



File No. **49,793**      15. Formation Code:      Drainage Basin:      County:      Special Use:      Stream:

16. Points of Diversion										
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
			<b>66304</b>							

17. Rate and Quantity				
Authorized		Additional		
Rate	Quantity	Rate	Quantity	Overlap PD Files
gpm/cfs	af/mgy	gpm/cfs	af/mgy	
				<b>44717</b>

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										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	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	NE ¼	NW ¼	SW ¼	SE ¼						
			<b>54279</b>																								<b>7b.</b>	<b>44717</b>	

Comments: **Application fails Safe Yield and was recommended for denial by GMD#2**

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

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

**TO:** Files

**DATE:** March 13, 2019

**FROM:** Matt Meier

**RE:** Application, File No. 49,793

Craig Steven filed the referenced application for a permit to appropriate water for beneficial use, proposing the appropriation of 63 acre-feet of groundwater for recreational use. The proposed well was to be 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 29, more particularly described as being near a point 3819 feet North and 4885 feet West of the Southeast corner of said section, in Township 24 South, Range 3 West, Harvey County, Kansas within the boundaries of Equus Beds Groundwater Management District No. 2. Water right File No. 44717 overlaps the proposed point of diversion and place of use.

That on February 16, 2018, a copy of the application was submitted to Equus Beds Groundwater Management District No. 2. On April 3, 2018, a reply letter was received from Equus Beds Groundwater Management District No. 2 recommending denial of the application for failure to comply with Safe Yield Rule K.A.R. 5-22-7(a) as well as not complying with the Maximum Reasonable Quantity for Beneficial Use Regulation K.A.R. 5-22-14(g). The applicant was sent a letter explaining the denial recommendation on April 3, 2018 and given a 30-day deadline (May 3, 2018) to consult with GMD#2 on the recommendation. The applicant appealed the denial recommendation to the GMD#2 Board of Directors in a letter received on April 30, 2018. The applicant and GMD#2 requested multiple extensions. On February 22, 2019 a letter was received from GMD#2 that stated the Board of Directors recommended that the application **not** be granted exceptions to the Safe Yield Rule K.A.R. 5-22-7(a) and the Maximum Reasonable Quantity for Beneficial Use Regulation K.A.R. 5-22-14(g). The applicant was sent a letter explaining the denial recommendation on February 27, 2019 and given a 15-day deadline (March 9, 2019) to consult with GMD#2 on the recommendation. No request for extension or notification of contact with GMD#2 was received from the applicant.

Therefore, based on the existing information, it is recommended that application File No. 49,793 be denied and dismissed for failure to meet safe yield criteria and Maximum Reasonable Quantity for Beneficial Use.

Matt Meier  
Environmental Scientist  
Permits Unit

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

CRAIG STEVEN  
6111 W 29TH N  
WICHITA KS 67205

**FILE COPY**  
April 25, 2019

RE: Application, File No. 49,793

Dear Mr. Steven:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 49,793, for failure to comply with the safe yield requirements of K.A.R. 5-22-7(a) and the Maximum Reasonable Quantity for Beneficial Use Regulation K.A.R. 5-22-14(G).

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth in the enclosed order.

If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

Enclosures

pc: GMD#2  
Stafford Field Office



# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

## **FINDINGS AND ORDER IN THE MATTER OF THE DISMISSAL OF APPLICATION FILE NO. 49,793**

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

### **FINDINGS**

1. That on March 10, 2017, the Chief Engineer received an application from Craig Steven for a permit to appropriate water for beneficial use, assigned File No. 49,793, proposing the appropriation of 63 acre-feet of groundwater for recreational use. The proposed well was to be 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 29, more particularly described as being near a point 3819 feet North and 4885 feet West of the Southeast corner of said section, in Township 24 South, Range 3 West, Harvey County.
2. That on February 16, 2018, a copy of the application was submitted to Equus Beds Groundwater Management District No. 2. GMD #2 recommended denial of the application in a letter dated April 3, 2018. They recommended denying the application because their review determined that the application did not comply with the District's Safe Yield regulation K.A.R. 5-22-7(a), as existing and proposed consumptive appropriations exceeded the maximum allowable, and the Maximum Reasonable Quantity for Beneficial Use Regulation K.A.R. 5-22-14(g).
3. A letter was sent to the applicant stating the decision of GMD#2 and that the applicant had 30 days (until May 3, 2018) to appeal the decision.
4. That the applicant appealed the denial recommendation to the GMD#2 Board of Directors in a letter received on April 30, 2018. Multiple extension requests were received from GMD#2 and the applicant.
5. That on February 22, 2019 a letter was received from GMD#2 that stated the Board of Directors recommended that the application **not** be granted exceptions to the Safe Yield Rule K.A.R. 5-22-7(a) and the Maximum Reasonable Quantity for Beneficial Use Regulation K.A.R. 5-22-14(g).
6. A letter was sent to the applicant stating the decision of GMD#2 and that the applicant had 15 days (until March 9, 2019) to appeal the decision.
7. That the applicant, has not submitted additional information for consideration, nor requested an extension of time, for Application, File No. 49,793, thus the application should be denied and dismissed and its priority forfeited for failure to comply with Safe Yield regulation K.A.R. 5-22-7(a) and the Maximum Reasonable Quantity for Beneficial Use Regulation K.A.R. 5-22-14(g).



**CERTIFICATE OF SERVICE**

On this <sup>25<sup>th</sup></sup> day of <sup>April</sup> 2019, I hereby certify that the foregoing Dismissal of Application, File No. 49,793, dated <sup>April 24<sup>th</sup>, 2019</sup> was mailed postage prepaid, first class, US mail to the following:

CRAIG A & LINDA L STEVEN  
6111 W 29TH N  
WICHITA KS 67205

With photocopies to:

Stafford Field Office  
Equus Beds Groundwater Management District No. 2



Division of Water Resources

THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

File Number 49793  
This item to be completed by the Division of Water Resources.

WATER RESOURCES  
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MAR 10 2017  
12:59  
KS DEPT OF AGRICULTURE

**APPLICATION FOR PERMIT TO  
APPROPRIATE WATER FOR BENEFICIAL USE**

Filing Fee Must Accompany the Application  
(Please refer to Fee Schedule attached to this application form.)

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,  
1320 Research Park Drive, Manhattan, KS 66502:

1. Name of Applicant (Please Print): CRAIG STEVEN  
Address: 6111 W 29 N  
City: WICHITA State KS Zip Code 67205  
Telephone Number: (316) 9440730(H) 316-9900541(M)

2. The source of water is:  surface water in \_\_\_\_\_  
OR  groundwater in ARKANSAS RIVER  
(stream) (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 63 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 350 gallons per minute OR \_\_\_\_\_ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):  
(a)  Artificial Recharge (b)  Irrigation (c)  Recreational (d)  Water Power  
(e)  Industrial (f)  Municipal (g)  Stockwatering (h)  Sediment Control  
(i)  Domestic (j)  Dewatering (k)  Hydraulic Dredging (l)  Fire Protection  
(m)  Thermal Exchange (n)  Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:					
F.O. <u>2</u>	GMD <u>2</u>	Meets K.A.R. 5-3-1 <u>(YES/NO)</u>	Use <u>DEC</u>	Source <u>(G) S</u> County <u>HV</u>	By <u>KW</u> Date <u>3/14/17</u>
Code <u>REG</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>3/10/17</u>	Check # <u>3279</u>	

SCANNED  
3/14/2017 ULM

#MJA/SFPO Filled in Packages based on those Authorized  
for Sencr W.R.# 44717

File No. 49793

5. The location of the proposed wells, pump sites or other works for diversion of water is:

**Note:** For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the NW quarter of the SW quarter of the NW quarter of Section 29, more particularly described as being near a point 3819\* feet North and 4885\* feet West of the Southeast corner of said section, in Township 24 South, Range 3 East (West) (circle one), HARVEY County, Kansas.
- (B) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.
- (C) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.
- (D) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

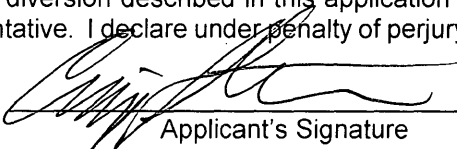
6. The owner of the point of diversion, if other than the applicant is (please print):

\_\_\_\_\_  
(name, address and telephone number)

\_\_\_\_\_  
(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on MARCH 6, 2017.  \_\_\_\_\_  
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of ONE WELL - ONE PUMP  
(number of wells, pumps or dams, etc.)  
and (was)(will be) completed (by) 2000 ?  
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be completed WATER RESOURCES ? 2000  
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MAR 10 2017

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KS DEPT OF AGRICULTURE

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?  
 Yes  No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources?  Yes  No

- If yes, show the Water Structures permit number here \_\_\_\_\_
- If no, explain here why a Water Structures permit is not required \_\_\_\_\_

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

OVERLAP POINT OF DIVERSION AND PLACE  
OF USE WITH WATER RIGHT FILE# 44717

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MAR 10 2017

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from:  Test holes  Well as completed  Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	<u>2000?</u>			
Total depth of well	<u>90'</u>			
Depth to water bearing formation	<u>30' to 90'</u>			
Depth to static water level	<u>22'</u>			
Depth to bottom of pump intake pipe	<u>70'</u>			

14. The relationship of the applicant to the proposed place where the water will be used is that of OWNER  
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):  
\_\_\_\_\_  
(name, address and telephone number)  
\_\_\_\_\_  
(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at WICHITA, Kansas, this 8 day of MARCH, 2017  
(month) (year)

  
(Applicant Signature)

By \_\_\_\_\_  
(Agent or Officer Signature)

\_\_\_\_\_  
(Agent or Officer - Please Print)

Assisted by \_\_\_\_\_ ESII \_\_\_\_\_ Date: 10/7/2016  
(office/title)

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RECREATIONAL USE  
SUPPLEMENTAL SHEET

File No. 44717

Name of Applicant (Please Print): CRAIG STEVEN

1. Please indicate type of recreational use (boating, fishing, swimming, etc.):  
HUNTING

2. Please summarize how the water will be used and justify the quantity of water requested:  
SEE ATTACHED

3. Please complete the following table showing estimated future water requirements:

**ESTIMATED FUTURE WATER DIVERTED/STORED**

NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)
Year 1	<u>63 ACRE FEET</u>
Year 2	<u>'' '' ''</u>
Year 3	<u>'' '' ''</u>
Year 4	<u>'' '' ''</u>
Year 5	<u>'' '' ''</u>

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used by providing the fractional part of the Section, Township and Range.

NORTHWEST QUARTER OF THE SOUTHWEST  
QUARTER OF THE NORTHWEST QUARTER OF  
SECTION 29, TOWNSHIP 24 SOUTH, RANGE 3 WEST  
HARVEY COUNTY

You may attach any additional information you believe will assist in informing the Division of the WATER RESOURCES need for your request. RECEIVED



49793

3-6-17

(Date)

Kansas Department of Agriculture  
Division of Water Resources  
David W. Barfield, Chief Engineer  
109 SW 9<sup>th</sup> Street, 2nd Floor  
Topeka, Kansas 66612-1283

Re: Application File No. 44717

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

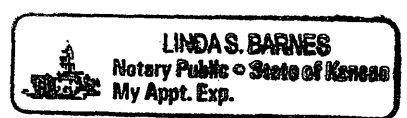
I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

*[Handwritten Signature]*  
Signature of Applicant

GRAIG STEVEN  
(Print Applicant's Name)

State of Kansas )  
County of Sedgwick ) ss

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 6<sup>th</sup> day of March, 2017.



*[Handwritten Signature]*  
Notary Public

My Commission Expires: 9-23-2020

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MAR 10 2017

49793

My 4-acre duck pond does not hold water I am only allowed 21 acre feet of water a year and that is not adequate to get me through hunting season. I only pump water during October, November, December, and January for the duck hunting season. During these months, the farmers are not using water to irrigate their fields so I would like to request 63 acre feet of water to get me through the hunting season. The WRP developed the land to make it a wetland reserve but I can't keep enough water in the pond to attract the water fowl.

I would really appreciate you honoring my request.

If you have any questions, please call me at 316 990 0541.

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Example Map

NEW APPLICATION

All wells of any kind within 1/2 mile of the requested point of diversion have been plotted

Signed John C Doe  
Date: 06/14/96

IRRIGATION WELL  
Ken Daigneau  
Rt 1, Ferris, KS 28123

R20E

DOMESTIC WELL  
P.W. Herrian  
1513 Vine Street  
Sydney, KS 28124

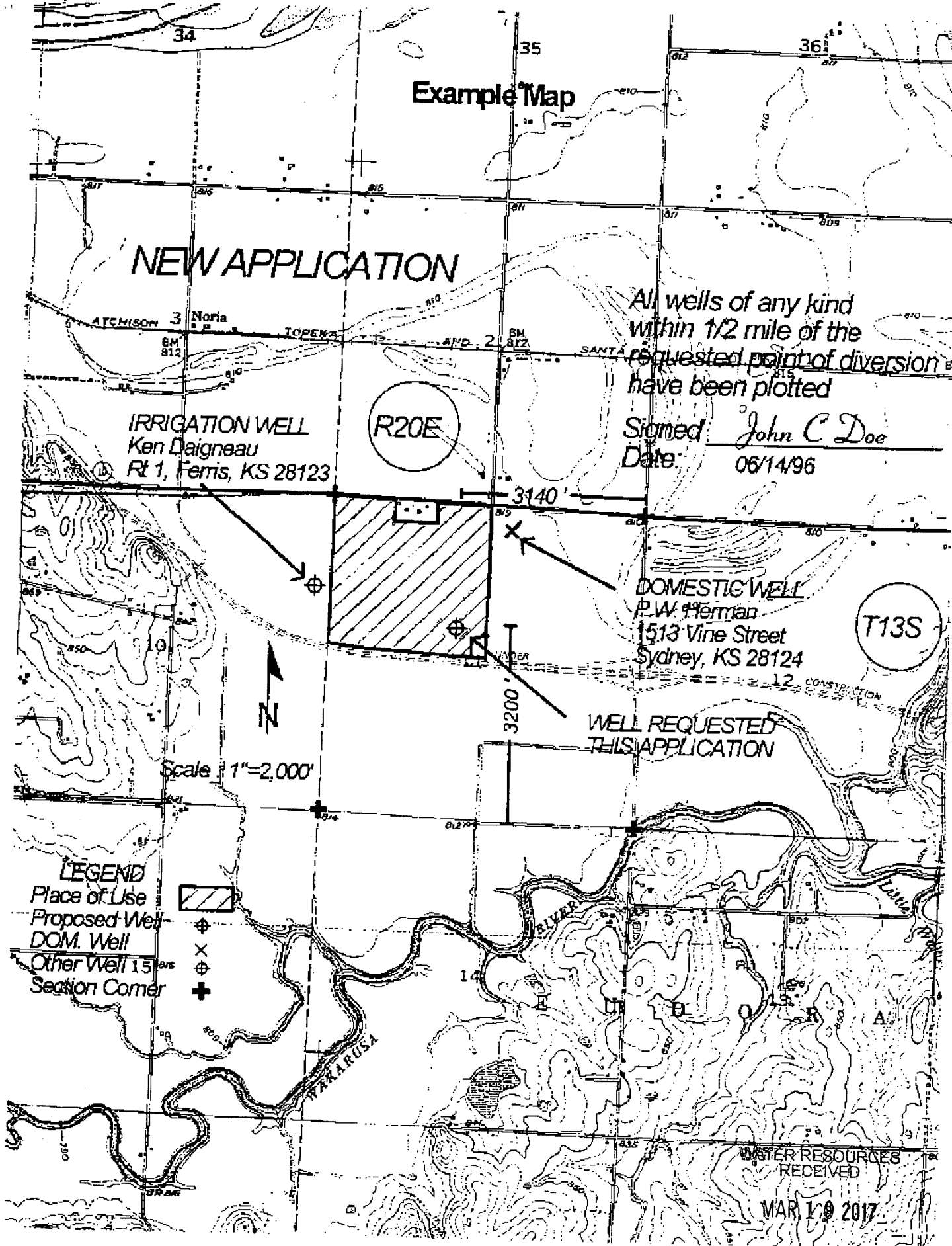
T13S

WELL REQUESTED  
THIS APPLICATION

Scale 1"=2,000'



- LEGEND
- Place of Use
  - Proposed Well
  - DOM. Well
  - Other Well
  - Section Corner



WATER RESOURCES RECEIVED  
MAR 10 2017

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, Interim Secretary

Laura Kelly, Governor

February 27, 2019

CRAIG STEVEN  
6111 W 29TH N  
WICHITA KS 67205

RE: Pending Application, File No. 49,793

Dear Mr. Steven:

On February 25, 2019, we received a recommendation from the Equus Beds Groundwater Management District No. 2 that the requested exception to the Safe Yield Rule and Regulation K.A.R. 5-22-7 and the Maximum Reasonable quantity for Beneficial Use Regulation K.A.R. 5-22-14(G) not be granted and that referenced Application for Permit to Appropriate Water for Beneficial Use be denied. This decision was made by the Board of Directors after an appeal had been submitted.

This recommendation was based upon the groundwater management program adopted by the District and approved by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture. The application does not comply with and Safe Yield Rule and Regulation K.A.R. 5-22-7(a).

We are advising you of this recommendation in order to allow you an opportunity to consult with the District regarding their recommendation if you have not already done so. If you have already contacted the District regarding this recommendation, then we are allowing you this opportunity to submit any additional information you wish to have considered before the Chief Engineer.

We will delay any further action on the referenced application until **March 9, 2019**, at which time the application will be submitted to the Chief Engineer for a final decision.

If you have any questions, please contact me at (620) 234-5311, and please have the specific file number ready so that I may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Matthew A. Meier". The signature is written in a cursive style.

Matt Meier  
New Application Unit  
Water Appropriation Program

**SCANNED**

pc: Groundwater Management District No. 2

JEFF WINTER, PRESIDENT  
VIN KISSICK, VICE PRESIDENT  
ALAN BURGHART, SECRETARY  
MIKE MCGINN, TREASURER  
TIM BOESE, MANAGER  
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:  
DAVID BOGNER  
JOE PAJOR  
DALE SCHMIDT  
BOB SEILER  
DAVID STROBERG

## EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

February 22, 2019

Sent by Certified U. S. Mail

Chief Engineer, Division of Water Resources  
Attn: Matt Meier, Stafford Field Office  
300 S. Main Street  
Stafford, KS 67578

Re: Water Appropriation Application No. 49793 – Craig Steven

Dear Mr. Meier:

The referenced application was reviewed by the Equus Beds Groundwater Management District No. 2, Board of Directors at the February 13, 2019, meeting. District staff presented information regarding the application. A copy of the District's Application Review Information report is enclosed for your information.

Upon review of the information presented and discussed at the meeting, and based on findings that:

1. The application does not comply with the Safe Yield Rule and Regulation 5-22-7;
2. Existing and proposed consumptive appropriations exceed the safe-yield allowable by 875.3 AF/Y;
3. The applicant did not provide any specific scientific seepage data for the pond, other than an anecdotal report that the pond loses most of its water two weeks after being filled;
4. The application does not comply with K.A.R. 5-22-7(b)(2), which exempts an application for non-consumptive use of groundwater from the Safe Yield Regulation, as the applicant did not provide adequate information demonstrating that the proposed use would be non-consumptive;
5. The applicant does not comply with the Maximum Reasonable Quantity for Beneficial Use Regulation K.A.R. 5-22-14(g), as justification for the quantity of water requested, such as seepage loss, was not provided with the application; and
6. Recommending an exception to the Safe Yield Rule and Regulation 5-22-7 would significantly impair the ability of the District to apply and enforce the District's rules and regulations and management program.

It was the decision of the Board of Directors to recommend that the application is **not** granted exceptions to the Safe Yield Rule and Regulation K.A.R. 5-22-7 and the Maximum Reasonable Quantity for Beneficial Use Regulation K.A.R. 5-22-14(g), and a recommendation of denial is affirmed to the Chief Engineer, Division of Water Resources.

A District Board of Director's decision may be requested for reconsideration by the Board by submitting a written request to the District office within 15 days from the date of this notification, pursuant to K.A.R. 5-22-12.

Please contact the District if you have any questions regarding the District's findings or recommendation.

Sincerely,  
EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2

Tim Boese  
Manager  
TDB/db  
Enclosure

pc: Craig Steven, Applicant – Sent by Regular and Certified U.S. Mail

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FEB 25 2019

H:\MSOFFICE\LETTERS\APP\BoardDenied\#49793\_Steven.doc



Stafford Field Office  
Division of Water Resources

AUG 8, 2018 – The application was reviewed by the Board of Directors. It was the decision of the Board to table making a recommendation on the application for six months to allow the applicant time to conduct the pond seepage test and provide the Board with the seepage test results, at which time the appeal will be scheduled for the next available Board meeting. The District requested that the applicant provide the results of the seepage test to the District no later than December 31, 2018.

JAN 2, 2019 – The applicant contacted the District staff and advised that a seepage test had not and would not be completed and that the applicant was exploring other options and needed additional time. District staff requested the applicant submit an extension of time request in writing to the District. As of January 16, 2019, the District had not received a written extension request.

JAN 9, 2019 – The applicant was notified by mail that the appeal was scheduled for hearing by the Board of Directors at the January 16, 2019, meeting. The notification letter also requested that the applicant provide prior to the meeting, any additional information the applicant wished the Board to consider.

JAN 16, 2019 – The application was reviewed by the Board of Directors. It was the decision of the Board for District staff to notify the applicant that the applicant must provide a written extension of time request to the District no later than February 8, 2019, in order for the Board to consider granting an extension of time to provide additional information to the Board, and that failure to provide a proper written extension of time request to the District by February 8, 2019, will result in the Board recommending to the Chief Engineer, Division of Water Resources, that the application is not granted an exception to the District's Safe Yield Regulation K.A.R. 5-22-7, and that the application is denied.

FEB 4, 2019 – The District received a letter dated February 4, 2019, from the applicant by email (Attachment B). The letter advised that the cost of the seepage test was \$3,000 and, therefore, was not justified. The letter further repeated the previous claim by the applicant that the pond leaked. The letter requested that the Board reconsider the request for 63 acre-feet.

FEB 8, 2019 – The applicant was notified by mail that the appeal was scheduled for hearing by the Board of Directors at the February 13, 2019, meeting.

## **FINDINGS:**

The application was reviewed using the District's Aquifer Management Program and Rules and Regulations, K.A.R. 5-22-1 through K.A.R. 5-22-17.

The Division of Water Resources did not receive any comments from surrounding well owners within one-half mile of the proposed point of diversion.

The application proposes the appropriation of 63 AF/Y, to be diverted at a maximum rate of 350 GPM from an existing well authorized by Water Right No. 44717 located in the Northwest quarter of the Southwest quarter of the Northwest quarter (3819'N & 4885'W), Section 29, Township 24 South, Range 3 West, Harvey County (Figures 1 & 2).

The proposed use of water is for recreational use to fill/maintain an existing ~seven acre wildlife marsh / duck hunting pond in the East half of the Southwest quarter of the Northwest quarter of Section 29, Township 24 South, Range 3 West, Harvey County (Figures 1 & 2).

The application complies with the District's Well Spacing Regulation K.A.R. 5-22-2(a) to domestic and non-domestic points of diversion.

## Equus Beds Groundwater Management District No. 2

SPACING EVALUATION NO 49793

LOCATION: NWSWNW (3819'N & 4885'W) 29-24S-03W, Harvey County

SPECIAL USE AREA: None

Prepared By: Stephen Flaherty Date: 3/16/2018

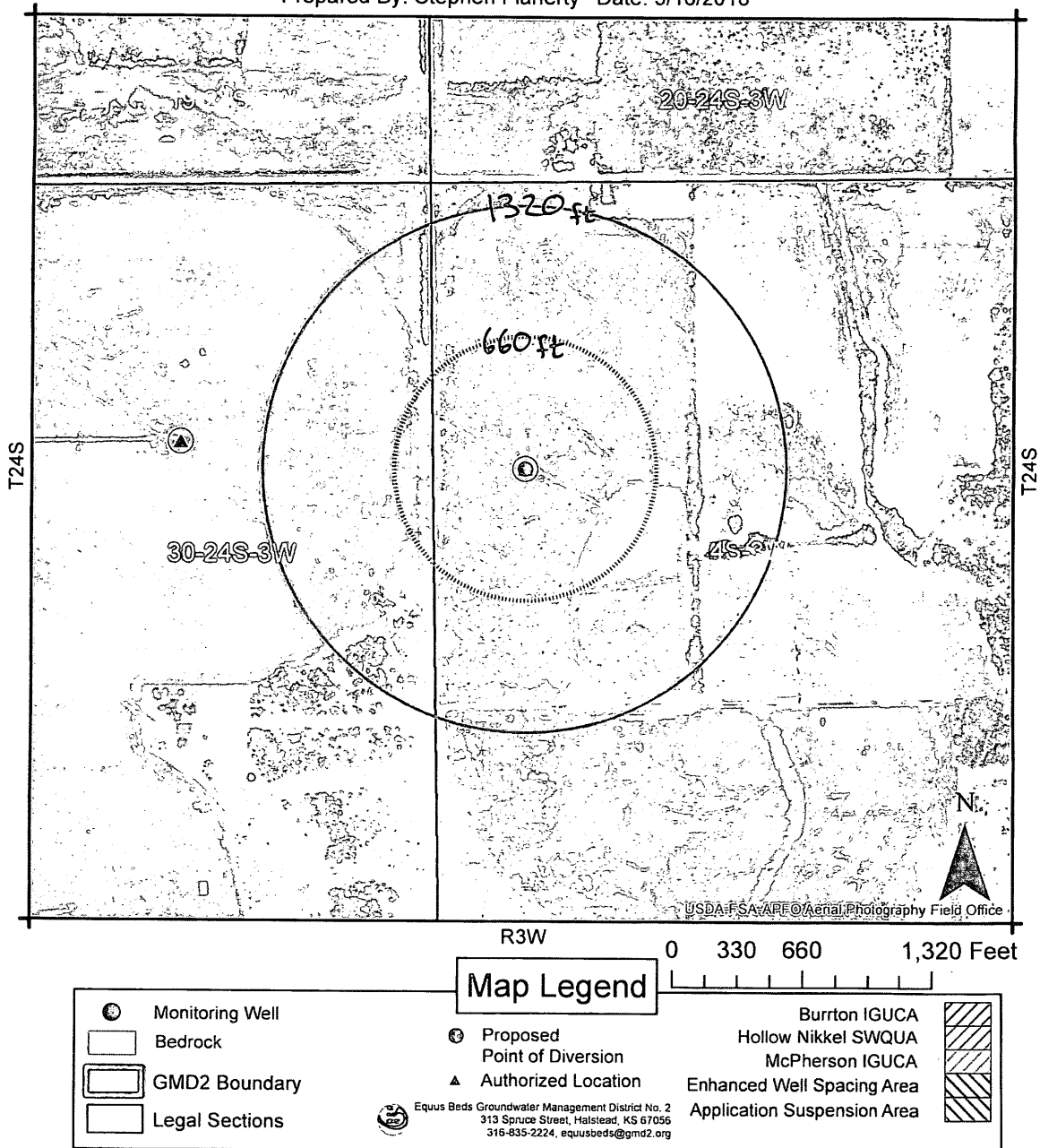


Figure 2. Spacing Evaluation Map.

The application does not comply with the Safe Yield Regulation 5-22-7(a). The existing and proposed consumptive appropriations total 4,896.30 in the application's area of consideration (two-mile radius circle), which exceeds the maximum allowable appropriation for the area of consideration of 4,021 AF/Y by 875.3 AF/Y (Figures 3 & 4). The available small user quantity in the area of consideration is 45.00 acre-feet per year.

## Equus Beds Groundwater Management District No. 2

SAFETYIELD EVALUATION NO 49793

LOCATION: NWSWNW (3819'N & 4885'W) 29-24S-03W, Harvey County

SPECIAL USE AREA: None

Prepared By: Stephen Flaherty Date: 3/16/2018

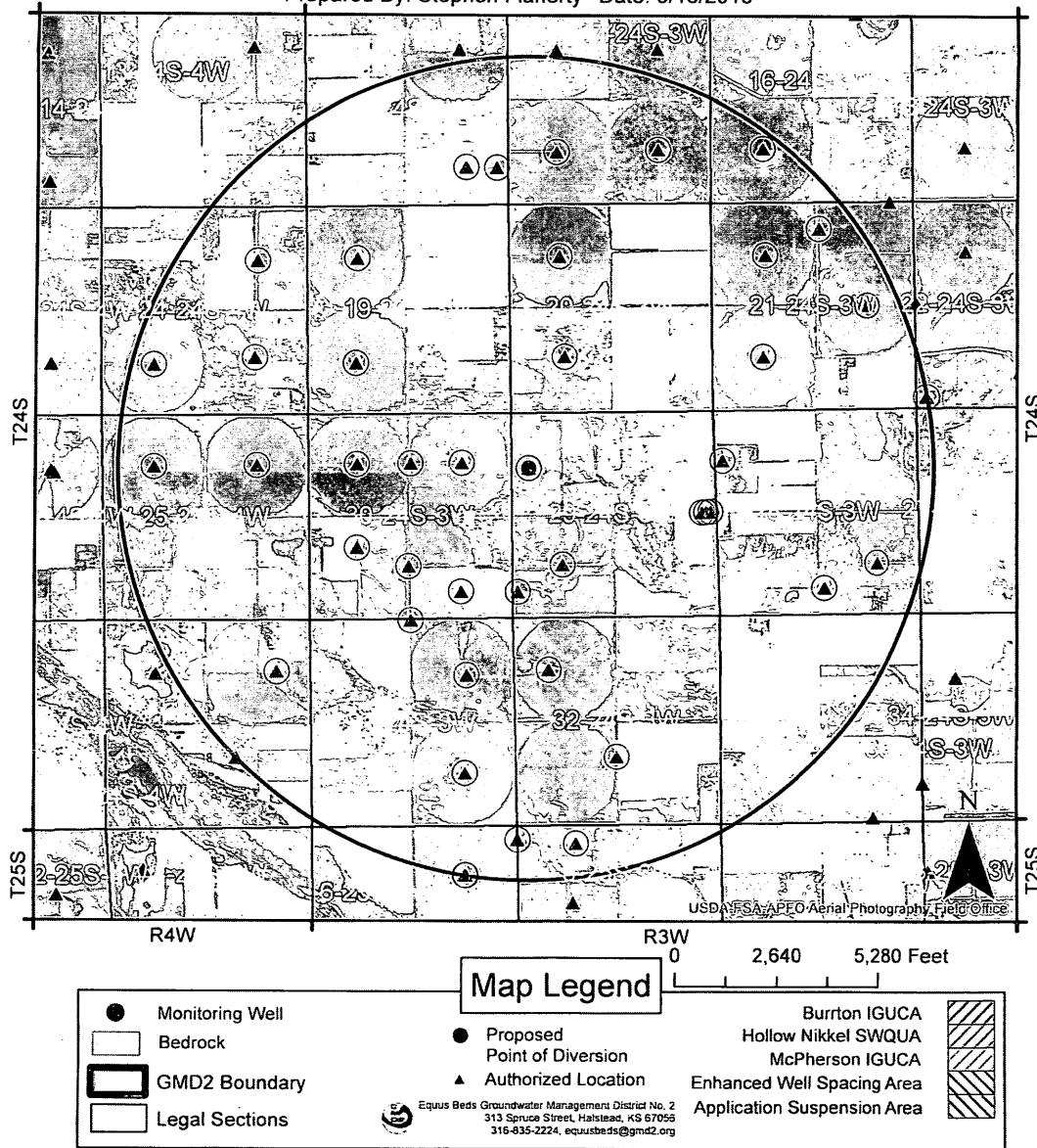


Figure 3. Safe Yield Evaluation Map.

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SAFEYIELD EVALUATION NO 49793							
LOCATION: NWSWNW (3819'N & 4885'W) 29-24S-03W, Harvey County							
SPECIAL USE AREA: None							
EVALUATION DATE:- 3/16/2018							
Total Areas: 8,042 acres; Area in 3 inch discharge zone: 0 acres; Area in 6 inch discharge zone: 8,042 acres							
FILE_ID	WELL_ID	TOWNSHIP	RANGE	SECTION	QUALIFIER	USE	AUTHQUANTITY
A00520900	3597	24S	03W	29	26370310	IRR	75
A00520900	124	24S	03W	29	26300420	IRR	0
A00520900	123	24S	03W	29	26450200	IRR	0
A02210400	973	24S	03W	30	13262664	IRR	40
A02362100	977	24S	03W	30	39652590	IRR	171
A02629400	1830	24S	03W	21	45822523	IRR	10
A02629400	1831	24S	03W	21	26041295	IRR	152
A02740900	542	24S	03W	32	39604380	IRR	183
A02855000	949	25S	03W	6	40001350	IRR	184
A02893500	1826	24S	04W	25	39601310	IRR	179
A02893600	1626	24S	03W	21	13204025	IRR	193
A0298771R	1096	24S	03W	28	12671127	IRR	30
A029877RE	59	24S	03W	28	6382517	REC	34
A02993500	324	24S	03W	16	13503960	IRR	154
A03020500	1248	24S	04W	24	39601305	IRR	78
A03028100	1484	24S	03W	20	39543917	IRR	190
A03034500	399	24S	03W	31	13201309	IRR	195
A03055100	966	25S	03W	5	48003750	IRR	56
A03096300	1518	24S	03W	22	2414989	REC	394
A0309911R	1683	24S	03W	29	6455206	IRR	77.3
A030991RE	2833	24S	03W	29	6455206	REC	31.7
A03101200	1648	24S	03W	30	18203984	IRR	70
A03163200	1197	24S	03W	28	39505120	IRR	3
A03216300	1650	24S	03W	31	38301240	IRR	35
A03260300	1706	24S	03W	19	39603920	IRR	141
A03277400	63	25S	03W	5	49155260	IRR	48
A03295400	850	24S	03W	21	39203955	IRR	141
A03296600	1161	24S	04W	25	39603950	IRR	128
A03298900	300	24S	03W	17	13153968	IRR	80
A03299300	1823	24S	03W	17	13401340	IRR	203
A03314900	1307	24S	03W	18	9000265	IRR	13
A03314900	1306	24S	03W	18	9251060	IRR	5
A03316800	1299	24S	04W	24	14301340	IRR	11
A03335600	1743	24S	03W	19	12753960	IRR	118
A03422700	982	24S	03W	30	13262664	IRR	66
A03447700	1632	24S	03W	30	39603972	IRR	195
A03651000	569	24S	03W	30	6601320	IRR	78
A03651100	922	24S	03W	31	52472665	IRR	83
A04008700	2993	24S	03W	29	26370310	IRR	0
A04008700	943	24S	03W	29	26450200	IRR	0
A04008700	944	24S	03W	29	26300420	IRR	0
A04131400	942	24S	03W	31	38301240	IRR	58
A04236000	2286	24S	04W	24	12773940	IRR	199.5
A04331200	2555	24S	03W	29	13284005	IRR	99
A04332300	2558	24S	03W	30	39651271	IRR	136
A04459200	2858	25S	03W	6	40001350	IRR	67
A04471700	2878	24S	03W	29	38194885	REC	21
A04663600	3423	24S	03W	32	17162664	IRR	156
A04664200	3505	24S	04W	36	39600860	IRR	168
A04772400	3768	24S	03W	31	38301240	IRR	83.8
A04979300P	4958	24S	03W	29	38194885	REC	63
A04994100P	5136	24S	03W	20	13903813	IND	0
<b>Allowable Appropriations</b>		<b>4,021.00</b>			<b>Total Existing Appropriation</b>		<b>4,896.30</b>
<b>Small User Quantity</b>		<b>0</b>			<b>Non Consumptive Appropriations</b>		<b>0</b>
<b>Remaining SUQ</b>		<b>45</b>			<b>Consumptive Appropriations</b>		<b>4,896.30</b>
<b>Note- Values are in acre-feet</b>					<b>Available Appropriations</b>		<b>0</b>

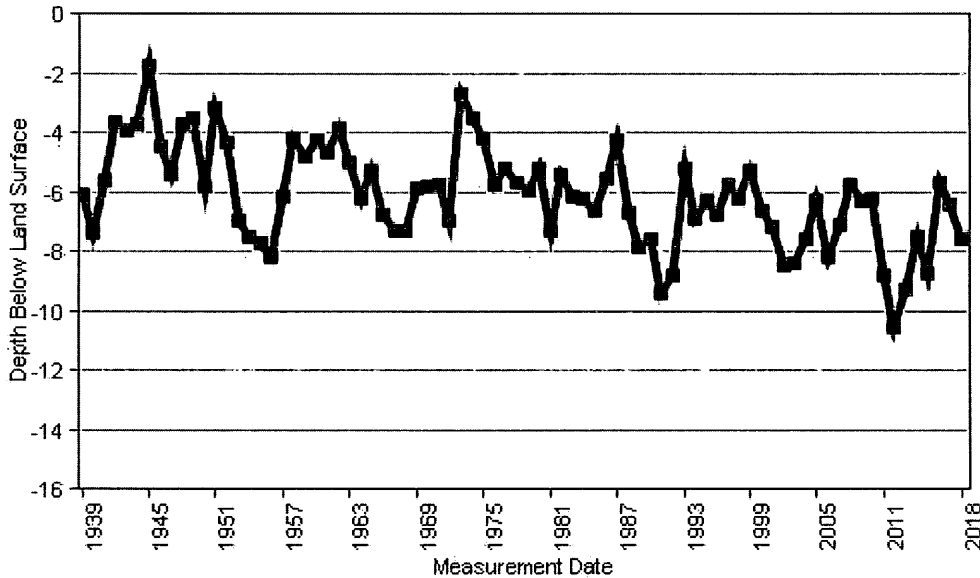
Figure 4. Safe Yield Evaluation Spreadsheet.

Additionally, the application does not comply with the Maximum Reasonable Quantity for Beneficial Use Regulation K.A.R. 5-22-14(g), as justification for the quantity of water requested, such as seepage loss, was not provided with the application.

Hydrologic data indicates that depth to bedrock is approximately 110 - 120 feet. Depth to static water level at the proposed well site is approximately 10 feet below land surface creating a calculated saturated thickness range of 100 to 110 feet. The apparent driller's well log WWC5 (Attachment B) for the existing well shows the well was drilled in 2001 and consists of an 8 inch diameter well completed at a depth of 100 feet below land surface.

The nearest monitoring well, P35A, is located approximately 1.3 miles north of Application No. 49793. Water level measurements for this monitoring site have been conducted from June 3, 1939 through April 16, 2018. Water levels appear to be fairly stable with an overall very slight declining trend (Figure 5).

Monitoring Well Site – P35A  
Location: SW-SW-SW Sec. 17, T24S, R3W, Harvey County



The applicant's appeal petition (Attachment A), advised:

- The 21 acre-feet per year of groundwater authorized by Water Right No. 44717 is not enough quantity to keep the 4 acre pond full during hunting season.
- The area was developed by the Wetland Reserve Program for waterfowl and the applicant cannot keep enough water in the pond to attract the birds.
- The pond does not hold water and has a high seepage rate.
- Water is only needed to fill and maintain the pond during the duck hunting season in October, November, December, and January.
- The demands on the aquifer are lower during duck hunting season, as the farmers are not irrigating crops during this time.
- Sealing the pond with bentonite is cost prohibitive is not guaranteed to work.

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No specific scientific seepage data was provided by the applicant, other than an anecdotal report that the pond loses most of its water two weeks after being filled.

The applicant's February 4, 2018, letter did not provide any additional information, other than that the cost of a seepage test was not justified.

Information obtained from the Natural Resources Conservation Service (NRCS) Web Soil Survey website indicates that the soil type for the marsh / duck pond area consists of Punkin Silt Loam (57%) and Carwile Fine Sandy Loam (43%). The Web Soil Survey indicates that both of these soils have a low intake rate of 0.00-0.06 inch per hour. Therefore, it appears that the marsh/pond could be sealed with compaction and/or bentonite treatment.

The Safe Yield Rule and Regulation K.A.R. 5-22-7(a)(1) states, in part, that "The sum of prior appropriations shall not exceed the allowable safe-yield amount for the area of consideration." The sum of prior appropriations includes the proposed application, vested rights, appropriation rights, term permits, earlier priority applications, and baseflow nodes.

A review of District case histories found that the Board of Directors has previously reviewed application appeals that requested an exception to the Safe Yield Regulation. The prior appeals were for applications filed in areas exceeding the Safe Yield allowable appropriation and did not comply with K.A.R. 5-22-7. In the prior case reviews it, was the Board's decision to not recommend exceptions to the Safe Yield Rule and Regulation based on findings that:

1. The applications did not meet the exception criteria of the Safe Yield Rule and Regulation K.A.R. 5-22-7(b); and
2. Recommending an exception to the Safe Yield Rule and Regulation would significantly impair the ability of the District to apply and enforce the District's rules and regulations and management program.

The application does not meet the exception criteria of the Safe Yield Rule and Regulation K.A.R. 5-22-7(b). Specifically, the application does not comply with K.A.R. 5-22-7(b)(2), which exempts an application for non-consumptive use of groundwater from the Safe Yield Regulation. While some of the proposed quantity may return to the aquifer due to the pond's seepage, the proposed use does not meet the definition of "Non-consumptive use" as defined in K.A.R. 5-22-1(z) as "means the beneficial use of water in which essentially all of the water diverted from the source of supply is returned to the source of supply."

## **STAFF RECOMMENDATIONS:**

Based on District findings that:

1. The application does not comply with the Safe Yield Rule and Regulation 5-22-7;
2. Existing and proposed consumptive appropriations exceed the safe-yield allowable by 875.3 AF/Y;
3. The applicant did not provide any specific scientific seepage data for the pond, other than an anecdotal report that the pond loses most of its water two weeks after being filled;
4. The application does not comply with K.A.R. 5-22-7(b)(2), which exempts an application for non-consumptive use of groundwater from the Safe Yield Regulation, as the applicant did not provide adequate information demonstrating that the proposed use would be non-consumptive;

5. The applicant does not comply with the Maximum Reasonable Quantity for Beneficial Use Regulation K.A.R. 5-22-14(g), as justification for the quantity of water requested, such as seepage loss, was not provided with the application; and
6. Recommending an exception to the Safe Yield Rule and Regulation 5-22-7 would significantly impair the ability of the District to apply and enforce the District's rules and regulations and management program.

Staff recommends the application is not granted exceptions to the Safe Yield Rule and Regulation K.A.R. 5-22-7 and the Maximum Reasonable Quantity for Beneficial Use Regulation K.A.R. 5-22-14(g), and a recommendation of denial is affirmed to the Chief Engineer, Division of Water Resources.

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FEB 25 2019

Tim Boese  
Chief Engineer  
Division of Water Resources – Equus Beds Groundwater

RE: Pending Application, File No. 49,793

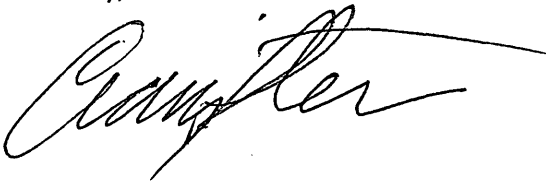
Dear Mr. Boese:

I would like to appeal to the District Board of Directors, the Chief Engineer, Division of Water Resources and the Kansas Department of Agriculture, regarding my appropriation application no. 49,793. As I stated before my 4-acre pond does not hold water. I'm only allowed 21 acre feet of water a year. That is not adequate to get me through the hunting season. I can fill up the pond and within two weeks the pond has lost most of its water. This is quite a bit of seepage loss. I only need and pump water during the months of October, November, December and January for the duck hunting season. The Wetland Reserve Program developed this land around the pond to make it a Wetland Reserve for the waterfowl. I can't keep enough water in the pond to attract the waterfowl. During these months the farmers are not using water to irrigate their crops. With that said, I would like to request 63 acre feet of water to get me through the hunting season. The seepage loss probably seeps back down into the equus bed. If I knew this pond had such bad seepage loss, I probably would not have purchased this property. I checked into putting bentonite liner into the pond to hold the water, but it cost \$10,000 - \$15,000 to do this. There is no guarantee this will work.

I would appreciate the Board and the Chief Engineer to honor my request for more water.

If you have any questions, please feel free to call me at 316-990-0541.

Kindly,



Craig Steven

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FEB 25 2019

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APR 30 2018

Stafford Field Office  
Division of Water Resources Equus Beds GMD #2

February 4, 2019

TO: Equus Beds Ground Water  
Management District #2

From: Craig Steven

RE: Water Appropriation Application #49793

I was looking at doing a seepage test but the cost of \$3,000 doesn't justify doing it.

As I stated before, I only need the water during the duck season (Oct, Nov, Dec, Jan,).

At that time, the farmers are not irrigating and because my 4-acre pond does not hold water therefore, all the water goes back into the Equus bed. The WRP developed the land to make it a wetland reserve but I can't keep enough water in the pond to attract the water fowl.

Please reconsider my request for 63-acre feet of water to get me through the hunting season.

Thank you.

Craig Steven  
6111 W. 29th N.  
Wichita, Kansas 67205  
316-990-0541

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FEB 25 2019

RECEIVED

FEB 05 2019

Stafford Field Office  
Division of Water Resources  
Equus Beds GMD #2

JEFF WINTER, PRESIDENT  
VIN KISSICK, VICE PRESIDENT  
ALAN BURGHART, SECRETARY  
MIKE MCGINN, TREASURER  
TIM BOESE, MANAGER  
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:  
DAVID BOGNER  
JOE PAJOR  
DALE SCHMIDT  
BOB SEILER  
DAVID STROBERG

## **EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2**

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

August 9, 2018

Chief Engineer, Division of Water Resources  
Attn: Matt Meier, Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578

Re: Water Appropriation Application No. 49793 – Craig Steven

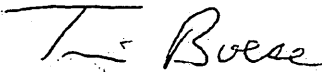
Dear Mr. Meier:

The referenced application was reviewed by the Equus Beds Groundwater Management District No. 2 Board of Directors at the August 8, 2018, meeting. District staff presented information regarding the application, including that the applicant and the applicant's consultant had verbally advised District staff that a pond seepage test was planned to be conducted this fall when weather conditions were more favorable for an accurate seepage test.

It was the decision of the Board of Directors to table making a recommendation on the application for six months to allow the applicant time to conduct the pond seepage test and provide the Board with the seepage test results, at which time the appeal will be scheduled for the next available Board meeting. The District requests that the applicant provide the results of the seepage test to the District no later than December 31, 2018.

Sincerely,

EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2

  
Tim Boese  
Manager

TDB/db

pc: Craig Steven, Applicant

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AUG 10 2018

Stafford Field Office  
Division of Water Resources

JEFF WINTER, PRESIDENT  
VIN KISSICK, VICE PRESIDENT  
ALAN BURGHART, SECRETARY  
MIKE MCGINN, TREASURER  
TIM BOESE, MANAGER  
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:  
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## EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

July 13, 2018

Chief Engineer, Division of Water Resources  
Attn: Matt Meier, Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578

Re: Water Appropriation Application No. 49793 – Craig Steven

Dear Mr. Meier:

The referenced application was reviewed by the Equus Beds Groundwater Management District No. 2 Board of Directors at the July 11, 2018, meeting. District staff presented information regarding the application.

It was the decision of the Board of Directors to table making a recommendation on the application until the August 8, 2018, Board meeting to allow the applicant time to provide the Board with specific details regarding having a certified seepage test performed on the marsh/duck hunting pond place of use described in the application. The application review is now scheduled for the August 8, 2018, meeting. The District requests that the applicant provide any additional information to the District no later than July 30, 2018, so that the information can be provided to the District Board of Directors prior to the August 8, 2018, meeting.

Sincerely,

EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2

Tim Boese  
Manager

TDB/db

pc: Craig Steven, Applicant

RECEIVED

JUL 17 2018

Stafford Field Office  
Division of Water Resources



JEFF WINTER, PRESIDENT  
VIN KISSICK, VICE PRESIDENT  
ALAN BURGHART, SECRETARY  
MIKE MCGINN, TREASURER  
TIM BOESE, MANAGER  
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:  
DAVID BOGNER  
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DALE SCHMIDT  
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DAVID STROBERG

## **EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2**

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

June 8, 2018

Chief Engineer, Division of Water Resources  
Attn: Matt Meier, Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578

Re: Water Appropriation Application No. 49793 – Craig Steven

Dear Mr. Meier:

The referenced application was reviewed by the Equus Beds Groundwater Management District No. 2 Board of Directors at the June 6, 2018, meeting. District staff and the applicant's representative presented information regarding the application.

It was the decision of the Board of Directors to table making a recommendation on the application until the July 11, 2018, Board meeting to allow the applicant time to determine the feasibility of having a certified seepage test performed on the marsh/duck hunting pond place of use described in the application. The application review is now scheduled for the July 11, 2018, meeting. The District requests that the applicant provide any additional information to the District no later than July 2, 2018, so that the information can be provided to the District Board of Directors prior to the July 11, 2018, meeting.

Sincerely,

EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2

Tim Boese  
Manager

TDB/db

pc: Craig Steven, Applicant

JEFF WINTER, PRESIDENT  
VIN KISSICK, VICE PRESIDENT  
ALAN BURGHART, SECRETARY  
MIKE MCGINN, TREASURER  
TIM BOESE, MANAGER  
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:  
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## **EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2**

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

May 9, 2018

Craig Steven  
6111 W. 29<sup>th</sup> Street North  
Wichita, KS 67205

Re: Water Appropriation Application No. 49793

Dear Mr. Steven:

The Equus Beds Groundwater Management District No. 2 received your Petition of Appeal on April 30, 2018, in the matter of the District's April 3, 2018, recommendation of the above referenced application. The petition was found to be in proper form and that, pursuant to K.A.R 5-22-12(b)(4), you are a valid petitioner.

The District Board of Directors will tentatively hear the appeal on Wednesday, June 6, 2018, in the conference room of the Equus Beds Groundwater Management District office, 313 Spruce Street, Halstead, Kansas. The meeting is tentatively planned to begin at 9:30 A.M. A copy of the meeting agenda will be forwarded to you once the agenda is set.

At the appeal hearing, the Board will permit the petitioner to present briefs and may afford any interested party the opportunity to present oral or written arguments, if appropriate.

Please contact the District if you have any questions or need additional information.

Sincerely,  
EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2

Tim Boese  
Manager

TDB/db

Pc: Matt Meier, Division of Water Resources, Stafford

Matt Meier  
New Application Unit  
Water Appropriation Program

RE: Pending Application, File No. 49,793

Dear Mr. Meier:

I would like to appeal to the District Board of Directors, the Chief Engineer, Division of Water Resources and the Kansas Department of Agriculture, regarding my appropriation application no. 49,793. As I stated before my 4-acre pond does not hold water. I'm only allowed 21 acre feet of water a year. That is not adequate to get me through the hunting season. I can fill up the pond and within two weeks the pond has lost most of its water. This is quite a bit of seepage loss. I only need and pump water during the months of October, November, December and January for the duck hunting season. The Wetland Reserve Program developed this land around the pond to make it a Wetland Reserve for the waterfowl. I can't keep enough water in the pond to attract the waterfowl. During these months the farmers are not using water to irrigate their crops. With that said, I would like to request 63 acre feet of water to get me through the hunting season. The seepage loss probably seeps back down into the equus bed. If I knew this pond had such bad seepage loss, I probably would not have purchased this property. I checked into putting bentonite liner into the pond to hold the water, but it cost \$10,000 - \$15,000 to do this. There is no guarantee this will work.

I would appreciate the Board and the Chief Engineer to honor my request for more water.

If you have any questions, please feel free to call me at 316-990-0541.

Kindly,



Craig Steven

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APR 30 2018

Stafford Field Office  
Division of Water Resources

# STATE OF KANSAS



DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
STAFFORD FIELD OFFICE  
300 S. MAIN STREET  
STAFFORD, KS 67578-1521

PHONE: (620) 234-5311  
FAX: (620) 234-6900  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

April 3, 2018

CRAIG STEVEN  
6111 W 29TH N  
WICHITA KS 67205

RE: Pending Application, File No. 49,793

Dear Mr. Steven:

On April 3, 2018, we received a recommendation from the Equus Beds Groundwater Management District No. 2 that the referenced Application for Permit to Appropriate Water for Beneficial Use be denied. This recommendation was based upon the groundwater management program adopted by the District and approved by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture. The application does not comply with and Safe Yield Rule and Regulation K.A.R. 5-22-7(a).

We are advising you of this recommendation in order to allow you an opportunity to consult with the District regarding their recommendation if you have not already done so. If you have already contacted the District regarding this recommendation, then we are allowing you this opportunity to submit any additional information you wish to have considered before the Chief Engineer.

We will delay any further action on the referenced application until **May 3, 2018**, at which time the application will be submitted to the Chief Engineer for a final decision.

If you have any questions, please contact me at (620) 234-5311, and please have the specific file number ready so that I may help you more efficiently.

Sincerely,

Matt Meier  
New Application Unit  
Water Appropriation Program

pc: Groundwater Management District No. 2

SCANNED

JEFF WINTER, PRESIDENT  
VIN KISSICK, VICE PRESIDENT  
ALAN BURGHART, SECRETARY  
MIKE MCGINN, TREASURER  
TIM BOESE, MANAGER  
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:  
DAVID BOGNER  
JOE PAJOR  
DALE SCHMIDT  
BOB SEILER  
DAVID STROBERG

## EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

April 3, 2018

Chief Engineer, Division of Water Resources  
Attn: Matt Meier  
300 S Main Street  
Stafford, Kansas 67578

Re: Appropriation Application No. 49793 – Craig Steven

Dear Mr. Meier:

The Equus Beds Groundwater Management District reviewed the referenced application on April 3, 2018, using the District's Revised Management Program (effective May 1, 1995) and Rules and Regulations K.A.R. 5-22-1 through 5-22-17.

The District's review found that the application does not comply with the District's Safe Yield Regulation K.A.R. 5-22-7(a), as existing and proposed consumptive appropriations exceed the maximum allowable.

Additionally, the application does not comply with the Maximum Reasonable Quantity for Beneficial Use Regulation K.A.R. 5-22-14(g), as justification for the quantity of water requested, such as seepage loss, was not provided with the application.

Based upon the review findings, the application is recommended for denial by the Equus Beds Groundwater Management District.

A District decision may be appealed to the District Board of Directors by submitting a written petition to the District office within 30 days from the date of this notification, pursuant to K.A.R. 5-22-12. An appeal petition must state the basis for the appeal and must include information/documentation supporting the appeal.

Please contact the District should you have any questions regarding the review or recommendation.

Sincerely,  
EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2

Tim Boese  
Manager  
TDB/STF  
Enclosures



pc: Craig Steven, Applicant, with copy of K.A.R. 5-22-12  
Jeff Lanterman, Division of Water Resources, Stafford

APR 03 2018

Stafford Field Office  
Division of Water Resources

# EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2 FINAL APPLICATION REVIEW CHECKLIST

1) Application No. 49793 Date filed: 3/10/17  
 2) Applicant: Craig Steven County: Harvey  
 3) Proposed maximum quantity: 63 acre-feet/year Rate: 350 GPM  
 4) Proposed Use: Recreational  
 5) P/D location: NW SW NW 29-24S-3W Geo Center: North 3819 ft, West 4885 ft  
 6) Number and type of points of diversion listed on the application 1 Well

7) Meter required K.A.R. 5-22-4a or K.A.R. 5-22-8?  Yes  No, Why \_\_\_\_\_

8) Meets Safe Yield K.A.R. 5-22-7?  Yes  No  N/A

(a) Total allowable appropriations: 4021.00 af/yr  
 (b) Total existing appropriations: 4896.3 af/yr  
 (c) Total small user exemptions: 0.00 af/yr  
 (d) Total non-consumptive use: 0.00 af/yr  
 (e) Total consumptive use: 4896.30 af/yr  
 (Total existing appropriations) – (Total non-consumptive use)  
 (f) exempt from regulation?  Yes  No,  
 Cite exemption: \_\_\_\_\_

9) Meets Well Spacing K.A.R. 5-22-2?  Yes  No  N/A

(a) POD in enhanced well spacing area?  Yes  No  
 (b) Domestic well spacing interval: >660 ft  
 (c) Non-Domestic well spacing interval: >1320 ft

10) Meets Max Reasonable Quantity K.A.R. 5-22-14?  Yes  No  N/A

(a) Irrigation max quantity: \_\_\_\_\_ acre-feet / acre  
 application paragraph 3 value (acre-feet) / proposed acres = Q  
 (b) Stockwater max quantity: \_\_\_\_\_ GPD \_\_\_\_\_ unit  
 (c) Industry max quantity: \_\_\_\_\_ Acre  
 Industry standard: \_\_\_\_\_  
 (d) Municipal max quantity: \_\_\_\_\_ GCD  
 Lesser of either 200 GCD or  
 $1.10 * (X - Y) * 365 d * (z + t)$   
 X - Average of last three years usage in Gallons per Capita per Day (GCD)  
 Y - water usage for industries that use over 200,000 gal/yr (GCD)  
 Z - Projected population in 20 years  
 T - Reasonable projected water use for industries that use over 200,000 gallons per year (GCD)  
 (e) Pond max quantity is \_\_\_\_\_  
 (Net evap + seepage)/12 x pond area + any initial fill  
 (f) Groundwater pit max Q: \_\_\_\_\_  
 Net evap \* pit area/12

11) Reasonable rate for intended use?  Yes  No  N/A  
 12) Depth to water: 7 ft bls at observation well: P35A

13) Date reviewed: 3/21/18  
 14) Reviewed by: S. Flaherty Title: Hydrogeologist *Revised 4-3-18 TD*  
 15) District recommendation:  Approve  Deny  Other, see comment

**16) Comments and Calculations:**

Review complete for a new application submitted by Craig Steven for recreational use to fill a duck pond. Duck pond well currently authorized under permit no 44717. Applicant seeks to pump more water into pond because water level is dropping. Existing permit uses a seepage rate of 13 inches per year and 23 inches of annual evaporative loss on a 7 acre pond resulting in 21 acre feet of permitted quantity.  $((23+13)/12)*7=21$  acre feet per year. Applicant seeks to add 63 additional acre feet to keep pond level up. No information was provided to justify the quantity of water requested. Existing Water Right No. 44717 authorizes 21 AF, so it appears the applicant requested an additional 3 times the currently authorized quantity (21 AF X 3 = 63 AF). No seepage values were included with the application and the applicant advises the duck pond is 4 acres. Application does not comply with max reasonable quantity K.A.R. 5-22-14. Application does not meet safe yield K.A.R. 5-22-7. Recommended denial.

**RECEIVED**  
 APR 05 2018  
 Stational Field Office  
 Division of Water Resources



Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521  
Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

February 16, 2018

GROUNDWATER MANAGEMENT DISTRICT NO 2  
% TIM BOESE  
313 SPRUCE ST  
HALSTEAD KS 67056-1925

Re: Pending Application, File No. 49,793

Dear Mr. Boese:

We are enclosing a copy of the application referred to above which appears to be in proper form. Nearby well owner notification letters were sent out on January 30, 2018. No response of any kind was received.

We are delaying any further action for a period of **30 days** from the date of this letter to allow you time to submit your recommendations concerning this application. Please submit your recommendations within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (620) 234-5311. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Matthew J. Meier". The signature is written in a cursive style.

Matt Meier  
Environmental Scientist  
Water Appropriation Program

Enclosure

pc:

SCANNED



Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

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[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

January 30, 2018

John & Ileen Weber  
247 Main St  
Halstead, KS 67056

Re: Pending Application, File No. 49,793

Dear Sir or Madam:

This is to advise you that Craig Steven has filed the application referred to above for a permit to appropriate 63 acre-feet of groundwater per calendar year for recreational use use to be diverted at a maximum rate of 350 gallons per minute. The proposed point of diversion for 49,793 is one (1) well, which are located as follows:

Northwest Quarter of the Southwest Quarter of the Northwest Quarter of Section 29, Township 24 South, Range 3 East, Harvey County, Kansas.

A map is enclosed indicating the location of the proposed well. Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

If you have any questions or comments, you may also contact me at (620) 234-5311. If you call, please reference the file number so I can help you more efficiently. Mailed comments can be sent to the Stafford Field Office at 300 S. Main St. Stafford, KS 67578-1521.

Sincerely,

A handwritten signature in black ink that reads "Matt Meier". The signature is written in a cursive style.

Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

SCANNED

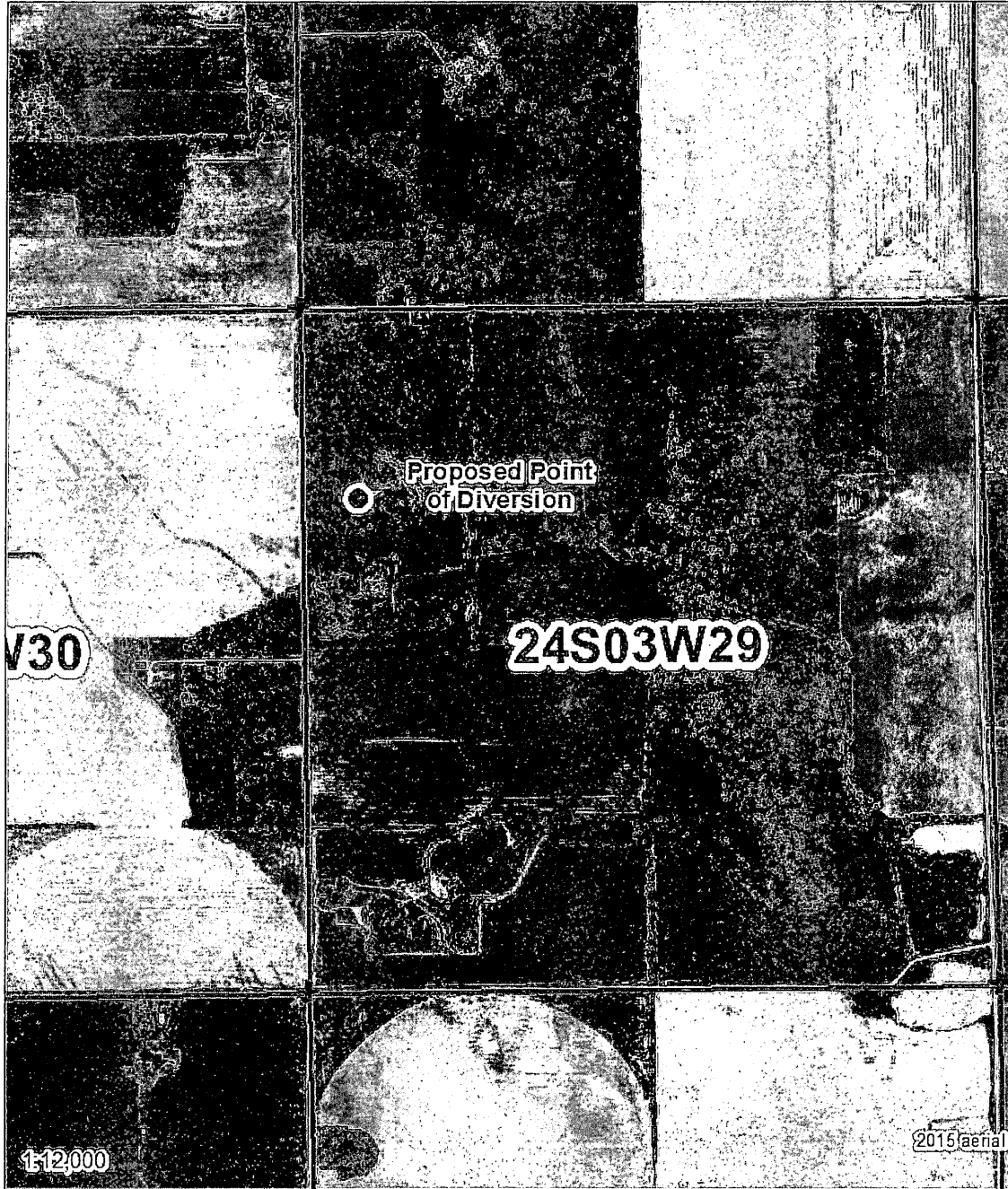


**Kansas**  
Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

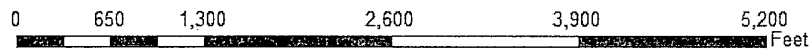
Phone: (620) 234-5311  
Fax: (620) 234-6900  
www.agriculture.ks.gov  
Sam Brownback, Governor



**Legend**

- Section Corners
- Section Lines

MJM-DWR 1/30/18



Proposed Water Appropriation, File No. 49,793  
29-24S-3W  
Harvey County





Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521  
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[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

January 30, 2018

Andrew & Echo Blubaugh  
7908 S Wheat State Rd  
Burrton, KS 67020

Re: Pending Application, File No. 49,793

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Sincerely,

A handwritten signature in black ink that reads "Matthew J. Meier". The signature is written in a cursive style with a large, prominent "M" and "J".

Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

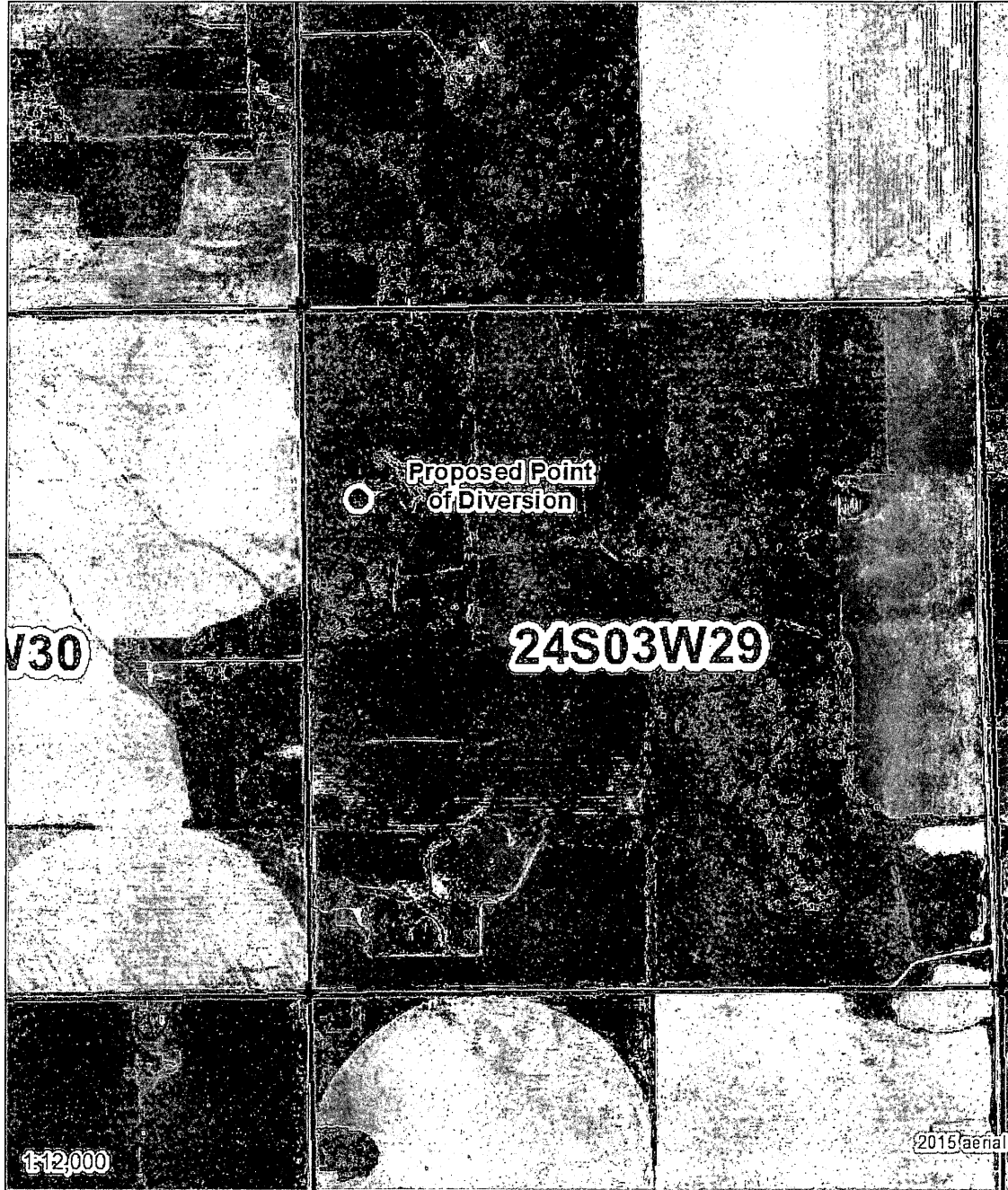
SCANNED

# Kansas

Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521  
Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
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www.agriculture.ks.gov  
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**Legend**

- Section Corners
- Section Lines

MJM-DWR 1/30/18

0 650 1,300 2,600 3,900 5,200 Feet

Proposed Water Appropriation, File No. 49,793  
29-24S-3W  
Harvey County





Stafford Field Office  
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[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

January 30, 2018

Rusty & Rose Leis  
9005 S Wheat State RD  
Burrton, KS 67020

Re: Pending Application, File No. 49,793

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Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

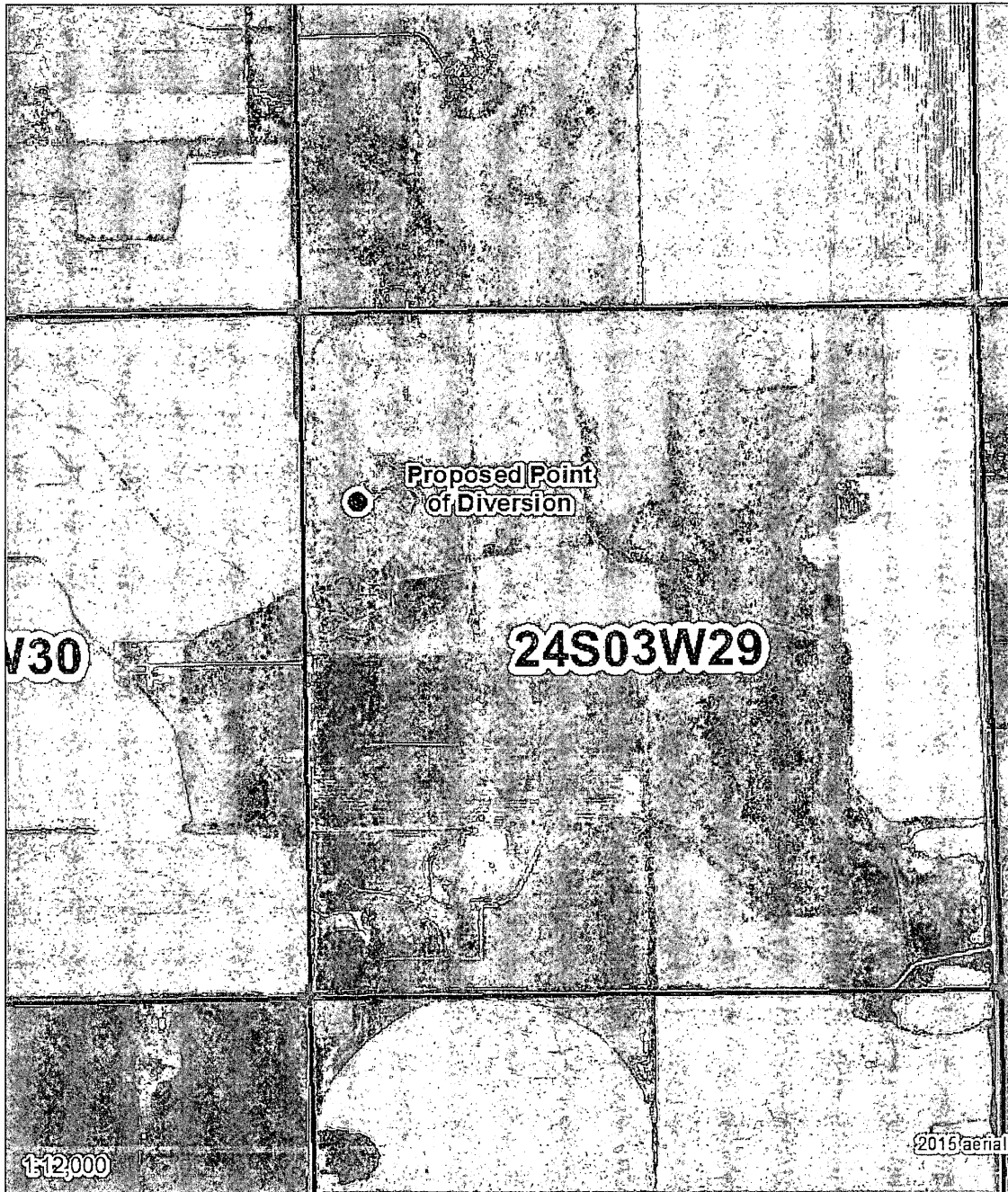
SCANNED

AD AMMA BER PASSE  
**Kansas**  
Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

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**Legend**

- Section Corners
- Section Lines

MJM-DWR 1/30/18

0 650 1,300 2,600 3,900 5,200 Feet

Proposed Water Appropriation, File No. 49,793  
29-24S-3W  
Harvey County





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Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

January 30, 2018

Cranmer Grass Farms Inc  
David Cranmer  
6121 N 119<sup>th</sup> St W  
Maize, KS 67101

Re: Pending Application, File No. 49,793

Dear Sir or Madam:

This is to advise you that Craig Steven has filed the application referred to above for a permit to appropriate 63 acre-feet of groundwater per calendar year for recreational use use to be diverted at a maximum rate of 350 gallons per minute. The proposed point of diversion for 49,793 is one (1) well, which are located as follows:

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Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

SCANNED



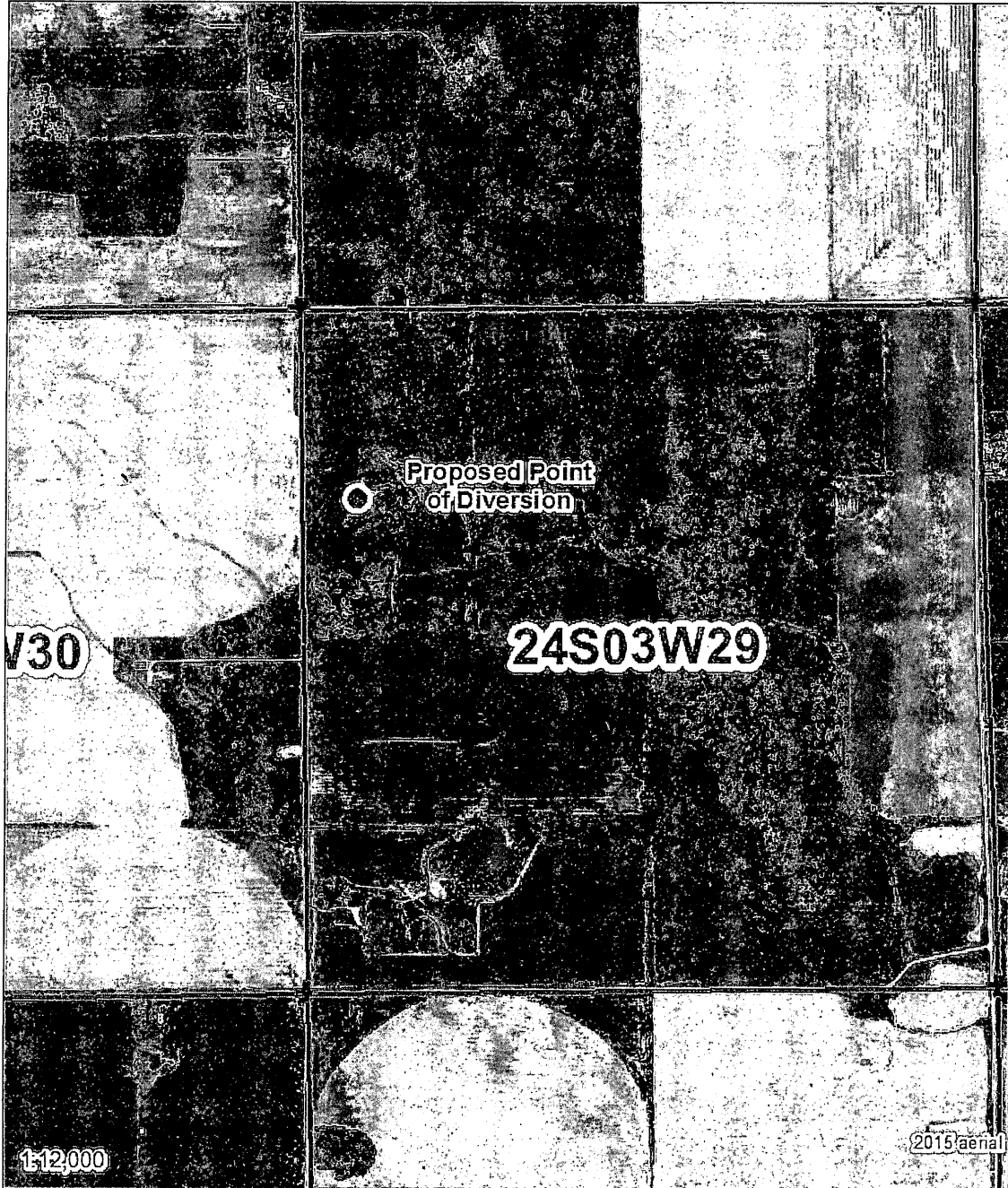
# Kansas

Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
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Jeff Lanterman, Water Commissioner

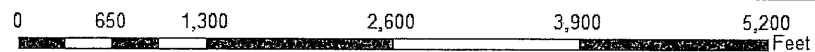
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**Legend**

- Section Corners
- Section Lines

MJM-DWR 1/30/18



Proposed Water Appropriation, File No. 49,793  
29-24S-3W  
Harvey County



13/11/18

**Subject Property: 0401542000000004000**

QuickRef ID :	R18133	<a href="#">Click here to locate on Map</a>
Owner Name :	BLUBAUGH, ANDREW & ECHO	No property photo available
Location :	22614 SW 84TH ST, Burrton, KS 67020.	
Legal Desc :	S20, T24, R03W, ACRES 12.25, BEG SW COR SW1/4, E1317.7, NLY122.15, NWLY392.18, WLY1131.73, S468 TO POB, LESS ROW.	

*The legal description displayed above is not adequate for use in legal documents*

**Owner Information**

Owner :	Mailing Address :
BLUBAUGH, ANDREW & ECHO	7908 S WHEAT STATE RD BURRTON, KS 67020-8871

**Property Details**

Property Type :	Property Status :	Taxing Unit :	Neighborhood Code :
Farm Homesite	Active	385	191

**Market Land Details**

Actual Width :	Eff Width :	Eff Depth :	Acres :	Square Feet :
			1.08	

**No Permit Details found.**

**Value Details**

Current Final Value (Agricultural) :	Year :	2017
	Land :	\$120
	Building :	\$0
	Total :	\$120
Current Final Value (Farm Homesite) :	Year :	2017
	Land :	\$13,200
	Building :	\$28,150
	Total :	\$41,350

**Deed Book/Page**

Book / Page List and Misc Legal Description Info :



Book/Page 0217/0596 0198/0472 0192/0473 0166/0555

Book :	Page :
D240xxx	0864
D240xxx	0898
D240xxx	0947

**No Sale Details found. (Please log in to view this data.)**

#3

General Information

1/29/2018 2:48:51 PM

**Subject Property: 0401593000000001010**

QuickRef ID :	R18272	<a href="#">Click here to locate on Map</a>
Owner Name :	LEIS, RUSTY L LEIS, ROSE M	No property photo available
Location :	9005 S WHEAT STATE RD, Burrton, KS 67020.	
Legal Desc :	S30, T24, R03W, ACRES 43, BEG SE COR N1/2 SE1/4, W930.36, NWLY1083.15, W117.72, NWLY154.19, N301.65, E673.61, NELY1450(S), S2648.52 TO POB, LESS ROW.	

*The legal description displayed above is not adequate for use in legal documents*

**Owner Information**

Owner :	Mailing Address :
LEIS, RUSTY L LEIS, ROSE M	9005 S WHEAT STATE RD BURRTON, KS 67020-8872

**Property Details**

Property Type :	Property Status :	Taxing Unit :	Neighborhood Code :
Farm Homesite	Active	385	191

**Market Land Details**

Actual Width :	Eff Width :	Eff Depth :	Acres :	Square Feet :
			2.2	

**Permit Details**

Number :	Date :	Amount :	Purpose :
00547	9/15/1999	\$5,000	MH
00180	5/3/2002	\$165,000	RES
728	11/30/2010	\$31,000	
43323	5/30/2017	\$0	

**Value Details**

Current Final Value (Agricultural) :	Year :	2017
	Land :	\$540
	Building :	\$0
	Total :	\$540
	Year :	2017
	Land :	\$16,000

Current Final Value (Farm Homesite):

Building :

\$221,610

Total :

\$237,610

**Deed Book/Page**

Book / Page List and Misc Legal Description Info :

Book/Page 0200/0692

**No Sale Details found. (Please log in to view this data.)**

**Subject Property: 040159290000002000**

QuickRef ID : R18266

[Click here to locate on Map](#)

Owner Name : STEVEN, LINDA L; TR

No property photo available

Location : 22531 SW 84TH ST, Burrton, KS 67020.

Legal Desc : S29, T24, R03W, ACRES 2.2, BEG 802.32E NW COR NW1/4, E512.83, S213.52, W512.83, N213.52 TO POB, LESS ROW.

*The legal description displayed above is not adequate for use in legal documents*

**Owner Information**

Owner :

Mailing Address :

STEVEN, LINDA L; TR

6111 W 29TH ST N WICHITA, KS 67205-1021

**Property Details**

Property Type :

Property Status :

Taxing Unit :

Neighborhood Code :

Residential

Active

385

191

**Market Land Details**

Actual Width :

Eff Width :

Eff Depth :

Acres :

Square Feet :

2.16

**No Permit Details found.**

**Value Details**

Current Final Value (Residential) :	Year :	2017
	Land :	\$15,900
	Building :	\$37,240
	Total :	\$53,140

**Deed Book/Page**

Book / Page List and Misc Legal Description Info :

Book/Page 0226/0045 0206/0421 0201/0102 0184/0987

Book :	Page :
D234xxx	0381
D234xxx	0935
D234xxx	0967
D240xxx	0755

Water Rights and Points of Diversion Within 2.00 miles of point defined as:  
 3819 ft N and 4885 ft W of the SE Corner of Section 29, T 24S, R 3W  
 Located at: 97.681961 West Longitude and 37.937489 North Latitude  
 GROUNDWATER ONLY

#49793

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A__ 5209	00	IRR	NK	G	4725	--	NE	NE	SE	2637	310	29	24	3W	9	G 2	75.00	75.00	AF
Same					4830	--	SE	SE	NE	2645	200	29	24	3W	1	B 2			
Same					4621	--	NE	NE	SE	2630	420	29	24	3W	7	B 2			
A__ 22104	00	IRR	NK	G	3992	--	--	CE	SW	1326	2664	30	24	3W	10		40.00	40.00	AF
A__ 23621	00	IRR	NK	G	3056	--	SW	NW	NE	3965	2590	30	24	3W	13		171.00	171.00	AF
A__ 26294	00	IRR	NK	G	9717	--	SW	NW	NE	4582	2523	21	24	3W	2		10.00	10.00	AF
Same					9725	--	NW	NE	SE	2604	1295	21	24	3W	7		152.00	152.00	AF
A__ 27409	00	IRR	NK	G	5199	NC	E2	W2	NW	3960	4380	32	24	3W	3		183.00	183.00	AF
A__ 28550	00	IRR	NK	G	10555	--	--	NC	NE	4000	1350	6	25	3W	1		184.00	184.00	AF
A__ 28935	00	IRR	NK	G	6999	--	--	NC	NE	3960	1310	25	24	4W	1		179.00	179.00	AF
A__ 28936	00	IRR	NK	G	6706	--	--	NC	SW	1320	4025	21	24	3W	4		193.00	193.00	AF
A__ 29877	00	IRR	NK	G	9380	--	NW	SE	SE	1267	1127	28	24	3W	2		30.00	28.00	AF
A__ 29877	00	REC	NK	G	8270	--	SW	SW	SE	638	2517	28	24	3W	1		34.00	31.00	AF
A__ 29935	00	IRR	NK	G	10170	--	--	NC	SW	1350	3960	16	24	3W	2		154.00	154.00	AF
A__ 30205	00	IRR	NK	G	8858	--	--	NC	NE	3960	1305	24	24	4W	5		78.00	78.00	AF
A__ 30281	00	IRR	NK	G	5485	--	--	NC	NW	3954	3917	20	24	3W	2		190.00	190.00	AF
A__ 30345	00	IRR	NK	G	7988	--	--	NC	SE	1320	1309	31	24	3W	1		195.00	195.00	AF
A__ 30551	00	IRR	NK	G	9691	--	--	--	--	4800	3750	5	25	3W	2		56.00	56.00	AF
A__ 30963	00	REC	NK	G	10544	--	SW	SW	SW	241	4989	22	24	3W	10		394.00	394.00	AF
A__ 30991	00	IRR	NK	G	3195	--	CW	SW	SW	645	5206	29	24	3W	2		77.30	77.30	AF
A__ 30991	00	REC	NK	G	3195	--	CW	SW	SW	645	5206	29	24	3W	2		31.70	31.70	AF
A__ 31012	00	IRR	NK	G	4871	--	SE	NW	SW	1820	3984	30	24	3W	5		70.00	70.00	AF
A__ 31632	00	IRR	NK	G	5039	--	NW	SW	NW	3950	5120	28	24	3W	4		3.00	3.00	AF
A__ 32163	00	IRR	NK	G	5544	--	NW	SE	NE	3830	1240	31	24	3W	2		35.00	35.00	AF
A__ 32603	00	IRR	NK	G	6979	--	--	NC	NW	3960	3920	19	24	3W	1		141.00	141.00	AF
A__ 32774	00	IRR	NK	G	9519	--	--	--	--	4915	5260	5	25	3W	16		48.00	48.00	AF
A__ 32954	00	IRR	NK	G	8198	--	--	NC	NW	3920	3955	21	24	3W	5		141.00	141.00	AF
A__ 32966	00	IRR	NK	G	9641	--	--	NC	NW	3960	3950	25	24	4W	3		128.00	128.00	AF
A__ 32989	00	IRR	NK	G	8130	--	--	NC	SW	1315	3966	17	24	3W	6		80.00	80.00	AF
A__ 32993	00	IRR	NK	G	8808	--	--	NC	SE	1340	1340	17	24	3W	4		203.00	203.00	AF
A__ 33149	00	IRR	NK	G	7879	--	NW	SE	SE	925	1060	18	24	3W	1		5.00	5.00	AF
Same					7738	--	NE	SE	SE	900	265	18	24	3W	2		13.00	13.00	AF
A__ 33168	00	IRR	NK	G	7602	--	--	NC	SE	1430	1340	24	24	4W	7		11.00	11.00	AF
A__ 33356	00	IRR	NK	G	5217	--	--	NC	SW	1275	3960	19	24	3W	3		118.00	118.00	AF
A__ 34227	00	IRR	NK	G	3992	--	--	CE	SW	1326	2664	30	24	3W	10		66.00	66.00	AF
A__ 34477	00	IRR	NK	G	4435	--	--	NC	NW	3960	3972	30	24	3W	7		195.00	195.00	AF
A__ 36510	00	IRR	NK	G	3618	--	NC	S2	SE	660	1320	30	24	3W	8		78.00	78.00	AF
A__ 36511	00	IRR	NK	G	4944	--	--	--	CN	5247	2665	31	24	3W	3		83.00	83.00	AF
A__ 40087	00	IRR	NK	G	4725	--	NE	NE	SE	2637	310	29	24	3W	9	G 2	72.00	.00	AF
Same					4830	--	SE	SE	NE	2645	200	29	24	3W	1	B 2			
Same					4621	--	NE	NE	SE	2630	420	29	24	3W	7	B 2			
A__ 41314	00	IRR	NK	G	5544	--	NW	SE	NE	3830	1240	31	24	3W	2		58.00	58.00	AF
A__ 42360	00	IRR	NK	G	10011	--	--	NC	SW	1277	3940	24	24	4W	10		199.50	199.50	AF
A__ 43312	00	IRR	NK	G	<u>2642</u>	--	--	NC	SW	1328	4005	29	24	3W	10		99.00	99.00	AF
A__ 43323	00	IRR	NK	G	<u>1740</u>	--	SW	NE	NE	3965	1271	30	24	3W	12		136.00	88.00	AF
A__ 44592	00	IRR	NK	G	10555	--	--	NC	NE	4000	1350	6	25	3W	1		67.00	67.00	AF

1/2  
mkr

A__	44717	00	REC NK G	0	--	NW SW NW	3819	4885	29	24	3W	11	21.00	21.00	AF
A__	46636	00	IRR NK G	7739	--	SE NE SW	1716	2664	32	24	3W	4	156.00	156.00	AF
A__	46642	00	IRR KK G	8322	--	W2 E2 NE	3960	860	36	24	4W	4	168.00	168.00	AF
A__	47724	00	IRR LO G	5544	--	NW SE NE	3830	1240	31	24	3W	2	83.80	83.80	AF
A__	49793	00	REC AY G	0	--	NW SW NW	3819	4885	29	24	3W	11	63.00	63.00	AF
A__	49941	00	IND AY G	3010	--	SW NE SW	1390	3813	20	24	3W	3	15.00	15.00	AF
T__	20179072	00	HYD AY G	3010	--	SW NE SW	1390	3813	20	24	3W	3	99.89	99.89	AF

```

=====
Total Net Quantities Authorized:   Direct           Storage
Total Requested Amount (AF) =     177.89           .00
Total Permitted Amount (AF) =     168.00           .00
Total Inspected Amount (AF) =      83.80           .00
Total Pro_Cert Amount (AF) =         .00           .00
Total Certified Amount (AF) =    4528.50           .00
Total Vested Amount (AF) =         .00           .00
TOTAL AMOUNT (AF) =    4958.19           .00
  
```

An \* after the source of supply indicates a pending application for change for the file number.  
 An \* after the ID indicates a 15 AF exemption was granted for the file number.  
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.  
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

97.681961 West Longitude and 37.937489 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number      Use ST SR
  
```

```

A__ 5209 00 IRR NK G
> GERALD D & LESLIE J CAMPBELL
>
> PO BOX 556
> BURRTON KS 67020
  
```

```

A__ 22104 00 IRR NK G
> BLUE WING FARMS LLC
>
> 7700 E 13TH ST N UNIT 18
> WICHITA KS 67206
  
```

```

A__ 23621 00 IRR NK G
> JOHN F & ILEEN L WEBER
>
> 247 MAIN ST
> HALSTEAD KS 67056
  
```

```

A__ 26294 00 IRR NK G
> JOHN A YOUNG
>
> 12220 N 263RD ST W
> BURRTON KS 67020
  
```

```

A__ 27409 00 IRR NK G
  
```

> 'GREG WENINGER

>

> 15115 E RED ROCK RD

> BURRTON KS 67020

>-----

A\_\_ 28550 00 IRR NK G

> JOHN A YOUNG

>

> 12220 N 263RD ST W

> BURRTON KS 67020

>-----

A\_\_ 28935 00 IRR NK G

> GREG WENINGER

>

> 15115 E RED ROCK RD

> BURRTON KS 67020

>-----

A\_\_ 28936 00 IRR NK G

> KURR LAND LLC

> DARYL WEDEL MANAGER

> 301 N MAIN ST STE 110

> NEWTON KS 67114

>-----

A\_\_ 29877 00 IRR NK G

> ROBERT L HANNA

>

> 20612 SW 96TH ST

> BURRTON KS 67020

>-----

A\_\_ 29877 00 REC NK G

> ROBERT L HANNA

>

> 20612 SW 96TH ST

> BURRTON KS 67020

>-----

A\_\_ 29935 00 IRR NK G

> ROBERT L & VIRGINIA R FRIESEN REV TRUSTS

>

> 23001 NW 60TH ST

> BUHLER KS 67522

>-----

A\_\_ 30205 00 IRR NK G

> DONALD W HOSKINSON

>

> 8619 S WOODBERRY RD

> BURRTON KS 67020

>-----

A\_\_ 30281 00 IRR NK G

> KEITH B KINCAID TRUST

> KEITH B KINCAID

> 11009 E LONGVIEW RD

> BURRTON KS 67020

>-----  
A\_\_ 30345 00 IRR NK G  
> JOHN A YOUNG  
>  
> 12220 N 263RD ST W  
> BURRTON KS 67020  
>-----  
A\_\_ 30551 00 IRR NK G  
> RONNIE & JUDY YOUNG  
>  
> 28817 W 125TH ST N  
> BURRTON KS 67020  
>-----  
A\_\_ 30963 00 REC NK G  
> PATTERSON PRESERVE INC  
> % JACK L SHELTON  
> PO BOX 780538  
> WICHITA KS 67278  
>-----  
A\_\_ 30991 00 IRR NK G  
> COB LLC  
> JIM BAUER  
> 1445 N ROCK RD SUITE 250  
> WICHITA KS 67206  
>-----  
A\_\_ 30991 00 REC NK G  
> COB LLC  
> JIM BAUER  
> 1445 N ROCK RD SUITE 250  
> WICHITA KS 67206  
>-----  
A\_\_ 31012 00 IRR NK G  
> VICTOR J & SUSAN J BLUBAUGH  
>  
> 9102 S WOODBERRY RD  
> BURRTON KS 67020  
>-----  
A\_\_ 31632 00 IRR NK G  
> TERRY & RAMIE STANFORD  
>  
> 8700 S BURMAC RD  
> BURRTON KS 67020  
>-----  
A\_\_ 32163 00 IRR NK G  
> TY D & VIRGINIA G MILLER  
>  
> 19524 SW 84TH ST  
> BURRTON KS 67020  
>-----  
A\_\_ 32603 00 IRR NK G  
> GREG WENINGER  
>



> '15115 E RED ROCK RD  
> BURRTON KS 67020

-----  
A\_\_ 32774 00 IRR NK G  
> RONNIE & JUDY YOUNG

>  
> 28817 W 125TH ST N  
> BURRTON KS 67020

-----  
A\_\_ 32954 00 IRR NK G  
> JOSEPH H & JOANN A BERGKAMP

>  
> 2004 S WILLOW LAKE RD  
> HALSTEAD KS 67056

-----  
A\_\_ 32966 00 IRR NK G  
> GREG WENINGER

>  
> 15115 E RED ROCK RD  
> BURRTON KS 67020

-----  
A\_\_ 32989 00 IRR NK G  
> ORAN K & DEBRA K WINTER

>  
> 25930 W 77TH ST N  
> MOUNT HOPE KS 67108

-----  
A\_\_ 32993 00 IRR NK G  
> COMANCHE WEST INC

> FRED J SOPER  
> 2541 W BOBWHITE LN  
> WICHITA KS 67204

-----  
A\_\_ 33149 00 IRR NK G  
> RONNIE & JUDY YOUNG

>  
> 28817 W 125TH ST N  
> BURRTON KS 67020

-----  
A\_\_ 33168 00 IRR NK G  
> FLOYD C & KATHY L BOGNER JR

>  
> 12515 E RED ROCK RD  
> BURRTON KS 67020

-----  
A\_\_ 33356 00 IRR NK G  
> GREG WENINGER

>  
> 15115 E RED ROCK RD  
> BURRTON KS 67020

-----  
A\_\_ 34227 00 IRR NK G

> BLUE WING FARMS LLC  
>  
> 7700 E 13TH ST N UNIT 18  
> WICHITA KS 67206

-----  
A\_\_ 34477 00 IRR NK G  
> KURR LAND LLC  
> DARYL WEDEL MANAGER  
> 301 N MAIN ST STE 110  
> NEWTON KS 67114

-----  
A\_\_ 36510 00 IRR NK G  
> JOHN A YOUNG  
>  
> 12220 N 263RD ST W  
> BURRTON KS 67020

-----  
A\_\_ 36511 00 IRR NK G  
> BLUBAUGH FARMS  
> J DELMAR BLUBAUGH R1 B141  
> 9102 S WOODBERRY RD  
> BURRTON KS 67020

-----  
A\_\_ 40087 00 IRR NK G  
> GERALD D & LESLIE J CAMPBELL  
>  
> PO BOX 556  
> BURRTON KS 67020

-----  
A\_\_ 41314 00 IRR NK G  
> TY D & VIRGINIA G MILLER  
>  
> 19524 SW 84TH ST  
> BURRTON KS 67020

-----  
A\_\_ 42360 00 IRR NK G  
> MAJOR & NANCY COKELEY  
>  
> 12014 E LAKE CABLE RD  
> HAVEN KS 67543

-----  
A\_\_ 43312 00 IRR NK G  
> CRANMER GRASS FARMS INC  
> DAVID D CRANMER  
> 6121 N 119TH ST W  
> MAIZE KS 67101

-----  
A\_\_ 43323 00 IRR NK G  
> JOHN F & ILEEN L WEBER  
>  
> 247 MAIN ST  
> HALSTEAD KS 67056

>-----  
A\_\_ 44592 00 IRR NK G  
> JOHN A YOUNG  
>  
> 12220 N 263RD ST W  
> BURRTON KS 67020  
>-----  
A\_\_ 44717 00 REC NK G  
> CRAIG A & LINDA L STEVEN  
>  
> 6111 W 29TH N  
> WICHITA KS 67205  
>-----  
A\_\_ 46636 00 IRR NK G  
> JEFF WINTER FARMS INC  
>  
> 7600 N 295TH ST W  
> MOUNT HOPE KS 67108  
>-----  
A\_\_ 46642 00 IRR KK G  
> ROGER D WITHRODER REV TRUST  
> ROGER D WITHRODER TRUSTEE  
> 11401 NW 12TH ST  
> HALSTEAD KS 67056  
>-----  
A\_\_ 47724 00 IRR LO G  
> TY D & VIRGINIA G MILLER  
>  
> 19524 SW 84TH ST  
> BURRTON KS 67020  
>-----  
A\_\_ 49793 00 REC AY G  
> CRAIG A & LINDA L STEVEN  
>  
> 6111 W 29TH N  
> WICHITA KS 67205  
>-----  
A\_\_ 49941 00 IND AY G  
> ANDREW J BLUBAUGH  
>  
> 7908 WHEAT STATE RD  
> BURRTON KS 67020  
>-----  
T\_\_ 20179072 00 HYD AY G  
> ANDREW J BLUBAUGH  
>  
> 7908 WHEAT STATE RD  
> BURRTON KS 67020  
>-----  
=====



1320 Research Park Drive  
Manhattan, Kansas 66502

Jackie McClaskey, Secretary

Phone: (785) 564-6700

Fax: (785) 564-6777

Email: ksag@kda.ks.gov

www.agriculture.ks.gov

Sam Brownback, Governor

March 10, 2017

**FILE COPY**

CRAIG STEVEN  
6111 W 29 N  
WICHITA KS 67205

RE: Application  
File No. 49793

Dear Sir or Madam:

Your application for permit to appropriate water in 29-24S-03W in Harvey County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

**Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.**

**(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .**

**A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A Turney, P.G.  
Change Application Unit Supervisor  
Water Appropriation Program

BAT: dlw  
pc: STAFFORD Field Office  
GMD 2

**SCANNED**

SAFEYIELD EVALUATION NO 49793  
 LOCATION: NWSWNW (3819'N & 4885'W) 29-24S-03W, Harvey County  
 SPECIAL USE AREA: None  
 EVALUATION DATE:- 3/16/2018

Total Areas: 8,042 acres; Area in 3 inch discharge zone: 0 acres; Area in 6 inch discharge zone: 8,042 acres

FILE_ID	WELL_ID	TOWNSHIP	RANGE	SECTION	QUALIFIER	USE	AUTHQUANTITY
A00520900	3597	24S	03W	29	26370310	IRR	75
A00520900	124	24S	03W	29	26300420	IRR	0
A00520900	123	24S	03W	29	26450200	IRR	0
A02210400	973	24S	03W	30	13262664	IRR	40
A02362100	977	24S	03W	30	39652590	IRR	171
A02629400	1830	24S	03W	21	45822523	IRR	10
A02629400	1831	24S	03W	21	26041295	IRR	152
A02740900	542	24S	03W	32	39604380	IRR	183
A02855000	949	25S	03W	6	40001350	IRR	184
A02893500	1826	24S	04W	25	39601310	IRR	179
A02893600	1626	24S	03W	21	13204025	IRR	193
A029877IR	1096	24S	03W	28	12671127	IRR	30
A029877RE	59	24S	03W	28	6382517	REC	34
A02993500	324	24S	03W	16	13503960	IRR	154
A03020500	1248	24S	04W	24	39601305	IRR	78
A03028100	1484	24S	03W	20	39543917	IRR	190
A03034500	399	24S	03W	31	13201309	IRR	195
A03055100	966	25S	03W	5	48003750	IRR	56
A03096300	1518	24S	03W	22	2414989	REC	394
A030991IR	1683	24S	03W	29	6455206	IRR	77.3
A030991RE	2833	24S	03W	29	6455206	REC	31.7
A03101200	1648	24S	03W	30	18203984	IRR	70
A03163200	1197	24S	03W	28	39505120	IRR	3
A03216300	1650	24S	03W	31	38301240	IRR	35
A03260300	1706	24S	03W	19	39603920	IRR	141
A03277400	63	25S	03W	5	49155260	IRR	48
A03295400	850	24S	03W	21	39203955	IRR	141
A03296600	1161	24S	04W	25	39603950	IRR	128
A03298900	300	24S	03W	17	13153968	IRR	80
A03299300	1823	24S	03W	17	13401340	IRR	203
A03314900	1307	24S	03W	18	9000265	IRR	13
A03314900	1306	24S	03W	18	9251060	IRR	5
A03316800	1299	24S	04W	24	14301340	IRR	11
A03335600	1743	24S	03W	19	12753960	IRR	118
A03422700	982	24S	03W	30	13262664	IRR	66
A03447700	1632	24S	03W	30	39603972	IRR	195
A03651000	569	24S	03W	30	6601320	IRR	78
A03651100	922	24S	03W	31	52472665	IRR	83
A04008700	2993	24S	03W	29	26370310	IRR	0
A04008700	943	24S	03W	29	26450200	IRR	0
A04008700	944	24S	03W	29	26300420	IRR	0
A04131400	942	24S	03W	31	38301240	IRR	58
A04236000	2286	24S	04W	24	12773940	IRR	199.5
A04331200	2555	24S	03W	29	13284005	IRR	99
A04332300	2558	24S	03W	30	39651271	IRR	136
A04459200	2858	25S	03W	6	40001350	IRR	67
A04471700	2878	24S	03W	29	38194885	REC	21
A04663600	3423	24S	03W	32	17162664	IRR	156
A04664200	3505	24S	04W	36	39600860	IRR	168
A04772400	3768	24S	03W	31	38301240	IRR	83.8
A04979300P	4958	24S	03W	29	38194885	REC	63
A04994100P	5136	24S	03W	20	13903813	IND	0
<b>Allowable Appropriations</b>	<b>4,021.00</b>	<b>Total Existing Appropriation</b>				<b>4,896.30</b>	
<b>Small User Quantity</b>	<b>0</b>	<b>Non Consumptive Appropriations</b>				<b>0</b>	
<b>Remaining SUQ</b>	<b>45</b>	<b>Consumptive Appropriations</b>				<b>4,896.30</b>	
<b>Note- Values are in acre-feet</b>		<b>Available Appropriations</b>				<b>0</b>	

**RECEIVED**  
**APR 03 2018**  
 Stafford Field Office  
 Division of Water Resources

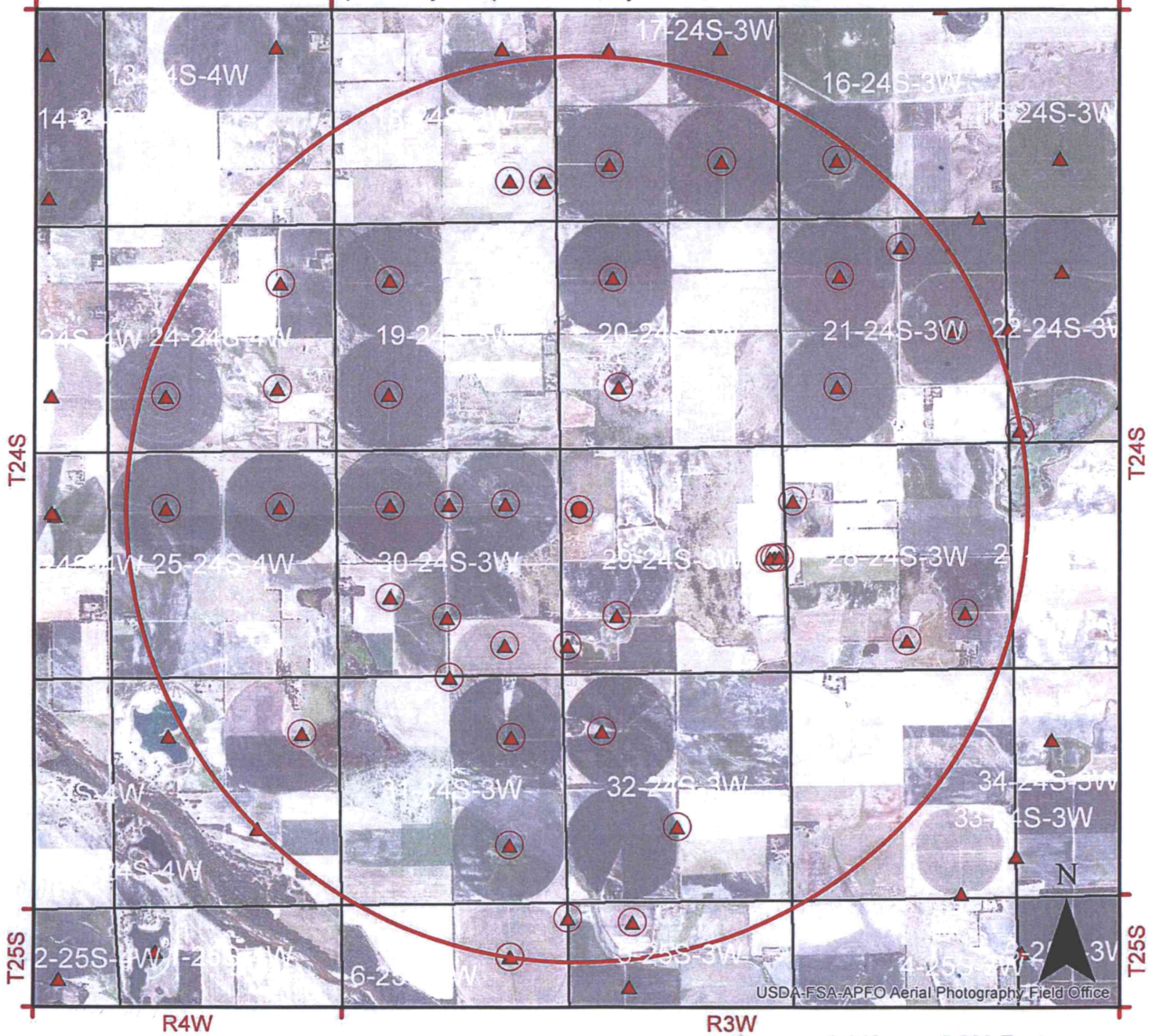


# Equus Beds Groundwater Management District No. 2

## SAFETYIELD EVALUATION NO 49793

LOCATION: NWSWNW (3819'N & 4885'W) 29-24S-03W, Harvey County  
SPECIAL USE AREA: None

Prepared By: Stephen Flaherty Date: 3/16/2018



**Map Legend**

- Monitoring Well
- Bedrock
- GMD2 Boundary
- Legal Sections

- Proposed Point of Diversion
- Authorized Location

Burton IGUCA  
Hollow Nikkel SWQUA  
McPherson IGUCA  
Enhanced Well Spacing Area  
Application Suspension Area

Equus Beds Groundwater Management District No. 2  
313 Spruce Street, Halstead, KS 67056  
316-835-2224, equusbeds@gmd2.org

RECEIVED

APR 03 2018

Harvey County Office  
Division of Water Resources



RECEIVED

APR 03 2018

# Equus Beds Groundwater Management District No. 2

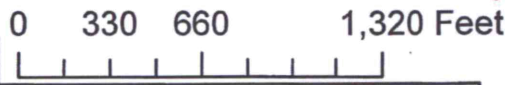
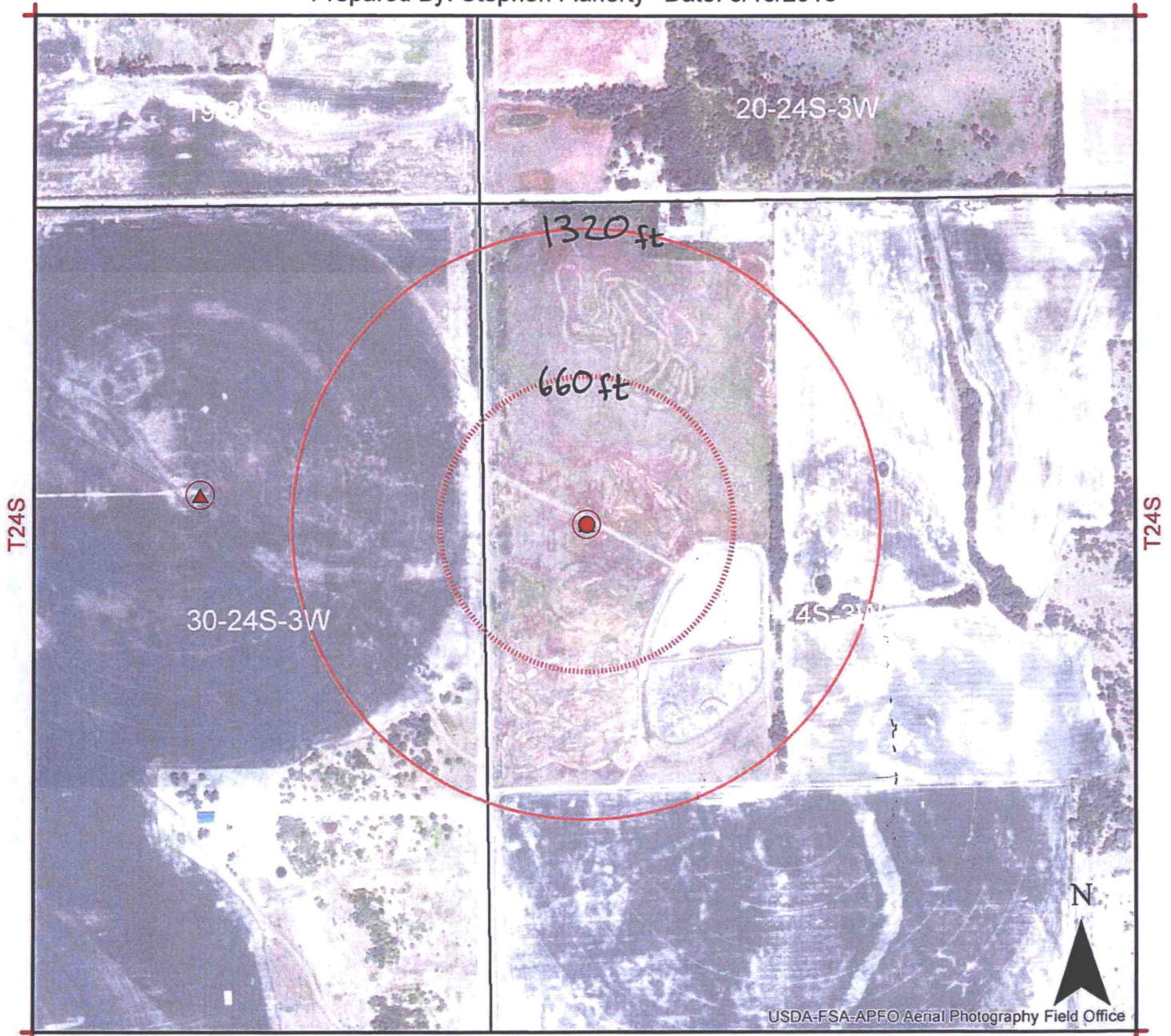
## SPACING EVALUATION NO 49793

LOCATION: NWSWNW (3819'N & 4885'W) 29-24S-03W, **Harvey County**

Stafford Field Office  
Division of Water Resources

### SPECIAL USE AREA: None

Prepared By: Stephen Flaherty Date: 3/16/2018



### Map Legend

- Monitoring Well
- Bedrock
- GMD2 Boundary
- Legal Sections
- Proposed Point of Diversion
- Authorized Location
- Burrton IGUCA
- Hollow Nikkel SWQUA
- McPherson IGUCA
- Enhanced Well Spacing Area
- Application Suspension Area

Equus Beds Groundwater Management District No. 2  
 313 Spruce Street, Halstead, KS 67056  
 316-835-2224, equusbeds@gmd2.org



APPLICATION REVIEW INFORMATION

NAME Craig Steven  
ADDRESS 6111 W. 29<sup>th</sup> St North  
Wichita, Kansas 67205

APPLICATION NO. 49793  
NEW APPL. X  
COUNTY Harvey TRACT NW-SW-NW  
WELL LOCATION S 29 T 24S R 3W  
CHG. P/U \_\_\_\_\_  
CHG. P/D \_\_\_\_\_  
CHG. USE \_\_\_\_\_  
QUANT 63 AF/Y RATE 350 GPM  
WELL SPACING D>660', ND>1320'

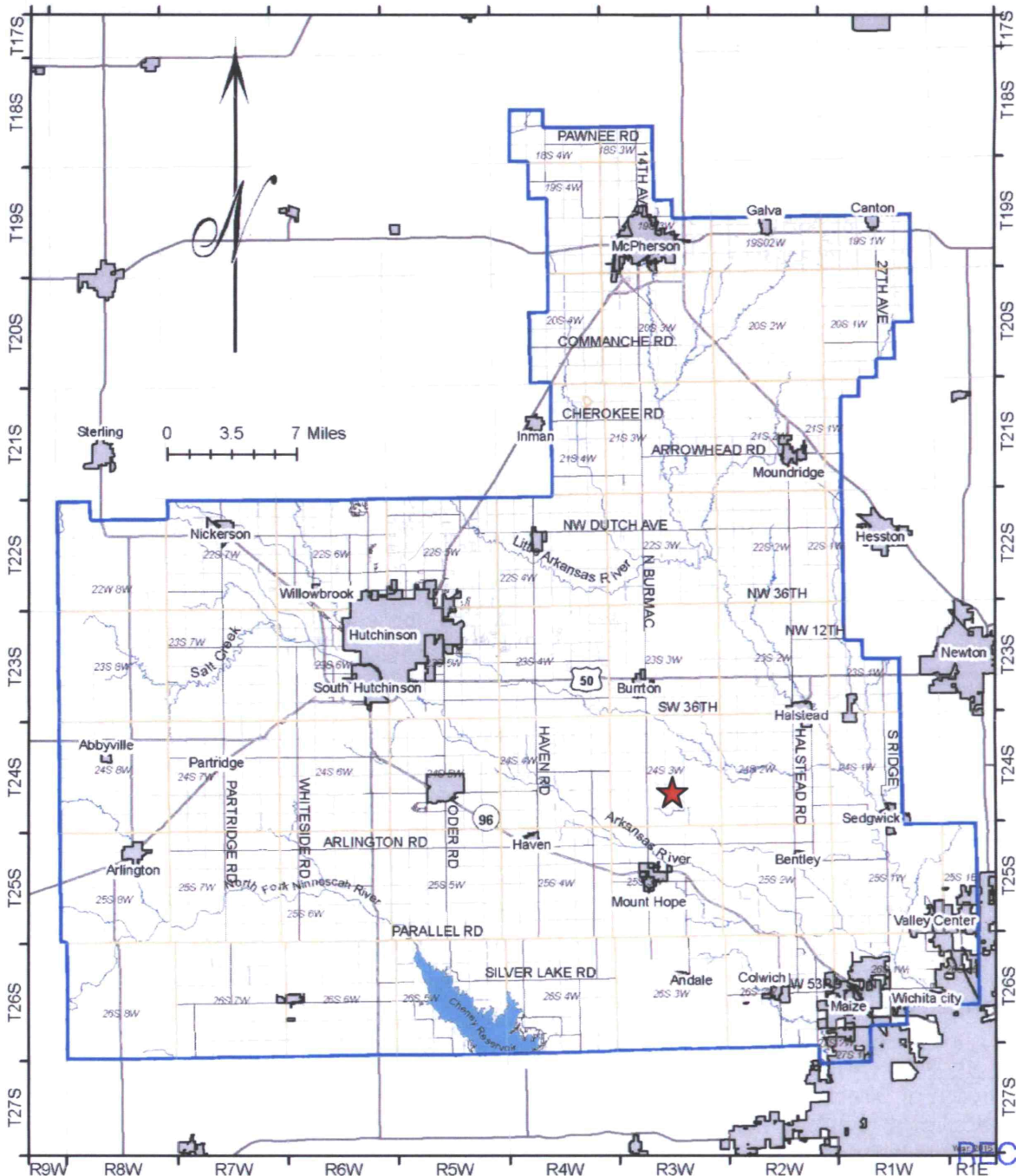


Figure 1. General location of application within the District indicated by the star.



**ISSUE:**

The application does not comply with the District's Safe Yield Regulation 5-22-7(a) and Maximum Reasonable Quantity for Beneficial Use Regulation K.A.R. 5-22-14(g). The applicant has appealed the District's recommendation of denial.

**BACKGROUND INFORMATION:**

MAR 10, 2017 – The applicant filed a new water permit application for 63 acre-feet at 350 gallons per minute for recreational use from an existing well authorized by Water Right No. 44717 located in the Northwest quarter of the Southwest quarter of the Northwest quarter (3819'N & 4885'W), Section 29, Township 24 South, Range 3 West, Harvey County (Figure 1).

APR 3, 2018 – In response to a request from the Division of Water Resources (DWR), District Staff reviewed the application using the adopted management program, and rules and regulations. The review found that the application did not comply with the Safe Yield Regulation K.A.R. 5-22-7(a), as existing and proposed consumptive appropriations exceed the maximum allowable. Additionally, the District's review found that the application did not comply with the Maximum Reasonable Quantity for Beneficial Use Regulation K.A.R. 5-22-14(g), as justification for the quantity of water requested was not provided with the application. Based on the District's review, the application was recommended for denial.

APR 30, 2018 – The applicant filed an appeal petition with the District appealing the District's recommendation, pursuant to K.A.R. 5-22-12 (Attachment A).

MAY 9, 2018 – The applicant was notified by mail that the appeal was scheduled for hearing by the Board of Directors at the June 6, 2018, meeting.

MAY 30, 2018 – The applicant was again notified by mail that the appeal was scheduled for hearing by the Board of Directors at the June 6, 2018, meeting.

JUN 6, 2018 – The application was reviewed by the Board of Directors. It was the decision of the Board to table making a recommendation on the application until the July 11, 2018, Board meeting to allow the applicant time to determine the feasibility of having a certified seepage test performed on the marsh/duck hunting pond place of use described in the application.

JUL 5, 2018 – The applicant was notified by mail that the appeal was scheduled for hearing by the Board of Directors at the July 11, 2018, meeting. The notification letter also requested that the applicant provide, either prior to or during the meeting, details regarding the planned seepage test.

JUL 11, 2018 – The application was reviewed by the Board of Directors. It was the decision of the Board to table making a recommendation on the application until the August 8, 2018, Board meeting to allow the applicant time to provide the Board with specific details regarding having a certified seepage test performed on the marsh/duck hunting pond place of use described in the application.

JUL 30, 2018 – The applicant was notified by mail that the appeal was scheduled for hearing by the Board of Directors at the August 8, 2018, meeting. The notification letter also requested that the applicant provide, either prior to or during the meeting, details regarding the planned seepage test.



File No. \_\_\_\_\_



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

-  ProposedPD
-  ProposedPlaceOfUse
-  Domestic Wells
-  Water Rights
-  SFFOsec\_corners

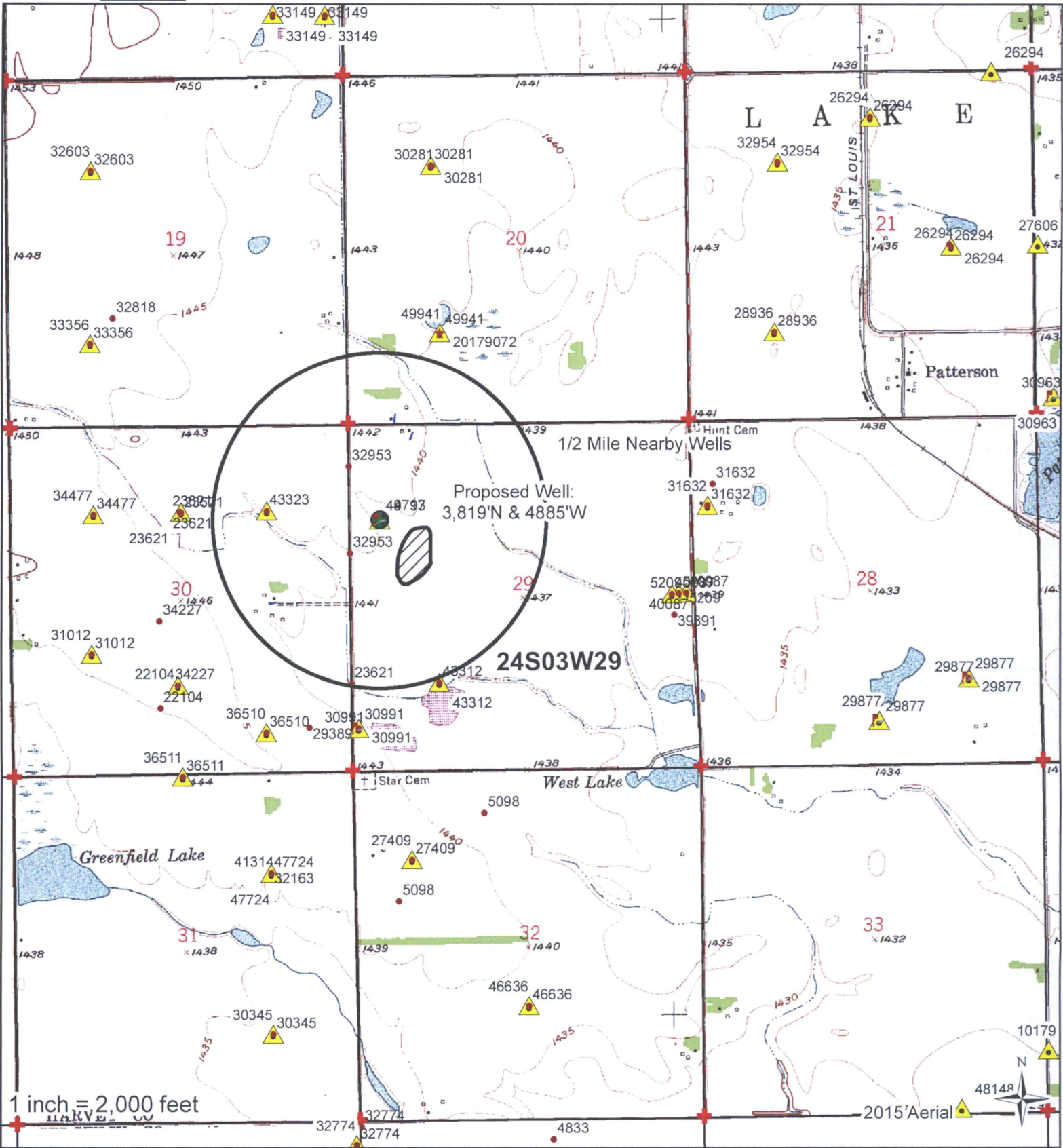
Signature \_\_\_\_\_ Date \_\_\_\_\_

0 400 800 1,600 2,400 3,200 Feet

Created By: Matt Meier  
 F.O. 2  
 Date: 1/29/2018



File No. \_\_\_\_\_



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

- ProposedPD
- ProposedPlaceOfUse
- Domestic Wells
- Water Rights
- SFFOsec\_corners



Signature \_\_\_\_\_

Date \_\_\_\_\_

Created By: Matt Meier  
 F.O. 2  
 Date: 1/29/2018