

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

1. File Number: <p style="text-align: center; font-size: 1.2em;"><b>50,454</b></p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;"><b>4/12/2022</b></p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;"><b>02</b></p>	4. GMD:
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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 **67465**  
New to system                       Add Seq# \_\_\_\_\_

**CW LAND, LLC**  
**4043 S WEST STREET**  
**WICHITA KS 67217**

**MOD**

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

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

**<-- NAME CHANGE**

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

**7A**

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~~<sup>23</sup>                      11. Perfection Date: ~~12/31/2026~~<sup>27</sup>                      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: ~~12/31/2026~~    Date WLMD Installed: \_\_\_\_\_

**WAIVER INCLUDED**

Date Prepared: **11/23/21**    By: **JNE**  
Date Entered: 4/18/2022    By: **LMoody**

File No. **50,454**      15. Formation Code: **100**      Drainage Basin: **ARKANSAS RIVER**      County: **SG**      Special Use:      Stream:

16. Points of Diversion

MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
✓	<b>88430</b>	<b>NW SE SW</b>	<b>8</b>	<b>28</b>	<b>1E</b>	<b>18</b>	<b>1115</b>	<b>3700</b>

17. Rate and Quantity

Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>250</b>	<b>5.915</b>	<b>250</b>	<b>5.915</b>	<b>None</b>

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 ~~12/31/2022~~      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use

MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? <b>NO</b>	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				
✓	<b>70139</b>	<b>8</b>	<b>28</b>	<b>1E</b>	<b>13</b>									<b>.10</b>	<b>.46</b>	<b>1.01</b>	<b>2.98</b>					<b>4.55</b>	<b>7A</b>	<b>NO</b>	<b>NONE</b>

Comments: 1/24/2022  
KJN

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

**M E M O R A N D U M**

**TO:** Files

**DATE:** November 22, 2021

**FROM:** Jessica Engelbrecht

**RE:** Application, File No. 50,454

CW Land, LLC has filed the referenced application to appropriate groundwater for irrigation use, requesting one (1) well, a quantity of 5.915 acre-feet, and a diversion rate of 250 gallons per minute. The proposed well is to be located in the Northwest Quarter of the Southeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 8, more particularly described as being near a point 1,115 feet North and 3,700 feet West of the Southeast corner of said section, in Township 28 South, Range 1 East, Sedgwick County, within the Arkansas River drainage basin. There are no other water rights overlapping the proposed point of diversion or place of use.

The application is located in a densely populated area. A public notice was published for three consecutive weeks with the first publication on June 23, 2021. No contact of any kind was received. The proposed point of diversion does not meet minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-4-4(1)(c) for wells, the minimum well spacing should be 1,320 feet to all other non-domestic wells and 660 feet to domestic wells. The nearest possible domestic well is over 1,000 feet away. According to WRIS, File No. 49,680 is located 357 feet away. A spacing consent form for Water Right, File No. 49,680 was submitted on September 9, 2021. The permit will require a waiver of spacing to this well. Application File No. 50,454 and Water Appropriation, File No. 49,680 have a common ownership.

A driller's well log for a nearby domestic well in the area shows topsoil 0 to 4 feet, clay from 4 to 16 feet, medium sand from 16 to 40 feet, shale from 40 to 45 feet, and a static water level of 15 feet. Monitoring wells in the area show very little change in water level over the past ten years. The source of water is likely from the Quaternary age sand and gravel beds.

The requested quantity of water, 5.915 acre-feet, is to irrigate the proposed 4.55 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 Sedgwick County, Kansas.

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.

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

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on November 22, 2021. Based on the above discussion, 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.

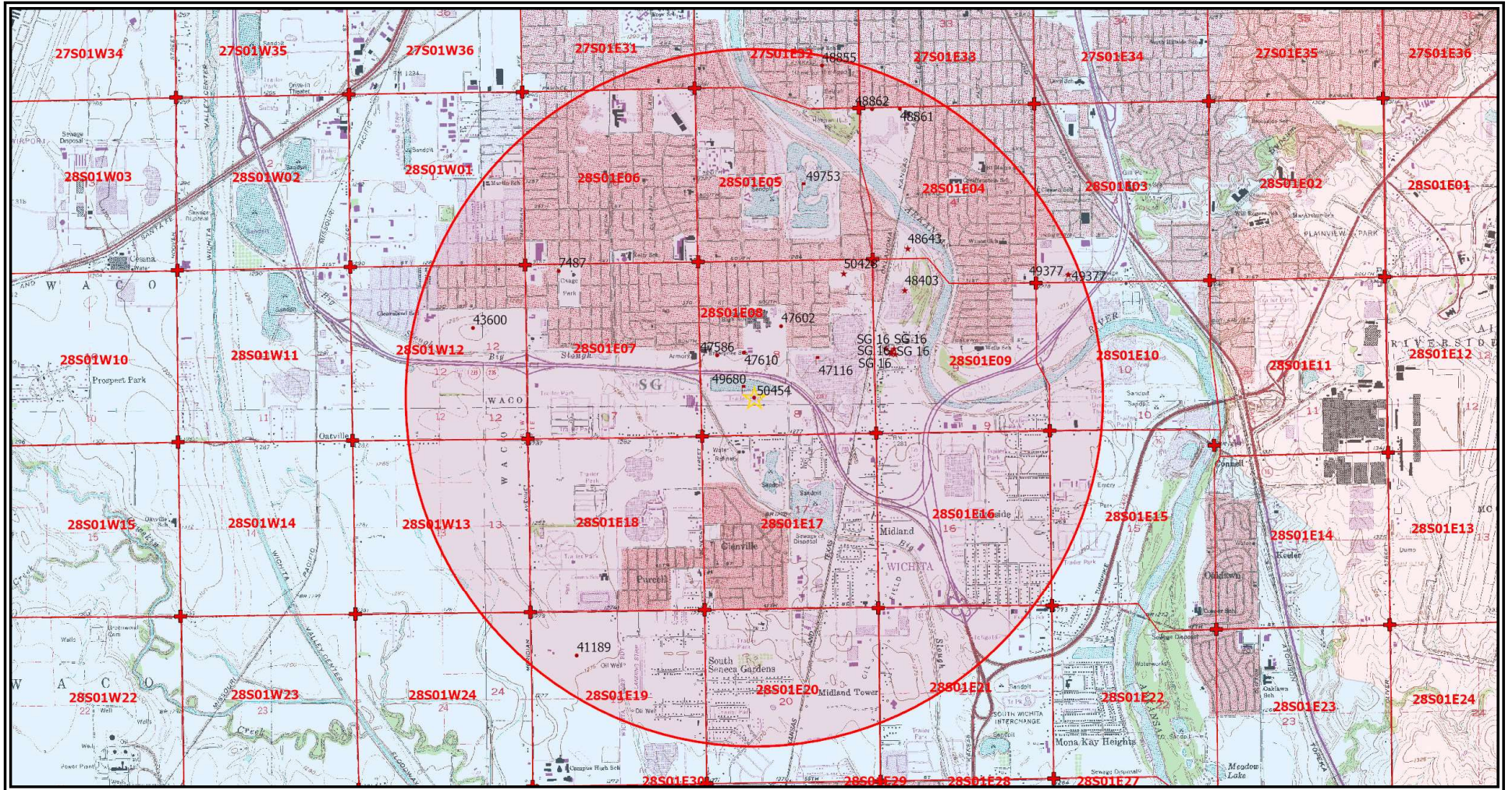
1/25/2022  
KJN

# Safe Yield Report Sheet

## Water Right- Proposed Point of Diversion

### Point of Diversion in 08-28S-01E

Footages from SE corner- 1,115 feet North 3,700 feet West



**\*MEETS SAFE YIELD**

## Analysis Results

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 2,010.62 AF – 672.51 AF = 1,338.11 AF

Total prior appropriations in the circle is 678.43 AF – 5.92 AF = 672.51 AF

Total quantity of water available for appropriation is 1,332.19 AF

## Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 3.0 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 20-OCT-2021 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 18 water rights and 22 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 7487 00	IRR	NK	G		NE	NW	NW	5080	4310	07	28	01E	1	WR	30.00	30.00	20.00	20.00
A 41189 00	IRR	NK	G		NW	SE	NW	3914	3912	19	28	01E	7	WR	109.80	109.80	147.00	147.00
V SG 16 00	IND	AA	G					2546	4713	09	28	01E	2	WR	8.82	8.82		
Same	IND	AA	G					2546	4971	09	28	01E	4	WR				
Same	IND	AA	G					2380	4675	09	28	01E	5	WR				
Same	IND	AA	G					2400	4800	09	28	01E	6	WR				
Same	IND	AA	G					2468	4790	09	28	01E	7	WR				
A 43600 00	IRR	NK	G		NE	SW	NE	3392	1640	12	28	01W	2	WR	48.00	48.00	49.30	49.30
A 47116 00	REC	NK	G		NE	NW	SE	2388	1448	08	28	01E	9	WR	85.00	85.00		
A 47586 00	IRR	NK	G		NW	NW	SW	2421	4813	08	28	01E	11	WR	2.00	2.00	3.50	3.50
A 47602 00	IRR	NK	G		SE	SE	NW	3291	2861	08	28	01E	12	WR	2.00	2.00	3.00	3.00
A 47610 00	IRR	NK	G		NE	NW	SW	2497	3994	08	28	01E	13	WR	9.30	9.30	4.00	4.00
A 48403 00	IND	NK	G					4317	4373	09	28	01E	3	WR	65.00	65.00		
A 48643 00	IND	NK	G					1086	3892	04	28	01E	6	WR	1.35	1.35		
A 48855 00	IRR	KE	G		NW	SE	SE	1300	1102	32	27	01E	2	WR	161.30	161.30	74.00	74.00
A 48861 00	IRR	KE	G					5350	4085	04	28	01E	7	WR	161.30	0.00	74.00	0.00
A 48862 00	IRR	KE	G					5350	4930	04	28	01E	8	WR	161.30	0.00	74.00	0.00
A 49377 00	IND	KE	G		SE	SW	SW	215	4295	03	28	01E	11	WRF	34.43	34.43		
A 49377 00	IRR	KE	G		SE	SW	SW	215	4295	03	28	01E	11	WRF	9.84	9.84	3.28	3.28
A 49680 00	REC	KE	G		SW	NE	SW	1370	3950	08	28	01E	14	WR	35.90	35.90		
A 49753 00	REC	KE	G		NW	NW	SE	2230	2000	05	28	01E	3	WR	66.70	66.70		
A 50428 00	IND	AY	G		NW	NE	NE	4860	944	08	28	01E	17	WR	3.07	3.07		
<del>A 50454 00</del>	<del>IRR</del>	<del>AY</del>	<del>G</del>		<del>NW</del>	<del>SE</del>	<del>SW</del>	<del>1115</del>	<del>3700</del>	<del>08</del>	<del>28</del>	<del>01E</del>	<del>18</del>	<del>WR</del>	<del>5.92</del>	<del>5.92</del>	<del>4.55</del>	<del>4.55</del>

## Limitations

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File Number	Seq Num	Limitations
A 48861 00	1	185 AF/YR COM/W #48855, 48856, 48858 & 48859-A
A 48862 00	1	185 AF/YR COM/W #48855 ETAL (SEE FILE FOR DETAILS)

## Engelbrecht, Jessica [KDA]

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**From:** Lanterman, Jeff [KDA]  
**Sent:** Monday, November 22, 2021 3:13 PM  
**To:** Engelbrecht, Jessica [KDA]  
**Subject:** RE: 50454 Memo

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Jessica.

I think this one can be approved. As we discussed I would include a better well log on your memo to define probable source of supply but I don't believe the well log would change a recommendation to approve it.

This one meets safe yield by a wide margin and local well levels are steady.

Thanks  
Jeff

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**From:** Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>  
**Sent:** Monday, November 22, 2021 2:04 PM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Subject:** 50454 Memo  
**Importance:** High

Found a typo in the last memo.

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**From:** Engelbrecht, Jessica [KDA]  
**Sent:** Monday, November 22, 2021 10:16 AM  
**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Subject:** 50454 Memo  
**Importance:** High

Jeff,  
Attached is the memo for 50,454. It's a small irrigation application (5.915) in SG County.  
The application will require a waiver of spacing. There is common ownership between this application and the nearby water right 49,680.

Jessica Engelbrecht, Environmental Scientist  
KDA Division of Water Resources  
Stafford Field Office  
(620) 234-5311 Office  
(620) 234-6900 Fax  
[Jessica.engelbrecht@ks.gov](mailto:Jessica.engelbrecht@ks.gov)  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

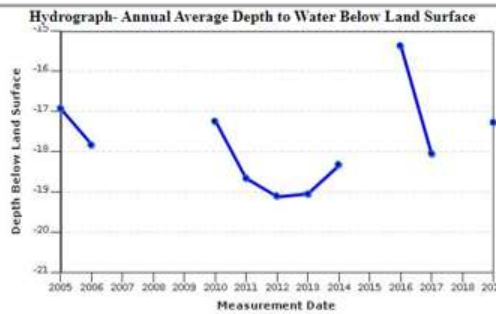
**General Well Site Information**

USGS ID: 372042097382601 KGS Local Well ID: 28S 01E 05CADC 01  
 County: Sedgwick PLSS Description: 28S 1E 5 SWSNESW  
 HUC 8 Code: 11030013 GMD: None  
 Longitude: -97.345 Lat/Long Source: GPS  
 Latitude: 37.6405 Lat/Long Accuracy: 5 seconds  
 Surface Elevation (ft): 1285 Depth of Well (ft): 38.6  
 Geological Unit Codes: QU USGS Map Name: Wichita East  
 Use of Site: Observation Use of Water: Unused  
 WWC5 Links: [438139](#) WIMAS Link: None

**Water Level Measurements**

372042097382601

Note that depth to water is feet below land surface and all measurements for the well are included.



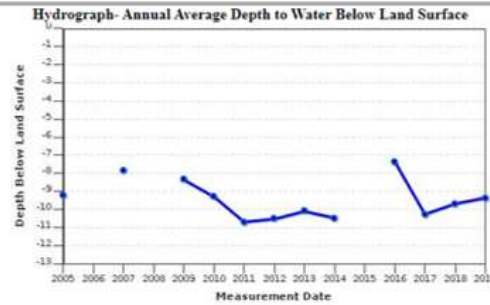
**General Well Site Information**

USGS ID: 373435097185501 KGS Local Well ID: 28S 01E 34BBCC 01  
 County: Sedgwick PLSS Description: 28S 1E 34 SWSWNWNW  
 HUC 8 Code: 11030013 GMD: None  
 Longitude: -97.31531 Lat/Long Source: GPS (within 50 feet)  
 Latitude: 37.57626 Lat/Long Accuracy: 5 seconds  
 Surface Elevation (ft): 1255 Depth of Well (ft): 25  
 Geological Unit Codes: QU USGS Map Name: Derby  
 Use of Site: Observation Use of Water: Unused  
 WWC5 Links: [429935](#) WIMAS Link: None

**Water Level Measurements**

373435097185501

Note that depth to water is feet below land surface and all measurements for the well are included.



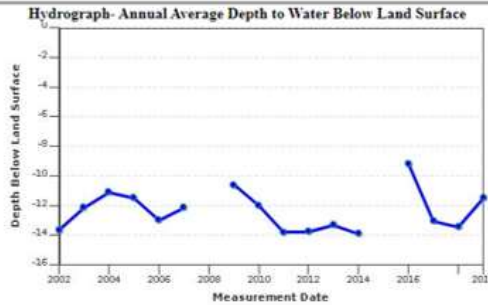
**General Well Site Information**

USGS ID: 373510097203601 KGS Local Well ID: 28S 01E 29CAAA 01  
 County: Sedgwick PLSS Description: 28S 1E 29 NENENESW  
 HUC 8 Code: 11030013 GMD: None  
 Longitude: -97.3432 Lat/Long Source: GPS (within 50 feet)  
 Latitude: 37.58617 Lat/Long Accuracy: 5 seconds  
 Surface Elevation (ft): 1267 Depth of Well (ft): 52.6  
 Geological Unit Codes: QU USGS Map Name: Derby  
 Use of Site: Observation Use of Water: Unused  
 WWC5 Links: [329222](#) WIMAS Link: None

**Water Level Measurements**

373510097203601

Note that depth to water is feet below land surface and all measurements for the well are included.



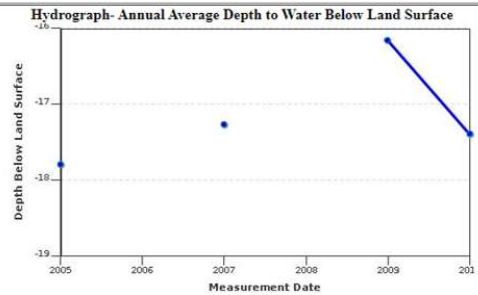
**General Well Site Information**

USGS ID: 373842097204901 KGS Local Well ID: 28S 01E 05CDBB01  
 County: Sedgwick PLSS Description: 28S 1E 5 NWNWSESW  
 HUC 8 Code: 11030013 GMD: None  
 Longitude: -97.34706 Lat/Long Source: GPS (within 50 feet)  
 Latitude: 37.64049 Lat/Long Accuracy: 5 seconds  
 Surface Elevation (ft): 1287 Depth of Well (ft): 39  
 Geological Unit Codes: QU USGS Map Name: Wichita East  
 Use of Site: Observation Use of Water: Unused  
 WWC5 Links: [430065](#), [438140](#) WIMAS Link: None

**Water Level Measurements**

373842097204901

Note that depth to water is feet below land surface and all measurements for the well are included.





Kansas Department of Agriculture  
 Division of Water Resources  
**WAIVER REQUEST & WAIVER RULE WORKSHEET**

File Number: **50,454**

FO: **2**

GMD:

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
<b>IRR</b>		<b>3</b>	<b>Statewide</b>	<b>Well Spacing</b>	<b>Unconfined</b>
Rule Number	Date Granted	Date Denied	Justification:	A groundwater pit is within the 1,320-foot radius from the well approved by New Application, File No. 50,454. Both, the groundwater pit authorized by Water Appropriation File No. 49,680 and Application File No. 50,454 have common ownership.	
<b>K.A.R. 5-4-4(c)(1)(C)</b>					

**WAIVER RULE (complete only if a new rule needs to be created):**

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
				<b>K.A.R.</b>		

**COMMENTS: Will not be a new rule**

1/25/2022  
KJN

Date Prepared **11/22/2021** By **JNE**

Date Entered \_\_\_\_\_ By \_\_\_\_\_

# 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. 50,454** of the applicant

**CW LAND, LLC  
4043 S WEST STREET  
WICHITA KS 67217**

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 **October 7, 2020**.
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	
8	28S	1E																	4.55

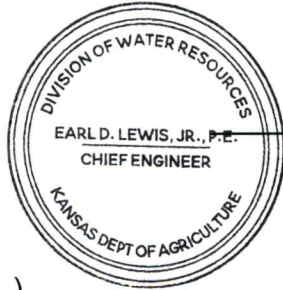
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well, which is to located in the Northwest Quarter of the Southeast Quarter of the Southwest Quarter (NW¼ SE¼ SW¼) of Section 8, more particularly described as being near a point 1,115 feet North and 3,700 feet West of the Southeast corner of said section, in Township 28 South, Range 1 East, 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 **250 gallons per minute (0.56 c.f.s.)** and to a quantity not to exceed **5.915 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, 2023** 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.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2027** 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.
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 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.
12. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).
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 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.
15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
16. 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.
17. 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 12<sup>th</sup> day of April, 2022, in Manhattan, Riley County, Kansas.

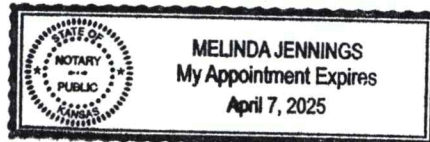


Earl D. Lewis Jr., P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                                  ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 12 day of April, 2022, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

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:

- 0) request an evidentiary hearing before the Chief Engineer, or
- 1) 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      day of      , 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,454, dated      was mailed postage prepaid, first class, US mail to the following:

CW LAND LLC  
4043 S WEST ST  
WICHITA, KS 67217

With photocopies to:

Stafford Field Office

Kansas Department of Agriculture  
Division of Water Resources  
**WAIVER REQUEST & WAIVER RULE WORKSHEET**

File Number: 50,454

FO: 2

GMD: \_\_\_\_\_

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	11/23/2021	3	Statewide	Well Spacing	
Rule Number	Date Granted	Date Denied	Justification:	A groundwater pit is within the 1,320-foot radius from the well approved by New Application, File No. 50,454. Both, the groundwater pit authorized by Water Appropriation File No. 49,680 and Application File No. 50,454 have common ownership.	
K.A.R. 5-4-4 (1)(C)	4/12/2022				

**WAIVER RULE (complete only if a new rule needs to be created):**

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
				K.A.R.		

**COMMENTS: Will not be a new rule**

Date Prepared 11/22/2021 By JNE

Date Entered 4/18/2022 By \_\_\_\_\_

LMoody

# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

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

## WAIVER OF REGULATION K.A.R. 5-4-4(c)(1)(C) Well Spacing

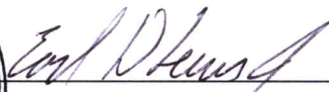
Date: April 12, 2022

Re: Application, File No. 50,454

1. That K.A.R. 5-4-4(c)(1)(C) states in part: The minimum distance from the well which is the subject of the application to all other senior authorized non-domestic and non-temporary wells in the same aquifer or a hydraulically connected aquifer shall be: 1,320 feet to wells whose common source of supply is any other aquifer.
2. That Water Appropriation 49,680 falls within this 1,320-foot radius, located approximately 357 feet away from the well proposed under New Application, File No. 50,454.
3. That the applicant for New Application, File No. 49,680, Jeff Lange of TRCS, LLC, is aware of the proposed well under New Application, File No. 50,454, and has signed an Irrigation Well Spacing Consent Form.
4. That the requested rate of diversion is relatively low (250 gallons-per-minute) which should help limit any possible impact of the well on any nearby domestic wells.
5. That a waiver of K.A.R. 5-4-4(c)(1)(C) will not prejudicially or unreasonably affect the public interest and should not impair any existing water rights.

Comments:



  
Earl D. Lewis Jr., P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture



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

Phone: 620-234-5311  
Fax: 620-234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Mike Beam, Secretary

Laura Kelly, Governor

CW LAND, LLC  
4043 S WEST STREET  
WICHITA KS 67217

April 20, 2022

RE: Application, File No. 50,454

Dear Water User:

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.

S  
Handwritten signature of Kristen A. Baum in black ink.

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

KAB: jne

Enclosures

pc: Stafford Field Office



**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:

- 0) request an evidentiary hearing before the Chief Engineer, or
- 1) 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.

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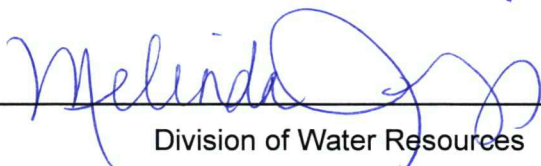
**CERTIFICATE OF SERVICE**

On this 20 day of April, 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,454, dated 12 April, 2022 was mailed postage prepaid, first class, US mail to the following:

CW LAND LLC  
4043 S WEST ST  
WICHITA, KS 67217

With photocopies to:

Stafford Field Office

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