--	NE	SW	SE	952	1370	36	10	12E	8		41.00	41.00	AF
A__	44506	00	IRR	NK	G	6971	--	--	--	--	4347	3882	5	11	13E	5		63.00	21.00	AF
A__	44507	00	IRR	NK	G	7379	--	NW	NW	SW	2259	4643	32	10	13E	4		62.00	62.00	AF
A__	45026	00	IRR	NK	G	9857	--	--	NC	NE	4009	1340	26	10	12E	5		130.00	130.00	AF
A__	46122	00	IRR	NK	G	6053	--	--	NC	NE	3902	1313	35	10	12E	2		69.00	69.00	AF
A__	46176	00	IRR	NK	G	2839	--	NE	NW	SW	2025	4020	31	10	13E	3		45.00	.00	AF
A__	48112	00	IRR	NK	G	2271	--	--	--	--	3323	183	1	11	12E	5	B2	80.00	80.00	AF
Same						2303	--	--	--	--	3281	324	1	11	12E	8	G2			
Same						2343	--	--	--	--	3239	464	1	11	12E	7	B2			
A__	48127	00	IRR	NK	G	3319	--	--	--	--	3337	2867	1	11	12E	6		68.00	68.00	AF
A__	48448	00	IRR	NK	G	5051	--	--	CN	NW	5260	4008	36	10	12E	10		37.00	37.00	AF
A__	49462	00	IRR	NK	G	2004	--	NC	E2	SW	1300	3350	36	10	12E	5		80.00	43.40	AF
A__	50649	00	IRR	GY	G	5939	--	NE	SW	NE	3785	1436	31	10	13E	6		80.00	80.00	AF
A__	50650	00	IRR	GY	G	10554	--	SE	NW	SE	1326	1352	32	10	13E	5		80.00	80.00	AF
A__	50811	00	IRR	AY	G	0	--	NE	SW	SE	952	1370	36	10	12E	8		66.00	66.00	AF
A__	50936	00	IRR	AY	G	7379	--	NW	NW	SW	2259	4643	32	10	13E	4		90.00	.00	AF
VSN	4	00	IRR	AA	G	3449	--	NE	SW	NW	3600	4480	31	10	13E	1		20.00	20.00	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	66.00	.00
Total Permitted Amount (AF) =	203.40	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	2526.60	.00
Total Vested Amount (AF) =	20.00	.00
TOTAL AMOUNT (AF) =	2816.00	.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.

Safe Yield Report Sheet
Water Right- A5081100
Point of Diversion in 36-10S-12E
Footages from SE corner- 952 feet North 1,370 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 3,764.02 AF.

Total prior appropriations in the circle is 2,816.00 AF.

Total quantity of water available for appropriation is 948.02 AF.

Safe Yield Variables

The area used for the analysis is set at 7,085 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 11-AUG-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 43 water rights and 38 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 1192 00	IRR	NK	G		SW	NE	NW	4534	3835	30	10	13E	7	WR	306.00	306.00	306.00	306.00
A 1221 00	IRR	NK	G		SE	SW	SE	0	0	24	10	12E	1	WR	134.00	134.00	140.00	140.00
A 2377 00	IRR	NK	G		SE	SE	SW	0	0	30	10	13E	3	WR	42.00	42.00	115.00	115.00
A 3165 00	IRR	NK	G		NW	SE	NE	3767	849	05	11	13E	2	WR	79.00	79.00	104.00	104.00
A 5369 00	IRR	NK	G		NW	SE	NE	3800	1250	36	10	12E	1	WR	160.00	160.00	80.00	80.00
A 5419 00	IRR	NK	G		NC	SW	SW	700	4450	30	10	13E	5	PD	50.00	50.00	115.00	0.00
A 5421 00	IRR	NK	G		NE	SW	NW	3600	4480	31	10	13E	1	WR	40.00	40.00	107.00	0.00
A 6486 00	IRR	NK	G		NW	SE	NE	3767	849	05	11	13E	2	WR	147.00	68.00	104.00	0.00
A 9571 00	IRR	NK	G		CE	SE	NW	3290	2670	31	10	13E	2	WR	37.00	37.00	107.00	0.00
A 10980 00	IRR	NK	G		SE	NW	NW	0	0	25	10	12E	2	WR	62.00	62.00	74.00	74.00
A 19128 00	IRR	NK	G		NE	NW	SW	2025	4020	31	10	13E	3	WR	67.00	67.00	130.00	130.00
A 19626 00	IRR	NK	G		NW	SW	SE	700	2200	30	10	13E	2	WR	40.00	40.00	115.00	0.00
A 22129 00	IRR	NK	G		CN	NW	SE	2630	2028	25	10	12E	3	PD	57.00	57.00	157.00	157.00
Same	IRR	NK	G		SE	NW	SE	1331	1365	25	10	12E	10	PD	60.00	60.00		
A 22700 00	IRR	NK	G					2599	482	35	10	12E	1	WR	38.00	38.00	106.31	106.31
A 22762 00	IRR	NK	G		NW	SW	NE	3661	2045	36	10	12E	2	WR	94.00	94.00	107.00	107.00
A 24163 00	IRR	NK	G		SE	SW	SW	192	4300	05	11	13E	7	WR	60.00	60.00	126.00	126.00
A 24323 00	IRR	NK	G		NC	E2	NW	3960	3300	25	10	12E	5	WR	49.00	49.00	80.00	80.00
A 24389 00	IRR	NK	G		NE	NW	SE	2004	1353	36	10	12E	7	WR	40.00	40.00	40.00	40.00
A 24390 00	IRR	NK	G			NC	W2	2650	3970	36	10	12E	9	WR	120.00	120.00	120.00	120.00
A 26471 00	IRR	NK	G			CW	SW	1390	5270	25	10	12E	9	WR	78.00	78.00	132.00	132.00
A 28644 00	IRR	NK	G		NC	E2	SW	1300	3350	36	10	12E	5	WR	36.60	36.60	80.00	80.00
A 28957 00	IRR	NK	G		SE	SW	SE	58	1377	26	10	12E	3	WR	88.00	88.00	80.00	80.00
A 29470 00	IRR	NK	G		NE	NW	NW	4830	4400	31	10	13E	4	WR	45.00	0.00	107.00	0.00
A 36748 00	IRR	NK	G		SE	NW	SE	1331	1365	25	10	12E	10	WR	11.00	11.00	157.00	0.00

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 40576 00	IRR	NK	G					4347	3882	05	11	13E	5	WR	42.00	42.00	141.12	141.12
A 42135 00	IRR	NK	G		SW	SE	NW	2645	3414	32	10	13E	2	WR	89.00	89.00	136.00	136.00
Same	IRR	NK	G		NE	NE	SW	2637	2819	32	10	13E	3	WR				
Same	IRR	NK	G		SE	SE	NW	2641	3117	32	10	13E	1	WR				
V SN 4 00	IRR	AA	G		NE	SW	NW	3600	4480	31	10	13E	1	WR	20.00	20.00	107.00	107.00
A 43367 00	IRR	NK	G			CW	SW	1390	5270	25	10	12E	9	WR	53.00	53.00	132.00	0.00
A 43990 00	IRR	NK	G		NC	E2	NW	3960	3300	25	10	12E	5	WR	67.00	18.00	80.00	0.00
A 44382 00	IRR	NK	G		NE	SW	SE	952	1370	36	10	12E	8	WR	41.00	41.00	66.00	66.00
A 44506 00	IRR	NK	G					4347	3882	05	11	13E	5	WR	63.00	21.00	141.12	0.00
A 44507 00	IRR	NK	G		NW	NW	SW	2259	4643	32	10	13E	4	WR	62.00	62.00	76.50	76.50
A 45026 00	IRR	NK	G			NC	NE	4009	1340	26	10	12E	5	WR	130.00	130.00	138.00	138.00
A 46122 00	IRR	NK	G			NC	NE	3902	1313	35	10	12E	2	WR	69.00	69.00	106.31	0.00
A 46176 00	IRR	NK	G		NE	NW	SW	2025	4020	31	10	13E	3	WR	45.00	0.00	130.00	0.00
A 48112 00	IRR	NK	G					3323	183	01	11	12E	5	WR	80.00	80.00	124.00	124.00
Same	IRR	NK	G					3239	464	01	11	12E	7	WR				
Same	IRR	NK	G					3281	324	01	11	12E	8	WR				
A 48127 00	IRR	NK	G					3337	2867	01	11	12E	6	WR	68.00	68.00	68.00	68.00
A 48448 00	IRR	NK	G			CN	NW	5260	4008	36	10	12E	10	WR	37.00	37.00	67.00	67.00
A 49462 00	IRR	KK	G		NC	E2	SW	1300	3350	36	10	12E	5	WR	80.00	43.40	80.00	0.00
A 50649 00	IRR	GY	G		NE	SW	NE	3785	1436	31	10	13E	6	WR	80.00	80.00	80.00	80.00
A 50650 00	IRR	GY	G		SE	NW	SE	1326	1352	32	10	13E	5	WR	80.00	80.00	80.00	80.00
A 50811 00	IRR	AY	G		NE	SW	SE	952	1370	36	10	12E	8	WR	66.00	66.00	66.00	0.00
A 50936 00	IRR	AY	G		NW	NW	SW	2259	4643	32	10	13E	4	WR	90.00	0.00	90.00	0.00

Limitations

File Number	Seq Num	Limitations
A 6486 00	2	147 AF/YR @ 1380 GPM COM/W #3165 * 147 AF - 79 AF = 68 AF - OK
A 29470 00	2	97AF/YR @1880GPM COM/W SN 004, 5421 & 9571 * 97AF - 20 AF - 40 AF - 37 AF = 0 AF - OK
A 36748 00	1	595 GPM COM/W #22129 * rate limitation
A 43367 00	2	800GPM COM/W #26471 * rate limitation
A 43990 00	2	67AF/YR @ 975GPM COM/W #24323 * 67AF - 49 AF = 18 AF - OK
A 44506 00	2	63AF/YR @ 535GPM COM/W #40576 * 63AF - 42 AF = 21 AF - OK
A 46176 00	2	67 AF/YR @ 980 GPM COM/W #19128 * 67 AF - 67 AF = 0 AF - OK
A 49462 00	1	80 AF/YR @ 1200 GPM COM/W #28644 * 80 AF - 36.6 AF = 43.4 AF - OK


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. 50,811** of the applicant

JOHN POPPELREITER
19157 TURKEY CREEK RD
MAPLE HILL KS 66507-8522

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 15, 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	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL	
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$		
36 - 10S - 12E																33	33	66

3. That the authorized source from which the appropriation shall be made is groundwater to be withdrawn by means of one (1) well located in the Northeast Quarter of the Southwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 36, more particularly described as being near a point 952 feet North and 1,370 feet West of the Southeast corner of said section, in Township 10 South, Range 12 East, Shawnee County, Kansas, located substantially as shown on the aerial photograph 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 **66 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 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 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.

16. 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 condition satisfactory to the Chief Engineer.

17. That the quantity of water and the rate of diversion approved under this permit is further limited to the quantity and rate which combined with Water Right, File No. 44,382, will provide a total not to exceed **66 acre-feet** of water per calendar year to be diverted at a maximum diversion rate not in excess of **800 gallons per minute** (1.78 c.f.s.) for irrigation use 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 *29* day of *August*, 2023, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

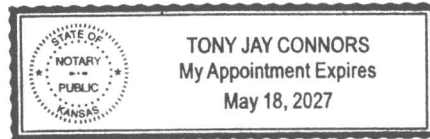
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this *29* day of *August*, 2023, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Tony Jay Connors

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

September 11, 2023

JOHN POPPELREITER
19157 TURKEY CREEK RD
MAPLE HILL KS 66507-8522

RE: Appropriation of Water
File No. 50,811

Dear Mr. Poppelreiter:

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 may be submitted online at www.kswaterusereport.org for no fee. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee.

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
Water Appropriation Program

KAB:kak:lh
Enclosures
pc: 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 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 11 day of September, 2023, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,811, dated August 29, 2023, was mailed postage prepaid, first class, US mail to the following:

JOHN POPPELREITER
19157 TURKEY CREEK RD
MAPLE HILL KS 66507-8522

With photocopies to:

KDA-DWR Topeka Field Office


Division of Water Resources