



File No. **50,635**      15. Formation Code: **190**      Drainage Basin: **ARKANSAS RIVER**      County: **SG**      Special Use:      Stream:

16. Points of Diversion

**6/6/2023  
KAB**

MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
<b>CHK</b>	<b>89024</b>	<b>NE SW NW</b>	<b>33</b>	<b>25S</b>	<b>2W</b>	<b>4</b>	<b>3,850'</b>	<del>4,040'</del> <b>4050</b>

17. Rate and Quantity

Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>800</b>	<b>202.8</b>	<b>800</b>	<b>202.8</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 \_\_\_\_\_      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use

MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	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>CHK</b>	<b>70537</b>	<b>33</b>	<b>25S</b>	<b>2W</b>	<b>2</b>					<b>39.0</b>	<b>38.0</b>	<b>19.5</b>	<b>20.0</b>									<b>116.5</b>	<del>7a</del> <b>7B</b>	<b>NO</b>	<b>NONE</b>
<b>CHK</b>	<b>70538</b>	<b>33</b>	<b>25S</b>	<b>2W</b>	<b>3</b>							<b>19.5</b>	<b>20.0</b>					<del>19.5</del>	<del>20.0</del>			<b>39.50</b>	<b>7a</b>	<b>NO</b>	<b>NONE</b>

Comments:

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

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

**TO:** File

**DATE:** March 16, 2023

**FROM:** Jessica Engelbrecht

**RE:** Application, File No. 50,635

David Weninger has filed the referenced application to appropriate groundwater for irrigation use, requesting one (1) well, a quantity of 202.8 acre-feet, and a diversion rate of 800 gallons per minute. The well is to be located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 33, more particularly described as being near a point 3,850 feet North and 4,050 feet West of the Southeast corner of said section, in Township 25 South, Range 2 West, Sedgwick County, within the Arkansas River drainage basin. The application is within the boundaries of the Equus Beds Groundwater Management District No. 2 (GMD 2). The applicant has signed the application form stating he has legal access to the point of diversion.

The applicant identified that there are no nearby domestic wells within one-half mile of the proposed well. According to WRIS, the nearest non-domestic point of diversion (File No. 41,484) is located approximately 2,959 feet away. No nearby notification letters were sent. Based off the map submitted with the application, the nearest domestic well appears to be approximately 3,500 feet away. The proposed point of diversion meets minimum well spacing criteria to all existing wells. Per the requirements in K.A.R. 5-22-2, the minimum well spacing should be 1,320 feet from non-domestic wells and 660 feet to domestic wells.

Nearby well logs show an average static water level of 15 feet and an average saturated thickness of 51 feet. The source of water supply is the Equus Beds Aquifer. Nearby observation wells show a steady decline of two feet over the last 30 years.

The requested quantity of water, 202.8 acre-feet, is to irrigate the proposed 156 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. The requested rate appears to be reasonable to operate the proposed irrigation system and cover the acreage.

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.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on April 18, 2023. Based on the above discussion, well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

## Engelbrecht, Jessica [KDA]

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**From:** Lanterman, Jeff [KDA]  
**Sent:** Tuesday, April 18, 2023 11:45 AM  
**To:** Engelbrecht, Jessica [KDA]; Conant, Cameron [KDA]; Baum, Kristen [KDA]  
**Subject:** 50635

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Jessica. I looked this one over and I recommend approval.

One of the things we need to probably also discuss with the GMD on their safe yields is adding back in MUNI wells. Right now they call them Non-Consumptive if they are overall limited. Kind of like we used to do. I think this one would probably be over appropriated if they had added back in the muni amounts.

Anyway I think Earl is planning on addressing their SY soon as DWR taking action if they won't. We can address at that time.

Jeff Lanterman PG, Water Commissioner  
Kansas Department of Agriculture  
Division of Water Resources  
(620)234-5311  
[jeff.lanterman@ks.gov](mailto:jeff.lanterman@ks.gov)  
<https://agriculture.ks.gov/divisions-programs/dwr>

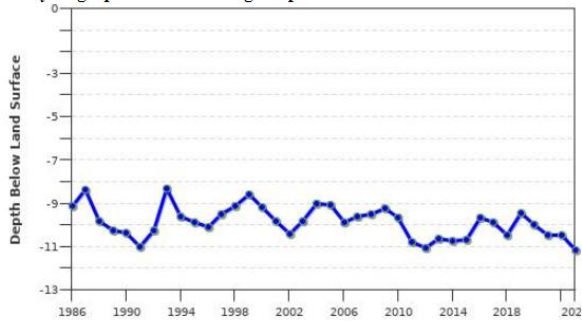
**General Well Site Information** [?](#)

<b>USGS ID:</b>	374931097321303	<b>KGS Local Well ID:</b>	25S 02W 33DDD 01
<b>County:</b>	Sedgwick	<b>PLSS Description:</b>	25S 2W 33 SESESE
<b>HUC 8 Code:</b>	11030010	<b>GMD:</b>	Equus Beds GMD #2
<b>Longitude:</b>	-97.537415	<b>Lat/Long Source:</b>	GPS
<b>Latitude:</b>	37.825162	<b>Lat/Long Accuracy:</b>	5 seconds
<b>Surface Elevation (ft):</b>	1380.44	<b>Depth of Well (ft):</b>	50
<b>Geological Unit Codes:</b>		<b>USGS Map Name:</b>	COLWICH
<b>Use of Site:</b>	Observation	<b>Use of Water:</b>	Unused
<b>WWC5 Links:</b>	None	<b>WIMAS Link:</b>	None

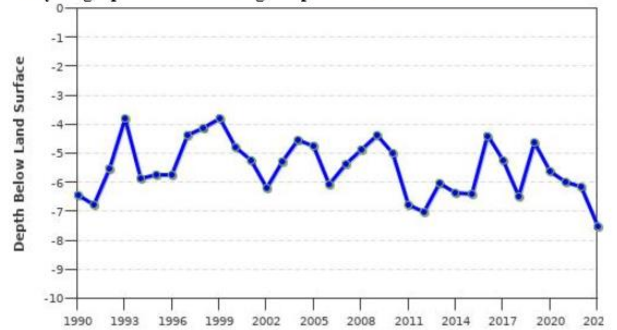
**General Well Site Information** [?](#)

<b>USGS ID:</b>	375118097341903	<b>KGS Local Well ID:</b>	25S 02W 29BBB 01
<b>County:</b>	Sedgwick	<b>PLSS Description:</b>	25S 2W 29 NWNWNW
<b>HUC 8 Code:</b>	11030010	<b>GMD:</b>	Equus Beds GMD #2
<b>Longitude:</b>	-97.573414	<b>Lat/Long Source:</b>	GPS
<b>Latitude:</b>	37.854214	<b>Lat/Long Accuracy:</b>	5 seconds
<b>Surface Elevation (ft):</b>	1393.9	<b>Depth of Well (ft):</b>	41
<b>Geological Unit Codes:</b>		<b>USGS Map Name:</b>	COLWICH
<b>Use of Site:</b>	Observation	<b>Use of Water:</b>	Unused
<b>WWC5 Links:</b>	None	<b>WIMAS Link:</b>	None

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



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



# 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. 50,635** of the applicant

**DAVID L WENINGER**  
**7350 N 167TH W**  
**COLWICH, KS 67030-9347**

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 25, 2021**.
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	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL	
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$		
33 – 25S – 2W					39.0	38.0	39.0	40.0										156.0

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 Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 33, more particularly described as being near a point 3,850 feet North and 4,050 feet West of the Southeast corner of said section, in Township 25 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 **800 gallons per minute** and to a quantity not to exceed **202.8 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 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 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.
13. 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. The water flow meters 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).
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.





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

DAVID L WENINGER  
7350 N 167TH W  
COLWICH, KS 67030-9347

June 7, 2023

RE: Appropriation of Water, File No. 50,635

Dear Water Applicant:

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.

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.

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).

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in blue 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  
GMD No. 2  
EUGENE E WENINGER REV TRUST

## 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 7 day of June, 2023, I hereby certify that the foregoing Approval of Application and Permit, File No. 50,635 dated June 6, 2023, was mailed postage prepaid, first class, U.S. mail to the following:

Original to:

DAVID L WENINGER  
7350 N 167TH W  
COLWICH, KS 67030-9347

With photocopy to:

EUGENE E WENINGER REV TRUST  
7400 N 167TH ST W  
COLWICH, KS 67030

Stafford Field Office

Equus Beds GMD No. 2