

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

CHANGE: UMW WORKSHEET

1. File Number: 47241	2. Status Change Date: 8/24/2021	3. Change Num: 3	4. Field Office: 02	5. GMD:			
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: 8/10/20			
8a. Applicant(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		8c. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____	
8b. Landowner(s) New to system <input type="checkbox"/>		Person ID 67864 Add Seq# 1		8d. WUC New to system <input type="checkbox"/>		Person ID 67864 Add Seq# 1	
SANDCREST HOA 2880 N CURTIS ST WICHITA, KS 67205-1249				SANDCREST HOA 2880 N CURTIS ST WICHITA, KS 67205-1249			
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/21 ? <input type="checkbox"/> N & P Date to Comply: _____							
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input 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: INDUSTRIAL To: RECREATION							
<div style="border: 1px solid red; padding: 5px; display: inline-block;">8/20/2021 Llreland</div>				Date Prepared: 8/11/21 By: EKF			
				Date Entered: <div style="border: 1px solid blue; padding: 5px; display: inline-block;">8/27/2021 LMoody</div> By:			

File No. **47241** 11. County: **SG** Basin: **ARKANSAS RIVER** Stream: **N/A** Formation Code: **113** Special Use: **N/A**

12. Points of Diversion										Rate and Quantity								
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)		Authorized		Additional		Overlap PD Files
												Rate gpm/cfs	Quantity af	Rate gpm/cfs	Quantity af			
MOD	76323				SW NE NW	2	27	1W	7	4,146	3,684			EVAP	46.41	EVAP	46.41	47635-D1, 48069, 49572

~~GEO CTR - SAND & GRAVEL PIT~~

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					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				
CHK																										8b	N	47635-D1, 48069 & 49572
	MOD								GROUNDWATER EXPOSURE 42 AC (NW)																			

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: August 4, 2021

FROM: Elizabeth K Fitch

RE: Change in Use Made of Water
Water Right, File Nos. 47241, 47635-
D1, 48069 & 49572

Jack Pew, on behalf of the Sandcrest Homeowners Association, owner of the referenced files authorized for industrial use, has submitted four (4) applications for approval to change the authorized use made of water. An authorized representative of the owner of record signed all four (4) applications.

The referenced files appear to be in compliance with K.S.A. 82a-732. *Annual water use report required; penalty for violations.* A review of the applications found that they comply with K.A.R. 5-5-1, *Filing an application for change.* The referenced files do not appear abandoned as per K.S.A. 82a-718. *Abandonment of water rights; notices; hearing; review of action; exceptions.*

All the referenced applications currently share an authorized place of use on a 42-acre groundwater pit in the Northwest Quarter (NW $\frac{1}{4}$) of Section 2, Township 27 South, Range 1 West, Sedgwick County. All legal descriptions from here on are in Township 27 South, Range 1 West, Sedgwick County.

File Nos. 47241, 47635-D1, 48069 and 49572 share the same point of diversion, which is the geographic center of the groundwater pit located in the Southwest Quarter of the Northeast Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 2, more specially described as 4,146 feet North and 3,684 feet West of the Southeast corner of said section. All files are certified and the point of diversion will not be modified. The rate of diversion for all files is natural evaporation.

- File No. 47241 authorizes 15.123 million gallons per year (46.41 acre-feet).
- File No. 47635-D1 authorizes 1.63 million gallons per year (5.00 acre-feet).
- File No. 48069 authorizes 4.008 million gallons per year (12.30 acre-feet).
- File No. 49572 authorizes 2.047 million gallons per year (6.28 acre-feet).

As noted previously, the referenced change applications, received on August 10, 2020, propose to convert the use made of water under the associated water rights from industrial use to recreation use. No actual change in use will occur and therefore there will not be a substantial increase to consumptive use. There is no actual change in the use of the water, just that the authorized groundwater pit now qualifies as recreational use instead of the originally permitted industrial use. There will be no change to the authorized quantity or place of use.

There were no non-domestic wells within one-half mile of the authorized point of diversion. A letter was mailed on May 25, 2021 to the domestic well owners identified within 1,000 feet of the authorized point of diversion. No response was received. A public notice was not required by this office because no change to the point of diversion, place of use or actual use of the water is occurring. The proposed change is administrative in nature.

File No. 47241, 47635-D1, 48069 & 49572
Change in UMW Memo
August 4, 2021

The referenced water rights are not in a special use area or a groundwater management district.

No structures permit appears to be needed.

As the reference water rights are for a groundwater pit, neither a water flowmeter nor a check valve is required.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it has been recommended that the referenced applications be approved.

Elizabeth K Fitch
Environmental Scientist - SFFO

Fitch, Elizabeth [KDA]

From: Lanterman, Jeff [KDA]
Sent: Friday, August 6, 2021 1:56 PM
To: Fitch, Elizabeth [KDA]
Subject: RE: Sandcrest HOA UMW change

Elizabeth. Thanks for your thorough work on this one. I agree with the plan on notifications on these. Seems fair for just a paper change.

I recommend approval.

Jeff Lanterman PG, Water Commissioner
Kansas Department of Agriculture
Division of Water Resources
(620)234-5311
jeff.lanterman@ks.gov
<https://agriculture.ks.gov/divisions-programs/dwr>

From: Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>
Sent: Friday, August 6, 2021 9:19 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: Sandcrest HOA UMW change

Here is one of the changes and the memo. Let me know what time works for you. I'm expecting a phone call at 10:15, but other than that I'm free.

Elizabeth

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 USE MADE OF WATER
WATER RIGHT
FILE NO. 47,241**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Jack Pew, President, Sandcrest HOA, 2880 N. Curtis Street, Wichita, Kansas 67205-1249, received in this office on August 10, 2021, for approval of a change in the use made of water, 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, 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 use made of water shall be:

Recreational use,

at the authorized place of use described as:

a groundwater exposure consisting of a surface area not greater than 42 acres, with a geographic center located in the Southwest Quarter of the Northeast Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 2, approximately 4,146 feet North and 3,684 feet to the West of the Southeast corner of said Section in Township 27 South, Range 1 West, Sedgwick County, Kansas,

located substantially as shown on the maps accompanying the application to change the use made of water.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 47,241, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated July 01, 2021.

Ordered this 24 day of August, 2021, at Manhattan, Riley County, Kansas.

Lane P. Letourneau

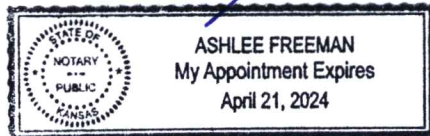
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 24 day of August, 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

Laura Kelly, Governor

August 31, 2021

SANDCREST HOA
JACK PEW &/or RYAN KELLY
2880 N CURTIS ST
WICHITA, KS 67205-1249

RE: Approval of Change Application
Water Right, File No. 47,241; 47,635-D1; 48,069 & 49,572

Dear Mr. Pew and/or Mr. Kelly:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file numbers.

Your attention is directed to the enclosures entitled *Consent Agreement for Discontinued Pit or Quarry*. If completed, returned and determined acceptable, this document will allow the above referenced files, which are no longer utilized for industrial use, to be excluded from the required annual water use report.

Should you choose to continue reporting the required annual water use, please be reminded the 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 applied per file. 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.kswateruserreport.org, or completed the enclosed form and submit it to the Chief Engineer at our Manhattan address above.

Since the enclosed orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

Please be reminded that the specific conditions of the permits remain, specifically that the area around the open groundwater exposure shall be graded or bermed so as to exclude overflow of surface water from entering.

If you have any questions, please contact our office at 785-564-6640. 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 and Change Unit Supervisor
Water Appropriation Program

KAB:ekf:li

Enclosures
pc: Stafford Field Office

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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

- 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.

CERTIFICATE OF SERVICE

On this 31 day of August, 2021, I hereby certify that the attached original Approval of Application for Change in the Authorized Use Made of Water, under Water Right, File No. 47,241, dated 24 August 2021, was mailed postage prepaid, first class, US mail to the following:

SANDCREST HOA
2880 N CURTIS ST
WICHITA, KS 67205-1249

With Photocopies sent to:

Stafford Field Office


Division of Water Resources