

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

1. File Number: 46348	2. Status Change Date: 10/26/2021	3. Change Num: C1	4. Field Office: 02	5. GMD: 02
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 4/19/2017
8a. Applicant(s) New to system <input type="checkbox"/> GERALD WOODARD 4160 N MAIZE RD MAIZE KS 67101		Person ID 58770 Add Seq# _____		8c. Landowner(s) New to system <input type="checkbox"/> FIDDLERS COVE AT PRAIRIE PINES LLC 4055 N TYLER MAIZE, KS 67101-8733
8b. Landowner(s) New to system <input type="checkbox"/> WATERCRESS HOA 3845 N WATERCRESS CT MAIZE KS 67101		Person ID 65107 Add Seq# _____		8d. WUC New to system <input type="checkbox"/> WATERCRESS HOA 3845 N WATERCRESS CT MAIZE KS 67101
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2022 _____ <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input checked="" type="checkbox"/> Meter <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter				
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 10/12/21 By: LI Date Entered: 10/27/2021 By: LMoody				

File No. **46348** 11. County: **SG** Basin: **ARKANSAS RIVER** Stream: **NA** Formation Code: **190** Special Use: **NA**

12. Points of Diversion										Rate and Quantity							
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files	
CHK				72181	NE SW SW	29	26	1W	8	1096	3980	IRR USE	85	3.9	85	3.9	49826
CHK				72181	NE SW SW	29	26	1W	8	1096	3980	REC USE	85	4.9	85	4.9	NONE

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) **NONE NO CHANGE**
 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				NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files						
CHK	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					
DEL				57496	29	26	1W	10 REC									0.7	0.4	2.0	3.9					7.0	8a & 8b	YES	46349	
ENT				57485	29	26	1W	8 REC																		8b & 8c	NO	46347 & 47421	
MOD				57495	29	26	1W	9 IRR																			8B	NO	49826

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:** October 19, 2021
FROM: Leslie Ireland **RE:** Application File No. 49,826
Water Right, File No. 46,348

David R. Warren and Gerald Woodard on behalf of Watercress HOA, along with Donna Clasen, Mayor of the City of Maize, Terry L Yancey, Superintendent, Kansas District Council Assemblies of God Incorporated, Gerald Woodard, Walker Lane & Reed LLC, Maize Kansas Public Building Commission, Michael E. Grant , M.D., Lot 4 Block 4 LLC, Walker Lane & Reed Investments LLC, and Lindsay Olsen, President, Mortgage Investments Trust Corporation have supplied signatures for the application to change the place of use for the irrigation and recreational portions of the referenced file. The application was received on April 19, 2017, along with a new application for irrigation use that was assigned File No. 49,826. An updated change application was received on July 17, 2020, it appears to be complete per K.A.R. 5-5-2(a), *Complete change application*. A Quit Claim from the City of Maize was submitted on April 21, 2021, resulting in Watercress HOA as the sole owner of the referenced files.

File No. 46,348 appears to not be abandoned as per K.S.A. 82a-718 and in compliance with K.S.A. 82a-732. As required by K.S.A. 82a-1906, a public notice was published, and letters were sent to nearby well owners. No written comments were received.

Water Right, File No. 46,348, is authorized 85 gallons per minute to divert 3.9 acre-feet (AF) for the irrigation of 2.8 acres and recreational use at 85 gpm to divert 4.9 AF to fill and maintain 4 small reservoirs from one(1) well in the Arkansas River Basin. The well is described as being located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) approximately 1,096 feet North and 3,980 feet West of the Southeast corner of Section 29, Township 26, Range 1 West, (29-26-1W) Sedgwick County was updated during the certificate process. Base acres were certified to be 2.8 acres and the reservoirs are in the West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) and the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of 29-26-1W with approximately 7.38 surface acres.

The new application, File No. 49,826 requested quantity of water, 9.1 acre-feet, is to irrigate the proposed 7.0 acres identified in the application and overlapping with that proposed under File No. 46,348. This is the maximum allowable of 1.3 acre-feet per acre for Sedgwick County, Kansas. The application will be limited to 9.1 acre-feet when combined with Water Right, File No. 46,348. The new permit will be authorized only irrigation use, together the irrigation portion will comply with K.A.R. 5-3-24, *Reasonable quantity for irrigation use* in Sedgwick County.

The applications were submitted to Equus Beds Groundwater management District No. 2 on April 23, 2021. Their review of the applications recommended approval as indicated by a letter received on August 31, 2021. It appears the proposed new application is located in an area that has sufficient water available to meet safe yield with the new appropriation. In the letter they said the applications comply with all GMD 2 rules and Regulations, K.A.R. 5-22-1 through 5-22-17, and recommended approval of the application subject to the quantity of water and maximum rate of diversion being limited to 9.1 acre-feet and 99 gallons per minute when combined with Water Right, File No. 46,348.

The request to add additional acres of new irrigated land appears to comply with Part (b)(6) of K.A.R. 5-5-11, *Applications for change in place of use for irrigation purposes*, with the determination that new quantity will be available and permitted. The increase in acres should not result in an increase in consumptive use as required by K.A.R. 5-5-3, *Consumptive use*. The change in the irrigated place of use will also update the irrigated acres to overlap with the permit.

The change under File No. 46,348 for the recreational use portion authorized 4.9 acre feet at a rate of 85 gallons per minute is to fill and maintain four reservoirs and their evaporative loss. These reservoirs are now on property held by the signers above and are either too small to justify permitting or are authorized by other rights. This area has an evaporation rate of 20 inches per year. The recreational use will shift to the East to authorize the South Entrance Reservoir, the Backward "C" Reservoir just to the North and is connected to the Wishbone Reservoir to the East. The proposed existing reservoirs are currently authorized by File No. 46,347 for the surface water component and certified 12.3 AF of storage. The 3 reservoirs legally described as located in the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) and the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) all in 29-26-1W. These reservoirs are also authorized by File No. 47,421 with 12.3 acre-feet at a rate of 95 gallons per minute from the well located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of 29-26-1W, Sedgwick County, Kansas. Under File No. 46,347 the total volume of these ponds was determined to be 104.45 AF. Together File Nos. 46,348 and 47,421 will provide 17.2AF of water to fill and maintain these reservoirs. It appears the reservoirs have 7.38 surface acres as determined by the permitting of File No. 46,347 which equates to 12.3 AF for evaporative loss and the remaining 5.1 AF for any seepage.

The applicant completed a public notice for both applications in August 2020 and nearby notification letters in September 2020, were sent to well owners identified within 1,000 feet of the proposed existing point of diversion. One phone call from a well owner in reference to the notification letter as to its reason was received. No other comments of any kind were received.

Jeff Lanterman, Water Commissioner was contacted for a recommendation. In his email dated October 13, 2021, indicated that the applications should be approved.

The change approval will require a water flowmeter as required by K.A.R. 5-5-11(e)(2) for the irrigation use and a meter will be required for the recreational use. A 2018 Field Inspection Report found meters currently installed for each use. A check valve will be required if chemigating. A conservation plan will not be a condition of the approval. The permit will also require a meter and check valve. No water level measurement tube will be required as the well is existing past reports indicate one has not been required for the authorized rate and a tube is not present.

Based on the above discussion, that the permit will be issued, the change should not significantly increase consumptive use, impairment to existing water rights is unlikely and that no change in the local source of supply will occur, it is recommended that the new permit be issued and the application for change be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

From: Lanterman, Jeff [KDA]
Sent: Wed 10/13/2021 9:55 AM
To: Conant, Cameron [KDA];Ireland, Leslie [KDA]
Subject: RE: Review and Recommendation, Permit, File Nos. 49,826 & CHG, File No. 46,348, Watercress HOA

Leslie;

This one looks good to go as well. Hopefully they will be in compliance when we do a CI in the future.

Thanks
Jeff

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Wednesday, October 13, 2021 9:49 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Review and Recommendation, Permit, File Nos. 49,826 & CHG, File No. 46,348, Watercress HOA

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Thursday, October 7, 2021 10:14 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Review and Recommendation, Permit, File Nos. 49,826 & CHG, File No. 46,348, Watercress HOA

Please let me know if you could recommend this permit and change. The permit is for additional irrigation use only and the change will overlap said irrigation, but move the recreational use 4.9 AF to fill and maintain three small existing reservoirs that are currently authorized by File Nos. 46,347 & 47,421. GMD 2 has recommended approval.

As always comments and concerns are welcome.

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE WATER RIGHT FILE NO. 46,348

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Gerald Woodard on behalf of Watercress HOA, 3900 North Goldenrod Court, Maize Kansas 67101-3751; Donna Clasen, Mayor, City of Maize, PO BOX 245, Maize, Kansas 67101; Terry L. Yancey, Superintendent, Kansas District Council Assemblies of God, PO Box 349, Maize, Kansas 67101-0349; Gerald Woodard on behalf of Walker Lane & Reed LLC, 4160 N. Maize Road, Maize, Kansas 67101; Michael E. Grant, M.D., on behalf of Lot 4 Block 4, 818 N. Emporia, Wichita, Kansas 67214-3727, and Lindsay Olsen, President, Mortgage Investment Trust Corporation, 5200 W. 94th Terrace, Prairie Village, Kansas 66207-2522, received in this office on April 10, 2017, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the recreational place of use shall be:

three (3) reservoirs located in the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) and in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 29, Township 26 South, Range 1 West, Sedgwick County, Kansas,

and the location of 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
			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 $\frac{1}{4}$	
29	26S	1W								0.7	0.4	2.0	3.9					7.0	

a total of 7 acres in 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 for each authorized use 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 Certificate of Appropriation issued pursuant to Approval of Application, File No. 46,348 for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated November 30, 2018.

Ordered this 26 day of October, 2021, at Manhattan, Riley County, Kansas.

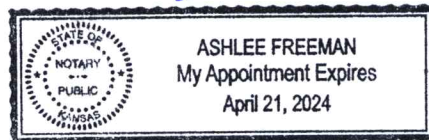
Lane P. Letourneau

Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 26 day of October, 2021, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman
Notary Public



1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



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

Mike Beam, Secretary

November 2, 2021

Laura Kelly, Governor

WATERCRESS HOA
ATTN. KIM GOODNIGHT
3845 N. WATERCRESS COURT
MAIZE, KS 67101

RE: Appropriation of Water, File No. 49,826
Water Right, File No. 46,348

Dear Mr. Goodnight:

Enclosed is the permit under File No. 49,826 authorizing the appropriation of water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

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.

In addition, enclosed is an Order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under File No. 46,348. Your attention is directed to the enclosure 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 for each authorized use must be installed on the diversion works authorized under the referenced file number.

Watercress HOA
File Nos. 46,348 and 49,826
Page 2

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 785-234-5311. 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:li:

Enclosure(s)

pc: Stafford Field Office
Groundwater Management District 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:

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

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

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

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

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

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 2 day of November, 2021, I hereby certify that the foregoing Approval of Application for Change in Place of Use, File No. 46,348, dated 26 October 2021 was mailed postage prepaid, first class, US mail to the following:

Watercress HOA
Attn. Kim Goodnight
3845 N. Watercress Court
Maize, KS 67101

With photocopies to:

Stafford Field Office
Groundwater Management District No. 2



Division of Water Resources