





**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**MEMORANDUM**

**TO:** Files

**DATE:** October 8, 2020

**FROM:** Jessica Engelbrecht

**RE:** Application, File No. 50,405

Kevin Rempe has filed the referenced application to appropriate groundwater for recreational use. The applicant is requesting a quantity of 5.65 acre-feet at the rate Natural Evaporation from a groundwater pit. The geographic center of the groundwater pit is located in the Northeast Quarter of the Northwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 18, more particularly described as being near a point 4,814 feet North and 1,745 feet West of the Southeast corner of said section, in Township 26 South, Range 1 West, Sedgwick 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 (5.65 acre-feet) was based on a groundwater pit not to exceed 3.39 in size, as follows: 3.39 acres x 20 inches of evaporation / 12"/foot = 5.65 acre-feet.  
**acres**

The applicant identified 27 possible domestic wells within one-half mile of the proposed groundwater pit and no non-domestic wells/groundwater pits, which WRIS confirmed. Nearby notification letters were sent out on July 1, 2020. One nearby landowner called with concerns about flooding. According to the WRIS database, the nearest non-domestic point of diversion (File No. 45,397) is located 3,640 feet away. The nearest domestic well would be over 900 feet away (Geo-Center to KGS domestic well location). The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-1,320 feet to all other non-domestic wells and 660 feet to domestic wells.

A copy of the application was submitted to Equus Beds Groundwater Management District No. 2 on July 20, 2020. GMD#2 recommended approval of the application in a letter received on October 7, 2020. 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, and recommended approval of the application.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office on June 25, 2020.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on October 8, 2020. Based on the above discussion, well spacing and safe yield criteria are met, 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.

12/21/2020  
KJN

Jessica Engelbrecht  
Environmental Scientist  
Water Appropriations Unit

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



DIRECTORS:  
ALAN BURGHART  
JOE BERGKAMP  
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

October 6, 2020

Chief Engineer, Division of Water Resources  
Attn: Jessica Engelbrecht  
300 S. Main Street  
Stafford, KS 67578

Re: Appropriation Application No. 50405 – Kevin Rempe

Dear Ms. Engelbrecht:

The Equus Beds Groundwater Management District No. 2 reviewed the referenced application on October 6, 2020, 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 complies with the Revised Aquifer Management program approved by the Chief Engineer and with the District's Rules and Regulations K.A.R. 5-22-1 through 5-22-17. Based upon the review, the District recommends the application for approval, subject to the following conditions:

1. A permit condition be added requiring the area around the groundwater pit be bermed or graded, and maintained, to prohibit any surface drainage or storm water runoff from entering the aquifer through the excavated pit; and
2. A sign is permanently posted at the excavation, 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 feet in length by two feet in width, easily visible and of durable construction.

Please contact the District should you have any questions regarding the review or recommendation.

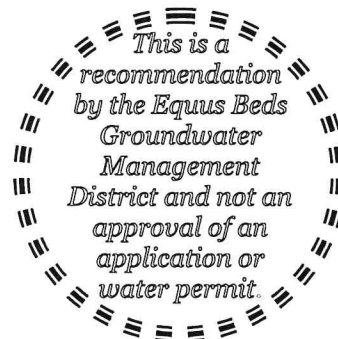
A District decision may be appealed to the District Board of Directors by submitting a written petition to the District office within 30 days from date of this notification, pursuant to K.A.R. 5-22-12.

Sincerely,  
EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2

Tim Boese  
Manager  
TDB/db

Enclosures

pc: Kevin Rempe, Applicant  
West Land Holdings, LLC, Landowner  
Clarence Sallee, Nearby Well Owner



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

1) Application No. 50405 Date filed: 6/25/20  
 2) Applicant: Kevin Rempe County: Sedgwick  
 3) Proposed maximum quantity: 5.65 acre-feet/year Rate: Nat. Evap. GPM  
 4) Proposed Use: Recreational  
 5) P/D location: NE NW NE 18-26S-1W Geo Center: North 4814 ft, West 1745 ft  
 6) Number and type of points of diversion listed on the application 1 Groundwater Pit

7) Meter required K.A.R. 5-22-4a or K.A.R. 5-22-8?  Yes  No, Why GW Pit

8) Meets Safe Yield K.A.R. 5-22-7?  Yes  No  N/A

(a) Total allowable appropriations: 4021.00 af/yr  
 (b) Total existing appropriations: 21026.95 af/yr  
 (c) Total small user exemptions: 0.00 af/yr  
 (d) Total non-consumptive use: 17385.87 af/yr  
 (e) Total consumptive use: 3641.08 af/yr  
 (Total existing appropriations) – (Total non-consumptive use)  
 (f) exempt from regulation?  Yes  No,  
 Cite exemption: \_\_\_\_\_

9) Meets Well Spacing K.A.R. 5-22-2?  Yes  No  N/A

(a) POD in enhanced well spacing area?  Yes  No  
 (b) Domestic well spacing interval: >330 ft  
 (c) Non-Domestic well spacing interval: >1320 ft

10) Meets Max Reasonable Quantity K.A.R. 5-22-14?  Yes  No  N/A

(a) Irrigation max quantity: \_\_\_\_\_ acre-feet / acre  
 application paragraph 3 value (acre-feet) / proposed acres = Q  
 (b) Stockwater max quantity: \_\_\_\_\_ GPD \_\_\_\_\_ unit  
 (c) Industry max quantity: \_\_\_\_\_ Acre  
 Industry standard: \_\_\_\_\_  
 (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)  
 (e) Pond max quantity is  
 (Net evap + seepage)/12 x pond area + any initial fill  
 (f) Groundwater pit max Q: 5.65 AF  
 Net evap \* pit area/12

11) Reasonable rate for intended use?  Yes  No  N/A

12) Depth to water: 2.33 ft bls at observation well: EB246A

13) Date reviewed: October 6, 2020

14) Reviewed by: T. Boese Title: Manager

15) District recommendation:  Approve  Deny  Other, see comment

## 16) Comments and Calculations:

Review completed for an application submitted by Kevin Rempe to obtain water for recreational use in Sedgwick county.

Item #10(f) - (3.39 Acres X 20 inches net Evap) / (12 in/ft) = 5.65 AF

Item #9 - Appears to meet 1,320 feet spacing to non-domestic PDs and 330 feet spacing to domestic wells. Due to the small size of the proposed groundwater pit, the spacing evaluation was done from the geo-center using 1,320 feet for non-domestic and 660 feet for domestic, rather than using the edge of the groundwater pit.

Minimum spacing requirements appear to be met from the edges of the proposed pit.

The proposed legal description appears to be in error. According to the footage measurements of the proposed groundwater pit geo-center, it should be NE-NW-NE.

DWR received a call from Clarence Sallee, whose house is located ~1500 East of the proposed pit, and who was opposed to the application due to flooding of his basement and felt the proposed pit may make this worse. If surface drainage is prohibited from entering the pit, then the proposed pit should not contribute to his basement flooding from groundwater.

Recommend approval, complies with 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

# Equus Beds Groundwater Management District No. 2

## Safe Yield Evaluation #50405 - Kevin Rempe

### NENWNE (4814'N & 1745'W) 18-26S-01W, Sedgwick County

Prepared By: T. Boese      Date: 10/6/2020

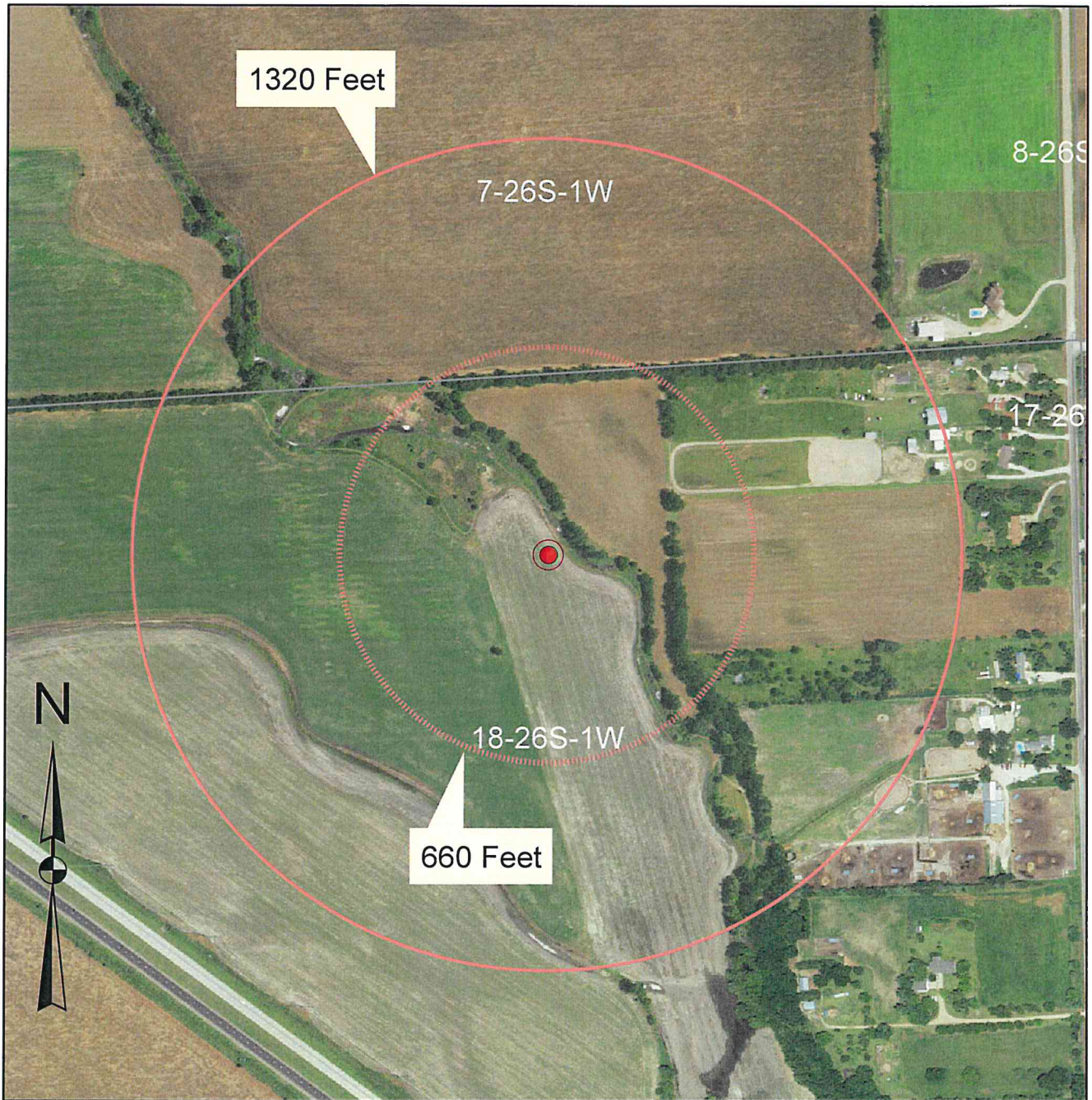













**SAFEYIELD EVALUATION - NO. 50405 - KEVIN REMPE**  
**LOCATION: NENWNE (4814'N & 1745'W) 18-26S-01W, Sedgwick County**  
**SPECIAL USE AREA: None**  
**EVALUATION DATE:- 10/6/2020**

Total Areas: 8,042 acres; Area in 3 inch discharge zone: 0 acres; Area in 6 inch discharge zone: 8,042 acres


FILE_ID	WELL_ID	TOWNSHIP	RANGE	SECTION	QUALIFIER	USE	AUTHQUANTITY
A01287100	710	26S	02W	24	48002300	IRR	23
A01576300	178	26S	02W	24	48002300	IRR	84
A01727700	1320	26S	02W	13	34401284	IRR	63
A01984600	460	26S	02W	24	26601280	IRR	168
A02450300	1654	26S	01W	19	38562490	MUN	19.7
A026130D1IR	3735	26S	01W	21	39603921	IRR	41.75
A026130D2	1323	26S	01W	21	39603921	IRR	46.55
A02744400	234	26S	02W	13	25003955	IRR	94
A028167IR	311	26S	01W	19	15053920	IRR	24
A028167MU	2772	26S	01W	19	15053920	MUN	80
A03006200	481	26S	01W	5	38853895	IRR	146.57
A03063900	512	26S	01W	19	34004620	IRR	44
A032148D1	437	26S	02W	13	6254225	IRR	31
A03238900	255	26S	02W	11	14541244	IRR	120
A03257500	137	26S	02W	13	34401284	IRR	60
A03851400	578	26S	01W	20	3314222	IRR	17.8
A03894200	1806	26S	02W	13	18000063	IND	25.8
A03903300	1046	26S	01W	20	3314222	IRR	6.2
A04108400	594	26S	01W	16	7923828	REC	55
A04157100	2132	26S	02W	12	28403020	REC	8.3
A04157200	2133	26S	01W	18	49894352	REC	7
A04253600	2445	26S	01W	17	39612785	IRR	0
A04253600	2446	26S	01W	17	37532783	IRR	0
A04253600	2412	26S	01W	17	40572787	IRR	207
A04253600	2443	26S	01W	17	43612790	IRR	0
A04253600	2444	26S	01W	17	41612788	IRR	0
A04338100	2566	26S	01W	16	19443926	REC	70
A04385900	2702	26S	01W	18	14534724	IND	9.75
A04461700	2860	26S	01W	7	17502950	REC	3.34
A04539700	3014	26S	02W	13	52350229	IRR	121.5
A04561500	3078	26S	01W	20	46084851	REC	5
A04617900	3263	26S	01W	8	12100180	IND	1392
A04669000	3442	26S	02W	11	14541244	IRR	0
A04686100	3464	26S	01W	4	10714620	REC	52.5
A04687200	3468	26S	02W	12	25491204	IRR	78
A04756500	3685	26S	01W	20	12953008	REC	22.3
A04813000	3915	26S	02W	12	41851300	IRR	201.5
A04908700	4227	26S	01W	16	36504500	IRR	32.5
A04933700	4895	26S	01W	20	39550597	IRR	109.2
A04986900	4965	26S	01W	17	17623333	IND	83.5
A04988400	5199	26S	01W	7	40713488	IRR	76.67
A05033900P	5294	26S	01W	17	18970792	REC	5
A05040500P	5296	26S	01W	18	48141745	REC	5.65
A05040600P	5297	26S	01W	18	45734192	REC	0
A20059016	3264	26S	01W	8	11480465	HYD	16572
A20159023	4845	26S	01W	8	12100180	HYD	813.87
<b>Allowable Appropriations</b>	<b>4,021.00</b>				<b>Total Existing Appropriation</b>		<b>21,026.95</b>
<b>Small User Quantity</b>	<b>0</b>				<b>Non Consumptive Appropriations</b>		<b>17,385.87</b>
<b>Remaining SUQ</b>	<b>45</b>				<b>Consumptive Appropriations</b>		<b>3,641.08</b>
<b>Note- Values are in acre-feet</b>					<b>Available Appropriations</b>		<b>379.92</b>


Equus Beds Groundwater Management District No. 2  
 Spacing Evaluation #50405 - Kevin Rempe  
 NENWNE (4814'N & 1745'W) 18-26S-01W, Sedgwick County  
 Prepared By: T. Boese      Date:10/6/2020



	Proposed Point of Diversion	<b>Map Legend</b>	
	Area of Consideration Boundary		Major Highway
	Monitoring Wells		Other Roadway
	Points of Diversion		Major Stream
	District Boundary		Other Water Feature
			County Boundary
			City Boundary

0.065 0.0325 0 0.065 Miles





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



# 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. 50,405** of the applicant

**KEVIN REMPE**  
**1044 N MURRAY COURT**  
**WICHITA, KS 67212-4031**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **June 25, 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 3.39 acres located in the in the Northeast Quarter of the Northwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 18, 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 geo-center which is located in the Northeast Quarter of the Northwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 18, more particularly described as being near a point 4,814 feet North and 1,745 feet West of the Southeast corner of said section, in Township 26 South, Range 1 West, Sedgwick County, 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 **5.65 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.

15. 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 would cause impairment to existing water rights.

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

17. That a sign is permanently posted at the excavation, 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 feet in length by two feet in width, easily visible, and of durable construction.

Ordered this 8 day of January, 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 )  
County of Riley ) SS

The foregoing instrument was acknowledged before me this 8 day of January, 2021, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



*Ashlee Freeman*  
Notary Public

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 14 day of January, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,405, dated 8 January, 2021 was mailed postage prepaid, first class, US mail to the following:

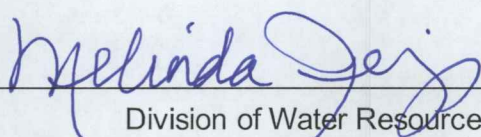
KEVIN REMPE  
1044 N MURRAY COURT  
WICHITA KS 67212-4031

With photocopies to:

Stafford Field Office

GMD 2

WEST LAND HOLDINGS LLC  
429 S 119th ST W  
WICHITA KS 67235

  
\_\_\_\_\_  
Division of Water Resources

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, Acting Secretary

Laura Kelly, Governor

KEVIN REMPE  
1044 N MURRAY COURT  
WICHITA KS 67212-4031

January 14, 2021

RE: Application, File No. 50,405

Dear Mr. Rempe:

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  
Water Appropriation Program

Enclosures

pc: Stafford Field Office  
GMD 2  
West Land Holdings LLC, 429 S 119<sup>th</sup> St W, Wichita KS 67235