

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

1. File Number: 39808	2. Status Change Date: 3/8/2022	3. Change Num: C2	4. Field Office: 01	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: 5/17/2021	
8a. Applicant(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		8c. Landowner(s) New to system <input type="checkbox"/>	
WABAUNSEE RWD 02 GREGORY F. GEKAT PE 38521 ANTELOPE CREEK RD WAMEGO, KS 66547-9708					
8b. Landowner(s) New to system <input type="checkbox"/>		Person ID 33095 Add Seq# _____		8d. WUC New to system <input type="checkbox"/>	
WABAUNSEE RWD 02 38521 ANTELOPE CREEK RD WAMEGO, KS 66547-9708				8b	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/23 <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-between; align-items: center;"> <div style="border: 1px solid red; padding: 5px; color: red;">2/28/2022 Llreland</div> <div style="text-align: right;">Date Prepared: 1/7/2022 By: li</div> </div> <div style="display: flex; justify-content: space-between; align-items: center; margin-top: 10px;"> <div style="border: 1px solid blue; padding: 5px; color: blue;">6/10/2022 LMoody</div> <div style="text-align: right;">Date Entered: _____ By: _____</div> </div>					

File No. **39808** 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) **300GPM COM/W 39807 AS LISTED ON APPROVAL**
 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 CHK 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				
MOD	36392	20	10	10E	2	WABAUNSEE RWD 02 & IMMEDIATE VICINITY																	7b	No	39807 46641 50586
ENT	70745	20	10	10E		CITY OF PAXICO & IMMEDIATE VICINITY																	7b	No	39807 46641 50586

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: 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. 39,808

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. 39,808, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated August 25, 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,

A handwritten signature in cursive script that reads "Kristen A. Baum".

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.

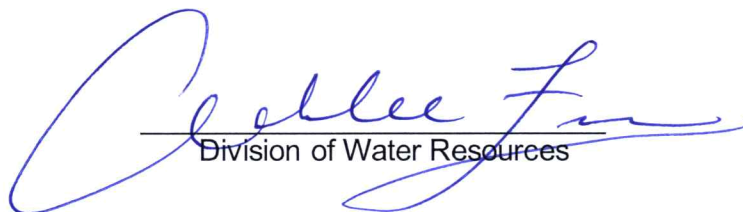
CERTIFICATE OF SERVICE

On this 15 day of March, 2022, I hereby certify that the attached 8 March 2022 Approval of Application for the Change in Place of Use under Water Right, File No. 39,808, 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