

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

1. File Number: <p style="text-align: center;">50,339</p>	2. Status Change Date: <p style="text-align: center;">9/13/2021</p>	3. Field Office: <p style="text-align: center;">02</p>	4. GMD: <p style="text-align: center;">02</p>
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

6. Enclosures: Check Valve N of C Form Water Tube Driller Copy Meter

7a. Applicant(s) Person ID **67164**
New to system Add Seq# _____
JUMPERS DREAM LLC
DENNIS DOWNES
8323 W MYSTIC LAKES N
MAIZE KS 67101

7b. Landowner(s) Person ID _____
New to system Add Seq# _____

7A

7c. Landowner(s) Person ID _____
New to system Add Seq# _____

7d. Landowner Person ID _____
New to system Add Seq# _____

8. WUR Correspondent Person ID _____
New to system Add Seq# _____
Overlap File (s) WUC Notarized WUC Form
Agree Yes No
7b

9. Use of Water: Changing? Yes No

Groundwater Surface Water

IRR REC DEW MUN

STK SED DOM CON

HYD DRG WTR PWR ART RECHRG

IND SIC: _____ OTHER: _____

10. Completion Date: 12/31/2022 11. Perfection Date: 12/31/2026 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? Yes No Date to Comply: _____ Date WLMD Installed: _____

Date Prepared: **4/26/21** By: **JNE**
Date Entered: 9/14/2021 By: **L Moody**

File No. **50,339** 15. Formation Code: Drainage Basin: **ARKANSAS RIVER** County: **SG** Special Use: Stream:

16. Points of Diversion											
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
CHK	87875	SW	NE	SE	17	26S	1W	13	1,897	792	GEO CTR - GW PIT

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity amgy	Overlap PD Files
Nat Evap	5	NE	1.629	NONE
	1.629 mgy		1.629	

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

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by _____ Date Acceptable Meter Installed _____

21. Place of Use						NE¼		NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files						
T	MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
CHK	69817	17	26S	1W	7				Pond in SW¼ of NE¼ of the SE¼ of Section 17																		7b.		
									WILDLIFE MARSH 3 A SW NE SE/ 20" EVAP AREA *																				

Comments: ***LI/DWR**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: April 7, 2021

FROM: Jessica Engelbrecht

RE: Application, File No. 50,339

Dennis Downes has filed the referenced application, on behalf of Jumpers Dream LLC to appropriate groundwater for recreational use. The applicant is requesting a quantity of 5 acre-feet at the rate Natural Evaporation from a groundwater pit not to exceed 3 acres. The geographic center of the one groundwater pit is located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 17, more particularly described as being near a point 1,897 feet North and 792 feet West of the Southeast corner of said section, in Township 26 South, Range 1 West, Sedgiwck County, within the Arkansas River drainage basin and within the boundaries of the Equus Beds Groundwater Management District No. 2. There are no overlapping water rights on the proposed point of diversion and place of use.

The quantity of water requested for the application (5.0 acre-feet) was based on a groundwater pit not to exceed 3.0 acres in size, as follows: 3.0 acres x 20 inches of evaporation / 12"/foot = 5.0 acre-feet.

The application is located near several possible domestic well locations within one-half mile of the proposed groundwater pits and four non-domestic wells/groundwater pits, which WRIS confirmed. Nearby notification letters were sent out on June 22, 2020. Two calls from nearby landowners were received. Both callers had general questions about the application and did not oppose its approval. According to the WRIS database, the nearest non-domestic point of diversion (File No. 43,381) is located 2,100 feet away (Geo-Center to Geo-Center). The nearest domestic well would be over 700 feet away (Geo-Center to KGS domestic well location).

A copy of the application was submitted to Equus Beds Groundwater Management District No. 2 on July 10, 2020. GMD#2 recommended approval of the application in a letter received on April 4, 2021. In the letter GMD#2 said the application complies with all the district's rules and Regulations, K.A.R. 5-22-1 through 5-22-17 (subject to installation of a sign, and surface drainage being prohibited from entering the pit), and recommended approval of the application. The letter included Groundwater Spacing Consent Forms the applicant had submitted to GMD#2 on January 26, 2021. The proposed groundwater pit did not meet the 1,320' spacing requirement to the groundwater pits authorized by Water Right Nos. 43,381 and 41,084. The edge of the proposed groundwater pit to the edge of 43,381, measures approximately 800'. The edge of the proposed groundwater pit to the edge of 31,084 measures approximately 1,000'.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office on January 24, 2020.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on April 23, 2021. Based on the above discussion, safe yield is met and a waiver for spacing is recommended by GMD#2, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

APPROVAL OF APPLICATION
and
PERMIT TO PROCEED

(This is not a Certificate of Appropriation)

This is to certify that I have examined Application **File No. 50,339** of the applicant

**JUMPERS DREAM LLC
ATTN: DENNIS DOWNES
8323 W MYSTIC LAKES N
MAIZE KS 67101**

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 **January 24, 2020**.
2. That the water sought to be appropriated shall be used for recreational use on land described to replace evaporation losses from one (1) groundwater pit with a maximum surface area of 3 acres located in the in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) 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, to be withdrawn by means of one (1) groundwater pit with a geographical center located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 17, more particularly described as being near a point 1,897 feet North and 792 feet West of the Southeast corner of said section, in Township 26 South, Range 1 West, Sedgwick County, located substantially as shown on the 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 1.629 million gallons (5.0 acre-feet) of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2022** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$400.00, when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2026** 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.

Ordered this 13 day of September, 2021, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

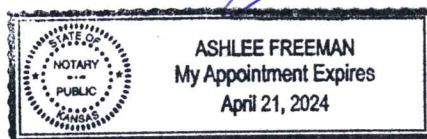
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 13 day of September, 2021, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman

Notary Public



1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



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

Mike Beam, Secretary

Laura Kelly, Governor

September 15, 2021

JUMPERS DREAM LLC
ATTN: DENNIS DOWNES
9323 W MYSTIC LAKES N
MAIZE KS 67101

RE: Application, File No. 50,339

Dear Mr. Downes:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed. All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, 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.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications and Changes Supervisor
Division of Water Resources

KAB:JE:li

Enclosures

pc: Stafford Field Office
Groundwater Management District No. 2

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 15 day of September, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,339, dated 13 September 2021 was mailed postage prepaid, first class, US mail to the following:

JUMPERS DREAM LLC
ATTN: DENNIS DOWNES
8323 W MYSTIC LAKES N
MAIZE KS 67101

With photocopies to:

Stafford Field Office
Groundwater Management District No. 2



Division of Water Resources