# Kansas Department of Agriculture

# Division of Water Resources PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: <b>50,42</b>	5	2. Status Change D 4/1/2024	ate: 3. Field Office: <b>02</b>						
5. Status: 🔀 Approved	☑ Approved ☐ Denied by DWR/GMD ☐ Dismiss by Request/Failure to Return								
6. Enclosures:	☐ N of C Form	☐ Water Tube	☐ Driller Copy	☐ Meter					
7a. Applicant(s) New to system □	Person ID 673 Add Seq#		downer(s) ∕ to system □	Person ID Add Seq#					
PIKE, LLC C/O JAY RUSSELL PO BOX 75337 WICHITA KS 67275  7b. Landowner(s) New to system	Person ID Add Seq#	7d. Mis	c. ≀ to system □	Person IE Add Seq#					
8. WUR Correspondent New to system  Overlap File (s) WUC Agree Yes No 7A	Person ID Add Seq# Notarized WUC	Form □ 9. Use o	⊠ Groundwater ⊠ <mark>REC</mark> □ SED	☐ Surface Wa	☐ MUN				
		□IND	SIC:	OTHER:					
10. Completion Date: <b>12/31/20</b>	<b>25</b> 11. Perfe	ection Date: <b>12/31</b>	<b>/2029</b> 12	2. Exp Date:					
13. Conservation Plan Required?	] Yes ⊠ No Date Requ	uired: Da	ate Approved:	Date to Comp	ly:				
14. Water Level Measuring Device?	' □ Yes ⊠ No Date	e to Comply:	Date WLI	MD Installed:					
		Date R	repared: 12/14/21 eviewed: 3/26/2024 ntered: 4/2/2024 KAnderso	4 By: KAK By:					

File No.	50,42	5	15. F	ormatio	n Cod	de: <b>53</b>	3		Drain	age B	asin:	ARKA	NSAS	RIVE	R (	County	/: <b>SG</b>		Sp	oecial L	Jse:		Stream:	
	16. Points of Diversion ( <b>Quantity stored by use made of water.</b> )  17. Rate and Quantity																							
T MOD	5507															Α	uthor	zed				Additional		
DEL ENT	PDIV	Qualit	ier	S		Т	R		ID	1	١		ʻW			ate m/cfs			antity /mgy		Rate gpm/cf		Quantity af/mgy	Overlap PD Files
СНК	88355	SE SW	SE	2	2 - 2	27 - 2	2W		2	6	5	18	00	IF	RR:	100		1	1.92		100	)	0	
														R	EC:	100		1	4.77		0		0	
18. Stora	18. Storage: RateNF Quantityac/ft Additional RateNF Additional Quantityac/ft																							
19. Limita	ation:	IRR: 11.9	2	af/yr a	t				_gpm	(			_cfs)	when	comb	ined w	ith file	e numb	er(s) <u>5</u>	0,424	1			
Limita	ation:	REC: 14.7	7	af/yr a	t				_gpm	(			_cfs)	when	comb	ined w	ith file	e numb	er(s) <u>5</u>	0,424	<u> </u>			
20. Meter Required?   Yes  No To be installed by 12/31/2025  Date Acceptable Meter Installed																								
21. Place	e of Use					NI	Ξ1/4			NV	<b>V</b> <sup>1</sup> / <sub>4</sub>			sv	<b>V</b> ½			S	6E1/4		Total	Owner	Chgʻ	? Overlap Files
MOD DEL ENT I	PUSE	STR	II	D	NE 1⁄4	NW 1/4	SW 1/4	SE 1⁄4	NE 1⁄4	NW 1⁄4	SW 1/4	SE ½	NE 1⁄4	NW 1⁄4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4				YE
MOD 7	0082	22-27S-2V	/ 1 (	IRR)						2.0									7.17			7 <b>A</b>		50424
MOD 7	0083	22- <mark>27S</mark> -2W	'S-2W ? (REC) Maintaining Ponds (W½ SE¾) and (SE¾ SW¾) 7A																					
Commen	ts:																		•		•	•		

# KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

### <u>MEMORANDUM</u>

TO: Files DATE: December 13, 2021

**FROM:** Jessica Engelbrecht **RE:** Application, File Nos. 50,425

Pike, LLC has filed the referenced application proposing to appropriate 11.92 acre-feet groundwater from one (1) well at a rate of 100 gallons per minute for irrigation use on 9.17 acres of greenspace and 14.77 acre-feet to authorize evaporative loss in four-small ponds for recreation use. The proposed point of diversion is located in the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (SE½ SW½ SE½) in Section 22, more particularly described as being near a point 65 feet North and 1,800 feet West of the Southeast corner of said section, in Township 27 South, Range 1 West, Sedgwick County, within the Arkansas River drainage basin, located in the Wellington Formation. The applicant has signed the application form stating that they have legal access to the point of diversion.

The requested quantity of 11.92 acre-feet is reasonable and based on K.A.R. 5-3-24 for irrigation use in Sedgwick County. The 9.17 acres is located in the Southwest Quarter of Section 27, Township 26 South, Range 1 West, of Sedgwick County. The greenspace is within the subdivision known as Taliesin under the development of Jay Russell and Pike, LLC. The 14.77 acre-feet is to authorize evaporative loss on 8.44 acres of groundwater ponds. The justification is based on 21 inches of NET for Sedgwick County / 12 inches per foot times one year = 14.77 acre-feet. The ponds will be constructed with liners to minimize seepage.

A driller's test log shows sandy topsoil 0 to 2 feet, clay from 2 to 24 feet, aqua shale from 24 to 31 feet, medium sand from 31 to 34 feet, gray shale from 34 to 91 feet, brown shale from 91 to 95 feet, and a static water level of 24 feet. The well appears to be located in a confined aquifer, more specifically the Wellington Formation.

Based on a safe yield analysis with 8,042-acre area, 75% recharge (Arkansas River Basin), and 2.7 inches of annual recharge, there are 1,658.76 acre-feet allowable for appropriation with 72.0 acre-feet (on the basis of the approval of Application File No. 50,424) of existing appropriations. The application meets the safe yield requirement of K.A.R. 5-3-11 with 1,488.07 acre-feet available for appropriation. There will be 1,461.38 acre-feet remaining after approval of this application.

The application is in proximity to a populated area. The applicant published a public notice in The Wichita Eagle for three consecutive weeks from May 27 through June 10, 2021 and provided proof of the publication in an affidavit from the paper received in DWR on July 16, 2021. No comments were received from the public or the correspondence. On September 13, 2021, the applicant sent certified letters and spacing consent forms, to possible domestic well owners within 1,000 feet of the point of diversion. No contact of any kind was received.

Memorandum File No. 50,425 Page 2 of 2

According to the WRIS database, the nearest proposed non-domestic point of diversion (Application, File No. 50,424) is located 1,033 feet away and also owned by the applicant. Based on well logs obtained from the Kansas Geological Survey website, there are two domestic wells located less than 660 feet away from the point of diversion. Therefore, the application does not meet the well spacing requirements in K.A.R. 5-4-4. However, the application proposes a low capacity (100 g.p.m.) well and the spacing guidelines set forth in K.A.R. 5-4-4 do not appear to be necessary to prevent direct impairment.

The applicant has submitted a signed Minimum Desirable Streamflow form, which has been properly notarized. By completing this statement, the applicant affirms his/her knowledge that there could be times when the diversion of water may not be allowed under this permit.

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.

In an e-mail message, dated December 13, 2021, Jeff Lanterman, Water Commissioner of the Stafford Field Office, indicated he had no objection to the approval of the referenced application.

Based on the above discussion, it does not appear that approval of the application will impair senior water rights, nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

# 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. 50,425 of the applicant

### PIKE LLC PO BOX 75337 WICHITA KS 67275

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 17, 2020**.
- 2. That the water sought to be appropriated shall be used for recreational use in a series of four (4) interconnected ponds located in the West Half of the Southeast Quarter (W½ SE¼) and the Southeast Quarter of the Southwest Quarter (SE¼ SW¼) of Section 22, Township 27 South, Range 2 West, Sedgwick County, Kansas, and for irrigation use on land described in the application, as follows:

	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
Sec. Twp. Range	NE1/4	NW1/4	SW1/4	SE1/4	TOTAL												
22 - 27S - 2W						2.00									7.17		9.17

- 3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well, located in the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (SE¼ SW¼ SE¼) of Section 22, more particularly described as being near a point 65 feet North and 1,800 feet West of the Southeast corner of said section, in Township 27 South, Range 2 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 100 gallons per minute (0.23 c.f.s.), and to a quantity not to exceed 14.77 acre-feet of water for any calendar year for recreational use, and 11.92 acre-feet of water for any calendar year for irrigation use.

File No. 50,425 Page 2 of 3

5. That installation of works for diversion of water shall be completed on or before <u>December 31</u>, <u>2025</u>, 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 <u>December 31, 2029</u>, 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 acceptable water flow meters 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 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.
- 17. That the quantity of water approved under this permit is further limited to the quantity which combined with Appropriation of Water, File No. 50,424, will provide a total not to exceed **14.77 acre-feet** of water for any calendar year for recreational use at the place of use described herein.
- 18. That the quantity of water approved under this permit is further limited to the quantity which combined with Appropriation of Water, File No. 50,424, will provide a total not to exceed **11.92 acre-feet** of water for any calendar year for irrigation use on the land described herein.
- 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 day of April , 2024, in Riley County, Kansas.

EARLD.LEWIS, JR., P.E.
CHIEF ENGINEER

TANAS DEPTOF ASRCHUM

Kansas Department of Agriculture

State of Kansas ) ) SS County of Riley )

The foregoing instrument was acknowledged before me this day of the day of th

Notary Public

MELINDA JENNINGS
My Appointment Expires
April 7, 2025

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

April 3, 2024

PIKE LLC PO BOX 75337 WICHITA KS 67275

RE:

Application

File Nos. 50,424 and 50,425

### Dear Sir or Madam:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. A water meter is required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

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

Sincerely,

Kristen A. Baum

New Application Unit Supervisor

Water Appropriation Program

Enclosures KAB:kak:jne

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:

- 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 3 day of 4 proof, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,424, dated 4 proof, 2024, was mailed postage prepaid, first class, US mail to the following:

PIKE LLC PO BOX 75337 WICHITA KS 67275

With photocopies to:

KDA-DWR Stafford Field Office

Division of Water Resources

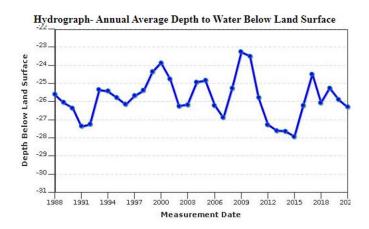
### General Well Site Information @

USGS ID:	374223097295402	KGS Local Well ID:	27S 02W 13BBB 02
County:	Sedgwick	PLSS Description:	27S 2W 13 NWNWNW
HUC 8 Code:	11030013	GMD:	None
Longitude:	-97.498596	Lat/Long Source:	GPS
Latitude:	37.706534	Lat/Long Accuracy:	5 seconds
Surface Elevation (ft):	1355	Depth of Well (ft):	94
Geological Unit Codes		USGS Map Name:	WICHITA WEST
Use of Site:	Observation	Use of Water:	Unused
WWC5 Links:	None	WIMAS Link:	None

# Hydrograph- Annual Average Depth to Water Below Land Surface -24 -25 -26 -27 -28 -29 -30 -1988 1991 1994 1997 2000 2003 2006 2009 2012 2015 2018 202 Measurement Date

### General Well Site Information @

USGS ID:	374223097295403	KGS Local Well ID:	27S 02W 13BBB 01
County:	Sedgwick	PLSS Description:	27S 2W 13 NWNWNW
HUC 8 Code:	11030013	GMD:	None
Longitude:	-97.498589	Lat/Long Source:	GPS
Latitude:	37.706552	Lat/Long Accuracy:	5 seconds
Surface Elevation (ft):	1355	Depth of Well (ft):	55
Geological Unit Codes		USGS Map Name:	WICHITA WEST
Use of Site:	Observation	Use of Water:	Unused
WWC5 Links:	None	WIMAS Links	None



### General Well Site Information @

USGS ID:	374223097295401	KGS Local Well ID:	27S 02W 13BBB 03
County:	Sedgwick	PLSS Description:	27S 2W 13 NWNWNW
HUC 8 Code:	11030013	GMD:	None
Longitude:	-97.498599	Lat/Long Source:	GPS
Latitude:	37.70653	Lat/Long Accuracy:	5 seconds
Surface Elevation (ft):	1355.1	Depth of Well (ft):	127
Geological Unit Codes	:	USGS Map Name:	WICHITA WEST
Use of Site:	Observation	Use of Water:	Unused
WWC5 Links:	None	WIMAS Link:	None

### Hydrograph- Annual Average Depth to Water Below Land Surface

