

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

1. File Number: 47518	2. Status Change Date: 7/1/2020	3. Change Num: C1	4. Field Office: 02	5. GMD: 02
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 21-NOV-2019
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8a. Applicant(s) Person ID <u>53250</u> New to system <input type="checkbox"/> Add Seq# <u>1</u> ROBERT J & AILEEN CLARK REV TRUST Attn: MICHAEL R CLARK - AGENT 4435 W 53RD ST N WICHITA, KS 67205	8c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____
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8b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ ROBERT J & AILEEN CLARK REV TRUST 5320 N HOOVER RD WICHITA, KS 67205	8d. WUC Person ID <u>53250</u> New to system <input type="checkbox"/> Add Seq# <u>1</u> ROBERT J & AILEEN CLARK REV TRUST Attn: MICHAEL R CLARK - AGENT 4435 W 53RD ST N WICHITA, KS 67205 NO CHANGE
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: 12/31/20 N & P Date to Comply: _____

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **06/30/20** By: **RAK**
 Date Entered: **7/6/2020** By: **LMoody**

File No. **47518** 11. County: **SG** Basin: **ARKANSAS RIVER** Stream: Formation Code: **190** Special Use:

12. Points of Diversion										Rate and Quantity							
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
IRR	√	77300	NC	S2N2N2	23	26	1W	3	4300	2640			800 g.p.m.	13 AF	800 g.p.m.	13 AF	50069
GROUNDWATER PIT																	
REC	√	77300	NC	S2N2N2	23	26	1W	3	4300	2640	GROUNDWATER PIT		0 NE	70 AF	0 NE	70 AF	50069

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

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
REC	√	62249	23	26	1W	6	42 AC PIT (N2 N2)																	8a	NO	50069
IRR	MOD	61017	23	26	1W						14												69	8a	NO	50069

Base Acres: Year: Minimum Reasonable Quantity:

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 30, 2020

FROM: Richelle A. Krueger

RE: Appropriation of Water
File No. 47,518

Aileen B. Clark, on behalf of Robert and Aileen Clark Revocable Trust, filed an application for approval to change the authorized place of use for File No. 47,518, authorized groundwater for recreation and irrigation use in the Arkansas River basin. The referenced change application was filed in conjunction with Application, File No. 50,069 being processed by Brandon Milner, Permits Unit.

The above referenced file does not appear abandoned as per K.S.A. 82a-718. The perfection period expires December 31, 2021.

File No. 47,518 is authorized 70 acre-feet for recreational use with natural evaporation and 13 acre-feet and 800 gallons per minute for irrigation use from a groundwater pit with a geographic center located 4,300 feet North and 2,640 feet West of the Southeast corner of Section 23, Township 26 South, Range 1 West, Sedgwick County. The referenced change application proposes to create a complete overlap in the point of diversion and the irrigation place of use with Application, File No. 50,069, picking up new acreage for a total of 69 acres to located in Section 23. No change is proposed for the recreational use.

The total quantity to be authorized for irrigation use by File Nos. 47,518 and 50,069 will provide a limited quantity of 85.9 acre-feet and a limited diversion rate of 800 gallons per minute on 69 acres or 1.25 acre-feet per acre, which appears reasonable in Sedgwick County.

No nearby well owners were notified of the referenced change application since the application creates an exact overlap in place of use with a new application.

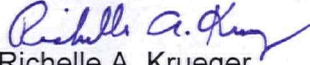
The same local source of supply will not change.

In a letter received January 22, 2020, Tim Boese, Manager of Equus Beds Groundwater Management District No. 2 recommended the application be approved subject to approval of File No. 50,069.

Jeff Lanterman, Water Commissioner of the Stafford Field Office, recommended approval of the application in an April 10, 2020 e-mail.

A waterflow meter is required. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur, and if Application, File No. 50,069 can be approved, it has been recommended that the change application be approved.


Richelle A. Krueger
Environmental Scientist

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

ROBERT J & AILEEN CLARK REV TRUST
5320 N HOOVER RD
WICHITA, KS 67205

RE: Appropriation of Water, File No. 47,518

Dear Sir or Madam:

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

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

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in blue ink that reads "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stafford Field Office
Groundwater Management District No. 2
Michael R. Clark

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE APPROPRIATION OF WATER FILE NO. 47,518

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Aileen B. Clark, on behalf of Robert and Aileen Clark Revocable Trust, 5320 North Hoover Road, Wichita, Kansas 67205, received in this office on November 12, 2019, for approval of a change in the location of the place of use under the Approval of Application, File No. 47,518, for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the recreational place of use shall remain authorized as a 42-acre groundwater pit located in the North Half (N $\frac{1}{2}$) of Section 23, Township 26 South, Range 1 West, Sedgwick County, Kansas, and the irrigation place of use shall be:

Sec.	Twp.	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL ACRES
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
23	26S	1W		14.00			23.00	32.00										69.00	

a total of 69.00 acres in Section 23, Township 26 South, Range 1 West, Sedgwick County, Kansas, located substantially as shown on the map accompanying the application to change the place of use.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

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

In all other respects, the Approval of Application, File No. 47,518, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated August 5, 2011.

Ordered this 1 day of July, 2020, in Manhattan, Riley County, Kansas.



Christopher W. Beightel

Christopher W. Beightel, P.E.
Acting Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 1st day of July, 2020, by Christopher W. Beightel, P.E., Acting Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman
Notary Public



RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

CERTIFICATE OF SERVICE

On this 8 day of July, 2020, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 47,518, dated 1 July 2020, 2020 was mailed postage prepaid, first class, US mail to the following:

ROBERT J & AILEEN CLARK REV TRUST
5320 N HOOVER RD
WICHITA, KS 67205

With photocopies to:

MICHAEL R CLARK
4435 W 53RD ST N
WICHITA, KS 67205

Stafford Field Office
Groundwater Management No. 2


Division of Water Resources