

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;">50,734</p>	2. Status Change Date: <p style="text-align: center; color: purple; font-size: 1.1em;">5/22/2023</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">02</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 **68265**
New to system Add Seq# _____

**TERRY L LAWRENCE REV TRUST
ATTN: TERRY L LAWRENCE TRUSTEE
2585 162ND ROAD
OXFORD, KS 67119**

7b. Landowner(s) Person ID **68265**
New to system Add Seq# _____

**TERRY L LAWRENCE REV TRUST
ATTN: TERRY L LAWRENCE TRUSTEE
2585 162ND ROAD
OXFORD, KS 67119**

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

7d. Misc. Person ID _____
New to system Add Seq# _____

8. WUR Correspondent Person ID **68265**
New to system Add Seq# _____
Overlap File (s) WUC Notarized WUC Form
Agree Yes No

**TERRY L LAWRENCE REV TRUST
Attn: TERRY L LAWRENCE TRUSTEE
2585 162ND ROAD
OXFORD, KS 67119**

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: **12/31/2024** 11. Perfection Date: **12/31/2028** 12. Exp Date: _____

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

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

Date Prepared: 5/17/23 By: JNE
Date Reviewed: 5/19/2023 By: KAK
Date Entered: 5/22/2023 By: LMoody

File No. **50,734** 15. Formation Code: Drainage Basin: **Arkansas River** County: **CL** Special Use: Stream:

16. Points of Diversion

T
MOD
DEL
ENT

BATTERY ID 2353

PDIV	Qualifier	S	T	R	ID	'N	'W
CHK 89340	NW SW NW	22	32S	3E	1	3452 5260	GEO CTR
CHK 89341	NW SW NW	22	32S	3E	2	3752 5260	1 OF 3
CHK 89342	NW SW NW	22	32S	3E	3	3152 5260	2 OF 3
ENT 90355	NW SW NW	22	32 S	3E		3452 5260	3 OF 3

17. Rate and Quantity

Authorized		Additional		Overlap PD Files
Rate gpm	Quantity af	Rate gpm	Quantity af	
500	69.6	500	69.6	NONE

18. Storage: Rate --- NF Quantity --- ac/ft Additional Rate --- NF Additional Quantity --- ac/ft

19. Limitation: --- af/yr at --- gpm (--- cfs) when combined with file number(s) ---
 Limitation: --- af/yr at --- gpm (--- cfs) when combined with file number(s) ---

20. Meter Required? Yes No To be installed by _____ Date Acceptable Meter Installed _____

21. Place of Use

T
MOD
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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				
CHK 70748	22	32S	3E	1			31.0	27.0											58.0	7a	NO	NONE		

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE:

FROM: Jessica Engelbrecht

RE: Application, File No. 50,734

Terry Lawrence filed an application to appropriate groundwater for irrigation use, requesting a battery of three (3) wells, with a quantity of 69.6 acre-feet water per calendar year, at a diversion rate of 500 gallons per minute. The geo-center of the battery of four (4) wells is located in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of section 22, more particularly described as being near a point 3,752 feet North and 5,260 feet West of the Southeast corner of said section, in Township 32, Range 3 East, Cowley County, Kansas, within the Arkansas River drainage basin. The applicant owns both the point of diversion and place of use. There are no other water rights overlapping the proposed place of use or point of diversion. The proposed place of use is owned by the applicant. The applicant has signed the application the application form stating that he has legal access to the point of diversion.

In 2004, the United States Geological Survey (USGS) completed a hydrologic model of a portion of the Arkansas River and associated drainage basins (Ninnescah River), generally bounded by Ranges 2 West to 3 East and Townships 26 South to 34 South (near state line). The USGS model indicated that the aquifer in this area receives more recharge from precipitation than DWR has historically used in safe yield calculations. The data and analyses are detailed in the USGS Scientific Investigations Report 2004-5204 entitled "Characterization and Simulation of Flow in the Lower Arkansas River Alluvial Aquifer, South-Central Kansas". In order to evaluate the potential impact of this study on our safe yield calculations, DWR suspended processing applications for new appropriations of water in the model area.

DWR recently completed an evaluation of the USGS model and has determined that the precipitation recharge value of 5.4 inches per year that is used in the USGS model is reasonable and appropriate. In order to reserve water in the alluvial aquifers that can contribute to base flow to area streams and for domestic use, it was determined that 75 percent of the 5.4 inches of precipitation recharge shall be available for appropriation. This is consistent with safe yield appropriation in many other basins across the state and is the current percent available in for all applications in the Ninnescah River drainage basin. Therefore, for all pending applications within the model area, safe yield will be evaluated using the standard methodology in K.A.R. 5-3-11, which is based on the extent of the unconfined aquifer (area of considerations), a Potential Annual Recharge value of 5.4 inches, and a percent of recharge available for appropriation of 75%. Current annual recharge across the model area is approximately 3 inches.

Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile circle radius of the point of diversion, which establishes the area of consideration., Evaluation of the area of consideration included the extent of the unconfined aquifer, which provided an area of consideration of 6,705 acres. A 1,337-acre portion of the 2-mile circle was excluded from the area of consideration as well logs in the area showed the static water level located in shallow shale formations (likely Wellington). With a potential annual recharge of 5.4 inches, and 75% of recharge available for appropriations, safe yield was determined to be 2262.88 acre-feet. Existing water rights have appropriated 156 acre-feet, providing a difference of 2032 acre-feet available for appropriation, and the application requesting 132 acre-feet complies with safe yield.

The applicant identified zero domestic wells and a search of WRIS showed one non-domestic well (which the applicant farms) within ½ mile of the proposed point of diversion. No nearby notification letters were sent out. According to the WRIS database, the nearest non-domestic point of diversion (File No. 47,730) is located 7,531 feet away. The nearest domestic well is over 3,000 feet away from the point of diversion to the edge of the property line. The proposed point of diversion meets minimum well should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells.

A test hole log was submitted with the pending application, which shows topsoil from 0-3 feet, clay from 3 to 20 feet, fine sand with 10% clay from 20 to 30 feet, medium sand from 30-35 feet, and shale from 35 to 38 feet. The static water level was listed at 8 feet which provides a saturated thickness of 27 feet.

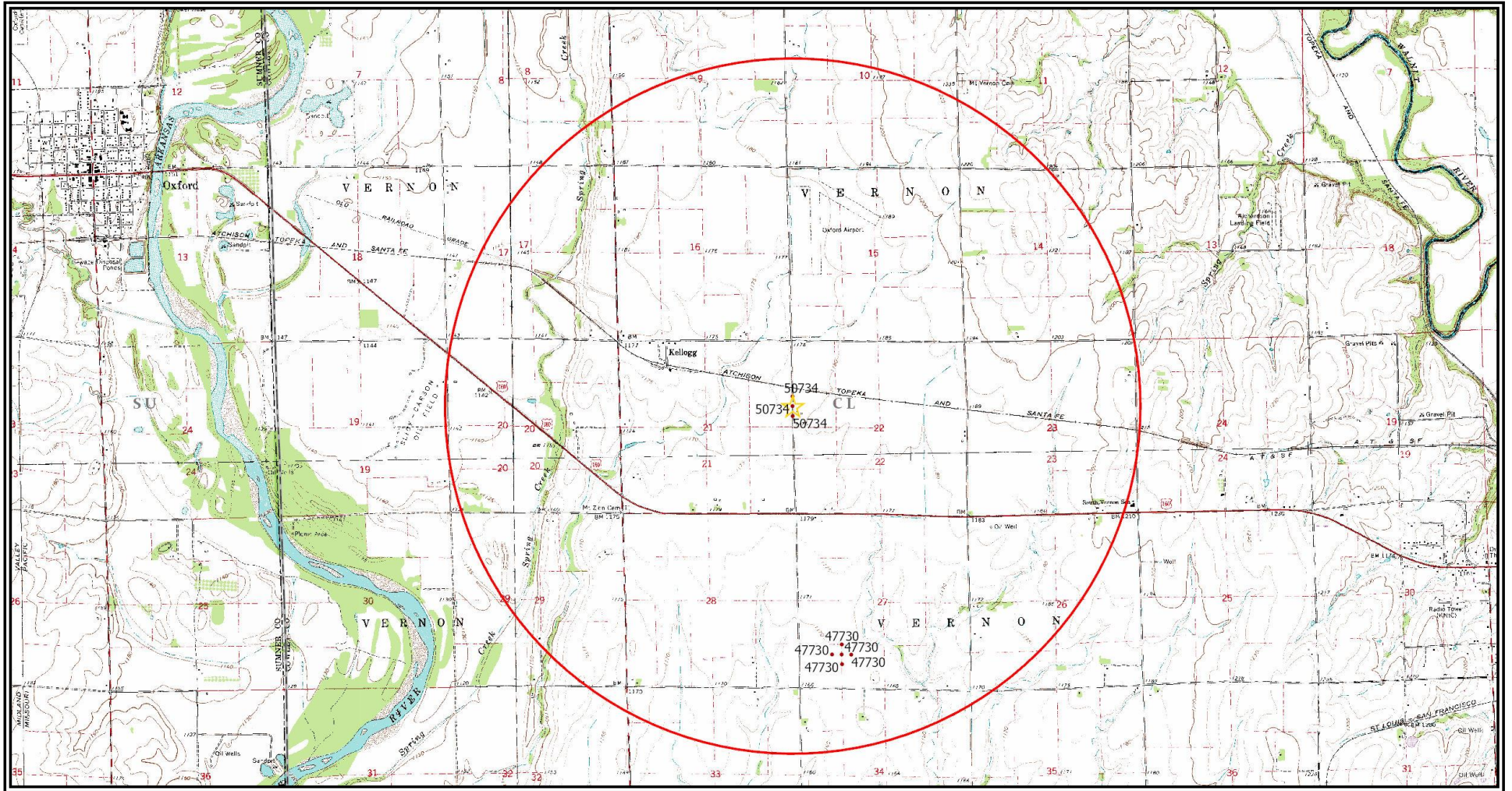
The requested quantity of water, 69.6 acre-feet, is to irrigate the proposed 58 acres identified on the irrigation use supplemental sheet in the application. This is the maximum allowable of 1.2 acre-feet per acre for Cowley County, Kansas. There are multiple pending applications in this general area of the state, and they are being worked in priority order to ensure that senior applications are provided the available water.

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

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 May 9, 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.

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 22-32S-03E
Footages from SE corner- 3,452 feet North 5,260 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 2,278.70 AF.

Total prior appropriations in the circle is 225.60 AF - 69.60 AF (Pending Application) = 156.0 AF

Total quantity of water available for appropriation is 2,053.10 AF + 69.60 AF (Pending Application) = 2,122.7 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 3.4 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 03-OCT-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 2 water rights and 8 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 47730 00	IRR	LR	G		N2	S2	SW	1050	3963	27	32	03E	1	WR	156.00	156.00	134.00	134.00
Same	IRR	LR	G		NE	SW	SW	750	3963	27	32	03E	2	WR				
Same	IRR	LR	G		SE	NW	SW	1350	3963	27	32	03E	3	WR				
Same	IRR	LR	G		NW	SE	SW	1050	3663	27	32	03E	4	WR				
Same	IRR	LR	G		NE	SW	SW	1050	4263	27	32	03E	5	WR				
A 50734 00	IRR	AY	G		NW	SW	NW	3452	5260	22	32	03E	1	WR	69.60	69.60	58.00	58.00
Same	IRR	AY	G		NW	SW	NW	3752	5260	22	32	03E	2	WR				
Same	IRR	AY	G		NW	SW	NW	3152	5260	22	32	03E	3	WR				

Engelbrecht, Jessica [KDA]

From: Lanterman, Jeff [KDA]
Sent: Tuesday, May 9, 2023 10:05 AM
To: Engelbrecht, Jessica [KDA]
Subject: RE: 50734 Memo

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Jessica;

I should have looked at this months ago. But really bug me if there is a limited saturated thickness problem so we can make that call early on. Honestly if there is less than 25' of saturated thickness overall you can go forward with a limited saturated thickness study without me making the call, But the CE wanted to be more liberal with those studies so really bug me if you have questions regarding Saturated Thickness. In actuality the sands and gravels in the well log here only comprise about 14' of the well log. We call that practical saturated thickness. We might have wanted to go forward with a limited saturated thickness study.

Im going to go ahead and recommend approval of this one just because the only apparent well in the half mile circle far exceeds domestic well spacing and it is not a heavily appropriated area. So in my estimation it wont hurt anyone else to let Terry give it a go.

Ill try to find the email where limited saturated thickness is discussed.

Thanks
Jeff

From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Sent: Tuesday, November 22, 2022 1:39 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: Re: 50734 Memo
Importance: High

Have you had any time to look at this one? This is for a client of the nutria-drip guy that found me at the governors conference. He keeps calling to check on this one and just called again today.

Jessica

From: Engelbrecht, Jessica [KDA]
Sent: Sunday, October 9, 2022 8:47 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: 50734 Memo
Importance: High

Jeff,
Attached is the memo for 50734. A battery of 4 wells in CL County, requesting 69.6 acre-feet to irrigate 58 acres.

Jessica Engelbrecht, Environmental Scientist
KDA Division of Water Resources

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. 50,734** of the applicant

TERRY L LAWRENCE REV TRUST
ATTN: TERRY L LAWRENCE TRUSTEE
2585 162ND ROAD
OXFORD, KS 67119

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:

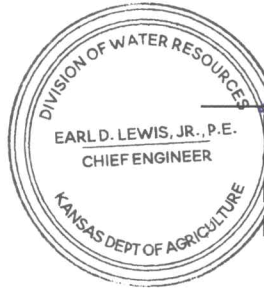
1. That the priority date assigned to such application is **March 7, 2022**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

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 $\frac{1}{4}$	
22	32	3E			31.0	27.0													58.0

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of two (2) wells with a geographic center located in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 22, more particularly described as being near a point 3,452 feet North and 5,260 feet West of the Southeast corner of said section, in Township 32 South, Range 3 East, Cowley 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 **500 gallons per minute** and to a quantity not to exceed **69.6 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 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.
14. 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 22nd day of May, 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 22 day of May, 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

May 24, 2023

TERRY L LAWRENCE
2585 162ND ROAD
OXFORD KS 67119

RE: Appropriation of Water
File No. 50,734

Dear Mr. Lawrence:

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.

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 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

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 24 day of May, 2023, I hereby certify that the attached Approval of Application and Permit to Proceed, File No. 50,734, dated May 22, 2023, was mailed postage prepaid, first class, U.S. Mail to the following:

Original to:
TERRY L LAWRENCE REV TRUST
ATTN: TERRY L LAWRENCE TRUSTEE
2585 162ND ROAD
OXFORD, KS 67119

Photocopy to:
Stafford Field Office



DWR Staff