



File No. <b>49,869</b>	15. Formation Code: 113	Drainage Basin: ARKANSAS RIVER	County: SG	Special Use:	Stream:																																												
16. Points of Diversion			17. Rate and Quantity																																														
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%;">T</td> <td style="width:10%;">MOD</td> <td style="width:10%;">DEL</td> <td style="width:10%;">ENT</td> <td style="width:10%;">PDIV</td> <td style="width:10%;">Qualifier</td> <td style="width:10%;">S</td> <td style="width:10%;">T</td> <td style="width:10%;">R</td> <td style="width:10%;">ID</td> <td style="width:10%;">'N</td> <td style="width:10%;">'W</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W													<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"></td> <td style="text-align:center;"><b>MOD QTY</b></td> <td colspan="2"></td> </tr> <tr> <td colspan="2"></td> <td style="text-align:center;">Authorized</td> <td colspan="2" style="text-align:center;">Additional</td> </tr> <tr> <td style="width:15%;">Rate gpm</td> <td style="width:15%;">Quantity af</td> <td style="width:15%;">Rate gpm</td> <td style="width:15%;">Quantity af</td> <td style="width:15%;">Overlap PD Files</td> </tr> <tr> <td style="text-align:center;"><b>NE</b></td> <td style="text-align:center;"><b>83.33</b></td> <td style="text-align:center;"><b>NE</b></td> <td style="text-align:center;"><b>83.33</b></td> <td style="text-align:center;"><b>NONE</b></td> </tr> </table>					<b>MOD QTY</b>					Authorized	Additional		Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files	<b>NE</b>	<b>83.33</b>	<b>NE</b>	<b>83.33</b>	<b>NONE</b>
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W																																						
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<b>MOD 86242 SW NE SW 17 26 1W 12 1762 3333</b>																																																	
Pd comment: (Geo-Center of Groundwater Pit)																																																	
18. Storage: Rate _____ Quantity _____ ac/ft Additional Rate _____ Additional Quantity _____ ac/ft																																																	
19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____ Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____																																																	
20. Meter Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No To be installed by _____ Date Acceptable Meter Installed _____																																																	
21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? <b>NO</b>	Overlap Files																												
T		NE ¼				NW ¼				SW ¼				SE ¼																																			
MOD		NE ¼				NW ¼				SW ¼				SE ¼																																			
DEL		NE ¼				NW ¼				SW ¼				SE ¼																																			
ENT		NE ¼				NW ¼				SW ¼				SE ¼																																			
PUSE		NE ¼				NW ¼				SW ¼				SE ¼																																			
S		NE ¼				NW ¼				SW ¼				SE ¼																																			
T		NE ¼				NW ¼				SW ¼				SE ¼																																			
R		NE ¼				NW ¼				SW ¼				SE ¼																																			
ID		NE ¼				NW ¼				SW ¼				SE ¼																																			
<b>MOD 68461 17 26 1W 6</b>		<b>50 SURFACE ACRE GROUNDWATER PIT (SW)</b>																	<b>7a.</b>	<b>No</b>	<b>NONE</b>																												
Comments: <b>20" of Evaporation</b>																																																	

Special Condition - berming requirements

8/3/2020  
KAB

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

**TO:** Files

**DATE:** July 27, 2020

**FROM:** Doug Schemm

**RE:** Application, File No. 49,869

The above referenced application has been filed by Russell Investments, LLC to appropriate 83.33 acre-feet groundwater for industrial use, to cover natural evaporative loss from the surface of a groundwater pit with a projected exposed surface area size of 50 acres. The pit is located in the Southwest Quarter of Section 17, Township 26 South, Range 1 West, Sedgwick County, Kansas. The geographic center of the pit is represented by a point 1,762 feet north and 3,333 feet west of the Southeast corner of Section 17. The proposed point of diversion is located within the boundaries of Equus Beds Groundwater Management District No. 2 (GMD #2). The pit is located within the Arkansas River basin. The applicant has signed the application form stating he has legal access to the point of diversion.

A term permit will be required if hydraulic dredging is performed in the future, or the file can be converted into a Project Permit allowing for both hydraulic dredging and sand washing to be conducted at the site. The quantity of water was determined as follows: 50 acres x 20" of evap / 12 inches = 83.33 acre-feet

The applicant identified multiple wells and a groundwater pit located within one-half mile of the center of the proposed groundwater pit. Initial notification letters were sent out on October 16, 2019. Two telephone calls and a written letter were received from domestic well owners. The well owners asked general questions about the application, but did not express any specific impairment concerns. A second round of notification letters were sent out on May 15, 2020 to ensure that all well owners within ½ mile were properly notified (GMD #2 staff supplied the list of nearby well owners). A couple of telephone calls were received, but no specific concerns were related, and no written responses were received during this second round.

Based on the rules and regulations in K.A.R. 5-22-2, the proposed point of diversion (i.e. geographic center of the groundwater pit) must meet the minimum spacing distance of 660 feet from all domestic wells, and the minimum spacing interval of 330 feet from the edge of the proposed groundwater pit to all domestic wells. The nearest domestic well is over 500 feet from the edge of the pit and the proposed pit complies with minimum well spacing criteria to all domestic wells. The nearest non-domestic well is located over 2,066 feet away from the geographic center of the groundwater pit, which exceeds required spacing.

The application was submitted for review and recommendation to the Equus Beds Groundwater Management District No. 2 on November 26, 2019. Following an extension of time, and additional notification letters, the application was recommended for approval by GMD No. 2 in a letter received by electronic mail on July 9, 2020. Proposed GMD 2 permit conditions relate primarily to surface water runoff, and require that the area around the groundwater pit be bermed or graded to prohibit surface water or storm water from entering the pit, and a sign is posted stating that dumping or discharges into the pit are prohibited. GMD #2 also requested that the pit be constructed to comply with minimum spacing requirements.

In an e-mail dated July 23, 2020, Jeff Lanterman, Water Commissioner of the Stafford Field Office, indicated he did not object to the approval of the referenced application. Based on the above discussion, the area is open to new appropriations, the application complies with minimum well spacing criteria, GMD #2 has recommended approval, and there is no indication that senior water rights will be impaired, it is recommended that the referenced application be approved.

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

## Schemm, Doug [KDA]

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**From:** Lanterman, Jeff [KDA]  
**Sent:** Thursday, July 23, 2020 3:11 PM  
**To:** Schemm, Doug [KDA]  
**Cc:** Conant, Cameron [KDA]  
**Subject:** FW: 49,869 - Russell Investments  
**Attachments:** 49869 Memo To File.docx; app map.pdf

Doug please approve this thing. Are we still replacing the berm conditions with our quality impairment condition?

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**From:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Sent:** Wednesday, July 22, 2020 9:16 AM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Subject:** FW: 49,869 - Russell Investments

Jeff, this is a an application for a proposed GW pit covering a total of 50 acres, so 83.33 AF of evaporation. GMD noted they wanted spacing met to edges of pit. The nearest domestic well is about 500' from the edge of the proposed pit, distance to geo-center of the pit is well over that so spacing is met as the pit is proposed (330' required from edge of pit to any domestic well).

GMD recommended approval with 3 conditions, 2 of which are normal for GW pits. They requested the "standard" sign and berm conditions. They also requested the GW pit as constructed will comply with the minimum spacing requirements per 5-22-2(c). GMD reviewed spacing more heavily than the original app showed and they notified additional potential nearby wells.

I think we can recommend approval of this application and I don't mind if all 3 of the GMD recommendation conditions are adopted. As long as the developer does what he is supposed to those conditions shouldn't negatively impact their industrial use and I'd consider them to be a non-issue and not a bad thing to incorporate. I wonder if they will file a term to get this going or if they intend to go the route of a project permit? I would think they'd get on that fairly quickly after this is approved.

Please pass on to Doug if you agree.

Cameron

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**From:** Schemm, Doug [KDA] <[Doug.Schemm@ks.gov](mailto:Doug.Schemm@ks.gov)>  
**Sent:** Thursday, July 9, 2020 5:16 PM  
**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Cc:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** 49,869 - Russell Investments

Hello gentlemen,

Hey, it would be really great to keep this moving on a fast track if we could. GMD 2 is good with it. It meets all the regs. No issues.

Please review,

Thanks, Doug

Report Date: Thursday, July 9 2020

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49869 00  
#####  
AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49869 00 IND

Water Right and Points of Diversion Within 2.00 of a point defined as:  
1762 Feet North and 3333 Feet West of the Southeast Corner of Section 17 Twp 26S Rng 1W

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	
A__	5524	00	REC	NK	G	9253	--	NC	W2	SW	1386	4620	15	26	1W	7	67.00	67.00	
AF																			
A__	12871	00	IRR	NK	G	9688	--	NW	NW	NE	4800	2300	24	26	2W	2	23.00	23.00	
AF																			
A__	15763	00	IRR	NK	G	9688	--	NW	NW	NE	4800	2300	24	26	2W	2	84.00	84.00	
AF																			
A__	17277	00	IRR	NK	G	8566	--	NW	SE	NE	3440	1284	13	26	2W	13	63.00	63.00	
AF																			
A__	19846	00	IRR	NK	G	9555	--	--	CS	NE	2660	1280	24	26	2W	4	168.00	168.00	
AF																			
A__	24503	00	MUN	NK	G	5551	--	NW	SW	NE	3856	2490	19	26	1W	1	19.64	19.64	
AF																			
A__	26130	D1	IRR	NK	G	5640	--	--	NC	NW	3960	3921	21	26	1W	4	41.75	41.75	
AF																			
A__	26130	D1	IND	NK	G	5875	--	NW	SE	NW	3590	3885	21	26	1W	19	63.33	63.33	
AF																			
A__	26130	D2	IRR	NK	G	5640	--	--	NC	NW	3960	3921	21	26	1W	4	46.55	46.55	
AF																			
A__	28167	00	IRR	NK	G	8179	--	--	NC	SW	1505	3920	19	26	1W	15	24.00	24.00	
AF																			
A__	28167	00	MUN	NK	G	8179	--	--	NC	SW	1505	3920	19	26	1W	15	61.56	61.56	
AF																			
A__	30639	00	IRR	NK	G	7588	--	--	--	--	3400	4620	19	26	1W	3	44.00	44.00	
AF																			
A__	32575	00	IRR	NK	G	8566	--	NW	SE	NE	3440	1284	13	26	2W	13	60.00	60.00	
AF																			
A__	38514	00	IRR	NK	G	6855	--	SE	SW	SW	331	4222	20	26	1W	2	17.80	17.80	
AF																			
A__	38942	00	IND	NK	G	7228	--	SE	NE	SE	1800	63	13	26	2W	11	25.80	25.80	
AF																			
A__	39033	00	IRR	NK	G	6855	--	SE	SW	SW	331	4222	20	26	1W	2	6.20	6.20	
AF																			
A__	40981	00	REC	NK	G	8794	--	NC	W2	SE	1295	1980	21	26	1W	3	70.00	70.00	
AF																			
A__	41084	00	REC	NK	G	4827	--	NW	SE	SW	792	3828	16	26	1W	4	55.00	55.00	
AF																			
A__	41572	00	REC	NK	G	7082	--	NE	NW	NW	4989	4352	18	26	1W	7	7.00	7.00	
AF																			
A__	42400	00	IND	NK	G	7563	--	SE	SE	SE	188	375	20	26	1W	35 *	15.01	15.01	
AF																			
A__	42536	00	IRR	NK	G	2066	--	NE	SE	NW	3753	2783	17	26	1W	10	B4	207.00	207.00
AF																			
Same						2267	--	SE	NE	NW	3961	2785	17	26	1W	9	B4		
Same						2362	--	SE	NE	NW	4057	2787	17	26	1W	6	G4		
Same						2461	--	SE	NE	NW	4161	2788	17	26	1W	8	B4		
Same						2656	--	SE	NE	NW	4361	2790	17	26	1W	7	B4		
A__	43381	00	REC	NK	G	4671	--	NC	N2	SW	1944	3926	16	26	1W	6	70.00	70.00	
AF																			
A__	43859	00	IND	NK	G	6705	--	--	--	--	1453	4724	18	26	1W	10	9.76	9.76	
AF																			
A__	44617	00	REC	NK	G	7485	--	SE	NE	SW	1875	3020	7	26	1W	1	3.34	3.34	
AF																			
A__	44808	00	IND	KK	G	9477	--	--	NC	NW	4150	3800	28	26	1W	2	78.29	78.29	
AF																			

A__	45397	00	IRR	NK	G	8065	--	NE	NE	NE	5235	229	13	26	2W	9	121.00	121.00	
AF																			
A__	45615	00	REC	NK	G	2924	--	SW	NW	NW	4608	4851	20	26	1W	25	5.00	5.00	
AF																			
A__	45719	00	REC	NK	G	7740	--	NW	NE	NE	4951	1104	29	26	1W	2	.50	.50	
AF																			
A__	46179	00	IND	KE	G	5783	--	NE	SE	SE	1210	180	8	26	1W	2	1392.00	1392.00	
AF																			
A__	46309	01	DOM	NK	G	2721	--	--	--	--	1325	709	18	26	1W	12	.67	.67	
AF																			
A__	46325	00	IRR	NK	G	10179	--	NW	NW	SE	2227	2249	29	26	1W	14	B4	18.00	18.00
AF																			
A__	46325	00	REC	NK	G	10179	--	NW	NW	SE	2227	2249	29	26	1W	14	B4	13.61	13.61
AF																			
Same						10203	--	NW	NW	SE	2220	2102	29	26	1W	15	B4		
A__	46325	00	IRR	NK	G	10203	--	NW	NW	SE	2220	2102	29	26	1W	15	B4	18.00	18.00
AF																			
Same						10249	--	NW	NW	SE	2167	2172	29	26	1W	4	G4		
A__	46325	00	REC	NK	G	10249	--	NW	NW	SE	2167	2172	29	26	1W	4	G4	13.61	13.61
AF																			
Same						10286	--	SW	NW	SE	2122	2232	29	26	1W	16	B4		
A__	46325	00	IRR	NK	G	10286	--	SW	NW	SE	2122	2232	29	26	1W	16	B4	18.00	18.00
AF																			
Same						10322	--	SW	NW	SE	2100	2107	29	26	1W	17	B4		
A__	46325	00	REC	NK	G	10322	--	SW	NW	SE	2100	2107	29	26	1W	17	B4	13.61	13.61
AF																			
A__	46409	00	IND	LR	G	7226	--	SE	SE	SE	480	552	20	26	1W	36	29.69	14.68	
AF																			
A__	46747	00	REC	NK	G	8123	--	NW	SE	NE	3828	772	16	26	1W	7	3.33	3.33	
AF																			
A__	46810	00	REC	NK	G	7676	--	SW	NE	SW	1357	3473	21	26	1W	13	9.40	9.40	
AF																			
A__	46872	00	IRR	NK	G	10369	--	NW	NE	SE	2549	1204	12	26	2W	3	78.00	78.00	
AF																			
A__	47565	00	REC	NK	G	5849	--	NE	SE	SW	1295	3008	20	26	1W	39	22.30	22.30	
AF																			
A__	49087	00	IRR	KE	G	4567	--	NE	SW	NW	3650	4500	16	26	1W	9	32.50	32.50	
AF																			
A__	49337	00	IRR	KE	G	4221	--	NE	SE	NE	3955	597	20	26	1W	42	109.20	109.20	
AF																			
A__	49869	00	IND	AY	G	0	--	--	NE	SW	1762	3333	17	26	1W	12	83.50	83.50	
AF																			
A__	49884	00	IND	AY	G	9493	--	SW	NE	NW	4071	3488	7	26	1W	2	76.67	76.67	
AF																			
A__	49979	00	IRR	AY	G	10094	--	NE	NW	SW	2315	4590	29	26	1W	21	15.00	15.00	
AF																			
A__	50310	00	REC	AY	G	7876	--	NW	NE	NW	4478	3898	29	26	1W	22	29.22	29.22	
AF																			
A__	50339	00	REC	AY	G	2546	--	SW	NE	SE	1897	792	17	26	1W	13	5.00	5.00	
AF																			
A__	50405	00	REC	AY	G	4786	--	NW	NW	NE	4814	1745	18	26	1W	13	5.65	5.65	
AF																			
A__	50406	00	REC	AY	G	7082	--	NE	NW	NW	4989	4352	18	26	1W	7	7.78	7.78	
AF																			
P__	20190073	00	DEW	GY	G	5849	--	NE	SE	SW	1295	3008	20	26	1W	39	106.06	106.06	
AF																			
T__	959079	00	IND	GY	G	8501	--	SW	NE	SE	1348	1318	13	26	2W	12	1.50	1.50	
AF																			
T__	20059016	00	HYD	GY	G	5581	--	NE	SE	SE	1148	465	8	26	1W	1	16572.00	16572.00	
AF																			
T__	20159023	00	HYD	GY	G	5783	--	NE	SE	SE	1210	180	8	26	1W	2	813.87	813.87	
AF																			
T__	20159048	00	HYD	GY	G	5875	--	NW	SE	NW	3590	3885	21	26	1W	19	371.20	371.20	
AF																			
T__	20179068	00	HYD	AY	G	9493	--	SW	NE	NW	4071	3488	7	26	1W	2	707.10	707.10	
AF																			

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Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	929.92	.00
Total Permitted Amount (AF) =	19476.62	.00
Total Inspected Amount (AF) =	14.68	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	1587.77	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	22009.00	.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.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

Water Right and Points of Diversion Within 2.00 of a point defined as:

1762 Feet North and 3333 Feet West of the Southeast Corner of Section 17 Twp 26S Rng 1W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

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=====
File Number      Use ST SR
> SCOTT HOSKINSON
>
> 2931 N TEE TIME CT
> WICHITA KS 67205
>-----
> GREG WENINGER
>
> 15115 E RED ROCK RD
> BURRTON KS 67020
>-----
> GREG WENINGER
>
> 15115 E RED ROCK RD
> BURRTON KS 67020
>-----
> CRANMER HOLDINGS LLC
> CHANDRA RUYLE
> 4901 W 136TH ST
> LEAWOOD KS 66224
>-----
> GREG WENINGER
>
> 15115 E RED ROCK RD
> BURRTON KS 67020
>-----
> KEVIN & MICHELLE HUFFMAN
>
> 1305 N HIGH ST
> WICHITA KS 67203
>-----
> SCOTT HOSKINSON
>
> 2931 N TEE TIME CT
> WICHITA KS 67205
>-----
> SCOTT HOSKINSON
>
> 2931 N TEE TIME CT
> WICHITA KS 67205
>-----
> EMERALD SPRINGS LLC
>
> 1999 N AMIDON AVE STE 100B
> WICHITA KS 67203
>-----
> UNIFIED SCHOOL DISTRICT #266
>

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> 905 W ACADEMY AVE
> MAIZE KS 67101
>-----
> UNIFIED SCHOOL DISTRICT #266
>
> 905 W ACADEMY AVE
> MAIZE KS 67101
>-----
> GREG WENINGER
>
> 15115 E RED ROCK RD
> BURRTON KS 67020
>-----
> CRANMER HOLDINGS LLC
> CHANDRA RUYLE
> 4901 W 136TH ST
> LEAWOOD KS 66224
>-----
> UNIFIED SCHOOL DISTRICT #266
>
> 905 W ACADEMY AVE
> MAIZE KS 67101
>-----
> WORTHINGTON CYLINDERS KANSAS LLC
>
> PO BOX 300
> MAIZE KS 67101
>-----
> UNIFIED SCHOOL DISTRICT #266
>
> 905 W ACADEMY AVE
> MAIZE KS 67101
>-----
> BAY RIDGE ADDITION HOMEOWNERS ASSOC
>
> 7610 W 45TH ST N
> MAIZE KS 67101
>-----
> RECREATIONAL FILE
>
> GROUNDWATER PIT
> ALLSTATE MO 00000
>-----
> RECREATIONAL FILE
>
> GROUNDWATER PIT
> ALLSTATE MO 00000
>-----
> CARLSON PRODUCTS LLC
>
> 4601 N TYLER RD
> MAIZE KS 67101
>-----
> HELEN M SIMON ET AL
>
> 7700 W 61ST ST N
> MAIZE KS 67101
>-----
> MYSTIC LAKES HOME OWNERS ASSOC
>
> 8323 MYSTIC LAKES N
> MAIZE KS 67101
>-----
> JVMH LLC
>
> PO BOX 556
> MAIZE KS 67101
```



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>-----  
> JOSHUA D & COURTNIIE P RAMSEY  
>  
> 6406 N 119TH ST W  
> MAIZE KS 67101  
>-----  
> DOME LLC  
>  
> 4700 W IRVING  
> WICHITA KS 67209  
>-----  
> CRANMER HOLDINGS LLC  
> CHANDRA RUYLE  
> 4901 W 136TH ST  
> LEAWOOD KS 66224  
>-----  
> CITY OF MAIZE  
> CITY CLERK  
> PO BOX 245  
> MAIZE KS 67101  
>-----  
> RECREATIONAL FILE  
>  
> GROUNDWATER PIT  
> ALLSTATE MO 00000  
>-----  
> NORTHRIDGE SAND LLC  
> 6033 N RIDGE RD  
> PO BOX 387  
> MAIZE KS 67101  
>-----  
> ARK CHURCH INC  
> MIKE LEICHNER - PRESIDENT  
> 5501 N MAIZE RD  
> MAIZE KS 67101  
>-----  
> BOB G SCOTT  
>  
> 4055 N TYLER RD  
> MAIZE KS 67101  
>-----  
> BOB G SCOTT  
>  
> 4055 N TYLER RD  
> MAIZE KS 67101  
>-----  
> CARLSON PRODUCTS LLC  
>  
> 4601 N TYLER RD  
> MAIZE KS 67101  
>-----  
> FRANK J & KIM M MCCORMICK ET AL  
>  
> 7500 W HIDDEN ACRES  
> MAIZE KS 67101  
>-----  
> EMERALD SPRINGS LLC  
>  
> 1999 N AMIDON AVE STE 100B  
> WICHITA KS 67203  
>-----  
> CRANMER GRASS FARMS INC  
> JOSHUA RAMSEY CRANMER  
> 6121 N 119TH ST W  
> MAIZE KS 67101  
>-----  
> CARRIAGE CROSSING HOA
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> HOA MANAGEMENT SERVICES  
> 1900 E DOUGLAS SUITE 100  
> WICHITA KS 67214  
>-----  
> KRIS NICHOLSON  
>  
> 5800 N TYLER RD  
> MAIZE KS 67101  
>-----  
> EUGENE L & KAY E WOODARD  
>  
> 4230 N MAIZE RD  
> MAIZE KS 67101  
>-----  
> RUSSELL INVESTMENTS LLC  
>  
> PO BOX 75337  
> WICHITA KS 67275  
>-----  
> KIRK BLISS  
>  
> 741 CARRIAGE RD  
> MAIZE KS 67101  
>-----  
> WATERCRESS APARTMENTS LLC  
> CLINT CASE  
> 4200 EAST SKELLY DR SUITE 800  
> TULSA OK 74135  
>-----  
> WOODARD LLC  
>  
> PO BOX 75337  
> WICHITA KS 67275  
>-----  
> JUMPERS DREAM LLC  
> DENNIS DOWNES  
> 8323 W MYSTIC LAKES N  
> MAIZE KS 67101  
>-----  
> KEVIN REMPE  
>  
> 1044 N MURRAY COURT  
> WICHITA KS 67212  
>-----  
> KEVIN REMPE  
>  
> 1044 N MURRAY COURT  
> WICHITA KS 67212  
>-----  
> PEARSON CONSTRUCTION  
>  
> 3450 N ROCK RD  
> WICHITA KS 67226  
>-----  
> WORTHINGTON CYLINDERS KANSAS LLC  
>  
> PO BOX 300  
> MAIZE KS 67101  
>-----  
> CORNEJO & SONS LLC  
> 2060 E TULSA  
> PO BOX 16204  
> WICHITA KS 67216  
>-----  
> NORTHRIDGE SAND LLC  
> 6033 N RIDGE RD  
> PO BOX 387

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> MAIZE KS 67101  
>-----  
> SCOTT HOSKINSON  
>  
> 2931 N TEE TIME CT  
> WICHITA KS 67205  
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> KIRK BLISS  
>  
> 741 CARRIAGE RD  
> MAIZE KS 67101  
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Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, KS 66619



Phone: 785-296-5733  
Fax: 785-296-8298  
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

November 26, 2019

MIKE NAEGELE  
PO BOX 185  
MAIZE KS 67101

Re: Pending New Application, File No. 49,869

Dear Mr. Naegele:

This will acknowledge receipt of your letter, received in our office via electronic mail on November 14, 2019 in which you expressed concerns regarding the proposed appropriation of groundwater by Russell Investments, LLC under the above referenced application. The application is proposing to appropriate groundwater for industrial use from a sand and gravel pit. We are in the process of thoroughly reviewing this pending application to ensure that it complies with the Kansas Water Appropriation Act and applicable rules and regulations. The Chief Engineer is required to approve applications for water appropriation unless the proposed appropriation will impair existing water rights or prejudicially and unreasonably affect the public interest. Impairment is indicated if existing water rights will experience an unreasonable lowering of the static water level.

The applicable rules and regulations (K.A.R. 5-22-2) require that the minimum spacing interval from the edge of a groundwater pit to each nondomestic well, the edge of any other groundwater pit, and baseflow node shall be 1,320 feet and 330 feet to a domestic well, in order to minimize the potential that existing water wells of any kind would be impaired. Based on the location of area wells, including domestic wells, it appears that the application complies with these minimum spacing criteria.

I have attached a copy of the site map that was submitted with the application for your review. The requested quantity of water was based on the exposed surface area of the groundwater pit upon completion (50 acres) times the net potential evaporation for this location (20"), which equals 83.33 acre-feet (50 acres x 20" / 12"). The requested quantity will be reduced from 83.5 acre-feet to 83.33 acre-feet to reflect this calculated value. This appropriation is to cover natural evaporation from the groundwater surface only. The industrial use classification will last until the completion of the sand and gravel mining, then the owner is required to change the use made of water to recreational use. The future plans for the groundwater pit are unknown.

As we discussed by telephone, this groundwater pit is located within Equus Beds Groundwater Management District No. 2, who will provide further review and recommendations regarding this project. The District requires specific permit conditions, as follows: That the area around the groundwater pit shall be bermed or graded, and maintained to prohibit any surface drainage or storm water runoff from entering the aquifer through the excavated pit. That a sign must be permanently posted at the excavation site, identifying the excavation as a groundwater pit and stating that dumping or discharges into the pit are prohibited to prevent contamination of the Equus Beds aquifer. The sign must be a minimum of three (3) feet in length by two (2) feet in height, easily visible and of durable construction. This conditioning minimizes the introduction of surface water and potential contaminants into the groundwater pit. The District will also be provided a copy of your concern letter and this response letter.

Mike Naegele  
Page 2

Additionally, the rules and regulations (K.A.R. 5-4-1) require the Chief Engineer to investigate any complaint that a prior right to the use of water is being impaired. If such impairment is found, the Chief Engineer must secure water to satisfy prior water rights. Therefore, if this permit application is approved by the Chief Engineer and you believe the diversion of water is impairing your existing water right, you should notify Jeff Lanterman, Water Commissioner, Stafford Field Office, as follows, so that an investigation can be made.

Division of Water Resources  
Stafford Field Office  
300 S. Main Street  
Stafford, KS 67578-1521  
Telephone: 620-234-5311

If an applicant without cause fails to comply with the provisions of the permit and its terms, conditions and limitations, it could result in the forfeiture of the priority date, revocation of the permit and dismissal of the application. If you have any further questions, please contact me at 785-296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosure

pc: Stafford Field Office  
GMD 2

Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, KS 66619



Phone: 785-296-5733  
Fax: 785-296-8298  
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

November 26, 2019

GROUNDWATER MANAGEMENT DISTRICT NO 2  
% TIM BOESE  
313 SPRUCE ST  
HALSTEAD KS 67056-1925

Re: Pending Application, File No. 49,869

Dear Mr. Boese:

We are enclosing a copy of the application referred to above which appears to be in proper form. Application, File No. 49,869 is requesting 83.33 acre-feet for evaporation from a pit size of 50 acres (of exposed groundwater).

Notification letters were sent out to nearby well owners on May 29, 2019. A telephone call was received from domestic well owner Mary Belton, who asked general questions about the application, but did not express any specific impairment concerns. In addition, a telephone call and subsequent letter was received from Mike Naegele, who wishes to be informed of any future actions regarding this application.

We are delaying any further action for a period of **30 days** from the date of this letter to allow you time to submit your recommendation concerning this application. Please submit your recommendation within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (785) 296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

A handwritten signature in blue ink that reads "Douglas W. Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosures

Topeka Field Office  
1131 SW Winding Rd, Suite 400  
Topeka, KS 66615



Phone: 785-296-5733  
www.agriculture.gov

Mike Beam, Secretary

Laura Kelly, Governor

June 8, 2020

GROUNDWATER MANAGEMENT DISTRICT NO 2  
% TIM BOESE  
313 SPRUCE ST  
HALSTEAD KS 67056-1925

Re: Pending Application, File No. 49,869

Dear Mr. Boese:

You were previously provided a copy of the application referred to above, however a second copy is enclosed. Application, File No. 49,869 is requesting 83.33 acre-feet for evaporation from a pit size of 50 acres (of exposed groundwater). As previously discussed, at this time the applicant is proposing to mechanically excavate the pit.

Initial notification letters were sent out to nearby well owners on May 29, 2019. A telephone call was received from domestic well owner Mary Belton, who asked general questions about the application, but did not express any specific impairment concerns. In addition, a telephone call and subsequent letter was received from Mike Naegele, who wishes to be informed of any future actions regarding this application. In addition, a second set of notification letters were sent out on May 15, 2020. Two telephone calls were received asking general questions about the application and the potential that it would affect water levels in the adjacent pit to the west. No concerns were expressed by the nearby well owners and no written letters were received.

We are delaying any further action for a period of **30 days** from the date of this letter to allow you time to submit your recommendation concerning this application. Please submit your recommendation within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (785) 296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

A handwritten signature in blue ink that reads "Douglas W. Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosures

## Schemm, Doug [KDA]

---

**From:** Schemm, Doug [KDA]  
**Sent:** Monday, June 8, 2020 4:15 PM  
**To:** Boese, Tim  
**Cc:** 'rwilson@gmd2.org'  
**Subject:** Russell Investments 49,869  
**Attachments:** Application File 49869.pdf; 49869 GMD 2 request for rec 2.pdf; 49869 IND USE supplemental sheet.pdf

Good Afternoon Tim,  
Request for Recommendation on File No. 49,869. Second set of nearbys were sent out on May 15, 2020. No written responses were received.  
Thanks, Doug



**INDUSTRIAL USE  
SUPPLEMENTAL SHEET**

File No. \_\_\_\_\_

Name of Applicant (Please Print): RUSSELL INVESTMENTS, LLC

1. Please describe type of industry or product produced: SAND AND GRAVEL  
 \_\_\_\_\_ Standard Industrial Classification Code Number: 1442

2. Please complete the following table to show your past and present water requirements:

**PAST PRODUCT PRODUCTION AND WATER DIVERTED, IF APPLICABLE**

LAST 5 YEARS	AMOUNT OF PRODUCT	WATER DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
5 years ago			
Last year			
Present year			

3. Please complete the following table to show your future water requirements:

**ESTIMATED FUTURE PRODUCT PRODUCTION AND WATER DIVERTED**

NEXT 5 YEARS	AMOUNT OF PRODUCT	WATER TO BE DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
Year 1		5 AF	
Year 2		10AF	
Year 3		30 AF	
Year 4		50 AF	
Year 5		80 AF	

Number of days of operation of the industry per year is 365 days.

**20"Evaporation x 50 acres / 12 = 83.33 AF  
Mechanically Excavated**

Please attach any tables, curves or additional information showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17	26S	1W	50 ACRE GROUNDWATER PIT IN SW 1/4																

You may attach any additional information you believe will assist in informing the Division of the need for your request.

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

RUSSELL INVESTMENTS LLC  
PO BOX 75337  
WICHITA KS 67275

RE: Appropriation of Water, File No. 49,869

Dear Mr. Russell:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at [www.kswaterusereport.org](http://www.kswaterusereport.org).

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Division of Water Resources

KAB:dws  
Enclosure(s)

pc: Stafford Field Office  
GMD 2



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
Christopher W. Beightel, Acting 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. 49,869** of the applicant

**RUSSELL INVESTMENTS LLC  
PO BOX 75337  
WICHITA, KS 67275**

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 **July 13, 2017**.
2. That the water sought to be appropriated shall be used for industrial use for evaporative loss from a groundwater pit with a projected total area of 50 acres located in the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 17, in Township 26 South, Range 1 West, Sedgwick County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater from the Arkansas River alluvium, to be withdrawn by means of a groundwater pit with a projected geographic center located in the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 17, more particularly described as being near a point 1,762 feet North and 3,333 feet West of the Southeast corner of said section, in Township 26 South, Range 1 West, Sedgwick County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **natural evaporation** and to a quantity not to exceed **83.33 acre-feet** of water for any calendar year, from a groundwater surface area exposure not greater than 50 acres.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2025** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$200.00 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, 2040** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That 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.

12. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

13. 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.

14. 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.

15. That the area around the groundwater pit shall be bermed or graded, and maintained to prohibit any surface drainage or storm water runoff from entering the aquifer through the excavated pit.

16. That a sign must be permanently posted at the excavation site, identifying the excavation as a groundwater pit and stating that dumping or discharges into the pit are prohibited to prevent contamination of the Equus Beds aquifer. The sign must be a minimum of three (3) feet in length by two (2) feet in height, easily visible and of durable construction.

17. That the groundwater pit as constructed shall comply with the minimum spacing requirements to senior domestic wells and permitted senior non-domestic points of diversion as specified in K.A.R. 5-22-2(c).

18. That the groundwater pit shall be constructed, maintained, and operated in a manner that will prevent degradation to the water quality of the source of supply, which could cause impairment to existing water rights.

Ordered this 6 day of August, 2020, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas            )  
  ) SS  
County of Riley            )

The foregoing instrument was acknowledged before me this 6 day of August, 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman  
Notary Public



## RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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

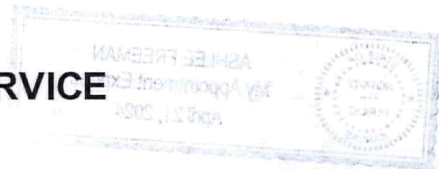
- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

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, 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 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, 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

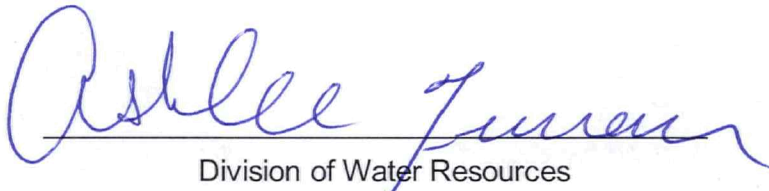


On this 11 day of August, 2020, I hereby certify that the foregoing Approval of Application, File No. 49,869, dated 6 August 2020 was mailed postage prepaid, first class, US mail to the following:

RUSSELL INVESTMENTS LLC  
PO BOX 75337  
WICHITA, KS 67275

With photocopies to:

Stafford Field Office  
GMD 2

  
Division of Water Resources