

File No. **39033** 11. County: **SG** Basin: **ARKANSAS RIVER** Stream: **NA** Formation Code: **113** Special Use:

12. Points of Diversion										Rate and Quantity						
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
MOD			22321	SE SW SW	20	26	1W	2	435	4248		268	6.2	268	6.2	38514

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **REMOVE LIMITATION IT WAS NOT ON CERT**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	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				
MOD	17652	20	26	1W	2																	17.0	8b	NO	38514

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: August 2, 2018

FROM: Leslie Ireland

RE: Water Right,
File Nos. 38,514 & 39,033

Joe Naputi on behalf of Maize USD 266, the owner of the referenced files, has filed applications to change their existing water rights authorized at the Maize Elementary East School. File No. 38,514 proposes to change the place of use, point of diversion and use made of water from municipal and irrigation use to all irrigation use. The proposed change under File No. 39,033 is to make a complete overlap with the irrigation use under File No. 39,033. The applications were received on March 21, 2017, but delayed because the proposed change in point of diversion for File No. 38,514, needing a waiver of well to well spacing.

It would appear that the rights meet the requirements of KSA 82a-718 and 82a-732. The applications comply with K.A.R. 5-5-2a, *Complete change application*. The applicant's publication of a notice of the changes in the local paper November 18, to October 2, 2017, and notification letters sent to nearby well owners located within 1,000 feet of the proposed well did not result in any written comments, but a nearby owner, Ron Garcia, did contact an attorney, Ray Connell, who contacted our legal staff, Aaron Orleen with general questions.

File No. 38,514, is authorized 6.2 acre-feet for irrigation use and 3.77 million gallons per year (mgy) (11.6 acre-feet) for municipal use in the school for a combined total of 17.8 AF from one(1) well located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) approximately 365 feet North and 4,836 feet West of the Southeast corner of Section 20, Township 26 Range 1 West, Sedgwick County, 20-26-1W, that is limited to 268 gallons per minute under either use. The certificate issued in 2001 stated that 16 acres were the maximum acres irrigated during the perfection period. The source of supply for the authorized well has not been determined and there is no well log in DWR files. The KGS records have a of a well log constructed in 1983 for the Maize High School for a well in the (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) 20-26-1W to be a ten inch diameter well constructed to 70 feet comprised of mainly fine to coarse sands with a static water level of 13 feet. The log was shown with the DWR File No. 16,850, but this is a Stanton County well, so it appears this log could represent the well under File No. 38514 and the source of supply could be designated Arkansas River, Main Source Alluvium (Code 113).

File No. 39,033 was originally authorized as a back-up to supply the school as the City of Maize did not have a City wide municipal service. The right permitted as irrigation use was certified for 6.2 AF at 268 gallons per minute with the limitation as shown in the WRIS database being in error as the certificate removed all limitations with No. 38,514. The right authorizes 6.2 AF from one(1) well located in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) approximately 435 feet North and 4,248 feet West of the Southeast corner of Section 20, Township 26 Range 1 West, Sedgwick County. The irrigated place of use for File Nos. 38,514 & 39,033 is currently 17 acres of playing fields in the South half of the Southwest Quarter, (S $\frac{1}{2}$ SW $\frac{1}{4}$) of 20-26-1W. The rights are within the boundaries of the Equus Beds Groundwater Management District No. 2, but are not located within a special use area. The source of supply for File No. 39,033, has been designated as Main Source Alluvium (Code 113) Arkansas River. The well log on file is only for a test hole, but listed a static water level of 16 feet with the depth of 60 feet, with 26 feet of medium to course gravels. It would appear both wells are in the same local source of supply.

File No. 38,514

The requested change to the use made of water is to eliminate the municipal use allowing the 3.77 mgd (11.6 AF) to be changed to the less consumptive use authorizing 17.8 AF at a maximum of 268 gallons per minute under the senior right for irrigation use. It appears the requested change complies with K.A.R. 5-5-3, *Change in consumptive use*. The change in place of use will eliminate the municipal use in the school, with the irrigated acres modified removing the ornamental irrigation use and adding what appears to be playing fields to the North of the school. The total irrigated acres will remain at 17 irrigated acres with the majority in the same area as originally authorized in the Southwest Quarter (SW $\frac{1}{4}$). The requested to change the point of diversion will move the 17.8 AF approximately 592 feet to the well currently authorized by File No. 39,033. The proposed existing well described as being in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) approximately 435 feet North and 4,248 feet West of the Southeast corner of 20-26-1W, has never met spacing to nearby domestic wells, with the closest being approximately 450 feet to the North across the playing field that will be watered by the referenced files. The applicant requested a **waiver of K.A.R 5-22-2(a)(1) & (2)** and worked to obtain written consents from the nearby well owners.

File No. 39,033

The proposed change in place of use is to maintain the overlap in irrigated acres between File Nos. 38,514 & 39,033. The maximum irrigated acres were listed on the certificate as 12 acres and as requested the 17 acres exceeds the required maximum increase of 10 acres or 10% of base as required by part (b) of K.A.R. 5-5-11, *Applications for change in place of use for irrigation purposes*, but complies with part (b)(1) in that the change was filed for creating an identical place of use. The rights are certified and there will be no increase in authorized acres, the place of use will be identical with File No. 38,514. Additionally, the change in use made of water under File No. 38,514, will result in 11.6 acre-feet of water for irrigation use, for a combined total of 24.0 AF for irrigation use under File Nos. 38,514 & 39,033.

As allowed by K.A.R. 5-3-23, *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right, the maximum quantity allowed for irrigation use is 1.5 acre-foot per acre (AF/A) as detailed in K.A.R. 5-3-19(a), Maximum reasonable annual quantity of water for irrigation use, will allow for 25.5 acre-feet per acre. The quantity of water that will be available under File Nos. 38,514 & 39,033 for irrigation use will provide 1.4 AF/A, or 16.9 inches per acre. As required by K.A.R 5-5-12, Net irrigation requirements, for Sedgwick County requires 1.3 AF or 15.6 inches, for the full irrigation of corn and 18.4 inches for full irrigation of turf grass at the 80% chance of rainfall. It appears the quantity is reasonable for the proposed place of use by File Nos. 38,514 & 39,033.*

The changes in point of diversion will move File No. 38,514, to the existing well under File No. 39,033. The currently authorized well under File No. 38,514, is indicated to be plugged. The water rights are subject to Groundwater Management District No. 2, (GMD 2) adopted rules specifically K.A.R. 5-22-3, *Well spacing requirements*, requiring 660 feet to domestic wells and 1,320 feet to all others. The proposed existing well does not meet the required domestic well spacing to several wells and to the groundwater pit under File No. 47,565. The review by GMD 2 indicated the change should not impair the nearby domestic wells as their computation indicated an approximate 0.3 foot drawdown after fifteen days of pumping at 268 gpm or less than a loss of one percent (1%) of the saturated thickness.

In a letter dated June 8, 2018, and received on June 11, 2018, Tim Boese Manager, of GMD 2, summarized the changes and indicated the Board of Directors recommended approval of all the requested changes for the referenced files, with a **waiver of K.A.R. 5-22-2(a)(1) & (2) for File No. 38,514.**

The source of supply for the presently authorized points of diversion being classified as Main Stem Alluvium (Code 113) the change was reviewed for compliance with K.A.R. 5-5-13, *Relocation of alluvial wells*. While the change is approximately 3 miles from the Arkansas River, the area appears to be open to new appropriations and the change would be exempt by part (a) (1) of the regulation.

Jeff Lanterman, Water commissioner of the Stafford Field Office indicated in an email dated August 1, 2018, that he recommended approval of the proposed changes and supported the requested waiver of spacing.

The change to only irrigation use under File No. 38,514 will allow the removal of the rate limitation. Water meters meeting K.A.R. 5-1-4 through K.A.R. 5-1-12. and a check valve (if any chemical or foreign substance will be injected into the water through the diversion works) will be a requirement of each approval. They will not be required to submit a WWC-5 as the proposed well is existing, a well plugging agreement for GMD 2 was completed.

Based on the above discussion, that the quantity appears to be justified and will not be wasteful, the changes are reasonable, that consumptive use will not increase, that impairment to existing water rights is unlikely and that no change in the source of supply will occur, it is recommended that the applications for change be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777

900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov



GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

FILE COPY

UNIFIED SCHOOL DISTRICT #266
RICHARD BELL ASST SUPT
905 W ACADEMY AVE
MAIZE KS 67101-4000

August 8, 2018

RE: Water Right, File Nos. 38,514 & 39,033

Dear Mr. Bell:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture approval of the applications for change under the referenced files.

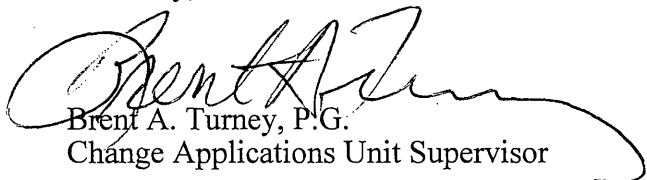
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is that a water flowmeter meeting 5-1-4 through 5-1-12 must be installed on the diversion works authorized under the referenced files. Please complete and return the enclosed form, *Notification of Completion of the Diversion Works and/or Installation of Flowmeter Installation*.

Since the enclosed orders modifies the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

If you have any questions, regarding the enclosed approval document please contact Leslie Ireland, Environmental Scientist, at (785) 564-6633. Should you have questions regarding the meter requirement please contact Jeff Lanterman, Water Commissioner, at the Stafford Field Office at (620) 234-5311. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,


Brent A. Turney, P.G.
Change Applications Unit Supervisor

BAT:LI:li
Enclosures
pc: Stafford Field Office
Groundwater Management District No. 2

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE
WATER RIGHT, FILE NO. 39,033**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Joe Naputi, Maintenance Manager, Unified School District #266, 905 W Academy Avenue, Maize, Kansas 67101- 4000, received in this office on March 21, 2017, for approval of a change in the use made of water, place of use and point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after on the following described property:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
20 26S 1W											16.0	1.0					17.0

a total of 17.0 acres in Township 26 South, Range 1West, Sedgwick County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the place of use.

All diversion works 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.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right for each approved use of water, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 39,033, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated May 22, 2001.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

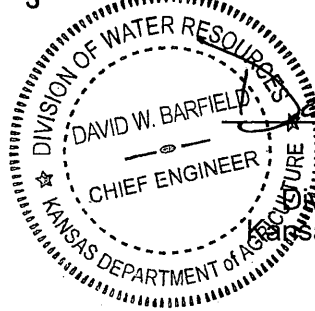
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 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.

Any request for a hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax (785) 564-6777.

Ordered this 6th day of August, 2018, at Topeka, Shawnee County, Kansas.



David W. Barfield

 David W. Barfield
 Chief Engineer
 Division of Water Resources
 Kansas Department of Agriculture

State of Kansas)
) SS
 County of Riley)

The foregoing instrument was acknowledged before me this 6th day of August 2018, by David W. Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

 KAREN HUNTER
 My Appointment Expires
 October 24, 2018 *Karen Hunter*

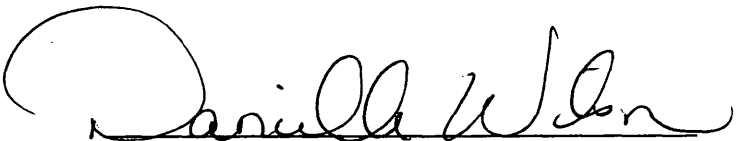
CERTIFICATE OF SERVICE

On this ^{8th} day of August, 2018, I hereby certify that the attached Approval of Application for Change under Water Right, File No. 39,033, dated August 6, 2018 was mailed postage prepaid, first class, US mail to the following:

Unified School District #266
Richard Bell Assistant Superintendent
905 W Academy Ave
Maize KS 67101-4000

With photocopies to:

Stafford Field Office
Groundwater Management District No. 2


Division of Water Resources

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

KS DEPT OF AGRICULTURE

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- Point of Diversion
- Use Made of Water

(Check one or more)

WATER RESOURCES
RECEIVED

MAR 21 2017

8:27

KS DEPT OF AGRICULTURE

WATER RESOURCES
RECEIVED

File No. 39033

2. Name of applicant: Maize USD 266

Address: ~~11611 W 49th St. N~~

905 W. Academy Ave

Effective 7/1/14

City, State and Zip: Maize, KS 67101

Phone Number: (316)729-4781

E-mail address: gbeaushaw@usd266.com

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: Maize USD 266

Address: ~~11611 W 49th St. N~~

905 W Academy Ave

Effective 7/1/14

City, State and Zip: Maize, KS 67101

Phone Number: (316)729-4781

E-mail address: gbeaushaw@usd266.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): Applicant seeks to combine two water rights to accommodate for quantity used by watering playing fields and school grounds.

Permit no 39033 and 38514 will have identical place of use and overlapping PD.

The change(s) (was) (will be) completed by 8/1/2017

(Date)

For Office Use Only:

F.O. 2 GMD 2 Meets K.A.R. 5-5-1 (YES/NO) Use MUN/FRP Source CS County SG By AW Date 3/21/17
 Code CPU Fee \$ 200 TR # _____ Receipt Date 3/21/2017 Check # 130065

APPLICATION COMPLETE

6/11/18
Reviewer LB

APPLICATION COMPLETE

[Signature]
Reviewer _____

3/23/2017 AW

4. The presently authorized place of use is:

Owner of Land — NAME: Maize USD 266

ADDRESS: 4600 N Maize Rd. Maize, KS 67101

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
20	26	1W										16	1					17	

List any other water rights that cover this place of use. File no 38514

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: Maize USD 266

ADDRESS: 4600 N Maize Rd. Maize, KS 67101

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
20	26	1W										16	1					17	

List any other water rights that cover this place of use. File No 38514

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

6. The presently authorized point(s) of diversion is 1 Well
(Provide description and number of points)

7. The proposed point(s) of diversion is 1 Well
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SE Quarter of the SW Quarter of the SW Quarter of Section 20, Township 26 South, Range 1 W (E/W), in Sedgwick County, Kansas, 435 feet North 4248 feet West of Southeast corner of section.
 Authorized Rate 268 Ltd Authorized Quantity 6.2 Ltd
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____

WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

MAR 21 2017

12. The presently authorized use of water is for Irrigation purposes.
It is proposed that the use be changed to Irrigation purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
Water Right 38514 PD will overlap 39033

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 6.2 Ltd (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to 268 Ltd gallons per minute (.597 c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- a. If a change in the location of the point(s) of diversion is proposed, show:
 - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

Limited to 6.2 Acre feet and 268 GPM when combined with 38514 as per certificate of 39033

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor; punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at February Maize, Kansas, this 27th day of February, 20 17.

[Signature]
(Owner)

(Spouse)

Joe Naputi
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

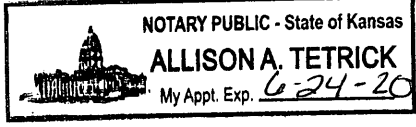
(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of _____ } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 27th day of February, 20 17.

[Signature]
Notary Public

My Commission Expires 6-24-20

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

WATER RESOURCES
RECEIVED

MAR 21 2017

Ireland, Leslie [KDA]

From: Lanterman, Jeff [KDA]
Sent: Wednesday, August 1, 2018 4:41 PM
To: Ireland, Leslie [KDA]
Cc: Conant, Cameron [KDA]
Subject: FW: Recommendation for Changes File Nos. 38,513 & 39,033 Maize USD 266
Attachments: 38513x_UMW_munirr to irr PU PD x PU_2_2.docx; 38514 39033 GMD#2 App Review Info.pdf

Leslie;

This one looks OK to approve. It met the GMD #2 meat grinder so it is obviously good with me.

Jeff

From: Conant, Cameron [KDA]
Sent: Wednesday, August 1, 2018 3:13 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Recommendation for Changes File Nos. 38,513 & 39,033 Maize USD 266

Jeff, I'd like to come over and discuss this when you have a bit of time.

In short it is a p/d, p/u, umw change on 38514 & 39033 for USD 266 (Maize) . This will be a complete overlap in place of use, change from partial irrigation/municipal use to only irrigation, and pd change from 2 wells to a single, existing well.

GMD#2 has recommended approval with no additional conditions, except to make sure the well is more accurately described with actual GPS footages, they have also recommended a spacing waiver from the existing domestic wells. Please see the attached GMD review, these are always quite complete and helpful during our review!

Ron Garcia was notified and his attorney contacted KDA legal about the packet of applications but nothing was ever submitted in writing and no concerns were verbally expressed. GMD#2 did run a generic drawdown and noted a worst case scenario of 0.3' of potential impact at the nearest domestic well.

I think this entire packet can be recommended for approval with the spacing waiver (Leslie, please make sure the file is only referencing 38514 in the memos). Please pass on to Leslie if you agree and feel free to call me over if you want to discuss a bit more.

Cameron

From: Ireland, Leslie [KDA]
Sent: Monday, July 16, 2018 9:53 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Recommendation for Changes File Nos. 38,513 & 39,033 Maize USD 266

Recommendation? Sorry,,,,,Know you've been busy with the drought...

From: Ireland, Leslie [KDA]
Sent: Tuesday, June 12, 2018 12:31 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Recommendation for Changes File Nos. 38,513 & 39,033 Maize USD 266

Jeff & Cameron

Please let me know if you could recommend these changes. A waiver for the PD Change has been recommended by the GMD.

As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

JEFF WINTER, PRESIDENT
VIN KISSICK, VICE PRESIDENT
ALAN BURGHART, SECRETARY
MIKE MCGINN, TREASURER
TIM BOESE, MANAGER
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:
DAVID BOGNER
JOE PAJOR
DALE SCHMIDT
BOB SEILER
DAVID STROBERG

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

June 8, 2018

Chief Engineer, Division of Water Resources
Attn: Leslie Ireland
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Change Applications – Water Right Nos. 38514 & 39033 – Maize USD 266

Dear Ms. Ireland:

The referenced change in use made of water, place of use, and point of diversion application no. 38514 and change in place of use application no. 39033 were reviewed by the Equus Beds Groundwater Management District No. 2 Board of Directors at the June 6, 2018, meeting. District staff presented information regarding the application and a Maize USD 266 representative was also present. A copy of the District's Application Review Information report is enclosed for your information.

Upon review of the information presented and discussed at the meeting, and based on findings that:

1. Application no. 38514 does not comply with the Well Spacing Rule and Regulation K.A.R. 5-22-2(a)(1) & (2), as the proposed point of diversion does not meet the minimum spacing requirement of 1320 feet to the edge of groundwater pit no. 47565 and 660 feet to domestic wells.
2. Application no. 39033 does not comply with the District's Change Applications Regulation K.A.R. 5-22-8(c)(2), as the proposed 17 acre place of use represents a 5 acre (41.7%) increase in the 12 base acres authorized, which does not comply with the Division of Water Resources' Applications for Change In Place of Use for Irrigation Purposes Regulation K.A.R. 5-5-11(b), unless the change application pending on water right no. 38514 is approved so as to create an identical place of use overlap between the water rights.
3. The proposed combined rate and quantity of applications 38514 and 39033 is 268 gallons per minute and 17.8 acre-feet for irrigation use on 17 acres of athletic fields and school lawns from one well most accurately described in the Southeast quarter of the Southwest quarter of the Southwest quarter (331'N & 4222'W), Section 20, Township 26 South, Range 1 West.
4. No new well will be drilled under this application. The change applications, if approved, would authorize additional quantity to be drawn out of the well currently authorized by water right no. 39033.
5. The point of diversion (well) currently authorized by water right no. 39033, and proposed by change application no. 38514, is most accurately described as being 331'N and 4222'W of the southeast corner of Section 20 Township 26 South, Range 1 West which is 107 feet south of the authorized location.

Water Resources
Received

JUN 11 2018

THE DISTRICT WILL REPLY TO ANY COMMENTS BY JUN 11 2018. Application Approved: 38514, 39033, Maize USD 266.docx

KS Dept Of Agriculture

SCANNED



6. The applicant sent written spacing waiver requests to homeowners within 660 feet and obtained written consent from 15 of a total 40 well owners within 660 feet of the proposed location.
7. The past operation of the well authorized by water right no. 39033 and proposed by no. 38514 change application has had no known detrimental impacts to nearby wells.
8. A drawdown calculation using the maximum authorized pumping rate (268 GPM) continuously for 15 days to reach the maximum authorized quantity (17.8 AF), would likely cause less than 0.3 feet of drawdown at the nearest domestic well.
9. The minimal drawdown created by pumping of the proposed well will not likely impair existing senior domestic and non-domestic points of diversion.
10. Hydrologic data indicates that saturated thickness in the application area is approximately 141 feet and that the groundwater level in the area has been stable and has not shown a declining trend.
11. The Board of Directors has previously reviewed similar applications that did not meet well spacing requirements and recommended exceptions to the Well Spacing Rule and Regulation K.A.R. 5-22-2 and recommended the applications for approval.

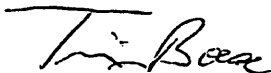
It was the decision of the Board of Directors to recommend to the Chief Engineer that:

1. The currently authorized well location footage measurements for no. 39033, and the proposed point of diversion footage measurements for 38514, be corrected to the actual well location which was determined by staff using a handheld GPS receiver to be most accurately described as a point located near 331'N & 4222'W of the southeast corner of Section 20, Township 26 South, Range 1 West.
2. Application no. 38514 be granted exceptions to the Well Spacing Rule and Regulation K.A.R. 5-22-2(a)(1) & (2), and that application nos. 38514 and 39033 be recommended for approval.

A District Board of Director's decision may be requested for reconsideration by the Board by submitting a written request to the District office within 15 days from the date of this notification, pursuant to K.A.R. 5-22-12.

Please contact the District if you have any questions regarding the District's findings or recommendation.

Sincerely,
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2



Tim Boese
Manager

TDB/sf
Enclosure

pc: Richard Bell, Maize USD 266
Steve Williams, Maize USD 266
Joe Naputi, Maize USD 266

cc: Jeff Lanterman, Division of Water Resources, Stafford

Levison

11/10/11

RECEIVED BY THE CHIEF ENGINEER 11/10/11 10:00 AM

11/10/11 10:00 AM

11/10/11

APPLICATION REVIEW INFORMATION

NAME <u>Maize USD 266</u>	APPLICATION NO. <u>38514 & 39033</u>
ADDRESS <u>905.W Academy Ave</u> <u>Maize, KS 67101</u>	CHANGE APP. <u>X</u>
	COUNTY <u>Reno</u> TRACT <u>SE-SW-SW</u>
	WELL LOCATION <u>S 20 T 26S R 1W</u>
COMB QUANT <u>17.8 AF/Y</u> RATE <u>268 GPM</u>	CHG. P/U <u>X</u>
WELL SPACING <u>D<660', ND<1320'</u>	CHG. P/D <u>X</u>
	CHG. USE <u>X</u>

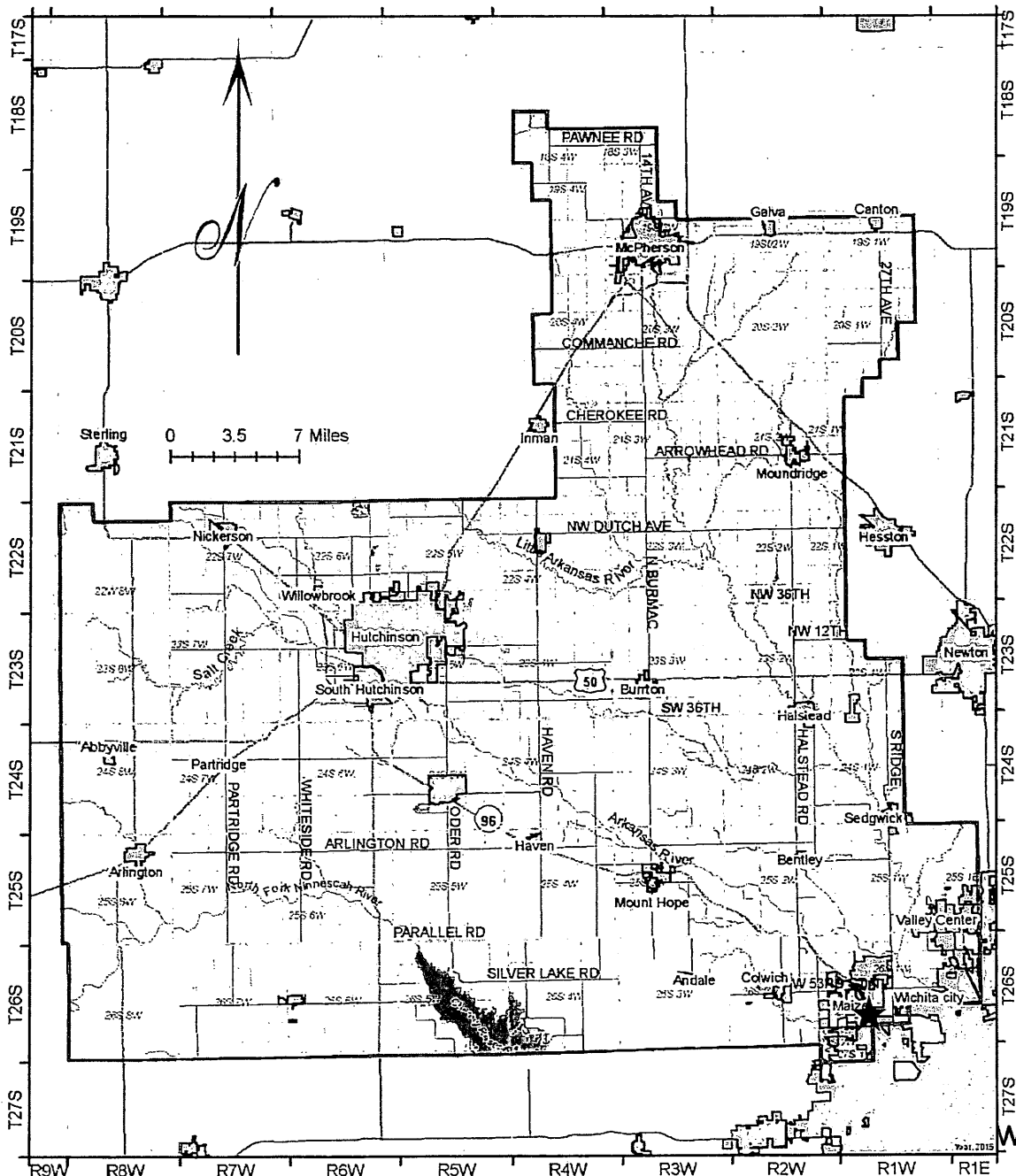


Figure 1. General location of application within the District indicated by the red star.

Water Resources Received

JUN 11 2018

Water Right No. 38514

Water right no. 38514 is currently authorized for 268 GPM and 6.2 AF/Y for irrigation use and 11.57 AF/Y for municipal use. The water right is authorized for a 17-acre place of use on nearby athletic fields and school lawns. There are 16 base acres according to DWR. The well location is authorized for a point near 365'N and 4836'W of the Southeast Corner of Sec. 20 Township 26 South, Range 1 West and is identified in Figure 2. The well is located inside of the school building. However, this well was plugged in 2015.

The change application filed on water right no. 38514 proposes to:

- 1) Change the use made of water from municipal and irrigation use to just irrigation use
- 2) Modify the place of use and identically overlap the place of use proposed by the change application pending on water right no. 39033 to create an 17-acre place of use covering athletic fields and recently acquired school lawns and;
- 3) Move the point of diversion from inside of the school to the existing well authorized by water right no. 39033, which is located 592 feet east-northeast in the Southwest quarter of the Southwest quarter of the Southwest quarter (435'N & 4248'W), Section 20, Township 26 South, Range 1 West, Sedgwick County. The actual location of the well authorized by water right no. 39033 and proposed by water right no. 38514 was located by District Staff using a handheld GPS receiver and was determined to most accurately be located 331'N & 4222'W of the southeast corner of Section 20, Township 26 South, Range 1 West, which is 107 feet south of the authorized well location (Figure 3).

The proposed point of diversion does not comply with the Well Spacing Rule and Regulation K.A.R. 5-22-2(a)(1), as the proposed point of diversion is within 1320 feet of the edge of groundwater pit no. 47565 (Figure 2). In 2011, Maize USD 266 signed a spacing consent form to allow pit no. 47565 to be located within 1320 feet of well authorized by water right no. 39033.

The proposed point of diversion does not comply with the Well Spacing Rule and Regulation K.A.R. 5-22-2(a)(2), as the proposed point of diversion is within 660 feet of 40 domestic wells (Figures 2 & 3). The applicant sent letters and spacing consent forms to all 40 well owners within 660 feet of the actual well location (Figure 3 & Attachment B & C). The applicant was able to obtain signed spacing consent forms in compliance with domestic well spacing exemption criteria K.A.R. 5-22-2(e)(4) from 15 domestic well owners within 660 feet of the proposed well. 24 owners did not respond to the spacing consent request. One owner responded with a written refusal and stated that they do not grant permission for the school's well to be located less than the required minimum well spacing distance to their well (Figure 3).

The proposed place of use complies with the District's Change Applications Regulation K.A.R. 5-22-8(c)(2), as the proposed 17 acre place of use represents a 1 acre (6.25%) increase in the 16 base acres authorized, which complies with the Division of Water Resources' Applications for Change In Place of Use for Irrigation Purposes Regulation K.A.R. 5-5-11(b), which limits the place of use increase to 10 acres or 10% (whichever is less) of the base acres.

Staff Recommends:

1. The currently authorized well location footage measurements for no. 39033, and the proposed point of diversion footage measurements for 38514, be corrected to the actual well location which was determined by staff using a handheld GPS receiver to be most accurately described as a point located near 331'N & 4222'W of the southeast corner of Section 20, Township 26 South, Range 1 West.
2. Application no. 38514 be granted exceptions to the Well Spacing Rule and Regulation K.A.R. 5-22-2(a)(1) & (2), and that application nos. 38514 and 39033 be recommended for approval.

Attachment B: Spacing consent request and included map (Attachment C).



January 10th, 2018

Attention: Property Owner

Subject: Irrigation well , change of point

This letter is to inform any residential owners in and near the property of Maize USD 266 at the address of 4600 N. Maize Rd (Maize Middle School) that a well was drilled and installed back during the 2007 building remodel. To ensure that we are compliant with the Equus Beds Groundwater Management in District #2 the following is needed on behalf of the district so that the proper paperwork can be filed. Maize Middle School is equipped with a groundwater well that feeds all irrigation systems on the premises. Our well sets within a 660 ft radius of any residential owned wells as shown on map. With that said, we are obligated to notify all homeowners within that radius area. Attached are the forms needed by the district acknowledging your awareness of this well located on property. If you have any questions or concerns please feel free to contact me at the district office. Please use the enclosed self addressed stamped envelope and return to the district office attention Joe Naputi as soon as possible.

We appreciate your cooperation to this matter.

Thanks,

Joe Naputi

A handwritten signature in black ink that reads 'Joe Naputi'.

Director of Maintenance and Grounds
Maize USD #266
905 W. Academy
Maize, Ks 67101
316-722-0614
jnaputi@usd266.com

JEFF WINTER, PRESIDENT
VIN KISSICK, VICE PRESIDENT
ALAN BURGHART, SECRETARY
MIKE MCGINN, TREASURER
TIM BOESE, MANAGER
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:
DAVID BOGNER
JOE PAJOR
DALE SCHMIDT
BOB SEILER
DAVID STROBERG

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

June 8, 2018

Richard Bell, Assistant Superintendent – Personnel & Operations
Maize USD 266
905 W Academy Ave.
Maize, KS 67101

Re: Water Right, File Nos. 38514 & 39033

Dear Mr. Bell:

The Equus Beds Groundwater Management District No. 2 made a recommendation to the Division of Water Resources that change application Nos. 38514 and 39033 be approved. Pursuant to K.A.R. 5-22-4a, the well described in the applications must be equipped with a District approved water flowmeter. The well is located in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter of Section 20, Township 26 South, Range 1 West, Sedgwick County.

The well must be properly equipped with an approved meter within 30 days after the approved well is operational and prior to its operation. If more time is needed to install the meter or modify an existing meter installation, you may request an extension of time. The request must be made to the District before the end of the 30-day period.

Enclosed is a Flow Meter Installation form to be completed and returned to this office after completion of the meter installation or modifications. A copy of the Division of Water Resources' meter installation notification form (Notice and Proof of Completion of Works) may be substituted in place of the District form. Upon receiving the completed form, the District will inspect the installation.

Also enclosed is a copy of water meter and installation specifications. The water meter must meet these specifications and the list of certified water meters provided under K.A.R. 5-1-12, for District approval. The list of certified water meters can be obtained by contacting the District or at following link: <http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-flowmeters>. If you have any questions about the District's metering program or the enclosed material, please contact the District for assistance.

Sincerely,
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

Tim Boese
Manager
TDB/sf

Enclosures

Pc: Joe Naputi, Maize USD 266
Jeff Lanterman, Division of Water Resources, Stafford

Water Resources
Received

JUN 11 2018

KS Dept Of Agriculture

Krueger, Richelle [KDA]

From: Rebecca Wilson <rwilson@gmd2.org>
Sent: Friday, June 8, 2018 4:42 PM
To: Krueger, Richelle [KDA]
Cc: Engelbrecht, Jessica [KDA]
Subject: 38514 39033 Change App Recommendation Letter
Attachments: 38514 39033 Change App Approval Recommendation Letter 6-08-18.pdf; 38514 39033 App Review Info.pdf; 38514 39033 Meter Installation Letter 6-08-18.pdf

Happy Friday!

Attached is an Change Application Approval Recommendation Letter and a Meter Installation Letter from Manager Tim Boese for #38514 and #39033.

Please let me know if you have any difficulty opening the attachments!

Thanks!

Rebecca Wilson

Rebecca Wilson
Administrative Assistant
Equus Beds GMD2
313 Spruce Street
Halstead, KS 67056
316-835-2224
316-835-2225 Fax
rwilson@gmd2.org
www.gmd2.org

Water Resources
Received
JUN 11 2018
KS Dept Of Agriculture

Turney, Brent [KDA]

From: Rebecca Wilson <rwilson@gmd2.org>
Sent: Tuesday, May 15, 2018 8:50 AM
To: Turney, Brent [KDA]; Engelbrecht, Jessica [KDA]
Subject: 38514 39033 Appeal Hearing Letter
Attachments: 38514 39033 Appeal Hearing Letter 5-14-18.pdf; 38514 39033 Appeal Letter 5-10-18.pdf

Good morning!

Attached is an Appeal Hearing letter from Manager Tim Boese, as well as the original appeal letter from USD 266.

Please let me know if you have any difficulty opening the attachments.

Thanks!

Rebecca Wilson

Rebecca Wilson
Administrative Assistant
Equus Beds GMD2
313 Spruce Street
Halstead, KS 67056
316-835-2224
316-835-2225 Fax
rwilson@gmd2.org
www.gmd2.org

WATER RESOURCES
RECEIVED

MAY 15 2018

KS DEPT OF AGRICULTURE

SCANNED



GMD No. 2
Board of Directors
RE: Water Right
File Nos. 38,514 and 39,033

Please accept this letter as a formal appeal of the recommendation to deny requests made by Maize USD 266 in reference to file numbers listed above. We are seeking exemption to K.A.R 5-22-2a(1) and K.A.R. 5-22-2a(2) as it pertains to our well located on the property of Maize Middle School.

As a public school district operating playing fields and other grounds utilized by both the school district and community, we appeal that the rate and quantity used by our facility is representative of a greater population than a residence or business. As such our usage does not impair the neighborhood, rather contribute to the resources available in said neighborhood and the surrounding community. To our knowledge there are no apparent negative impacts to nearby wells in regards to the spacing of domestic wells in this area K.A.R. 5-22-2a(2).

The well in question is an existing well that has been utilized for a number of years. It's spacing to the groundwater pit and proximity to residential wells came to our attention as a result of new staff seeking to ensure compliance. Turnover in operations and maintenance staff has led us to be more aware of restrictions and regulations. Our current staff has been and will continue to be diligent in following such regulations. Our permit is for a minimal rate and quantity and usage continuously monitored by our Grounds Manager.

We appreciate your consideration of this appeal and are willing and able to provide any additional information necessary to advance in this process.

Sincerely,

Richard Bell
Assistant Superintendent
Personnel and Operations

WATER RESOURCES
RECEIVED

MAY 15 2018

KS DEPT OF AGRICULTURE
Educational Support Center
905 W Academy Ave
Maize, KS 67101
usd266.com
phone: 316-722-0614
fax: 316-722-8538

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MAY 10 2018

Equus Beds GMD #2

SCANNED

JEFF WINTER, PRESIDENT
VIN KISSICK, VICE PRESIDENT
ALAN BURGHART, SECRETARY
MIKE MCGINN, TREASURER
TIM BOESE, MANAGER
THOMAS A. ADRIAN, ATTORNEY



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EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

May 14, 2018

Richard Bell, Assistant Superintendent - Personnel & Operations
Maize USD 266
905 W. Academy Ave
Maize, KS 67101

Re: Water Right No. 38514 & 39033 Change Applications – Maize USD 266

Dear Mr. Bell:

The Equus Beds Groundwater Management District No. 2 received your initial Petition of Appeal on April 25, 2018, and final Petition of Appeal on May 10, 2018, in the matter of the District's April 4, 2018, recommendations of the above referenced applications. The petition was found to be in proper form and that, pursuant to K.A.R 5-22-12(b)(4), you are a valid petitioner.

The District Board of Directors will tentatively hear the appeal on Wednesday, June 6, 2018, in the conference room of the Equus Beds Groundwater Management District office, 313 Spruce Street, Halstead, Kansas. The meeting is tentatively planned to begin at 9:30 A.M. A copy of the meeting agenda will be forwarded to you once the agenda is set.

At the appeal hearing, the Board will permit the petitioner to present briefs and may afford any interested party the opportunity to present oral or written arguments, if appropriate.

Please contact the District if you have any questions or need additional information.

Sincerely,
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

Tim Boese
Manager

TDB/db

Pc: Joe Naputi, Maize USD 266
Steve Williams, Maize USD 266
Brent Turney, Division of Water Resources, Manhattan
Jeff Lanterman, Division of Water Resources, Stafford

WATER RESOURCES
RECEIVED

MAY 15 2018

KS DEPT OF AGRICULTURE

H:\MSOFFICE\LETTERS\APP\PetitionofAppeal\#38514_39033_Maize_USD266.docx



SCANNED

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

April 10, 2018

FILE COPY

UNIFIED SCHOOL DISTRICT #266
STEVE WILLIAMS DIRECTOR OF FINANCE
905 W ACADEMY AVE
MAIZE KS 67101-4000

RE: Water Right,
File Nos. 38,514 and 39,033

Dear Mr. Williams:

Reference is made to the Application for Approval of the Chief Engineer to Change the Authorized Place of use, Point of Diversion and Use Made of Water, under File No. 38,514, and the Application for Approval of the Chief Engineer to change the Authorized Place of Use, under File No. 39,033, which were received in this office on March 21, 2017. Upon review of the applications, it is found that the applications cannot be approved as proposed.

We have received recommendations from Equus Beds Groundwater Management District No. 2 that the applications referred to above be denied. These recommendations are based upon the rules and regulations effective within the district and the groundwater management program adopted by the district and approved by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture. The District's review found that the application to change under File No. 38,514, does not comply with the Well Spacing Rule and Regulation K.A.R. 5-22-2(a)(1) and K.A.R. 5-22-2(a)(2). Further, the district has found that the application to change the authorized place of use under File No. 39,033, does not comply with K.A.R. 5-22-8(c)(2) and K.A.R. 5-22-8(d).

For the reasons given above, it will be recommended to the Chief Engineer that the application to change the authorized place of use, point of diversion and use made of water under Water Right, File No. 38,514, and the application to change the authorized place of use under Water Right, File No. 39,033, be denied and dismissed because they do not comply with K. A. R. 5-22-2 and K.A.R. 5-22-8.

We are advising you of this recommendation in order to allow you an opportunity to **consult and appeal to the district** regarding their recommendations, or to submit additional information to show why the evaluations should be reconsidered. **You have a period of 15 days (until April 25, 2018) to either (1) submit additional information to our office or (2) to request additional time beyond the 15 days to submit additional information or to meet with the district.** If you wish to request additional time, you must do so **in writing**, before the 15 day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office.

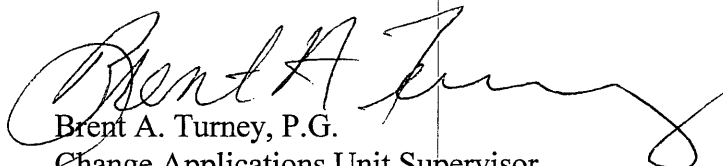
SCANNED

File Nos. 38,514 and 39,033
Page No. 2

If you do not request more time within the 15 day period, or if your request is not granted, the above-referenced applications will be submitted to the Chief Engineer for final decision based on the recommendations stated above. If you do submit additional information within the 15 day period (or any authorized extension), that information will be given due consideration prior to final action on the applications.

If you have any questions, please contact our office, my desk phone number is (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Brent A. Turney, P.G.
Change Applications Unit Supervisor

BAT:bat
pc: Stafford Field Office
Groundwater Management District No. 2

JEFF WINTER, PRESIDENT
VIN KISSICK, VICE PRESIDENT
ALAN BURGHART, SECRETARY
MIKE MCGINN, TREASURER
TIM BOESE, MANAGER
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:
DAVID BOGNER
JOE PAJOR
DALE SCHMIDT
BOB SEILER
DAVID STROBERG

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

April 4, 2018

Chief Engineer, Division of Water Resources
Attn: Leslie Ireland
1320 Research Park Dr.
Manhattan, KS 66502

Water Resources
Received
APR 05 2018
KS Dept Of Agriculture

Re: Water Right No. 39033 Change Application – Maize USD266

Dear Ms. Ireland:

The Equus Beds Groundwater Management District reviewed the referenced change in place of use application on April 4, 2018, using the District's Revised Management Program (effective May 1, 1995) and Rules and Regulations K.A.R. 5-22-1 through 5-22-17.

The application proposes to modify the place of use and remain at a total of 17 acres authorized for irrigation. Additionally, the change application forms an identical place of use overlap with the pending change in place of use, point of diversion, and use made of water application filed on Water Right No. 38514.

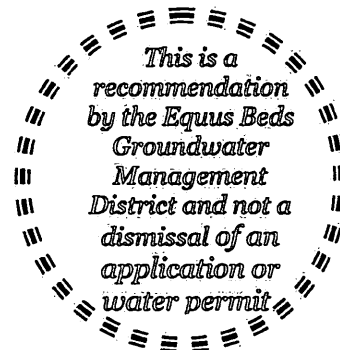
The District's review found that the change application does not comply with the District's Change Applications Regulation K.A.R. 5-22-8(c)(2), as the proposed 17 acre place of use represents a 5 acre (41.7%) increase in the 12 base acres authorized, which does not comply with the Division of Water Resources' Applications for Change In Place of Use for Irrigation Purposes Regulation K.A.R. 5-5-11(b). The change application also does not comply with the over-lapping place of use exemption provision found in K.A.R. 5-22-8(d), as the change application filed on Water Right No. 38514 is being recommended for denial for not complying with minimum well spacing requirements.

Based upon the review findings, the change application is recommended for denial by the Equus Beds Groundwater Management District.

A District decision may be appealed to the District Board of Directors by submitting a written petition to the District office within 30 days from the date of this notification, pursuant to K.A.R. 5-22-12. An appeal petition must state the basis for the appeal and must include information/documentation supporting the appeal.

Sincerely,
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

Tim Boese
Manager
TDB/STF



pc: Joe Naputi, Maize USD 266, with copy of K.A.R. 5-22-12
Steve Williams, Maize USD 266, with copy of K.A.R. 5-22-12
Jeff Lanterman, Division of Water Resources, Stafford

SCANNED

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2 FINAL APPLICATION REVIEW CHECKLIST

1) Application No. 39033 Date filed: March 21, 2017
 2) Proposed maximum quantity: 6.2 LTD acre-feet/year Rate: 268 LTD GPM
 3) Proposed Use: Irrigation
 4) P/D location: SESWSW 20-26S-1W Geo Center: North 435 ft, West 4248 ft
 5) Number and type of points of diversion listed on the application 1 Well

6) Is the well location on the app the same on the evaluation sheet? Yes No
 7) Meter required K.A.R. 5-22-4a or K.A.R. 5-22-8? Yes No, Why
 8) Meets change app requirements K.A.R. 5-22-8? Yes No N/A

9) Meets Safe Yield K.A.R. 5-22-7? Yes No N/A
 9(a) Safe yield analysis total existing appropriations: af/yr
 9(b) Safe yield total allowable appropriations: af/yr
 9(c) Total appropriations for small user exemptions: af/yr
 9(d) Total appropriations for non-consumptive use: af/yr
 9(e) Total appropriations for consumptive use: af/yr
 (total existing appropriations) - (non-consumptive appropriations)
 9(f) exempt from regulation? Yes No,
 Cite exemption:

10) Meets Well Spacing K.A.R. 5-22-2? Yes No N/A
 10(a) POD in enhanced well spacing area? Yes No
 10(b) Domestic well spacing interval: ft
 10(c) Non-Domestic well spacing interval: ft

11) Meets Max Reasonable Quantity K.A.R. 5-22-14? Yes No N/A
 11(a) Irrigation max quantity: 0 acre-feet / acre
 application paragraph 3 value (acre-feet) / proposed acres = Q
 11(b) Stockwater max quantity: GPD unit
 11(c) Industry max quantity: Acre
 Industry standard:
 11(d) Municipal max quantity: GCD
 Lesser of either 200 GCD or
 $1.10 * (X - Y) * 365 d * (z + t)$
 X - Average of last three years usage in Gallons per Capita per Day (GCD)
 Y - water usage for industries that use over 200,000 gal/yr (GCD)
 Z - Projected population in 20 years
 T - Reasonable projected water use for industries that use over 200,000 gallons per year (GCD)
 11(e) Pond max quantity is
 (Net evap + seepage)/12 x pond area + any initial fill
 11(f) Groundwater pit max Q:
 Net evap * pit area/12

12) Reasonable rate for intended use? Yes No N/A
 13) Depth to water: bls at observation well:

14) Date reviewed: April 4, 2018
 15) Reviewed by: T. Boese Title: Manager
 16) District recommendation: Approve Deny Other, see comment

17) Comments and Calculations:

Review completed for a change in PI/Use submitted by Maize USD 266 in SG County. Application proposes to modify the place of use and remain at 17 total acres. Authorized quantity is further limited to 6.2 AF for irrigation with Water Right No. 38514 irrigation quantity of 6.2 AF, so net quantity = 0 AF
 Base acres = 12 acres according to the Certificate
 The proposed place of use forms an identical place of use and PD overlap with change application filed on Water Permit No. 38514. No. 38514 has a pending change in use made of water, place of use, and PD application.
 No. 38514 change application recommended for denial for failure to comply with Well Spacing regulation to domestic and non-domestic PDs.
 Because No. 38514 is being recommended for denial, No. 39033 proposed change in place of use does not comply with K.A.R. 5-5-11(b), as proposed place of use of 17 acres is a 5 acre (41.7%) increase of the 12 base acres. Therefore the application does not comply with the District's Change Application Regulation K.A.R. 5-22-8(c)(2), which requires the change in place of use to comply with K.A.R. 5-5-11(b). Does not comply with identical over-lapping place of use exemption criteria K.A.R. 5-22-8(d). Recommend denial, does not comply with K.A.R. 5-22-8(c)(2) or exemption criteria K.A.R. 5-22-8(d).



1320 Research Park Drive
Manhattan, Kansas 66502
785-564-6700

Secretary Jackie McClaskey

900 SW Jackson, Room 456
Topeka, Kansas 66612
785-296-3556

Governor Jeff Colyer, M.D.

February 7, 2018

EQUUS BEDS
GROUNDWATER MANAGEMENT DISTRICT NO 2
ATTN TIM BOESE - MANAGER
313 SPRUCE
HALSTEAD KS 67056

Re: Water Right, File Nos. 38,514 & 39,033

Dear Mr. Boese:

At the email request of Steve Flaherty on today's date, regarding the March 21, 2017, applications referenced above, the Chief Engineer has extended the time in which to supply the recommendations to March 5, 2018.

As requested we will delay any further action until March 5, 2018. Please submit your recommendations within the allotted time, or any authorized extension of time thereof.

If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

FILE COPY

LI:li

pc: Stafford Field Office
epc: Steve Williams, Unified School District # 266

SCANNED

Ireland, Leslie [KDA]

From: Ireland, Leslie [KDA]
Sent: Wednesday, February 7, 2018 8:54 AM
To: 'Steve Flaherty'
Subject: RE: Maize USD 266 39033, 38514
Attachments: 38514xx_permit_chg 2018 extension 3 to supply _2_2.pdf

Steve ,

Not quite clear on your first sentence. But not to worry. DWR sent the notifications to the nearby letters and then you contacted the school to have them get the know well owners who had wells less than 660 s. We didn't receive any calls from our notification. The last I heard a Ron Garcia not wanting to sign the GMD2 form for the reduction in well to well spacing. So, from the aspect of the possibility of the requested change to cause impairment was going to be investigated. I think Jeff and Tim have talked about the application and what else needs doing. Hence the denial and appeal..

Do you think Gordon Beaushaw is handling the appeal from the school? I have been dealing with Steve Williams and would send the GMD recommends denial to him, like I'm doing with the extension.

Did the extension till March 5th See attached. Oh bet they are getting close to when they want to water...

Think this is going to be an extra busy spring.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

From: Steve Flaherty [mailto:sflaherty@gmd2.org]
Sent: Monday, February 5, 2018 4:18 PM
To: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Subject: Maize USD 266 39033, 38514

Leslie,

Maize USD 266 did not send over any surrounding well owner notifications. I had a phone conversation with them last week and informed Gordon Beaushaw that I would write up the denial and send it out to them. He was okay with that but I will need until the end of the month to write up the denial for this one.

Thanks,

Steve Flaherty, Hydrogeologist
Equus Beds GMD No. 2
313 Spruce Street * Halstead, KS 67056
P: (316) 835-2224 * F: (316) 835-2225
www.gmd2.org

[Twitter](#) [Facebook](#)

SCANNED

Ireland, Leslie [KDA]

From: Ireland, Leslie [KDA]
Sent: Wednesday, February 7, 2018 9:26 AM
To: Wilson, Dani [KDA]
Subject: FW: Water Right File Nos. 38,514 & 39,033 Change Applications
Attachments: 38514xx_permit_chg 2018 extension 3 to supply _2_2.pdf

Please archive

From: Ireland, Leslie [KDA]
Sent: Wednesday, February 7, 2018 9:08 AM
To: 'Steve Williams' <swilliams@usd266.com>
Subject: Water Right File Nos. 38,514 & 39,033 Change Applications

Steve,

The GMD has additional work on the changes because a nearby well owner is not wanting to sign the voluntary reduction in well to well spacing. The standard protocol is.... due to the failure of a consent to reduce well spacing the applications are recommend by the GMD for denial. We inform you via letter of their recommendation. The school must then request an appeal of their recommended denial so the application is reviewed further by us and the GMD for the possibilities of the proposed changes to cause impairment. I think Steve Flaherty has been working with a Gordon Beaushaw.

So at this time, at the GMD's request the Chief Engineer has granted an extension to March 5, 2018, for the GMD to supply the Chief Engineer with their recommendation on the denial.

Please do not hesitate to contact me should you have any questions, at times this seems way to complicated, but the process has its standards of processing.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

SCANNED

Ireland, Leslie [KDA]

From: Ireland, Leslie [KDA]
Sent: Thursday, January 4, 2018 10:54 AM
To: Wilson, Dani [KDA]
Subject: FW: Change Applications File Nos. 38,514 & 39,033
Attachments: 38514xx_permit_chg 2018 extension to supply _2_2.pdf

Dani,

Please add this email & attachment to Docuware for the two files.

Thanks,
Leslie

From: Steve Flaherty [mailto:sflaherty@gmd2.org]
Sent: Thursday, January 4, 2018 10:51 AM
To: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Subject: RE: Change Applications File Nos. 38,514 & 39,033

Thank you!

From: Ireland, Leslie [KDA] [mailto:Leslie.Ireland@ks.gov]
Sent: Thursday, January 4, 2018 10:51 AM
To: Stephen Flaherty <sflaherty@gmd2.org>
Cc: Steve Williams <swilliams@usd266.com>
Subject: Change Applications File Nos. 38,514 & 39,033

Steve,

Per your phone request attached is the extension letter.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

January 4, 2018

EQUUS BEDS
GROUNDWATER MANAGEMENT DISTRICT NO 2
ATTN TIM BOESE - MANAGER
313 SPRUCE
HALSTEAD KS 67056

Re: Water Right, File Nos. 38,514 & 39,033

Dear Mr. Boese:

At the phone call request of Steve Flaherty on today's date, regarding the March 21, 2017, applications referenced above, the Chief Engineer has extended the time in which to supply the recommendations to February 5, 2018.

As requested we will delay any further action until February 5, 2018. Please submit your recommendations within the allotted time, or any authorized extension of time thereof.

If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Ireland".

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li

pc: Stafford Field Office
Steve Williams, Unified School District # 266

FILE COPY

SCANNED

Ireland, Leslie

From: Ireland, Leslie
Sent: Tuesday, December 5, 2017 10:03 AM
To: 'Rebecca Wilson'
Subject: RE: 38514 Extension Request

I'll send the standard extension.
Leslie

From: Rebecca Wilson [mailto:rwilson@gmd2.org]
Sent: Monday, December 4, 2017 3:44 PM
To: Ireland, Leslie <Leslie.Ireland@ks.gov>
Subject: 38514 Extension Request

Good afternoon, Leslie!

Steve Flaherty is requesting an extension to review the change application for file #38514. Please advise.

Thanks!

Rebecca Wilson

Rebecca Wilson
Administrative Assistant
Equus Beds GMD2
313 Spruce Street
Halstead, KS 67056
316-835-2224
316-835-2225 Fax
rwilson@gmd2.org
www.gmd2.org

Ireland, Leslie

From: Ireland, Leslie
Sent: Tuesday, December 5, 2017 10:03 AM
To: 'Rebecca Wilson'
Subject: RE: 39033 Extension Request

I'll send the standard extension
Leslie

From: Rebecca Wilson [mailto:rwilson@gmd2.org]
Sent: Monday, December 4, 2017 3:45 PM
To: Ireland, Leslie <Leslie.Ireland@ks.gov>
Subject: 39033 Extension Request

Good afternoon, Leslie!

Steve Flaherty is requesting an extension to review the change application for file #39033. Please advise.

Thanks!

Rebecca Wilson

Rebecca Wilson
Administrative Assistant
Equus Beds GMD2
313 Spruce Street
Halstead, KS 67056
316-835-2224
316-835-2225 Fax
rwilson@gmd2.org
www.gmd2.org

Ireland, Leslie

From: Steve Flaherty <sflaherty@gmd2.org>
Sent: Tuesday, December 5, 2017 1:50 PM
To: Ireland, Leslie [KDA]
Subject: extension Request 39033 and 38514

Leslie,

I am waiting on some domestic well spacing consent forms from 39033 and 38514. With the holidays I thought I would give the applicant until January 30th to get all of the ~35 spacing consent forms in to me. Would you be willing to give me an extension until February 9th to get a recommendation out? Then the application will likely need to go in front of our board on the February Agenda.

Thanks,

Steve Flaherty, Hydrogeologist

Equus Beds GMD No. 2

313 Spruce Street * Halstead, KS 67056

P: (316) 835-2224 * F: (316) 835-2225

www.gmd2.org

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1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

December 5, 2017

EQUUS BEDS
GROUNDWATER MANAGEMENT DISTRICT NO 2
ATTN TIM BOESE - MANAGER
313 SPRUCE
HALSTEAD KS 67056

FILE COPY

Re: Water Right, File Nos. 38,514 & 39,033

Dear Mr. Boese:

At the request of Steve Flaherty via the email December 4, 2017 email of Rebecca Wilson, regarding the March 21, 2017, applications referenced above, the Chief Engineer has extended the initial time in which to supply the recommendations as requested in our November 13, 2017 letter.

As requested we will delay any further action until January 4, 2018. Please submit your recommendations within the allotted time, or any authorized extension of time thereof.

If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Ireland".

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li

pc: Stafford Field Office
Steve Williams, Unified School District # 266

SCANNED



109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

Dale A. Rodman, Secretary
David W. Barfield, Chief Engineer

Phone: (785) 296-3717
Fax: (785) 296-1176
www.ksda.gov/dwr

Sam Brownback, Governor

November 13, 2017

FILE COPY

EQUUS BEDS
GROUNDWATER MANAGEMENT DISTRICT NO 2
ATTN TIM BOESE MANAGER
313 SPRUCE
HALSTEAD KS 67056

Re: Water Right, File Nos. 38,514 & 39,033
Change Applications Dated March 21, 2017

Dear Mr. Boese:

We are enclosing copies of the change applications referred to above which appear to be in proper form. The public notice and letters sent to the nearby owners identified by the applicant did not result in any comments on the proposed changes.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning these applications.

Please submit your recommendations within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Ireland".

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li
Enclosure

pc: Stafford Field Office
Steve Williams, Unified School District #266

SCANNED



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

March 21, 2017

MAIZE USD 266
905 W ACADEMY AVE
MAIZE, KS 67101

RE: File No. MP 39033

FILE COPY

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A Turney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STAFFORD Field Office GMD 2



Geographic Information Services
 Sedgwick County...
 working for you

Geographic Information Services
 Division of Information & Operations
www.sedgwickcounty.org/gis
 525 N. Main, Suite 212, Wichita, KS 67203
 Tel: 316.660.9290 Fax: 316.262.1174
 Mon Jan 29 12:26:22 GMT-0600 2018

DISCLAIMER It is understood that, while Sedgwick County Geographic Information Services (SCGIS), City of Wichita GIS, (for purposes of the road centerline file), participating agencies, and information suppliers, have no indication or reason to believe that there are inaccuracies in information provided, SCGIS, its suppliers make no representations of any kind, including, but not limited to, warranties of merchantability or fitness for a particular use, nor are any such warranties to be implied with respect to the information, data or service furnished herein. In no event shall the Data Providers become liable to users of these data, or any other party, for any loss or damages, consequential or otherwise, including but not limited to time, money, or goodwill, arising from the use, operation or modification of the data. In using these data, users further agrees to indemnify, defend, and hold harmless the Data Providers for any and all liability of any nature arising out of or resulting from the lack of accuracy or correctness of the data, or the use of the data. No person shall sell, give or receive for the purpose of selling or offering for sale, any portion of the information provided herein.

17777-GARCIA

38514 - 39033

KGS WELLS -



48' well
 10' SWC
 ORIGINAL
 OWNER
 STEVE WINTERS
 DMU02003

Equus Beds Groundwater Management District No. 2

Proposed point of diversion application nos. 38514 and 39033
Spacing consent form responses

Prepared By: STEVE FLAHERTY Date: 6/1/2018

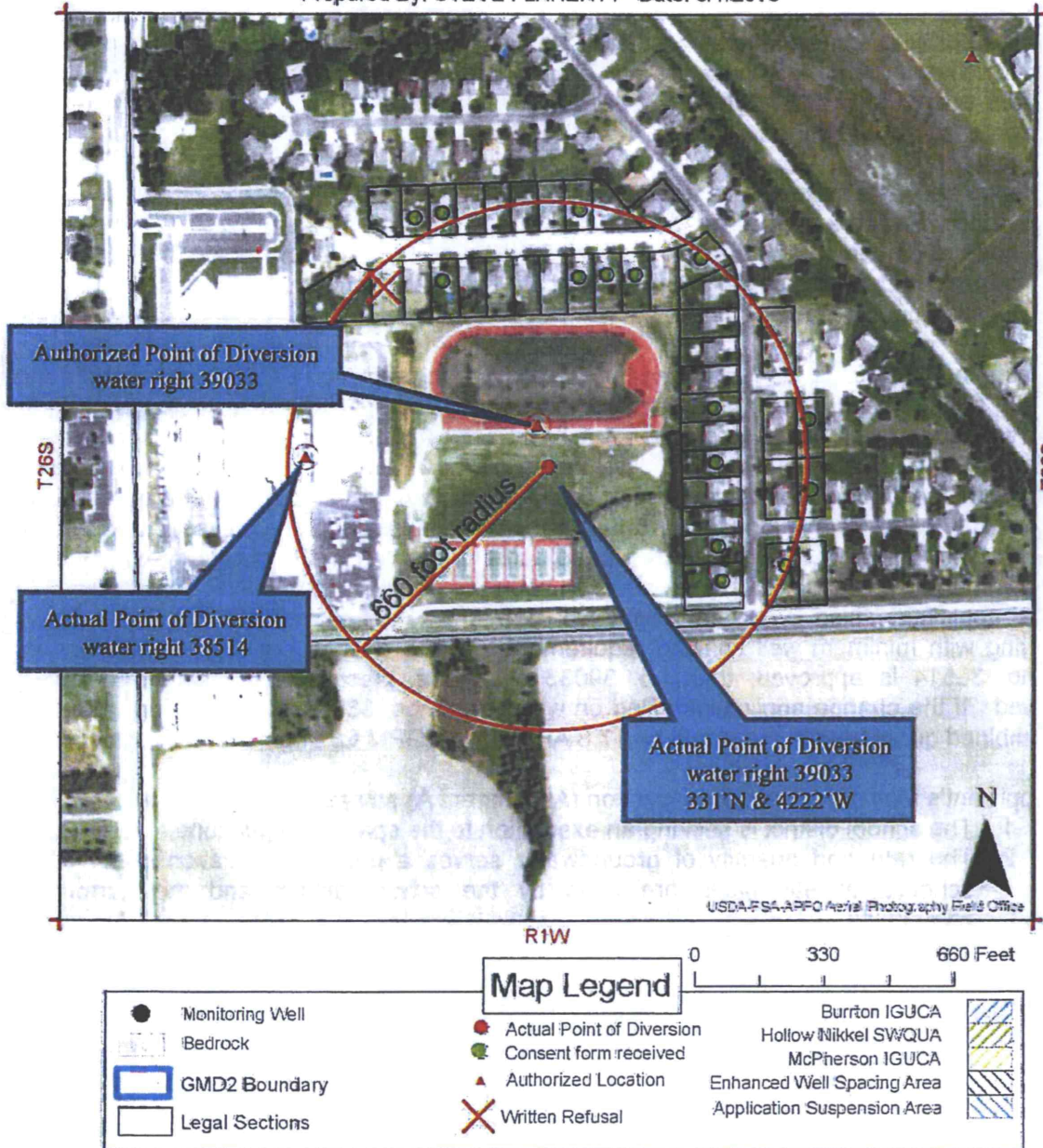


Figure 3 – Spacing map identifying the written consent forms received by green dots.
Written refusal identified by red 'X'
Actual and proposed point of diversion identified on map.

Water Resources Received
JUN 11 2018

HYDROLOGIC REVIEW:

Measurements collected from observation well AN145A (2 miles northwest of proposed point of diversion) indicate that the depth to bedrock is approximately 150 feet below land surface and depth to water is at 9 feet below land surface as of January' 2018 (Figure 4). These measurements indicate that there is approximately 141 feet of saturated thickness in the area of the application.

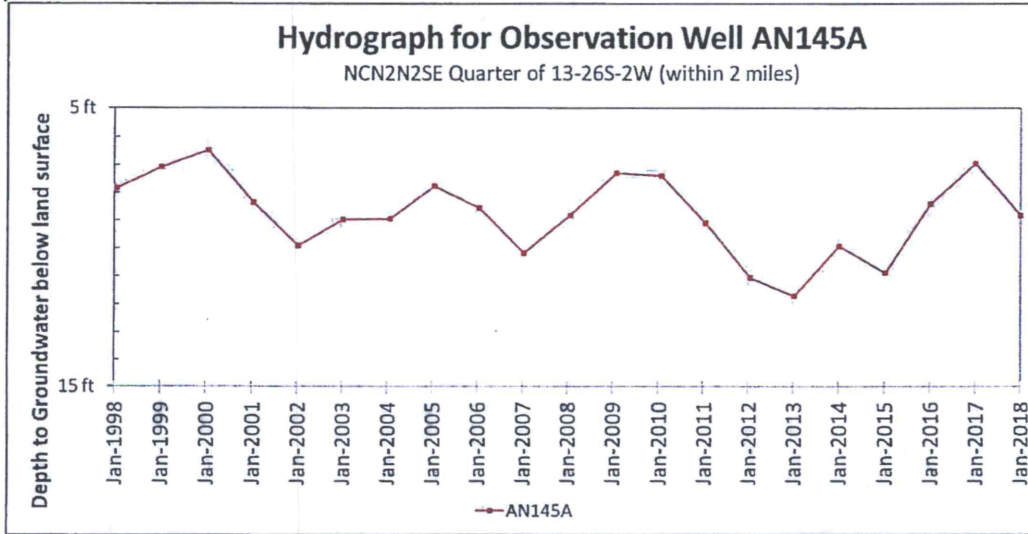
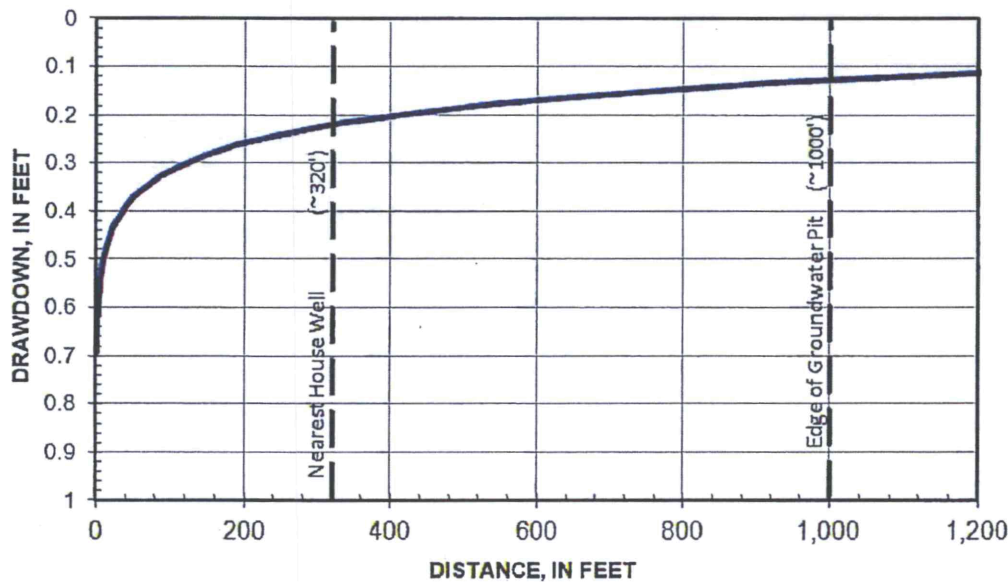


Figure 4 - A hydrograph of the of water level measurements collected at AN145A
 Location: NCS2N2SE 13, T26S, R2W, Sedgwick County

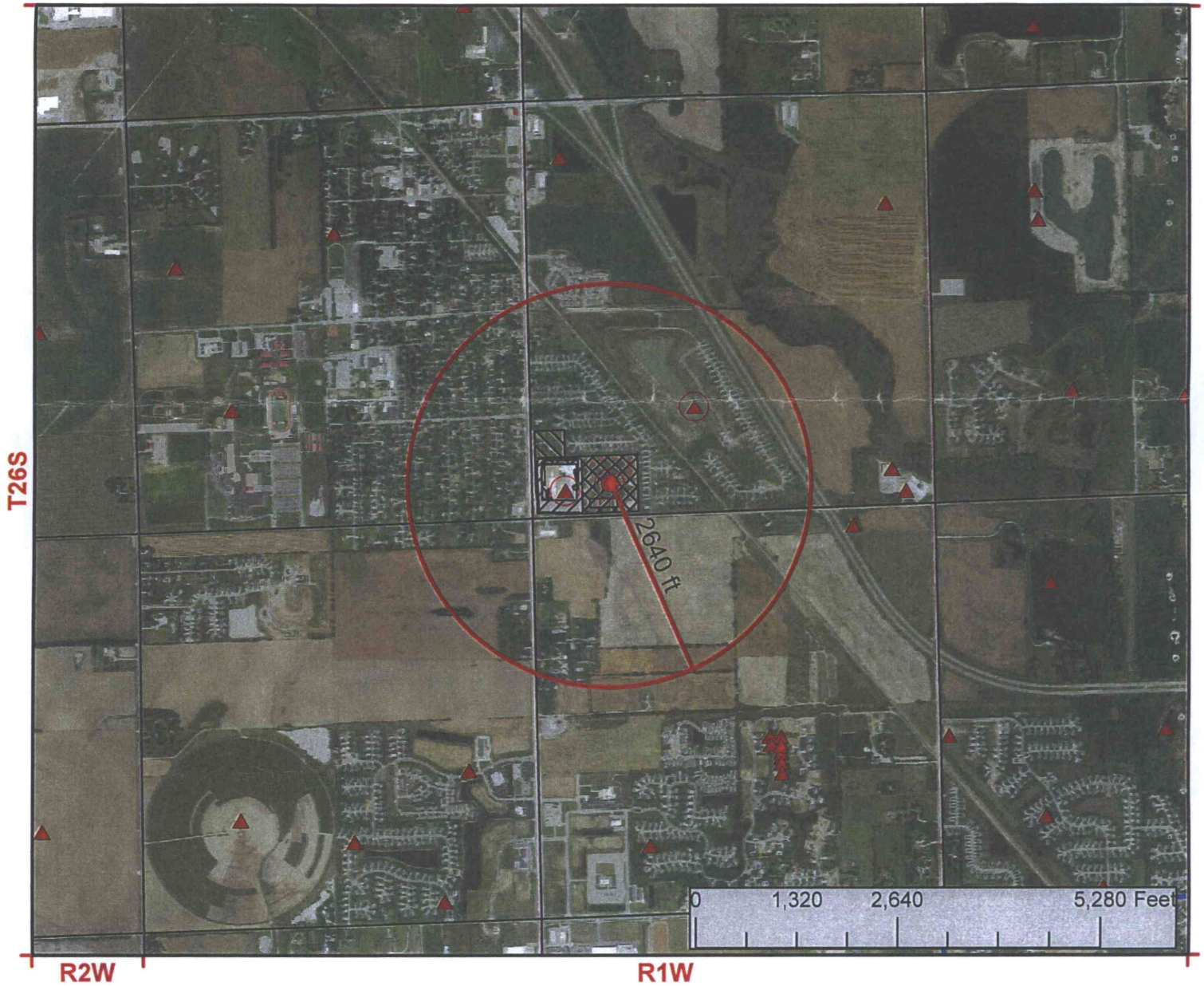
Drawdown calculation using the proposed quantity and rate of 17.8 AF and 268 GPM indicates that drawdown at the proposed point is not likely to impact nearby well owners in a worst-case pumping scenario as drawdown at the nearest domestic well is less than 0.3 feet (Figure 5).



Q = 268 gpm
 S = 0.15
 T = 100000 ft²/d
 Time = 0.04 years

Figure 5 – This Drawdown calculation with appropriate input values

Change Application Map File No 39033



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

X J. [Signature]
 Signature

X 2-27-17
 Date

- New Application
- Application No. To Change:
 - Point of Diversion
 - Place of Use
 - Use Made of Water

WATER RESOURCES RECEIVED
 MAR 21 2017
 KS DEPT OF AGRICULTURE

- Proposed Point of Diversion
- Existing Points of Diversion
- Proposed Place of Use
- Authorized Place of Use

* Requests Public Notice Due to high number of wells
 See attached list for surrounding well owners



Equus Beds Groundwater Management District No. 2

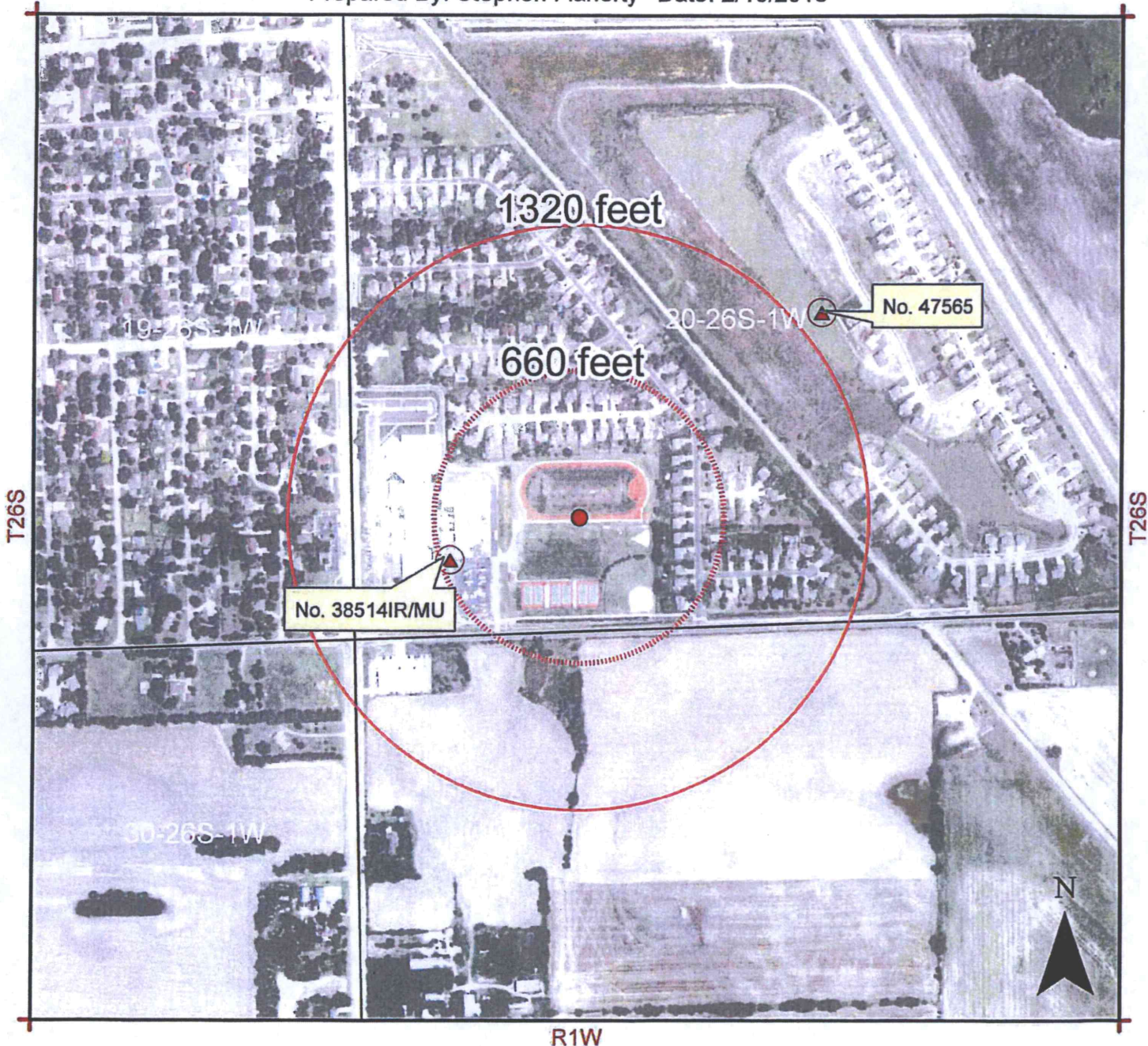
Water Resources
Received
APR 05 2018
KS Dept Of Agriculture

SPACING EVALUATION NO. 38514 & 39033

LOCATION: SESWSW (435'N & 4248'W) 20-26S-01W, Sedgwick County

SPECIAL USE AREA: NONE

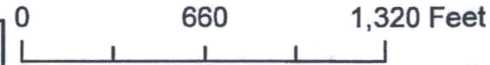
Prepared By: Stephen Flaherty Date: 2/19/2018



Map Legend

- Monitoring Well
- Bedrock
- GMD2 Boundary
- Legal Sections
- Proposed Point of Diversion
- ▲ Authorized Location
- Burtron IGUCA
- Hollow Nikkel SWQUA
- McPherson IGUCA
- Enhanced Well Spacing Area
- Application Suspension Area

Equus Beds Groundwater Management District No. 2
313 Spruce Street, Halstead, KS 67056
316-835-2224, equusbeds@gmd2.org



SCANNED