

File No. **50,548** 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
MOD	88707	SW SW NE	10	27	1W	27	3,064	2,495

17. Rate and Quantity

Authorized		Additional		Overlap PD Files
Rate gpm	Quantity af	Rate gpm	Quantity af	
NE	22.5	NE	22.5	N/A
PD Comment: Rec Pit (Moss Lake)				

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

T 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	70327	10	27	1W	12	MOSS LAKE (SW NE) & (SE NW) *																	7a						NO

Comments: ***13.5 Acre Groundwater Pit (SW NE) & (SE NW)**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: October 4, 2022

FROM: Jessica Engelbrecht

RE: Application, File No. 50,548

Sedgwick County Environmental Resources Department has filed the referenced application to appropriate groundwater for recreational use. The applicant is requesting a quantity of 22.5 acre-feet of water to cover natural evaporative loss from the surface of the groundwater pit with an exposed surface area size of 13.5 acres. The geographic center of the groundwater pit is located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW¼ SW¼ NE¼) of Section 10, more particularly described as being near a point 3,064 feet North and 2,495 feet West of the Southeast corner of said section, in Township 27 South, Range 1 West, Sedgwick County, within the Arkansas River drainage basin.

The groundwater pit has existed for many years (prior to the 1960's) with no impairment issues to nearby wells. The source of water for the groundwater pit appears to be main stem alluvium from the Arkansas River. The purpose of this application is to simply bring the pit into compliance with the Division of Water Resources.

The quantity of water requested for the application (22.5 acre-feet) was based on a groundwater pit not to exceed 13.5 in size, as follows: 13.5 acres x 20 inches of evaporation / 12"/foot = 22.5 acre-feet.

The application is subject to safe yield based on K.A.R. 5-3-11. Results revealed that there is 2,077.64 acre-feet at a recharge rate of 5.4 inches at 75% in the 8,042-acre area of consideration. Total prior appropriations minus pending applications result in 3,033.91 acre-feet exceeded with no water available for appropriation. Therefore, the quantity of 22.5 acre-feet will not meet safe yield in this area. However, the groundwater pit has existed prior to the 1960s and therefore a waiver of K.A.R. 5-3-11 and approval of the application, will have no additional impact to the groundwater supply.

The application is in proximity to a densely populated area. A public notice was published in the local paper for three consecutive weeks starting on November 15, 2021 with the last publication on November 29, 2021. No response of any kind was received. According to the WRIS database, the nearest non-domestic point of diversion (File No. 17,002 and File No. 50,216) is located 1,309 feet away and is owned by the applicant. The nearest domestic well would be over 1,200 feet away (Geo-Center to KGS well location). Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be 1,320 feet to all other non-domestic wells and 660 feet to domestic wells. The proposed point of diversion does not meet minimum well spacing to all existing wells. A waiver of K.A.R. 5-4-4 will be needed to approve 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 March 23, 2021.

Jeff Lanterman, Water Commissioner for the Stafford Field Office, recommended approval of the referenced application in an email conversation on November 1, 2022. Approval of the application should not impair senior water rights, nor prejudicially or unreasonably affect the public interest. Based on the above discussion, it is recommended that the referenced application be approved.

Engelbrecht, Jessica [KDA]

From: Lanterman, Jeff [KDA]
Sent: Tuesday, November 1, 2022 1:29 PM
To: Engelbrecht, Jessica [KDA]
Subject: RE: 50548 Memo

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Jessica.

I recommend approval of this old existing GW pit with a waiver of SY.

At least it will be figured in the SY of future applications in the area.

Thanks
Jeff

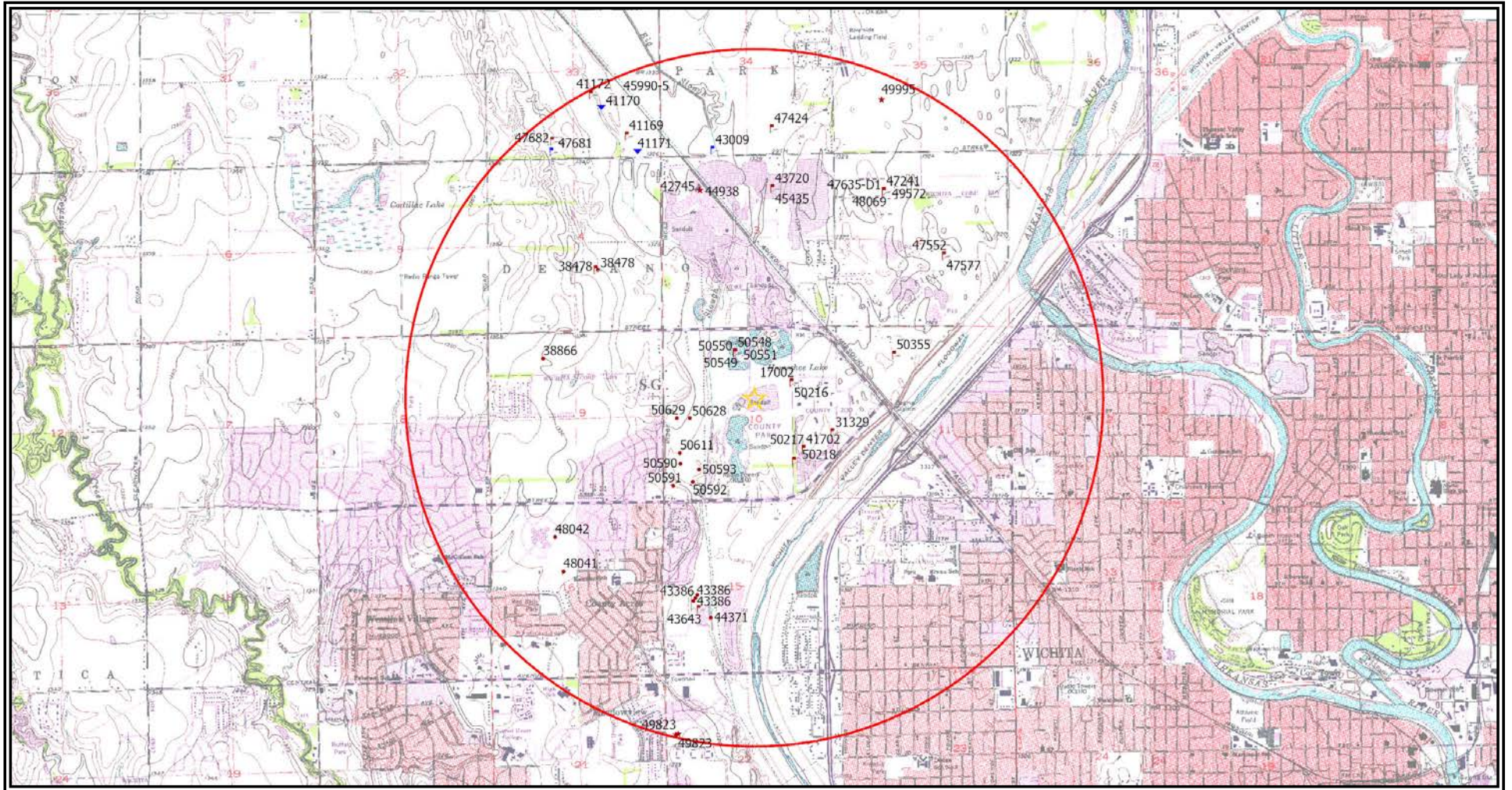
From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Sent: Tuesday, October 4, 2022 4:44 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: 50548 Memo
Importance: High

Jeff,
Attached is the memo for 50548.
A groundwater pit in Wichita that will be brought into compliance by the approval of the application.

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



Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 10-27S-01W
Footages from SE corner- 3,064 feet North 2,495 feet West



Analysis Results

***DOES NOT MEET SAFE YIELD**

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

The safe yield based on the variables listed below is 2,714.34 AF – 3,312.74 AF = **(598.4 AF)**

Total prior appropriations in the circle is 3,178.99 AF – 133.75 AF (Pending Apps) = 3,312.74 AF

Total quantity of water available for appropriation is 0.00 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 5.4 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 28-DEC-2022 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 41 water rights and 33 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 17002 00	REC	NK	G		NW	SE	NE	3516	1266	10	27	01W	20	WR	484.88	484.88		
A 31329 00	REC	NK	G		NE	NE	SE	1950	20	10	27	01W	17	WR	521.71	282.34		
A 38478 00	IRR	NK	G		SE	NW	SE	1840	1930	04	27	01W	1	WRF	197.00	197.00	131.00	131.00
A 38478 00	REC	NK	G		SE	NW	SE	1840	1930	04	27	01W	1	WRF	32.00	32.00		
A 38866 00	IRR	NK	G		SW	NE	NW	4380	3620	09	27	01W	1	WR	20.00	20.00	15.00	15.00
A 41169 00	REC	NK	G		SW	SE	SE	647	925	33	26	01W	15	WR	12.33	12.33		
A 41172 00	REC	NK	G		SE	NW	SE	1920	1999	33	26	01W	16	WR	19.95	19.95		
A 41702 00	REC	NK	G		SW	NE	SE	1484	934	10	27	01W	13	WR	320.00	290.60		
A 42745 00	IND	NK	G					4174	4084	03	27	01W	168	WR	0.30	0.30		
A 43386 00	IRR	NK	G		NE	NW	SW	2234	4396	15	27	01W	7	WR	3.10	3.10	8.00	8.00
Same	IRR	NK	G		NE	NW	SW	2139	4456	15	27	01W	8	WR				
Same	IRR	NK	G		NE	NW	SW	2328	4335	15	27	01W	9	WR				
A 43643 00	REC	NK	G		SE	NW	SW	1888	4224	15	27	01W	16	WR	19.30	19.30		
A 43720 00	REC	NK	G		SE	NW	NE	4200	1800	03	27	01W	132	WR	200.00	200.00		
A 44371 00	IRR	NK	G		SW	NE	SW	1625	3935	15	27	01W	17	WR	9.00	9.00	10.00	10.00
A 44938 00	IND	NK	G					4174	4084	03	27	01W	168	WR	0.49	0.20		
A 45435 00	REC	NK	G		SE	NW	NE	4200	1800	03	27	01W	132	WR	400.00	400.00		
A 47241 00	REC	NK	G		SW	NE	NW	4146	3684	02	27	01W	7	WR	46.41	46.41		
A 47424 00	REC	NK	G		NE	SW	SE	761	1784	34	26	01W	382	WR	46.67	46.67		
A 47552 00	REC	NK	G		NE	NW	SE	2180	1872	02	27	01W	15		0.00	0.00		
A 47577 00	REC	NK	G		NE	NW	SE	2180	1872	02	27	01W	15		0.00	0.00		
A 47682 00	REC	NK	G		SE	SE	SW	495	3193	33	26	01W	226	WR	14.00	4.30		
A 48041 00	IRR	LR	G		SE	SE	NW	3160	3044	16	27	01W	1	WR	12.60	12.60	10.00	10.00
A 48042 00	IRR	NK	G		SE	NE	NW	4213	3287	16	27	01W	2	WR	4.90	4.90	4.00	4.00
A 48069 00	REC	NK	G		SW	NE	NW	4146	3684	02	27	01W	7	WR	12.30	12.30		

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 47635 D1	REC	NK	G		SW	NE	NW	4146	3684	02	27	01W	7	WR	5.00	5.00		
A 49572 00	REC	NK	G		SW	NE	NW	4146	3684	02	27	01W	7	WR	6.28	6.28		
A 49823 00	IND	KE	G		NW	SW	NW	3340	5080	22	27	01W	3	WR	97.00	97.00		
Same	IND	KE	G		NW	SW	NW	3365	5010	22	27	01W	4	WR				
A 49995 00	IND	GY	G		SW	NE	SW	1586	3800	35	26	01W	8	WR	203.30	203.30		
A 50216 00	REC	KE	G		NW	SE	NE	3516	1266	10	27	01W	20	WR	122.76	122.76		
A 50217 00	REC	KE	G		SW	NE	SE	1484	934	10	27	01W	13	WR	471.40	471.40		
A 50218 00	REC	KE	G		NW	SE	SE	1122	1224	10	27	01W	25	WR	30.00	30.00		
A 50355 00	REC	GY	G		SE	NW	NW	4419	3465	11	27	01W	6	WR	11.33	11.33		
A 50548 00	REC	AY	G		SE	NE	NW	4440	2993	10	27	01W	27		0.00	0.00		
A 50549 00	REC	AY	G		SE	NE	NW	4440	2993	10	27	01W	27		0.00	0.00		
A 50550 00	REC	AY	G		SE	NE	NW	4440	2993	10	27	01W	27		0.00	0.00		
A 50551 00	REC	AY	G		SE	NE	NW	4440	2993	10	27	01W	27		0.00	0.00		
A 50590 00	IRR	AY	G		SW	SW	SW	1077	4758	10	27	01W	28	WR	10.42	10.42	2.00	2.00
A 50591 00	IRR	AY	G		SW	SW	SW	407	4985	10	27	01W	29	WR	10.42	10.42	2.00	2.00
A 50592 00	IRR	AY	G		SW		SW	525	4390	10	27	01W	30	WR	10.42	10.42	3.00	3.00
A 50593 00	IRR	AY	G		SW	SW	SW	897	4197	10	27	01W	31	WR	10.42	10.42	2.00	2.00
A 50611 00	IRR	AY	G		SW	SW	SW	1403	4773	10	27	01W	32	WR	46.03	46.03	15.00	15.00
A 50628 00	IRR	AY	G		NW	NW	SW	2468	4463	10	27	01W	33	WR	23.02	23.02	2.00	2.00
A 50629 00	IRR	AY	G		NW	NW	SW	2477	4856	10	27	01W	34	WR	23.02	23.02	3.00	3.00

Limitations

File Number	Seq Num	Limitations
A 31329 00	1	250 MGY COM/W #17002
A 41702 00	1	1057.81AF/YR COM/W #17002 & #31329
A 44938 00	1	.160MGY @80GPM COM/W #42,745
A 45435 00	1	400AF/YR COM/W #43720
A 47682 00	1	110 AF/YR COM/W #42974 & #47680
A 50216 00	1	925 GPM COM/W #17002
A 50217 00	1	600 GPM COM/W #41702

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. 50,548** of the applicant

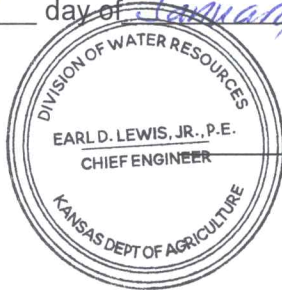
**SEDGWICK COUNTY
ENVIRONMENTAL RESOURCES DEPARTMENT
1144 S SENECA
WICHITA KS 67213**

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 **March 22, 2021**.
2. That the water sought to be appropriated shall be used for recreational use to cover evaporative losses from a groundwater pit with a maximum surface area of 13.5 acres located in the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) and in the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 10, Township 27 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 a groundwater pit with a geographic center located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 10, more particularly described as being near a point 3,064 feet North and 2,495 feet West of the Southeast corner of said section, in Township 27 South, Range 1 West, Sedgwick County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **natural evaporation** and to a quantity not to exceed **22.5 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, 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.
6. 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.

- 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 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.
- 14. 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 9th day of January, 2023, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.

 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 9th day of January, 2023, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings

 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 11, 2023

SEDGWICK CO ENVIRONMENTAL RESOURCES DEPT
SUSAN D ERLLENWEIN
1144 S SENECA ST
WICHITA KS 67213-4443

RE: Appropriation of Water
File Nos. 50,548, 50,549, 50,550 and 50,551

Dear Ms. Erlenwein:

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 constitutes 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 permits. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00, per file.

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 right. 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 black ink 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

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 request an evidentiary hearing before the Chief Engineer, or 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 Division, 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 review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

CERTIFICATE OF SERVICE

On this 11 day of January, 2023, I hereby certify that the foregoing Orders, pertaining to File Nos. 50,548, 50,549, 50,550 and 50,551 dated January 9, 2023, were mailed postage prepaid, first class, US mail to the following:

Original to:

SEDGWICK COUNTY ENVIRONMENTAL RESOURCES DEPT.
ATTN: SUSAN ERLLENWEIN
1144 S SENECA ST
WICHITA KS 67213

With photocopy to:

Stafford Field Office



Division of Water Resources Staff