

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: PU WORKSHEET**

|  |   |  |                               |  |
|--|---|--|-------------------------------|--|
| 1. File Number:<br><b>39807</b>  | 2. Status Change Date:<br><b>3/8/2022</b> | 3. Change Num:<br><b>C2</b>              | 4. Field Office:<br><b>01</b> | 5. GMD:  |
| 6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return   |   |  |                               | 7. Filing Date of Change:<br><b>5/17/2021</b>              |
| 8a. Applicant(s)<br>New to system <input type="checkbox"/>   |   | Person ID _____<br>Add Seq# _____        |                               | 8c. Landowner(s)<br>New to system <input type="checkbox"/> |
| <b>WABAUNSEE RWD 02<br/>GREGORY F. GEKAT PE<br/>38521 ANTELOPE CREEK RD<br/>WAMEGO, KS 66547-9708</b>  |   |  |                               |  |
| 8b. Landowner(s)<br>New to system <input type="checkbox"/>   |   | Person ID <b>33095</b><br>Add Seq# _____ |                               | 8d. WUC<br>New to system <input type="checkbox"/>          |
| <b>WABAUNSEE RWD 02<br/>38521 ANTELOPE CREEK RD<br/>WAMEGO, KS 66547-9708</b>  |   |  |                               | <b>8b</b>  |
| 9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/23</b> <input type="checkbox"/> N & P Date to Comply: _____   |   |  |                               |  |
| <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input 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: _____  |   |  |                               |  |
| <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 2px solid red; padding: 5px; color: red;">2/28/2022<br/>Llreland</div> <div style="text-align: right;">Date Prepared: <b>1/7/2022</b>    By: <b>li</b><br/>Date Entered: <b>3/10/2022</b>    By: <b>LMoody</b></div> </div> |   |  |                               |  |

File No. **39807**      11. County:      Basin: **KANSAS RIVER**      Stream: **NA**      Formation Code:      Special Use:

12. Points of Diversion      Rate and Quantity  
 CHK      Authorized      Additional  
 MOD      Rate      Quantity      Rate      Quantity  
 DEL      PDIV      Qualifier      S      T      R      ID      'N      'W      Comment (AKA Line)      gpm      gpm      Overlap PD Files  
 ENT

**NO CHANGE**

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) **NONE NO CHANGE**  
 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<br>CHK<br>MOD<br>DEL<br>ENT | PUSE         | S         | T         | R          | ID       | NE¼  |         |         |         | NW¼     |         |         |         | SW¼     |         |         |         | SE¼     |         |         |         | Total | Owner     | Chg?      | Overlap Files            |
|--|--------------|-----------|-----------|------------|----------|--|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|-------|-----------|-----------|--------------------------|
|  |              |           |           |            |          | NE<br>¼  | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ |       |           |           |                          |
| <b>MOD</b>                                   | <b>36392</b> | <b>20</b> | <b>10</b> | <b>10E</b> | <b>2</b> | <b>WABAUNSEE RWD 02 &amp; IMMEDIATE VICINITY</b> |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |       | <b>7b</b> | <b>No</b> | <b>39808 46641 50586</b> |
| <b>ENT</b>                                   | <b>70745</b> | <b>20</b> | <b>10</b> | <b>10E</b> |          | <b>CITY OF PAXICO &amp; IMMEDIATE VICINITY</b>   |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |       | <b>7b</b> | <b>No</b> | <b>39808 46641 50586</b> |
|  |              |           |           |            |          |  |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |       |           |           |                          |
|  |              |           |           |            |          |  |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |       |           |           |                          |
|  |              |           |           |            |          |  |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |       |           |           |                          |

Base Acres:      Year:      Minimum Reasonable Quantity:  
 Comments:

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

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

**TO:** Files  
**DATE:** January 7, 2022

**ROM:** Leslie Ireland  
**RE:** Water Right,  
File Nos. 39,907 & 39,808  
Appropriation, File No. 46,641  
New Application, File No. 50,586

Chris Rabe on behalf of Wabaunsee County Rural Water District (RWD) No. 2 along with the assistance of Gregory F. Gekat, P.E., has filed the above referenced application, File No. 50,586, is proposing to appropriate a limited 107.681 million gallons(mgy) (303.5 acre-feet(AF) of groundwater per calendar year for municipal use, at a diversion rate not to exceed 800 gallons per minute (gpm). The May 26, 2021, filed application is located in the Kansas River drainage basin. The new application was submitted with applications for change in place of use under the other referenced files to maintain a complete overlap in their area of service.

The proposed point of diversion is to create an exact overlap with the existing battery of two (2) wells with a geographic center located in the Southwest Quarter of the Southeast Quarter of the Northwest Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 20, Township 10 South, Range 10 East, in Wabaunsee County. The battery of wells is currently authorized by File Nos. 39,807; 39,808 & 46,641. The source of supply of the proposed existing well has been determined to be the Kansas River alluvium (Code 311). The existing files are authorized for a limited combined total of 85.924 mgy (263.7 AF) at a limited 800 gallons per minute (gpm). The new appropriation will not authorize additional rate, but is requesting to provide an additional 21.757 mgy (67 AF) in quantity for the expansion of the proposed place of use to add Paxico, Kansas as requested the in the applications for change under File Nos. 39,907; 39,808 & 46,641.

Per the requirements in K.A.R. 5-3-11, safe yield of the extent of the alluvium aquifer was determined by Kris Neuhauser, ES Lead for New Appropriations. The 2021 determination of an adjusted area of 7,202 acres as the area of alluvium yield with a potential recharge of 8.4 inches and a percentage of 75% recharge value indicates 3,781.1 AF comprises the safe yield of this area. The prior appropriations total 3,4943.7 AF indicating 286.41 AF is available for the appropriation of the additional 67 AF that will be appropriated at the proposed existing point of diversion. The area of consideration is slightly less than the 7,393 acres utilized in the permitting process of File No. 46,641 in 2007, but probably more accurate with current mapping software and is an area conservative adjustment of less than 2.6 percent.

The permit and approvals will authorize the place of use described as within the boundaries of Rural Water District No. 2, Wabaunsee County, Kansas and the City of Paxico, Kansas and their immediate vicinities.

The expanded place of use was summarized in the submitted justification listing a 2020 annual diversion of 64.022 mgy water diverted for a population of 1,862 people utilizing approximately 94 gallons per person per day (GPCD). The additional quantity of water is due in part to a projected annual population growth within the District of approximately 3.2%, increasing the population to approximately 2,550 by 2026 (20-year projection). Available data for the regional average for medium public water suppliers in Region 7 is 102 GPCD. Using the regional average value, and based on a population projection of 2,550, the following estimate for water usage can be determined: 2,550 at 102 gallons per person in a year or 365 days accounts for 94.936 million gallons required for the area. Then adding Paxico with its 15 mgy justified by File Nos. 7862; 35961; 35962 & 42,640, the requested appropriation for the new application of 107.681 mgy will be limited with File Nos. 39,807 39,808 & 46,641 appears reasonable for municipal use.

The District does have a slightly high quantity of unaccounted water with an approximate 10.78 percent loss but do have a conservation plan on file.

There is one irrigation well, File No. 24,000, approximately 1,400 feet from the proposed appropriation, for a total of two non-domestic and two domestic wells within one-half mile of the RWD battery of two (2) wells. It appears the minimum spacing of 1,320 feet from non-domestic wells and 660 feet to domestic wells for alluvium appropriations per K.A.R. 5-4-4, *Well spacing* has been met. The identified nearby well owners were notified by letter dated October 8, 2021 of the new appropriation and change applications. No comments were received. The letter sent to 40388 Antelope Creek Road was returned as undeliverable.

The Kansas River Assurance District was informed by letter dated October 12, 2021, of the proposed project. No comments were received.

The applicant has signed an Assurance District form for the Kansas River, acknowledging they are aware that there may be times when diversion will not be allowed.

In an e-mail of January 6, 2022, Katie Tietsort, Water Commissioner of the Topeka Field Office, recommended approval with the revalidation of the additional quantity for the new appropriation for an additional 21.757 mgd ( 67AF).

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, and well spacing. Therefore, it is recommended that the referenced application for permit and change applications be approved.



Leslie Ireland  
Environmental Scientist

**From:** Tietsort, Katie [KDA]  
**Sent:** Thu 1/6/2022 8:44 AM  
**To:** Ireland, Leslie [KDA]  
**Subject:** RE: Review and Recommendation for Permit, File No. 50586 & Change Applications, File Nos. 39807; 39808 & 46641

Good Morning,

The quantity requested doesn't make sense. I checked with Lloyd on this one since he assisted with it but he said he left the quantity blank for them to determine. You memo says they are requesting 12.96 MGY but I calculate they are requesting 21.757 MGY based on the data below.

Below is the water use summary I put together that also explains the quantities authorized under each right. I don't know why they wrote in the 107.681 MGY when they really want 21.757 MGY over and above what they already have the right to perfect. So far, they've perfected 76.119 of the possible 85.924 MGY. They have developed a max rate of 343 GPM so far. This is good news because I don't think we can approve the file for a value greater than the available safe yield. SO the amount of 21.757 MGY over and above what they already have can be approved based on a safe yield of 286.41 AF, which is 93.33 MGY or the maximum approvable. So we need to adjust the request to the 21.757 MGY over what they currently have authorized and write up the permit for 21.757 MGY, right?

With the adjustment made to the quantity on the application, approval and in your memo, the package looks good to proceed forward with.

| WABAUNSEE RWD 02  |             |              |          |  |   |          |            |
|-------------------|-------------|--------------|----------|--|---|----------|------------|
| WATER USE SUMMARY |             |              |          |  |   |          |            |
| 1/5/2021          |             |              |          |  |   |          |            |
|                   |             |              | 39807    | 24.5 MGY @ 300 GPM   |   |          |            |
|                   |             |              | 39808    | 24.5 MGY @ 300 GPM   | LIMITED TO 300 GPM W/ 39807                     |          |            |
|                   |             |              | 46641    | 85.924 MGY @ 800 GPM   | LIMITED TO 85.924 MGY @ 800 GPM W 39807 & 39808 |          |            |
|                   |             |              | 50586    | REQUESTED LIMIT 107.681 MGY @ 800 GPM W 39807, 39808 & 46641 |   |          |            |
|                   | well CIN 2  |              |          | well CIN 3   |   |          |            |
|                   | Meter Begin | Meter ending | Quantity | Meter Begin  | Meter ending                                    | Quantity | TOTAL      |
| 2007              | 136719000   | 161149000    | 24430000 | 126078000  | 153390000                                       | 27312000 | 51,742,000 |
| 2008              | 161149000   | 187189000    | 26040000 | 153390000  | 178301000                                       | 24911000 | 50,951,000 |
| 2009              | 187189000   | 212998000    | 25809000 | 178301000  | 201503000                                       | 23202000 | 49,011,000 |
| 2010              | 212998000   | 241114000    | 28116000 | 201503000  | 224300000                                       | 22797000 | 50,913,000 |
| 2011              | 241114000   | 270800000    | 29686000 | 224300000  | 251442000                                       | 27142000 | 56,828,000 |
| 2012              | 270800000   | 305577000    | 34777000 | 251442000  | 282514000                                       | 31072000 | 65,849,000 |
| 2013              | 305577000   | 334991000    | 29414000 | 282514000  | 309446000                                       | 26932000 | 56,346,000 |
| 2014              | 334991000   | 369139000    | 34148000 | 309446000  | 335692000                                       | 26246000 | 60,394,000 |
| 2015              | 369139000   | 399572000    | 30433000 | 335692000  | 362504000                                       | 26812000 | 57,245,000 |
| 2016              | 399572000   | 430895000    | 31323000 | 362504000  | 393594000                                       | 31090000 | 62,413,000 |
| 2017              | 430895000   | 462981000    | 32086000 | 393594000  | 423939000                                       | 30345000 | 62,431,000 |
| 2018              | 462981000   | 501848000    | 38867000 | 423939000  | 454816000                                       | 30877000 | 69,744,000 |
| 2019              | 501848000   | 537942000    | 36094000 | 454816000  | 483907000                                       | 29091000 | 65,185,000 |
| 2020              | 537942000   | 577392000    | 39450000 | 483907000  | 520576000                                       | 36669000 | 76,119,000 |
| 2021              | 577392000   |              |          | 520576000  |   |          |            |

**Katie Tietsort**

Water Commissioner

[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)

Ph. 785-296-5733 Cell 785-213-9188

Kansas Department of Agriculture

Topeka Field Office

1131 SW Winding Rd, Suite 400

Topeka, KS 66615

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**From:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>

**Sent:** Tuesday, December 28, 2021 4:39 PM

**To:** Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>

**Subject:** Review and Recommendation for Permit, File No. 50586 & Change Applications, File Nos. 39807; 39808 & 46641

Katie,

Please let me know if you could recommend this project.

As always comments and concerns are welcome.

Leslie Ireland  
Environmental Scientist  
Change Application Unit  
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 FOR CHANGE IN PLACE OF USE WATER RIGHT FILE NO. 39,807**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Chris Rabe on behalf of Wabaunsee County Rural Water District No. 2, at 38521 Antelope Creek Road, Wamego, Kansas 66547-9708, received in this office on May 17, 2021, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated April 24, 2007, approving the application to change the point of diversion, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

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

within the boundaries of Wabaunsee County Rural Water District No. 2,  
and the City of Paxico, Kansas, and their immediate vicinities,

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

The water right owner shall properly install an acceptable water meter on 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.

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.



In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 39,807, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated August 29, 2006, as modified and amended by the aforementioned order.

Ordered this 8 day of March, 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 8 day of March, 2022, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman  
Notary Public





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

March 15, 2022

WABAUNSEE RWD 02  
GREGORY F GEKAT PE  
38521 ANTELOPE CREEK RD  
WAMEGO, KS 66547-9708

RE: Water Right, File Nos. 39,807 & 39,808  
Appropriation of Water, File No. 46,641

Dear Mr. Gekat:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of the approvals is that an acceptable water flowmeter must be installed on the diversion works authorized under the referenced files.

Since the orders under File Nos. 39,807 & 39,808 are certified and modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office at (785) 564-6640, or the Topeka Field Office at (785) 296-5733. If you call, please reference a file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application and Change Unit Supervisor  
Water Appropriation Program

KAB:li

Enclosures

pc: Topeka 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, KS 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, KS 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.

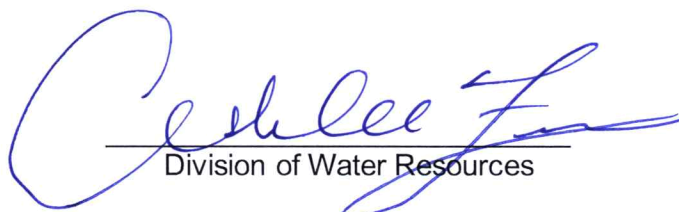
**CERTIFICATE OF SERVICE**

On this 15 day of march, 2022, I hereby certify that the attached Approval of Application for the Change in Place of Use under Water Right, File No. 39,807, dated 8 march 2022 was mailed postage prepaid, first class, US mail to the following:

WABAUNSEE RWD 02  
38521 ANTELOPE CREEK RD  
WAMEGO, KS 66547-9708

With photocopies to:

Topeka Field Office

  
Division of Water Resources