

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

| | | | |
|---|--|--|---|
| 1. File Number: <p style="text-align: center;">49,897</p> | 2. Status Change Date: <p style="text-align: center;">12/21/2022</p> | 3. Field Office: <p style="text-align: center;">02</p> | 4. GMD: <p style="text-align: center;">02</p> |
|---|--|--|---|

5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

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

| | |
|---|--|
| <p>7a. Applicant(s) Person ID 61954 New to system <input type="checkbox"/> Add Seq# _____</p> <p>WRAY RATZLAFF 1220 27TH AVE CANTON KS 67428</p> | <p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> |
| <p>7b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p>7a</p> | <p>7d. Misc. Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> |

| | |
|---|---|
| <p>8. WUR Correspondent Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a</p> | <p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p> |
|---|---|

10. Completion Date: **12/31/2024** 11. Perfection Date: **12/31/2029-2028** 12. Exp Date: _____

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

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

| | | |
|---|--|--|
| <p style="text-align: center;">12/13/2022 KKopp</p> | <p>Date Prepared: 11/4/22 By: JNE</p> <p>Date Entered: 1/3/2023 By: _____</p> | |
|---|--|--|

File No. **49,897** 15. Formation Code: **190** Drainage Basin: **Little Arkansas River** County: **MP** Special Use: Stream:

16. Points of Diversion

| MOD | DEL | ENT | PDIV | Qualifier | S | T | R | ID | 'N | 'W |
|------------------|-----|-----|------|---------------------|-----------|-----------|-----------|----------|--------------|--------------|
| | | | | NE SW NW | | | | | | |
| MOD 86321 | | | | SW SE NW | 27 | 19 | 1W | 1 | 3,200 | 3,900 |
| ENT 89953 | | | | NE SW NW | 27 | 19 | 1W | 1 | 3,400 | 4,100 |
| ENT 89954 | | | | NE SW NW | 27 | 19 | 1W | 1 | 3,400 | 3,700 |
| ENT 89955 | | | | NE SW NW | 27 | 19 | 1W | 1 | 3,000 | 4,100 |
| ENT 89956 | | | | NE SW NW | 27 | 19 | 1W | 1 | 3,000 | 3,700 |

17. Rate and Quantity

| Authorized | | Additional | | Overlap PD Files |
|------------|--------------|------------|--------------|------------------|
| Rate gpm | Quantity af | Rate gpm | Quantity af | |
| 800 | 291.2 | 800 | 291.2 | NONE |

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 **12/31/2024** Date Acceptable Meter Installed _____

21. Place of Use

| MOD | DEL | ENT | PUSE | S | T | R | ID | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Total | Owner | Chg? NO | Overlap Files |
|------------------|-----|-----|------|-----------|-----------|-----------|----------|------|------|------|------|-------------|-------------|-------------|-------------|-------------|-------------|------|------|------|------|--------------|-----------|-------|--------------|----------------|---------------|
| | | | | | | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | | | | |
| MOD 68541 | | | | 27 | 19 | 1W | 1 | | | | | 38.0 | 28.0 | 39.0 | 40.0 | 40.0 | 39.0 | | | | | 224.0 | 7a | | 49898 | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: File

DATE: October 9, 2022

FROM: Jessica Engelbrecht

RE: Application, File No. 49,897

Wray Ratzlaff has filed the referenced application to appropriate groundwater for irrigation use, requesting a battery of four (4) wells, a quantity of 291.2 acre-feet, and a diversion rate of 800 gallons per minute. The geo-center of the proposed battery is to be located in Southwest Quarter of the Southeast Quarter of the Northwest Quarter (SW¼ SE¼ NW¼) of Section 27, more particularly described as being near a point 3,200 feet North and 3,900 feet West of the Southeast corner of said section, in Township 19 South, Range 1 West, Sedgwick County, within the Arkansas River Basin. The proposed point of diversion is located within the boundaries of Equus Beds Groundwater Management District No. 2. The proposed place of use is 224 acres which is an overlap of File No. 49,897.

Nearby notification letters were mailed on August 15, 2022. No contact of any kind was received. According to the WRIS database, the nearest non-domestic point of diversion (Water Right, File No. 47,977 and 49,943) is located 4,962 feet away. Based on the site map, the closest possible domestic well is approximately 1,200 feet away, from the proposed point of diversion to the property line. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-22-2 for wells located within Equus Beds Groundwater Management District No. 2, the minimum well spacing should be 1,320 feet to all other non-domestic wells and 660 feet to domestic wells.

A driller's test log shows layers of clay and fine sand from 0 to 85 feet and shale from 85 to 95 feet. The driller's test log notes a completed well depth of 95 feet and an estimated static water level of 30 feet. Saturated thickness is 55 feet. The source is the Equus Beds Aquifer.

The requested quantity of water, 291.2 acre-feet, is to irrigate the proposed 224 acres identified in the application. This comes out to 1.3 acre-feet per acre which is the maximum allowable of 1.3 acre-feet per acre for McPherson County, Kansas.

A copy of the application was submitted to Equus Beds Groundwater Management District No. 2 (GMD 2) on September 8, 2022. GMD 2 stated that the application complies with K.A.R. 5-22-2 through 5-22-17 and recommended approval of the application in a letter, received via email, on March 16, 2022.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. A water level measurement tube is required because this is a proposed new well exceeding 100 gpm.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on November 1, 2022. Based on the above discussion, well spacing, and reduction of quantity to meet safe yield, 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.

Engelbrecht, Jessica [KDA]

From: Lanterman, Jeff [KDA]
Sent: Tuesday, November 1, 2022 12:26 PM
To: Engelbrecht, Jessica [KDA]; Conant, Cameron [KDA]; Baum, Kristen [KDA]
Subject: FW: Memos 49897 and 49898
Attachments: 49897 App.pdf; 49897 Recommendation.pdf; 49897 Memo Form.docx; 49898 App.pdf; 49898 Recommendation.pdf; 49898 Memo Form.docx

Importance: High

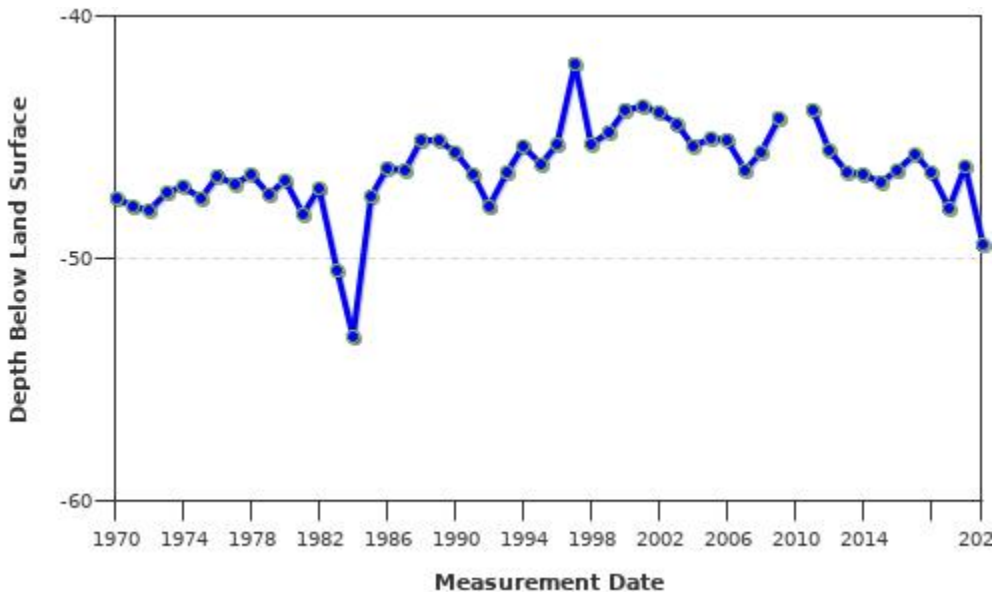
Follow Up Flag: Follow up
Flag Status: Flagged

So this is in the new GMD 2 area between the dog ears. There isn't much for water levels around there but the one I found about a mile away to the SW.

It appears he is using the proposed SY numbers (Which I do not believe are in reg yet so I don't know what we might need to do there)

I agreed with his SY numbers he used in this area in most cases it was close or a little less than what we were using there. Slim aquifer so that is why he is needing two batteries which is a bit of a concern in this location. But I don't see any reason why it shouldn't be approved. I recommend approval.

Copied Kristen for my question on SY. I think it would meet our previous SY as well but I didn't check. Since I think it would meet both maybe we don't need to do anything.



Thanks
Jeff

From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Sent: Sunday, October 9, 2022 8:05 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: Memos 49897 and 49898

Jeff,

Attached are memos for 49897 and 49898. Both are a battery of wells with an overlapping place of use.

Jessica Engelbrecht, Environmental Scientist

KDA Division of Water Resources

Stafford Field Office

(620) 234-5311 Office

(620) 234-6900 Fax

Jessica.engelbrecht@ks.gov

www.agriculture.ks.gov





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. 49,897** of the applicant

WRAY RATZLAFF
1220 27TH AVENUE
CANTON KANSAS 67428

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 **August 31, 2017**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

| Sec. Twp. Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL |
|-----------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 27 - 19S - 1W | | | | | 38 | 28 | 39 | 40 | 40 | 39 | | | | | | | 224 |

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells with a geographic center located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE¼ SW¼ NW¼) of Section 27, more particularly described as being near a point 3,200 feet North and 3,900 feet West of the Southeast corner of said section, in Township 19 South, Range 1 West, McPherson 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 **800 gallons per minute (1.78 CFS)** and to a quantity not to exceed **291.2 acre-feet** of water for any calendar year.
5. That this permit is further limited such that all four (4) wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply and shall be limited to a total maximum diversion rate not in excess of eight hundred (800) gallons per minute (1.78 c.f.s.).

6. That installation of works for diversion of water shall be completed on or before **December 31, 2024**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
7. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2028**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
8. 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.
9. 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.
10. 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.
11. 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.
12. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.
13. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.
14. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.
15. 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.
16. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

- 18. 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.
- 19. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

Ordered this 21 day of December, 2022, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

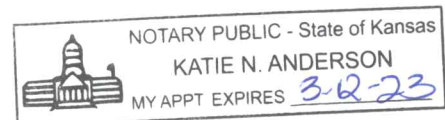
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 21 day of December, 2022, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Katie Anderson

Notary Public



Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

January 9, 2023

WRAY RATZLAFF
1220 27TH AVENUE
CANTON KS 67428

RE: Appropriation of Water
File Nos. 49,897 and 49,898

Dear Mr. Ratzlaff:

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

The approval of your applications constitute permits to appropriate water. They do not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. They do 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.

Notice must be filed on the enclosed forms 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 the permits. 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, per file number.

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.

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 rights. Additional information and applicable forms may be found on our website at agriculture.ks.gov/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,

A handwritten signature in cursive script that reads "Kristen A. Baum".

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

KAB: jne
Enclosure(s)

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 9 day of January, 2023, I hereby certify that the attached Approval of Application and Permit to Proceed, File No. 49,897, dated 21 December, 2022, was mailed postage prepaid, first class, U.S. Mail to the following:

Original to:

WRAY RATZLAFF
1220 27TH AVENUE
CANTON KS 67428

Photocopy to:

Stafford Field Office

Equus Beds Groundwater Management District No. 2



DWR Staff