

Kansas Department of Agriculture  
Division of Water Resources  
**CHANGE: P/U WORKSHEET**

**UMW**

**& ORDER IN THE MATTER OF THE ADDITIONAL  
LIMITATION ON THE RATE \***

1. File Number: <b>38871</b>	2. Status Change Date: <b>9/27/2022</b>	3. Change Num: <b>C1</b>	4. Field Office: <b>03</b>	5. GMD:
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: <del>May 23, 2022 *</del> <b>January 29, 2021</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>UNIFIED SCHOOL DISTRICT #306 Attn: SOUTHEAST OF SALINE 5056 E HIGHWAY K4 GYPSUM, KS 67448-9762</b>		Person ID 30062 _____ Add Seq# _____	8e. Landowner(s) New to system <input type="checkbox"/>  Person ID _____ Add Seq# <b>1</b>	
8b. Landowner(s) New to system <input type="checkbox"/> <b>8a</b>		Person ID 30062 _____ Add Seq# <b>1</b>	8f. Landowner(s) New to system <input type="checkbox"/>  Person ID _____ Add Seq# <b>1</b>	
8c. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# <b>1</b>	8g. Landowner(s) New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____	
8d. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# <b>1</b>	8h. WUC New to system <input type="checkbox"/>  <b>8a</b>  Person ID _____ Add Seq# <b>1</b>	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/2021</b> <input type="checkbox"/> N & P Date to Comply: _____ <b>12/31/2023 MATCH NEW APP n&amp;p *</b> <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
* <span style="border: 1px solid red; padding: 2px;">9/23/2022 Llreland</span>		<span style="border: 1px solid red; padding: 2px;">9/21/2022 JDK</span>		Date Prepared: <b>7/18/21</b> By: <b>BMM</b> Date Entered: <span style="border: 1px solid blue; padding: 2px;">10/3/2022 LMoody</span> By:

File No. 38871	11. County: SA	Basin: Smoky Hill River	Stream:	Formation Code: 120	Special Use:																				
12. Points of Diversion																									
CHK					Rate and Quantity																				
MOD					Authorized	Additional																			
DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files											
ENT																									
<b>MOD</b>	<del>ENT</del>	<b>53976</b>	<b>NE NW NE</b>	<b>35</b>	<b>15S</b>	<b>2W</b>	<b>6</b>	<b>4935</b>	<b>1877</b>	<b>27</b>	<del>10.31</del> <b>3.59 MGY</b>	<b>27</b>	<b>3.59 MGY</b>	<b>50602</b>											
	<b>THX</b>	<b>DEL 53976</b>	<b>NE NW NE</b>	<b>35</b>	<b>15S</b>	<b>2W</b>	<b>6</b>	<b>4935</b>	<b>1877</b>	<b>27</b>	<b>0.71</b>			<b>50602</b>											
13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																									
14. Limitation: _____ af/yr at <b>27</b> gpm ( <b>0.06</b> cfs) when combined with file number(s) <b>per use.. remove limitation *</b>																									
Limitation: _____ af/yr at _____ gpm ( _____ cfs) when combined with file number(s)																									
15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____																									
16. Place of Use		<b>NE¼</b>				<b>NW¼</b>				<b>SW¼</b>				<b>SE¼</b>				<b>Total</b>	<b>Owner</b>	<b>Chg?</b>	<b>Overlap Files</b>				
CHK																									
MOD																									
DEL																									
ENT	PUSE	S	T	R	ID	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>	<del>ENT</del>	<b>9907</b>	<b>35</b>	<b>15S</b>	<b>2W</b>	<b>4</b>	<b>USD 306 SE Saline (NW NE)</b>																<b>8A</b>	<del>Y</del>	<b>50,602</b>
	<del>DEL</del>	<del>9907</del>	<del>35</del>	<del>15S</del>	<del>2W</del>	<del>4</del>	<b>USD 306 SE Saline</b>																<del>8A</del>	<del>Y</del>	<del>50,602</del>
		<b>21304</b>																							
Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____																									
Comments: Deleting and converting Thermal Exchange to Municipal Use																									

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

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

**TO:** Files **DATE:** July 19, 2022  
**FROM:** Brandon Milner **RE:** New Application,  
File No. 50,602/Change  
Application File No.  
38871

United School District No. 306 has filed a new application to appropriate groundwater for municipal use, using an existing well with a requested quantity 1.13 million gallons per year at a diversion rate of ~~800~~<sup>60</sup> gallons per minute. Water Right No. 38,871 has filed a change in the place of use and use made of water that is tied together with new application no. 50,602. The point of diversion is an existing well located in the Northeast quarter of the Northwest quarter of the Northeast quarter of Section 35 more specifically described as being near a point at 4,935' North and 1,877' West of the Southeast corner of said section, in Township 15 South, Range 2 West in Saline County. The entire place of use is owned by the applicant. The applicant has signed the application form stating that he has legal access to the point of diversion.

Base Water Right No. No. 38,871 was originally designated as municipal and thermal exchange use. Municipal Use is allotted 3.36 million gallons per year while thermal exchange use is allotted 0.23 million gallons per year. However, after a conversation with the applicant in 2022, it was determined that the applicant's HVAC system did not meet the definition of thermal exchange use and it considered to be consumptive use. The change application filed on Water Right No. 38,871 is seeking to transfer the use made of water from thermal exchange to municipal use with this transferring its allotment of 0.23 million gallons to the municipal allotment of 3.36 million gallons under municipal use on Water Right No. 38,871 and to change the place of use to overlap with the municipal use of Water Right No. 38,871. The new application of 50,602 is seeking to add 1.13 million gallons to the total municipal use of Water Right No. 38,871. The total volume of 3.59 million gallons for Municipal use under Senior Water Right No. 38,871 along with the requested volume of 1.13 million gallons with application no. 50,602 would equal 4.72 million gallons. The requested volume of 1.13 million gallons was filed to cover municipal use for the school based on its highest reported volume of 4.70 million gallons reported in 2012.

The source of water for this application as seen from nearby water rights and well logs would be from the unconfined Dakota aquifer, more specially the Kiowa formation. 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 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 with some areas to the East of the two mile radius being delineated out, provided an area of consideration of 6,812 acres with a potential annual recharge of 2.9 inches with 100% recharge available for appropriation. Safe yield was determined to be 1646.35 Acre-feet. There are multiple existing water rights within the area of consideration, with the total prior appropriation being 98.93 acre-feet. This leaves 1547.42 acre-feet available for appropriation for this application.

There are multiple domestic wells within ½ mile with the closest being 1,900' feet away. There are multiple water rights within ½ mile with the closest being 735' away. Nearby letters were sent out for the change and new application on June 29, 2022, with no responses to date. There are five water rights that do not meet standard spacing to as per K.A.R. 5-4-4 with the source being the unconfined Dakota. Three of these water rights (38,872, 38,870 and 50,235 are owned by the applicant. The other two (SA-1, 8722) are municipal wells for the city of Gypsum and are located 1,782' from the well on this application.

However, K.A.R. 5-4-4 provides that the spacing guidelines are not applicable if the required minimum well spacing criteria are not necessary to prevent direct impairment. There are several unique circumstances that should be considered in this specific instance regarding minimum well spacing.

- This well has been in use for many years (over 30 years) and there have been no known impairment concerns.
- The relative low pumping rates (60 gpm) would not create a significant cone of depression around any of these wells, and it is unlikely that their effect on the aquifer would extend out to the City supply wells.

All of the nearby wells also have relatively low quantities and low pumping rates. Therefore, per K.A.R. 5-4-4, the required minimum well spacing criteria is not necessary to prevent direct impairment in this specific instance, and the proposed well spacing is sufficient to prevent direct impairment and to protect the public interest. The application complies with well spacing criteria to all domestic wells.

This application was sent for recommendation to Kelly Stewart, Water Commissioner of the Stockton Field Office for recommendation on July 19, 2022 and was recommended for approval on July 20, 2022.

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.

Based on the above discussion, the area is open to new appropriations, the application complies with safe yield, it is recommended that the referenced new and change applications be approved.

Brandon Milner  
Environmental Scientist  
Water Appropriation Program

**From:** Stewart, Kelly [KDA]  
**Sent:** Wed 7/20/2022 8:45 AM  
**To:** Milner, Brandon [KDA]  
**Cc:** Billinger, Mark [KDA];Hageman, Nancy [KDA]  
**Subject:** RE: New application 50602/Change Application no. 38871

Brandon,

I would recommend approval of the new application and change.

Kelly

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**From:** Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>  
**Sent:** Tuesday, July 19, 2022 3:56 PM  
**To:** Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>  
**Cc:** Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Hageman, Nancy [KDA] <Nancy.Hageman@ks.gov>  
**Subject:** New application 50602/Change Application no. 38871

Good afternoon everyone,

Attached is the memo for new application no. 50,602/change application no. 38871 for USD No. 306. I have borrowed some language from Doug on his work for 50,235 which is only 700 feet from this well. Could you provide a recommendation on these please? Thanks!!

Brandon Milner  
Environmental Scientist  
Water Appropriation Program

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  
FOR  
CHANGE IN PLACE OF USE,  
USE MADE OF WATER  
AND  
ORDER IN THE MATTER OF THE RATE OF DIVERSION  
WATER RIGHT, FILE NO. 38,871**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application submitted by Roger A. Stumpf on behalf of U.S.D. No. 306, Southeast of Saline, 5056 E. Highway K4, Gypsum, Kansas 67448 received in this office on May 23, 2022, for approval of a change in the use made of water and place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights and that the application should be and is hereby approved.

This order effectively removes the additional limitation on the rate of diversion as set forth by the Certificate of Appropriation, File No. 38,871, dated August 3, 2021, which read as follows:

This appropriation right is further limited to a diversion rate that when municipal and thermal exchange uses are combined under the water right set forth in the certificate of Appropriation issued pursuant to File No. 38,871, will provide a maximum diversion rate not in excess of 27 gallons per minute (0.06 c.f.s.) from the point of diversion described herein.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized use made of water shall be:

**Municipal Use**

at a diversion rate not in excess of 27 gallons per minute (0.06 c.f.s.) and a quantity of water not to exceed 3.59 million gallons (11 acre-feet) per calendar year,

and the authorized location of the place of use shall be:

Unified School District #306 Southeast Saline located in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 35, in Township 15 South, Range 2 West, Saline County, Kansas,

located substantially as shown on the map accompanying the application to change the place of use and use made of water.

All diversion works 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.



The water right owner shall properly install an acceptable water meter on each of the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application the, File No. 38,871 for permit to appropriate for beneficial use, is as stated and set forth in the Certificate of Appropriation dated August 3, 2021.

It is so ordered this 27 day of September, 2022, in Manhattan, Riley County, Kansas.

Lane P. Letourneau  
Lane P. Letourneau, P.G.  
Water Appropriation Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas        )  
                                  )        SS  
County of Riley        )

The foregoing instrument was acknowledged before me this 27 day of September, 2022, by Lane P. Letourneau, P.G. Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman  
Notary



1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www. agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

SOUTHEAST OF SALINE  
ATTN: ROGER A. STUMPF  
5056 E HIGHWAY K4  
GYPSUM, KS 67448-9762

October 5, 2022

RE: Water Right, File No. 38,871

Dear Mr. Stumpf:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number. Please return the required and enclosed form, Notification of Completion of the Diversion Works and/or Installation of the Required Flowmeter, as soon as these actions are completed.

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).

Since the order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact our main office line at 785-564-6640. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

KAB:bmm  
Enclosure(s)  
pc: Stockton 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.

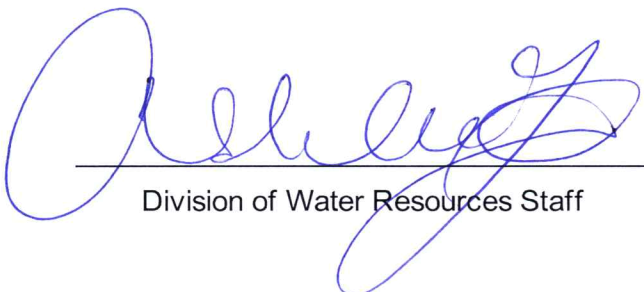
## CERTIFICATE OF SERVICE

On this 5 day of October, 2022, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Use Made of Water, Order in the Matter of the Rate of Diversion of Water under Water Right, File No. 38,871 dated 27 September, 2022 was mailed postage prepaid, first class, US mail to the following:

UNIFIED SCHOOL DISTRICT #306  
ATTN: ROGER A. STUMPF  
SOUTHEAST OF SALINE  
5056 E HIGHWAY K4  
GYPSUM, KS 67448-9762

With a photocopy to:

Stockton Field Office



Division of Water Resources Staff