

Kansas Department of Agriculture
Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: <p style="text-align: center;">50586</p>	2. Status Change Date: <p style="text-align: center;">3/8/2022</p>	3. Field Office: <p style="text-align: center;">01</p>	4. GMD:
--	--	--	---------

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 _____
New to system Add Seq# _____

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

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

7b. Landowner(s) Person ID **33095** _____
New to system Add Seq# _____

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

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

8. WUR Correspondent Person ID **33095** _____
New to system Add Seq# _____
Overlap File (s) WUC Notarized WUC Form
Agree Yes No

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

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: 12/31/2023 11. Perfection Date: 12/31/2043 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: **1/6/22** By: **LI**
2/28/2022
Llreland Date Entered: 3/10/2022
LMoody By:

File No. **50586** 15. Formation Code: **113** Drainage Basin: **8** County: **WB** Special Use: **NA** Stream: **NA**

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files
CHK			11705	SW SE NW	20	10	10E	2	3296	3731					39807 39808 46641
CHK			22637	SW SE NW	20	10	10E	3	3136	3736					39807 39808 46641
CHK			73956	SW SE NW	20	10	10E	4	3216	3747	800	107.681	0	21.757	39807 39808 46641
GEO CTR															
CHK BATTERY id 1037 FOR ALL PDS LISTED															

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

19. Limitation: **107.681 MGY** af/yr at **800** gpm (**1.78** cfs) when combined with file number(s) **39807, 39808 & 46641**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/23** Date Acceptable Meter Installed _____

21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files					
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							
MOD			36392	20	10	10E	2	WABAUNSEE RWD 02 & IMMEDIATE VICINITY																7b	No	39807 39808 46641
ENT			7074320	10	10E			CITY OF PAXICO & IMMEDIATE VICINITY																7b	No	39807 39808 46641
DEL			19664	26	11	11E	1	CITY OF PAXICO, COMMUNITY OF NEWBURY & IMMEDIATE VICINITIES																		

Comments: **PUSE id 19664 REMAINS AS AUTHORIZED**

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

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

Kansas Department of Agriculture

Topeka Field Office

1131 SW Winding Rd, Suite 400

Topeka, KS 66615

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 and PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,586** of the applicant

WABAUNSEE COUNTY RURAL WATER DISTRICT No. 2
38521 ANTELOPE CREEK RD
WAMEGO, KS 66547-9708

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 **May 17, 2021**.
2. That the water sought to be appropriated shall be used for municipal use within the boundaries Wabaunsee County Rural Water District No. 2, and the City of Paxico, Kansas, their immediate vicinities.
3. That the authorized source from which the appropriation shall be made is groundwater in the drainage basin of the Kansas River, to be withdrawn by means of a 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, more particularly described as being near a point 3,216 feet North and 3,747 feet West of the Southeast corner of said section, in Township 10 South, Range 10 East, Wabaunsee County, Kansas, located as shown on the 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 (1.78 c.f.s.)** and to a quantity not to exceed **107.681 million gallons** (330.46 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, 2023** 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, 2043** 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 that is currently \$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 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. This water flow meter 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).

13. 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.

14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

15. 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.

16. 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.

17. That the permit holder shall submit a progress report to the office of the Chief Engineer by March 1, following the tenth full calendar year after the permit was issued. The progress report must be submitted on a form prescribed by the Chief Engineer and shall compare annual water use projected in the original application with the actual annual water use for the prior 10 years. The progress report must document compliance with the approved conservation plan, contain sufficient details to determine the extent of perfection of the water right during the previous ten years, and demonstrate how the water right, in association with other water rights, meets the municipal use need.

18. 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.

19. That the quantity of water and the rate of diversion approved under this file number is further limited to the quantity and rate which combined with Water Right, File Nos. 39,807 & 39,808 and Appropriation of Water, File No. 46,641, will provide a total not to exceed 107.681 million gallons (330.46 acre-feet) of water per calendar year to be diverted at a maximum, diversion rate not in excess of 800 gallons per minute (1.78 c.f.s.).

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: Appropriation of Water, File No. 50,586

Dear Mr. Gekat:

Enclosed is a permit authorizing you to proceed with the appropriation of 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 for the completion of the referenced file. Completion is an acceptable water flowmeter installed on the diversion works authorized by this permit prior to using water. Failure to complete the diversion works and inform the Chief Engineer of the required installation of the meter for this permit 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/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 Topeka Field Office at 785-296-5733. 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:LI:li
Enclosure(s)

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 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.

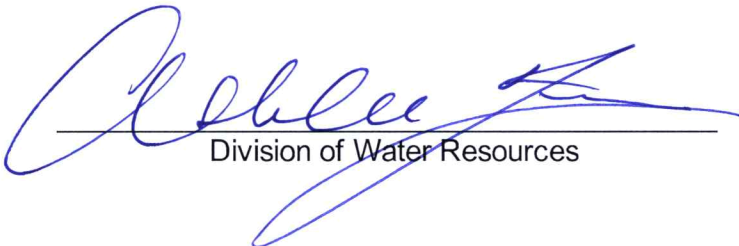
CERTIFICATE OF SERVICE

On this *15* day of *March*, 2022 I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,586, dated *8 March*, 2022, was mailed postage prepaid, first class, US mail to the following:

WABAUNSEE COUNTY RWD NO. 2
38521 ANTELOPE CREEK RD
WAMEGO, KS 66547-9708

With photocopies to:

Division of Water Resources Topeka Field Office



Division of Water Resources