

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

1. File Number: 50,069	2. Status Change Date: 7/1/2020	3. Field Office: 02	4. GMD: 02
----------------------------------	---	-------------------------------	----------------------

5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

6. Enclosures: Check Valve N of C Form Water Tube Driller Copy Meter

7a. Applicant(s) Person ID **61121**
New to system Add Seq# _____

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

7b. Landowner(s) Person ID **53250**
New to system Add Seq# _____

ROBERT J & AILEEN CLARK REV TRUST
Attn: MICHAEL R CLARK - AGENT
4435 W 53RD ST N
WICHITA, KS 67205

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

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

ROBERT J & AILEEN CLARK REV TRUST
5320 N Hoover Rd
WICHITA, KS 67205

8. WUR Correspondent Person ID **53250**
New to system Add Seq# _____
Overlap File (s) WUC Notarized WUC Form
Agree Yes No

ROBERT J & AILEEN CLARK REV TRUST
Attn: MICHAEL R CLARK - AGENT
4435 W 53RD ST N
WICHITA, KS 67205

9. Use of Water: Changing? Yes No

Groundwater Surface Water

IRR REC DEW MUN

STK SED DOM CON

HYD DRG WTR PWR ART RECHRG

IND SIC: _____ OTHER: _____

10. Completion Date: **12/31/2021** 11. Perfection Date: **12/31/2025** 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? Yes No Date to Comply: _____ Date WLMD Installed: _____

WAIVER INCLUDED

6/23/2020 Date Prepared: **bmm** By: **BMM**
KAB Date Entered: **7/6/2020** By: **L Moody**

File No. **50,069** 15. Formation Code: ~~113~~ **190** Drainage Basin: **Arkansas River** County: **SG** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		Overlap PD Files
											Rate gpm	Quantity af	Rate gpm	Quantity af	
CHK	77300	NC	S2 N2 N2	23	26S	1W	3	4300	2640	800	85.9	800	85.9	47518	
												0	72.9		

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

19. Limitation: **85.9** af/yr at **800** gpm (~~2.14~~ cfs) when combined with file number(s) **47,518 for IRR use**
 Limitation: _____ af/yr at _____ gpm (~~1.78~~ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by ~~12/31/2019~~ **12/31/21** Date Acceptable Meter Installed _____

21. Place of Use										NE¼								NW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
CHK	61017	23	26S	1W	4				14			23	32											69	8A	Y	47,518		
																									7b	no			

6/8/2020
BMM SW¼

Comments: **CHANGE APPLICATION FILED ON 47,518 TO HAVE COMPLETE OVERLAP IN PLACE OF USE**

6/23/2020
KAB

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: January 28, 2020

FROM: Brandon Milner

RE: Application, File No. 50,069

Mike Clark has filed the referenced application to appropriate 85.9 acre-feet of groundwater at diversion rate of 800 gallons per minute for irrigation use. The point of diversion is a ~~pumping site on~~ an existing groundwater pit located near the Center of the South Half of the North Half of the North Half of Section 23, Township 26 South, Range 1 West, Sedgwick, County, Kansas. The proposed appropriation is located within the Little Arkansas River basin and the source of supply will be the ~~groundwater of alluvium from the Little Arkansas River~~. The place of use and point of diversion are both owned by the applicant. The applicant has signed the application form affirming legal access to the point of diversion.

Equus Beds

This application was sent to the Groundwater Management District #2 on April 9, 2019 for recommendation. GMD # 2 recommended denial of this application on July 10, 2019 for not meeting spacing requirements for non-domestic and domestic wells in the area. The applicant received a letter from myself on July 15, 2019 informing the applicant that they had fifteen days from the date of the GMD #2 recommendation to submit an appeal if so desired. The applicant filed an appeal on August 8, 2019 and was reviewed by the GMD #2 board on September 18, 2019. GMD #2 recommended approval of this application based on three criteria that had to be met for the GMD to recommend approval for the application. The following the stipulations put forward; the quantity of water and rate of diversion to be limited to 85.9 acre-feet and 800 gpm when combined with Water Right # 47,518, The applicant must submit a signed a domestic well spacing consent form for the domestic well that did not meet spacing to this application and finally a change application was needed to be filed with Water Right # 47518 to create a complete overlap in place of use with this application.

The application will provide a complete overlap in place of use and point of diversion with Water Appropriation, File No. 48,518. This new application is requesting additional quantity from that ~~well~~ ^{pit} on Water Right 48,518, with no additional rate. This new application will be limited to 85.9 acre-feet when combined with the senior file. The requested quantity of 85.9 acre-feet applied to 69 acres will provide 1.24 acre-feet per acre, which is the within the reasonable quantity for irrigation use in Sedgwick County, per K.A.R. 5-3-24. The new application will also be limited to 800 gpm when combined with the senior file.

Equus Beds

The water source of senior Water Right No. 47,518 is ~~alluvium from the Little Arkansas River or Quaternary system~~ which will the same source for Water Application # 50,069.

There were two domestic wells and three recreational groundwater pits that were identified by the applicant within one-half mile of the proposed point of diversion, as notification letters were sent to all owners of the wells and pits on March 20, 2019. Water Right Nos 41,209 & 43,657 do not meet non-domestic spacing requirements for GMD #2 while there is also a domestic well that did not meet spacing requirements to this application. GMD #2 waived the spacing requirements of the non-domestic wells that did not meet spacing while a consent form by the domestic well owner was required to be signed by its owner. GMD #2 did recommend this application for approval after the GMD #2 board meeting on the appeal from the applicant on September 20, 2019.

The application was sent to Jeff Lanterman, Water Commissioner for the Stafford Field Office for recommendation of the referenced application on January 28, 2020 and was recommended for approval on April 10, 2020. Based on the above discussion, it is recommended that the referenced application be approved.

Brandon Milner
Environmental Scientist
Water Appropriation Unit

6/23/2020
KAB

From: Lanterman, Jeff [KDA]
Sent: Fri 4/10/2020 2:43 PM
To: Milner, Brandon [KDA]; Krueger, Richelle [KDA]
Cc: Conant, Cameron [KDA]
Subject: FW: Application # 50,069 (And 47518 change app)
Attachments: 50069 Revised Memo.docx,
47518recandirrpumemexactoverlapirronlywithnewapp50069.docx, 50069 app map.pdf

Afternoon all!

This package appears to be good to go. Funny I didn't see a MDS analysis from Tim for this. (Long story if you don't know lol)

Approve them.

Thanks

Jeff

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Friday, April 10, 2020 9:30 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Application # 50,069

Jeff the new application is to pump water for irrigation from an existing groundwater pit currently authorized by 47518, there is also a p/u change filed to completely overlap the authorized place of use for irrigation already under 47518 with the proposed additional irrigation under 50069. This is in GMD#2. It was originally recommended for denial for several reasons but the denial was appealed and GMD#2 has recommended approval with a couple conditions on the front end...making complete p/u overlap with 47518, getting spacing waivers signed by nearby pits, and the new app being limited to no more than 85.9 AF @ 800gpm when combined with 47518 irrigation.

The new application is pulling from an existing GW pit. The existing pit is covered by 47518 from a recreation standpoint. 47518 also had 13 AF of irrigation authorized on 10 acres with the water being pumped from the pit. The new app is requesting 85.9 AF @ 800 gpm to be pumped on 69 acres. Looks like the proposed place of use is basically the crop land north of the pit (map attached).

http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=374653097242403 (48' deep well in NW¼ of this section)

http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=374716097241303 (25' deep well ~1 mile N of this project)

The water level in the area appears to be stable, GMD has recommended approval so SY is available, spacing to a nearby domestic and a nearby pit was not met but consent forms have been signed, seems like this packet is ok.

I think the new application and the change application can both be recommended for approval. Please pass on to Brandon and Richelle if you agree.

This is in the back of my mind. I would assume 47518 was going to be a nice GW pit surrounded by a housing development. I would assume it still will be a housing development at some point in the future. Are we opening ourselves up to an issue down the road by allowing this higher quantity of irrigation out of the pit? Seems like it could get tricky in the future with pit levels, housing developments, and irrigation. I think the answer to this line of thinking has to be...at this time they want irrigation so we have to process the app on the current request and merits at hand and by doing so, the current application meets everything and should be approved. We can't speculate on their future plans.

Cameron

From: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Sent: Tuesday, January 28, 2020 2:31 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Application # 50,069

Good afternoon Guys,

Here is an old new application to be reviewed. This application is for irrigation in GMD #2 and was initially denied but later appealed and recommended for approval based on certain criteria I have talked about in the memo. Please provide your recommendation. Thanks

Brandon Milner | Environmental Scientist

Kansas Dept. of Agriculture | Division of Water Resources

Address: 1320 Research Park Dr., Manhattan, KS 66502

Phone: 785-564-6631

Website: <http://agriculture.ks.gov/divisions-programs/dwr>

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: 50069

FO: 2

GMD: 2

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	June 9, 2020	20 22	GMD 2	Well Spacing	Spacing to Non-Domestic well Pit Spacing
Rule Number	Date Granted	Date Denied	Justification:	After review from the board of GMD #2, a waiver was recommended for application no. 50,069 for K.A.R. 5-22-2 (c) as a domestic well is within 330 feet and two non-domestic groundwater pits are within 1320 feet of the applicant's groundwater pit. .	
K.A.R. 5-22-2 (c)	7/1/2020				

WAIVER RULE (complete only if a new rule needs to be created):

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
				K.A.R.		

Two non-domestic GW pits don't meet standard spacing but GMD2 calculations show minimal drawdown so they recommended a waiver.

6/23/2020
KAB

Date Prepared 5/6/20 By BMM

Date Entered _____ By _____

7/6/2020
LMoody

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 9th, 2020

FROM: Brandon Milner

RE: Appropriation of Water, File No.
50,069

On June 25, 2018 DWR received a new application from Michael Clark requesting 85.9 acre-feet of water for irrigation. However, after further review from the Groundwater Management District No. 2, it was determined that the distance from the groundwater pit to a domestic well and nearby groundwater pits did not meet K.A.R. 5-22-2 (c) regulation for GMD # 2 on July 10, 2019. An appeal by the applicant was sent to GMD #2 on August 12, 2019. After a board meeting by GMD #2 on September 18, 2019, a waiver of K.A.R. 5-22-2 (c) was recommended by the GMD #2 on the application. The GMD # 2 also recommended that a signed consent of a nearby domestic well only must be included for approval of the application that did not meet spacing requirements of K.A.R. 5-22-2 (c). Therefore, a waiver of K.A.R. 5-22-2 (c) has been prepared for application no. 50,069.

Brandon Milner
Environmental Scientist
Water Appropriation Program

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
[www. agriculture.ks.gov](http://www.agriculture.ks.gov)



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

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

RE: Appropriation of Water, File No. 50,069

Dear Sir or Madam:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An acceptable water flowmeter must be installed on the diversion works authorized by this permit prior to using water. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Division of Water Resources

KAB:bmm
Enclosure(s)

pc: Stafford Field Office
Equus Beds GMD No. 2
Robert J & Aileen Clark Rev Trust

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
and
PERMIT TO PROCEED**
(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,069** of the applicant

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

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **June 25, 2018**
2. That the water sought to be appropriated shall be used for irrigation use on land, all located in the land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
23	26S	1W		14			23	32											69

3. That the authorized source from which the appropriation shall be made is groundwater from the alluvial aquifer, to be withdrawn by means of one (1) groundwater pit with a projected geographic center located near the Center of the South Half of the North Half of the North Half, in Section 23, more particularly described as being near a point 4,300 feet North and 2640 feet West of the Southeast corner of said section, in Township 26 South, Range 1 West, Sedgwick County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **800 gallons per minute (2.14 c.f.s.)** and to a quantity not to exceed **85.7 acre-feet** of water for any calendar year.

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

**WAIVER OF REGULATION
K.A.R. 5-22-2 (c) Well Spacing**

Date: 1 July 2020

RE: Application, File No. 50,069

1. That K.A.R. 5-22-2 (c) states that "The minimum spacing interval from the edge of a groundwater pit to each nondomestic well, the edge of any other groundwater pit, and baseflow node shall be 1,320 feet and 330 feet to a domestic well".
2. That the proposed point of diversion is located less than the required spacing distance of 330 feet from an existing domestic well, at approximately 230 feet away.
3. That the proposed point of diversion is located less than the required spacing distance of 1,320 feet from two existing groundwater pits, at approximately 930 feet and 1,130 feet away.
4. That this groundwater pit has been in existence since 2011 without any known impairment concerns.
5. That the domestic well is under common ownership with the proposed application and a notarized domestic well spacing consent form has been provided.
6. That Equus Beds Groundwater Management District #2 calculations estimate that drawdown at the nearby groundwater pits will be approximately 0.5 feet or less.
7. That Equus Beds Groundwater Management District #2 has recommended approval of the application with a waiver of K.A.R. 5-22-2(c).
8. That a waiver of K.A.R. 5-22-2(c) will not prejudicially or unreasonably affect public interest and will not impair any existing water rights.

Comments:

A handwritten signature in blue ink that reads "Christopher W. Beightel".

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

5. That installation of works for diversion of water shall be completed on or before December 31, 2021 or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before December 31, 2025 or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.
8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.
11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.
12. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).
13. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.
14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
15. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

16. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

17. That the groundwater pit shall be constructed, maintained, and operated in a manner that will prevent degradation to the water quality of the source of supply, which would cause impairment to existing water rights.

18. That the quantity of water and rate of diversion approved under this permit is further limited to the quantity and rate which combined with Appropriation of Water, File No. 47,518, will provide a total not to exceed **85.9 acre-feet** of water per calendar year to be diverted at a maximum diversion rate not in excess of **800 gallons per minute** (1.78 c.f.s.) for irrigation use on the land described herein.

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

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

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

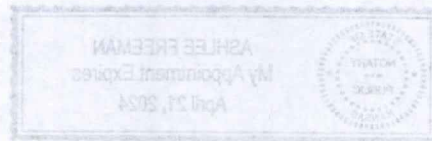
If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may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

CERTIFICATE OF SERVICE

On this _____ day of _____, 2020, I hereby certify that the foregoing Order dated _____, 2020, was mailed postage prepaid, first class, US mail to the following:

Original to:

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



With photocopy to:

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

Stafford Field Office

Equus Beds GMD No. 2

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer, or request administrative review by the Secretary of Agriculture. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

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

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

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

CERTIFICATE OF SERVICE

On this 8 day of July, 2020, I hereby certify that the foregoing Order dated 1 July, 2020, was mailed postage prepaid, first class, US mail to the following:

Original to:

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



With photocopy to:

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

Stafford Field Office

Equus Beds GMD No. 2

Ashlee Freeman
Division of Water Resources Staff

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

CORRECTIONAL ORDER WORKSHEET

1a. File No.: <p align="center">50,069</p>	1b. Document Date:	1c. Field Office: <p align="center">2</p>	1d. GMD: <p align="center">2</p>
--	--------------------	---	--

2a. Name & Address MICHAEL R CLARK 4435 W 53RD ST N WICHITA, KS 67205 Person ID 61121	2b. Name & Address Person ID _____ _____ _____ _____
---	--

2c. Name & Address Person ID _____ _____ _____ _____	2d. PC Person ID _____ _____ _____ _____
--	--

2e. WUR Correspondent 2a _____ _____ _____	3. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water <input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____
---	---

4a. PD <input checked="" type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	4b. PU <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	4c. LIMITATIONS <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	4d. RATE <input checked="" type="checkbox"/> Correct 800 GPM/1.78 CFS <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	4e. QUANTITY <input checked="" type="checkbox"/> Correct 85.9 Acre-Feet <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____
---	--	---	---	---

5. Old Information to be Changed (New Information to be written in 7, 8 & 11)
No WRIS Corrections - Document Only _____

6. Previous Modifications and Amendments

Document Type
Approval of New APP & Permit to Proceed

7. Point of Diversion

Groundwater to be withdrawn by means of (_____ well(s)) (_____) (_____ pit(s))
 Surface water in the _____ to be diverted (at a point)
 (at _____ points) (_____ pit(s)) (_____ dam(s))

Date Prepared 7/16/20	By BMM
Date Entered	By

File No. **50069** Priority Date: County: Basin: Stream: Formation Code:

8. Points of Diversion

T G S Rate and Quantity
 MOD Authorized Additional
 DEL PDIV Rate Quantity Rate Quantity
 ENT Qualifier S T R ID 'N 'W Comment gpm/cfs af/mgy gpm/cfs af/mgy Overlap PD Files

MOD 77330 S2 N2 N2

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

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

11. Place of Use T 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				
NO CHANGE																				

12. Comments:

-
KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: July 16, 2020

FROM: Brandon Milner

RE: Temporary Permit,
File No. 50,069

On June 25, 2018, the Chief Engineer received an application for a new water appropriation from Michael Clark. During the approval of the application it was found that the Approval of Application and Permit to Proceed issued incorrectly showed the point of diversion to be: **That the authorized source from which the appropriation shall be made is groundwater from the alluvial aquifer, to be withdrawn by means of one (1) groundwater pit with a projected geographic center located near the Center of the South Half of the North Half of the North Half, in Section 23, more particularly described as being near a point 4,300 feet North and 2640 feet West of the Southeast corner of said section, in Township 26 South, Range 1 West, Sedgwick County, Kansas, located substantially as shown on the topographic map accompanying the application..**

This should have been correctly shown as: **That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) groundwater pit with a geographical center located near the center of the South Half of the North Half of the North Half (S $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$), in Section 23, more particularly described as being near a point 4,300 feet North and 2,640 feet West of the Southeast corner of said section, in Township 26 South, Range 1 West, Sedgwick County, Kansas, located substantially as shown on the map accompanying the application.**

During the approval of the application it was found that the Approval of Application and Permit to Proceed issued incorrectly showed the rate and quantity to be: **That the appropriation sought shall be limited to a maximum diversion rate not in excess of 800 gallons per minute (2.14 c.f.s.) and to a quantity not to exceed 85.7 acre-feet of water for any calendar year.**

This should have been correctly shown as: **That the appropriation sought shall be limited to a maximum diversion rate not in excess of 800 gallons per minute (1.78 c.f.s.) and to a quantity not to exceed 85.9 acre-feet of water for any calendar year.**

A correctional order has been prepared to designate the correct point of diversion along with the rate and quantity.

Brandon Milner
Environmental Scientist

Water Appropriation Program