

File No. **49,927** 15. Formation Code: **190** Drainage Basin: **Lower Ark (Arkansas River)** County: **SG** Special Use: Stream:

16. Points of Diversion

MOD	DEL	ENT	PDIV Qualifier	S	T	R	ID	'N	'W
✓			71582 NESENW	33	26S	1W	219	3394	3115

17. Rate and Quantity

Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
40	12.28 AF	40	5.78 AF	46215

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

19. Limitation: **12.28** af/yr at _____ gpm (_____ cfs) when combined with file number(s) **46215**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2022 24** Date Acceptable Meter Installed _____

21. Place of Use

MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	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				
✓			57102	33	26S	1W	22			.9				.3	3.8							5	7b.	NO	46215		

Comments: **Requested quantity was modified during processing of application to meet reasonable quantities, applicant agreed to changes.**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: July 29, 2021

FROM: Matt Meier

RE: Application, File No. 49,745

The Tylers Landing Homeowners Assoc has filed the referenced application to appropriate groundwater for irrigation use, requesting one (1) well, a quantity of 12.28 acre-feet, and a diversion rate of 40 gallons per minute. The well is an existing well located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 33, more particularly described as being near a point 3,394 feet North and 3,115 feet West of the Southeast corner of said section, in Township 26 South, Range 1 West, Sedgwick County, within the Arkansas River drainage basin. The proposed place of use is owned by the applicant. The applicant has signed the application form stating that they have legal access to the point of diversion. The application forms a complete point of diversion and place of use overlap with File No. 46,215. Modifications were made to the requested quantity during the processing of the application. All the changes were verified with the applicant via email. This application was filed to address over pumping issues with File No. 46,215. The application will be limited to 12.28 acre-feet when combined with File No. 46,215 on the authorized place of use.

In 2004 the United States Geological Survey (USGS) completed a hydrologic model of a portion of the Arkansas River and associated drainage basins (Ninnescah River), generally bounded by Ranges 2 West to 3 East and Townships 26 South to 34 South (near state line). The USGS model indicated that the aquifer in this area receives more recharge from precipitation than DWR has historically used in safe yield calculations. The data and analyses are detailed in the USGS Scientific Investigations Report 2004-5204 entitled "Characterization and Simulation of Flow in the Lower Arkansas River Alluvial Aquifer, South-Central Kansas". In order to evaluate the potential impact of this study on our safe yield calculations, DWR suspended processing applications for new appropriations of water in the model area.

DWR recently completed an evaluation of the USGS model and has determined that the precipitation recharge value of 5.4 inches per year that is used in the USGS model is reasonable and appropriate. In order to reserve water in the alluvial aquifers that can contribute to base flow to area streams and for domestic use, it was determined that 75 percent of the 5.4 inches of precipitation recharge shall be available for appropriation. This is consistent with safe yield appropriation in many other basins across the state, and is the current percent available in for all applications in the Ninnescah River drainage basin. Therefore, for all pending applications within the model area, safe yield will be evaluated using the standard methodology in K.A.R. 5-3-11, which is based on the extent of the unconfined aquifer (area of consideration), a Potential Annual Recharge value of 5.4 inches, and a percent of recharge available for appropriation of 75%. Current annual recharge across the model area is approximately 3 inches.

Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile circle radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer, which provided an area of consideration of 8,042 acres. With a potential annual recharge of 5.4 inches, and 75% of recharge available for appropriation, safe yield was determined to be 2,714.18 acre-feet. Existing water rights have appropriated 2,037.13 acre-feet, providing a difference of 677.21 acre-feet available for appropriation, and the application requesting 12.28 acre-feet complies with safe yield.

A drillers log for the completed well (covered by File No. 46,215) was provided with the application. The log show fine sand 0 to 10 feet, clay 10 to 14 feet, medium sand from 14 to 25 feet, and medium coarse sand from 25 to 52 feet. The static water level was at 8 feet and the Aquifer was previously identified as Equus beds based on WRIS for File No. 46,215.

The applicant is proposing to irrigate 5 acres of turf grass in a commons area surrounding a pond located in the HOA and has estimated it will require approximately 2.46 acre-feet per acre for a total of 12.28 acre-feet. This obviously exceeds the maximum allowable for Sedgwick County, Kansas, per K.A.R. 5-3-24 of 1.3 acre-feet per acre. However, turf grass is considered to be a "specialty crop" by definition in K.A.R. 5-1-1 (xxx) "Specialty crop" means a crop other than a normal Kansas field crop. This term shall include turf grass, trees, vegetables, ornamentals, and other similar crops. Specialty crops require significantly more water than a normal field crop. The applicant provided additional justification for the increased acre-feet per acre (see page included in application) which showed an average need of 1 inch per week, which is consistent with information provided by the Kansas State University Extension Service and other watering information on hand. Based on the supporting information, the water use season would be 29.5 weeks (roughly March through October) although it would likely be shorter with more frequent watering in the summer months. Based on that the estimated use calculation would be: $29.5 \text{ weeks} \times 1" = 29.5" / 12"/1' = 2.46 \text{ AF/Acre}$. File No. 46,215 is authorized 6.5 acre-feet and the application is requesting 12.28 acre-feet, which would bring the total quantity of water on the place of use to 12.28 acre-feet with the limitation. Based on this information the requested quantity appears reasonable. It should also be noted the application was filed to address over pumping with File No. 46,215.

Due to the large number of wells in the area the applicant requested that a public notice be run instead of a ½ mile notification mailing. The last public notice was issued on July 22, 2020. The applicant also sent out a mailing to every homeowner in their HOA with spacing consent forms. Of the 26 homeowners contacted, 24 wanted the application approved and 2 did not. Phone calls were received from Janette Burley, Curt Wellborn, and Mike Kilincik to obtain more information about the application and express their concerns. Curt Wellborn stated he wouldn't be signing a domestic well spacing consent form and Mike Kilincik was against approval of the new app. The nearest non-domestic point of diversion (File No. 42,974) is located 1,373 feet away. The applicant provided a detailed map of the HOA area with domestic wells shown on it. Based on the map the pending application fails to meet the 660 feet spacing requirement to several domestic wells. As the applicant provided signed domestic well spacing consent forms for almost the entire HOA community, the well has been in use since 2005 with no complaints (16 years), has previously pumped most of the requested quantity (illegally) with no issues, has a low rate of diversion, and is in service of the home owners within the HOA community, a waiver of K.A.R. 5-4-4(c)(2)(C) seems reasonable. The proposed point of diversion meets minimum well spacing to all non-domestic existing wells. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on July 8, 2021. Based on the above discussion, well spacing is met with a waiver and safe yield criteria is met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

Matthew J. Meier
Environmental Scientist
Water Appropriations Unit

File No. **27605** 11. County: **EDWARDS** Basin: **Arkansas River** Stream: **N/A** Formation Code: **180 (Undiff Kan/Neb)** Special Use: **none**

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
DEL			4375	NC NW	15	24S	18W	4	3928	3961						
ENT				NC NW	15	24S	18W		3948	3945	none	395	110	395	110	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) _____
 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				17574	15	24S	18W	4						80	80														see 8b.	Yes	NONE		
CHK				24705	15	24S	18W	5							80	80													see 8b.	Yes	NONE		

Base Acres: -- Year: -- Minimum Reasonable Quantity: --
 Comments: **Ownership of both 80 acre tracts needs updated per the attached ORKA sheets.**

Analysis Results

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 2,714.34 AF. - 2,037.13 AF = 677.21 AF Available

Meets Safe Yield 7/21/21 MJM/SFFO

Total prior appropriations in the circle is 2,502.56 AF. -270.76 AF (pending) = 2,231.8 AF +13.61 AF -200 AF -8.28AF = 2,037.13 AF Appropriated

Total quantity of water available for appropriation is 211.78 AF.

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 5.4 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 09-JUL-2021 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 58 water rights and 57 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres	
A 6959 00	IRR	NK	G			NC	NE	3960	1360	31	26	01W	1	WR	26.00	26.00	99.00	99.00	
A 9883 00	IRR	NT	G		NW	NW	SW	2399	5159	32	26	01W	12	WR	26.70	26.70	46.70	46.70	
A 24018 00	IRR	NK	G		SE	NW	SE	1346	1420	32	26	01W	13	WRF	70.05	51.63	43.35	(8.28) 46.70	0.00
A 24018 00	REC	NK	G		SE	NW	SE	1346	1420	32	26	01W	13	WRF	58.33	50.05			
A 28245 00	IRR	NK	G		NW	SW	NE	3900	2550	32	26	01W	3	WR	165.00	165.00	164.00	164.00	
A 32576 00	IRR	NK	G			NC	NE	3960	1360	31	26	01W	1	WR	79.00	53.00	99.00	0.00	
A 38478 00	IRR	NK	G		SE	NW	SE	1840	1930	04	27	01W	1	WRF	197.00	197.00	131.00	131.00	
A 38478 00	REC	NK	G		SE	NW	SE	1840	1930	04	27	01W	1	WRF	32.00	32.00			
A 38514 00	IRR	NK	G		SE	SW	SW	331	4222	20	26	01W	2	WR	17.80	17.80	17.00	17.00	
A 38866 00	IRR	NK	G		SW	NE	NW	4380	3620	09	27	01W	1	WR	20.00	20.00	15.00	15.00	
A 39033 00	IRR	NK	G		SE	SW	SW	331	4222	20	26	01W	2	WR	6.20	6.20	17.00	0.00	
A 40830 00	REC	NK	G		SE	NW	SE	1400	1600	27	26	01W	2	WR	99.00	99.00			
A 40981 00	REC	NK	G		NC	W2	SE	1295	1980	21	26	01W	3	WR	70.00	70.00			
A 41169 00	REC	NK	G		SW	SE	SE	647	925	33	26	01W	15	WR	12.33	12.33			
A 41172 00	REC	NK	G		SE	NW	SE	1920	1999	33	26	01W	16	WR	19.95	19.95			
A 41207 00	REC	NK	G					4500	4250	05	27	01W	3	WR	20.00	20.00			
A 41461 00	REC	NK	G					4500	4250	05	27	01W	3	WR	14.00	14.00			
A 42400 00	IND	NK	G		SE	SE	SE	188	375	20	26	01W	35	WR	15.01	15.01			
A 42745 00	IND	NK	G					4174	4084	03	27	01W	168	WR	0.30	0.30			
A 42974 00	REC	NK	G		NW	NE	SW	2200	3800	33	26	01W	46	WR	5.70	5.70			
A 43720 00	REC	NK	G		SE	NW	NE	4200	1800	03	27	01W	132	WR	200.00	200.00			
A 44560 00	REC	NK	G		NW	NW	SE	2057	2453	33	26	01W	45	WR	7.50	7.50			
A 44808 00	IND	KK	G			NC	NW	4150	3800	28	26	01W	2	WR	78.29	78.29			
A 44938 00	IND	NK	G					4174	4084	03	27	01W	168	WR	0.49	0.20			
A 45043 00	REC	NK	G		NE	SW	SE	675	1595	28	26	01W	4	WR	18.33	18.33			

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 45156 00	REC	NK	G		NW	SE	SW	1044	3946	28	26	01W	3	WR	26.00	26.00		
A 45248 00	REC	NK	G		NW	SE	NE	3958	753	33	26	01W	59	WR	60.00	60.00		
A 45435 00	REC	NK	G		SE	NW	NE	4200	1800	03	27	01W	132	WR	400.00	400.00	200	
A 45719 00	REC	NK	G		NW	NE	NE	4951	1104	29	26	01W	2	WR	0.50	0.50		
A 45925 00	IRR	NK	G		SE	SW	NW	3025	4297	34	26	01W	378	WR	8.50	8.50	6.52	6.52
A 46162 00	REC	NK	G		NW	NW	SE	2234	2399	28	26	01W	54	WR	4.00	4.00		
A 46163 00	REC	NK	G		SW	NW	SE	1778	2106	28	26	01W	55	WR	2.00	2.00		
A 46215 00	IRR	NK	G		NE	SE	NW	3394	3115	33	26	01W	219	WR	6.50	6.50	5.00	5.00
A 46325 00	IRR	NK	G		NW	NW	SE	2167	2172	29	26	01W	4	WRF	18.00	18.00	8.00	8.00
Same	IRR	NK	G		NW	NW	SE	2227	2249	29	26	01W	14	WRF				
Same	IRR	NK	G		NW	NW	SE	2220	2102	29	26	01W	15	WRF				
Same	IRR	NK	G		SW	NW	SE	2122	2232	29	26	01W	16	WRF				
Same	IRR	NK	G		SW	NW	SE	2100	2107	29	26	01W	17	WRF				
Same	REC	NK	G		NW	NW	SE	2167	2172	29	26	01W	4	WRF	13.61	13.61		
Same	REC	NK	G		NW	NW	SE	2227	2249	29	26	01W	14	WRF				
Same	REC	NK	G		NW	NW	SE	2220	2102	29	26	01W	15	WRF				
Same	REC	NK	G		SW	NW	SE	2122	2232	29	26	01W	16	WRF				
Same	REC	NK	G		SW	NW	SE	2100	2107	29	26	01W	17	WRF				
A 46348 00	IRR	NK	G		NE	SW	SW	1096	3980	29	26	01W	8	WRF	3.90	3.90	2.80	2.80
A 46348 00	REC	NK	G		NE	SW	SW	1096	3980	29	26	01W	8	WRF	4.90	4.90		
A 46359 00	REC	NK	G		NW	SW	SE	1035	2418	30	26	01W	15	WR	21.67	21.67		
A 46360 00	IRR	NK	G		SW	SE	SE	244	1250	30	26	01W	16	WR	5.59	5.59	2.70	2.70
A 46358 00	REC	NK	G		SW	NE	SE	1949	909	30	26	01W	18	WR	5.43	5.43		
A 46409 00	IND	MM	G		SE	SE	SE	480	552	20	26	01W	36	WR	29.69	14.69		
A 46453 00	IRR	NK	G		SE	SE	SW	95	3228	28	26	01W	74	WR	7.74	7.74	5.95	5.95
A 46454 00	IRR	NK	G		NW	NW	SW	2076	5258	28	26	01W	75	WR	4.80	4.80	6.00	6.00
A 46810 00	REC	NK	G		SW	NE	SW	1357	3473	21	26	01W	13	WR	9.40	9.40		
A 47421 00	IRR	NK	G		SE	SE	SW	-9	2995	29	26	01W	18	WRF	10.30	10.30	4.00	4.00
A 47421 00	REC	NK	G		SE	SE	SW	-9	2995	29	26	01W	18	WRF	12.30	12.30		
A 47424 00	REC	NK	G		NE	SW	SE	761	1784	34	26	01W	382	WR	46.67	46.67		
A 47547 00	REC	NK	G		NW	SE	NW	3904	3442	35	26	01W	6	WR	117.00	117.00		
A 47565 00	REC	NK	G		NE	SE	SW	1295	3008	20	26	01W	39	WR	22.30	22.30		
A 47615 00	IND	LO	G		SE	NW	NE	4330	1540	27	26	01W	10	WR	19.90	19.90		
A 47680 00	REC	NK	G		SW	NE	SW	1450	3624	33	26	01W	222	WR	100.00	100.00		
Same	REC	NK	G		SW	NE	SW	1395	3612	33	26	01W	223	WR			Page Total 798.83 AF	
Same	REC	NK	G		SW	NE	SW	1504	3635	33	26	01W	224	WR				
A 47682 00	REC	NK	G		SE	SE	SW	495	3193	33	26	01W	226	WR	14.00	4.30		
A 48014 00	IRR	KK	G		NW	SW	SE	680	2090	31	26	01W	20	WRF	8.10	8.10	6.23	6.23
A 48014 00	REC	KK	G		NW	SW	SE	680	2090	31	26	01W	20	WRF	6.90	6.90		
A 49109 00	REC	NK	G		NW	NE	NE	4650	2175	34	26	01W	383	WR	5.83	5.83		
A 49284 00	IRR	KE	G		NW	NW	NE	4629	2085	27	26	01W	8	WR	28.00	28.00	9.00	9.00
A 49285 00	IRR	KE	G		SE	NW	NE	4111	1582	27	26	01W	7	WR	28.00	0.00	9.00	0.00

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres	
A 49484 00	IRR	KE	G		SW	SE	SW	630	3756	27	26	01W	9	WRF	31.28	31.28	24.06	24.06	
A 49484 00	REC	KE	G		SW	SE	SW	630	3756	27	26	01W	9	WRF	9.33	9.33			
A 49745 00	IRR	AY	G		NE	SE	NW	3394	3115	33	26	01W	219	WR	12.64	12.64	5.78AF	5.00	0.00
A 49826 00	IRR	AY	G		NE	SW	SW	1096	3980	29	26	01W	8	WR	9.10	0.00		7.00	0.00
A 49979 00	IRR	AY	G		NE	NW	SW	2315	4590	29	26	01W	21	WR	15.00	15.00		5.00	5.00
A 49995 00	IND	GY	G		SW	NE	SW	1586	3800	35	26	01W	8	WR	203.30	203.30			
A 50310 00	REC	AY	G		NW	NE	NW	4478	3898	29	26	01W	22	WR	29.22	29.22			
A 50474 00	IRR	AY	G		SE	NE	NW	4495	3148	32	26	01W	14	WR	10.60	10.60		8.17	0.00

270.76 AF Pending (263.9 AF Pending with reduction)

Limitations

File Number	Seq Num	Limitations
A 24018 00	2	70.05AF/YR COM/W #9883 IRR USE
Same	3	825GPM UNDER ANY USE
A 32576 00	2	79AF/YR @1000GPM COM/W #6,959
A 41461 00	2	175GPM COM/W #41,207
A 44938 00	1	.160MGY @80GPM COM/W #42,745
A 45435 00	1	400AF/YR COM/W #43720
A 46325 00	1	465 GPM COMBINED TOTAL RATE FOR BOTH USES WHEN PUMPED SIMULTANEOUSLY
A 46409 00	1	9.675MGY COM/W #42400
A 47682 00	1	110 AF/YR COM/W #42974 & #47680
A 49285 00	1	28 AF/YR COM/W #49284

Report Date: Wednesday, July 21 2021

Water Rights and Points of Diversion Within 2 miles of point defined as:

3394 Feet N and 3115 Feet W of the Southeast Corner of Section 33 Twp 26S Rng 1W

Located at: 97.436984 West Longitude and 37.746973 North Latitude

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan					
A__ AF	6959	00	IRR	NK	G				8807	--	--	NC	NE	3960	1360	31	26	1W	1		26.00	26.00
A__ AF	9883	00	IRR	NT	G				7414	--	NW	NW	SW	2399	5159	32	26	1W	12		26.70	26.70
A__ AF	24018	00	IRR	NK	G				4172	--	SE	NW	SE	1346	1420	32	26	1W	13		70.05	51.63
A__ AF	24018	00	REC	NK	G				4172	--	SE	NW	SE	1346	1420	32	26	1W	13		58.33	50.05
A__ AF	28245	00	IRR	NK	G				4753	--	NW	SW	NE	3900	2550	32	26	1W	3		165.00	165.00
A__ AF	32576	00	IRR	NK	G				8807	--	--	NC	NE	3960	1360	31	26	1W	1		79.00	53.00
A__ AF	38478	00	IRR	NK	G				6923	--	SE	NW	SE	1840	1930	4	27	1W	1		197.00	197.00
A__ AF	38478	00	REC	NK	G				6923	--	SE	NW	SE	1840	1930	4	27	1W	1		32.00	32.00
A__ AF	38514	00	IRR	NK	G				9805	--	SE	SW	SW	331	4222	20	26	1W	2		17.80	17.80
A__ AF	38866	00	IRR	NK	G				9518	--	SW	NE	NW	4380	3620	9	27	1W	1		20.00	20.00
A__ AF	39033	00	IRR	NK	G				9805	--	SE	SW	SW	331	4222	20	26	1W	2		6.20	6.20
A__ AF	40830	00	REC	NK	G				7524	--	SE	NW	SE	1400	1600	27	26	1W	2		99.00	99.00
A__ AF	40981	00	REC	NK	G				8517	--	NC	W2	SE	1295	1980	21	26	1W	3		70.00	70.00
A__ AF	41169	00	REC	NK	G				3513	--	SW	SE	SE	647	925	33	26	1W	15		12.33	12.33
A__ AF	41172	00	REC	NK	G				1849	--	SE	NW	SE	1920	1999	33	26	1W	16		19.95	19.95
A__ AF	41207	00	REC	NK	G				7699	--	--	--	--	4500	4250	5	27	1W	3		20.00	20.00
A__ AF	41461	00	REC	NK	G				7699	--	--	--	--	4500	4250	5	27	1W	3		14.00	14.00
A__ AF	42400	00	IND	NK	G				7686	--	SE	SE	SE	188	375	20	26	1W	35	*	15.01	15.01
A__ AF	42745	00	IND	NK	G				6181	---	---	---	---	4174	4084	3	27	1W	168	*	.29	.29
A__ AF	42974	00	REC	NK	G				1378	--	NW	NE	SW	2200	3800	33	26	1W	46		5.70	5.70
A__ AF	43720	00	REC	NK	G				7933	--	SE	NW	NE	4200	1800	3	27	1W	132		200.00	200.00
A__ AF	44560	00	REC	NK	G				1493	--	NW	NW	SE	2057	2453	33	26	1W	45		7.50	7.50
A__ AF	44808	00	IND	KK	G				6106	--	--	NC	NW	4150	3800	28	26	1W	2		78.29	78.29
A__ AF	44938	00	IND	NK	G				6181	--	--	--	--	4174	4084	3	27	1W	168		.49	.20
A__ AF	45043	00	REC	NK	G				2992	--	NE	SW	SE	675	1595	28	26	1W	4		18.33	18.33
A__ AF	45156	00	REC	NK	G				3079	--	NW	SE	SW	1044	3946	28	26	1W	3		26.00	26.00
A__ AF	45248	00	REC	NK	G				2427	--	NW	SE	NE	3958	753	33	26	1W	59		60.00	60.00
A__ AF	45435	00	REC	NK	G				7933	--	SE	NW	NE	4200	1800	3	27	1W	132		400.00	400.00

A__	45719	00	REC	NK	G	7548	--	NW	NE	NE	4951	1104	29	26	1W	2			.50	.50
AF																				
A__	45925	00	IRR	NK	G	4098	--	SE	SW	NW	3025	4297	34	26	1W378				8.50	8.50
AF																				
A__	45990	5	DOM	NK	G	2536	--	SW	NE	SE	1864	1091	33	26	1W218				1.97	1.97
AF																				
A__	46162	00	REC	NK	G	4207	--	NW	NW	SE	2234	2399	28	26	1W	54			4.00	4.00
AF																				
A__	46163	00	REC	NK	G	3824	--	SW	NW	SE	1778	2106	28	26	1W	55			2.00	2.00
AF																				
A__	46215	00	IRR	NK	G	2	--	NE	SE	NW	3394	3115	33	26	1W219				6.50	6.50
AF																				
A__	46325	00	IRR	NK	G	5840	--	SW	NW	SE	2100	2107	29	26	1W	17	B4		18.00	18.00
AF																				
A__	46325	00	REC	NK	G	5840	--	SW	NW	SE	2100	2107	29	26	1W	17	B4		13.61	13.61
AF																				
Same						5919	--	NW	NW	SE	2220	2102	29	26	1W	15	B4			
A__	46325	00	IRR	NK	G	5919	--	NW	NW	SE	2220	2102	29	26	1W	15	B4		18.00	18.00
AF																				
Same						5933	--	NW	NW	SE	2167	2172	29	26	1W	4	G4			
A__	46325	00	REC	NK	G	5933	--	NW	NW	SE	2167	2172	29	26	1W	4	G4		13.61	13.61
AF																				
Same						5947	--	SW	NW	SE	2122	2232	29	26	1W	16	B4			
A__	46325	00	IRR	NK	G	5947	--	SW	NW	SE	2122	2232	29	26	1W	16	B4		18.00	18.00
AF																				
Same						6030	--	NW	NW	SE	2227	2249	29	26	1W	14	B4			
A__	46325	00	REC	NK	G	6030	--	NW	NW	SE	2227	2249	29	26	1W	14	B4		13.61	13.61
AF																				
A__	46348	00	IRR	NK	G	6850	--	NE	SW	SW	1096	3980	29	26	1W	8			3.90	3.90
AF																				
A__	46348	00	REC	NK	G	6850	--	NE	SW	SW	1096	3980	29	26	1W	8			4.90	4.90
AF																				
A__	46358	00	REC	NK	G	9168	--	SW	NE	SE	1949	909	30	26	1W	18			5.43	5.43
AF																				
A__	46359	00	REC	NK	G	10283	--	NW	SW	SE	1035	2418	30	26	1W	15			21.67	21.67
AF																				
A__	46360	00	IRR	NK	G	8957	--	SW	SE	SE	244	1250	30	26	1W	16			5.59	5.59
AF																				
A__	46409	00	IND	NK	G	8022	--	SE	SE	SE	491	525	20	26	1W	36			9.05	.61
AF																				
A__	46453	00	IRR	NK	G	2017	--	SE	SE	SW	95	3228	28	26	1W	74			7.74	7.74
AF																				
A__	46454	00	IRR	NK	G	4542	--	NW	NW	SW	2076	5258	28	26	1W	75			4.80	4.80
AF																				
A__	46810	00	REC	NK	G	8523	--	SW	NE	SW	1357	3473	21	26	1W	13			9.40	9.40
AF																				
A__	47421	00	IRR	NK	G	5518	--	SE	SE	SW	-9	2995	29	26	1W	18			10.30	10.30
AF																				
A__	47421	00	REC	NK	G	5518	--	SE	SE	SW	-9	2995	29	26	1W	18			12.30	12.30
AF																				
A__	47424	00	REC	NK	G	7082	--	NE	SW	SE	761	1784	34	26	1W382				46.67	46.67
AF																				
A__	47547	00	REC	NK	G	10244	--	NW	SE	NW	3904	3442	35	26	1W	6			117.00	117.00
AF																				
A__	47565	00	REC	NK	G	9851	--	NE	SE	SW	1295	3008	20	26	1W	39			22.30	22.30
AF																				
A__	47615	00	IND	LO	G	9258	--	SE	NW	NE	4330	1540	27	26	1W	10			19.90	19.90
AF																				
A__	47680	00	REC	NK	G	1961	--	SW	NE	SW	1504	3635	33	26	1W224	B2			100.00	100.00
AF																				
Same						2011	--	SW	NE	SW	1450	3624	33	26	1W222	G2				
Same						2062	--	SW	NE	SW	1395	3612	33	26	1W223	B2				
A__	47682	00	REC	NK	G	2901	--	SE	SE	SW	495	3193	33	26	1W226				14.00	4.30
AF																				
A__	48014	00	IRR	KK	G	9964	--	NW	SW	SE	680	2090	31	26	1W	20			8.10	8.10
AF																				
A__	48014	00	REC	KK	G	9964	--	NW	SW	SE	680	2090	31	26	1W	20			6.90	6.90
AF																				

A__AF	49109 00 REC NK G	6347 -- NW NE NE	4650	2175	34	26	1W383	5.83	5.83
A__AF	49284 00 IRR KE G	9082 -- NW NW NE	4629	2085	27	26	1W 8	28.00	28.00
A__AF	49285 00 IRR KE G	9079 -- SE NW NE	4111	1582	27	26	1W 7	28.00	.00
A__AF	49484 00 IRR KE G	5261 -- SW SE SW	630	3756	27	26	1W 9	31.28	31.28
A__AF	49484 00 REC KE G	5261 -- SW SE SW	630	3756	27	26	1W 9	9.33	9.33
A__AF	49745 00 IRR AY G	2 -- NE SE NW	3394	3115	33	26	1W219	12.64	12.64
A__AF	49826 00 IRR AY G	6850 -- NE SW SW	1096	3980	29	26	1W 8	9.10	.00
A__AF	49979 00 IRR AY G	7967 -- NE NW SW	2315	4590	29	26	1W 21	15.00	15.00
A__AF	49995 00 IND GY G	10017 -- SW NE SW	1586	3800	35	26	1W 8	203.30	203.30
A__AF	50310 00 REC AY G	8783 -- NW NE NW	4478	3898	29	26	1W 22	29.22	29.22
A__AF	50474 00 IRR AY G	5428 -- SE NE NW	4495	3148	32	26	1W 14	10.60	10.60
P__AF	20200236 00 DEW GY G	5416 -- NC NW SW	1980	4620	27	26	1W 16	153.44	153.44
P__AF	20200237 00 DEW GY G	8227 -- NC SE SE	660	660	20	26	1W 45	153.44	153.44
P__AF	20210114 00 DEW GY G	10027 -- SW NW NW	4250	4670	2	27	1W 18	35.29	35.29
T__AF	20209028 00 REC AY G	5261 -- SW SE SW	630	3756	27	26	1W 9	14.28	14.28

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Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      81.73          .00
Total Permitted Amount (AF) =     707.38          .00
Total Inspected Amount (AF) =      19.90          .00
Total Pro_Cert Amount (AF) =         .00          .00
Total Certified Amount (AF) =    2114.74          .00
Total Vested Amount (AF) =         .00          .00
TOTAL AMOUNT (AF) =      2923.74          .00
    
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An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under 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 miles of point defined as:
 3394 Feet North and 3115 Feet West of the Southeast Corner of Section 33 Twp 26S Rng 1W
 Located at: 97.436984 West Longitude and 37.746973 North Latitude
 GROUNDWATER ONLY
 WATER USE CORRESPONDENTS:

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=====
File Number      Use ST SR
> HORSEFARM LLC
> CHANDRA RUYLE
> 4901 W 136TH ST
> LEAWOOD KS 66224
>-----
> FOX RIDGE MASTER ASSOCIATION
> HOA MANAGEMENT SERVICES
> 1900 E DOUGLAS AVE STE 100
> WICHITA KS 67214
>-----
> FOX RIDGE MASTER ASSOCIATION
> HOA MANAGEMENT SERVICES
> 1900 E DOUGLAS AVE STE 100
> WICHITA KS 67214
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> FOX RIDGE MASTER ASSOCIATION
> HOA MANAGEMENT SERVICES
> 1900 E DOUGLAS AVE STE 100
> WICHITA KS 67214
>-----
> UNIFIED SCHOOL DISTRICT #266
>
> 905 W ACADEMY AVE
> MAIZE KS 67101
>-----
> HORSEFARM LLC
> CHANDRA RUYLE
> 4901 W 136TH ST
> LEAWOOD KS 66224
>-----
> LLDK LLC
> DBA REFLECTION RIDGE GOLF CORP
> 7700 REFLECTION RD
> WICHITA KS 67205
>-----
> LLDK LLC
> DBA REFLECTION RIDGE GOLF CORP
> 7700 REFLECTION RD
> WICHITA KS 67205
>-----
> UNIFIED SCHOOL DISTRICT #266
>
> 905 W ACADEMY AVE
> MAIZE KS 67101
>-----
> NRP LEASE HOLDINGS LLC
> STACIE WHITE
> 8333 W 21ST ST N
> WICHITA KS 67205
>-----
> UNIFIED SCHOOL DISTRICT #266
>
> 905 W ACADEMY AVE
> MAIZE KS 67101
>-----
> RECREATIONAL FILE
>
> GROUNDWATER PIT
> ALLSTATE MO 00000
>-----
> BAY RIDGE ADDITION HOMEOWNERS ASSOC
>
> 7610 W 45TH ST N
> MAIZE KS 67101
>-----
> FOREST LAKES HOME OWNERS ASSOC
> HOA MANAGEMENT SERVICES
> 1900 E DOUGLAS AVE STE 100
> WICHITA KS 67214
>-----
> FOREST LAKES HOME OWNERS ASSOC
> HOA MANAGEMENT SERVICES
> 1900 E DOUGLAS AVE STE 100
> WICHITA KS 67214
>-----
> CADILLAC LAKE LLC
> LARRY HOETMER
> 455 N MAIN 11TH FLOOR
> WICHITA KS 67202
>-----
> CADILLAC LAKE LLC
> LARRY HOETMER
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> 455 N MAIN 11TH FLOOR
> WICHITA KS 67202
>-----
> CARLSON PRODUCTS LLC
>
> 4601 N TYLER RD
> MAIZE KS 67101
>-----
> RICH-MIX PRODUCTS INC
> PLANT MANAGER
> 2806 N RIDGE RD
> WICHITA KS 67205
>-----
> SHADOW LAKES HOME OWNERS ASSOC
> HOA MANAGEMENT SERVICES
> 1900 E DOUGLAS AVE STE 100
> WICHITA KS 67214
>-----
> BAREFOOT BAY OWNERS ASSOCIATION
> HOA MANAGEMENT SERVICES
> 1900 E DOUGLAS AVE STE 100
> WICHITA KS 67214
>-----
> FOREST LAKES HOME OWNERS ASSOC
> HOA MANAGEMENT SERVICES
> 1900 E DOUGLAS AVE STE 100
> WICHITA KS 67214
>-----
> DOME LLC
>
> 4700 W IRVING
> WICHITA KS 67209
>-----
> RICH-MIX PRODUCTS INC
> PLANT MANAGER
> 2806 N RIDGE RD
> WICHITA KS 67205
>-----
> 37 & RIDGE DEVELOPMENT
>
> 1707 N WATERFRONT PKWY
> WICHITA KS 67206
>-----
> AVALON PARK MASTER ASSOCIATION
> HOA MANAGEMENT SERVICES
> 1900 E DOUGLAS AVE STE 100
> WICHITA KS 67214
>-----
> PIER 37 HOMEOWNERS ASSOC
>
> 3610 N BEACH CLUB CIRCLE
> WICHITA KS 67205
>-----
> BAREFOOT BAY OWNERS ASSOCIATION
> HOA MANAGEMENT SERVICES
> 1900 E DOUGLAS AVE STE 100
> WICHITA KS 67214
>-----
> RECREATIONAL FILE
>
> GROUNDWATER PIT
> ALLSTATE MO 00000
>-----
> RIDGE PORT APARTMENTS LLC
>
> 7003 W 34TH ST N
> WICHITA KS 67205
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>-----  
> MICHAEL T DEALY  
>  
> 3226 WILD ROSE ST  
> WICHITA KS 67205  
>-----  
> CITY OF WICHITA PARKS & RECREATION  
> LARRY D HOETMER  
> 455 N MAIN ST 11TH FL  
> WICHITA KS 67202  
>-----  
> CITY OF WICHITA PARKS & RECREATION  
> LARRY D HOETMER  
> 455 N MAIN ST 11TH FL  
> WICHITA KS 67202  
>-----  
> TYLERS LANDING HOMEOWNERS ASSOC  
> HOA MANAGEMENT SERVICES  
> 1900 E DOUGLAS AVE STE 100  
> WICHITA KS 67214  
>-----  
> FIDDLERS COVE AT PRAIRIE PINES LLC  
>  
> 4051 STONE BARN ST  
> MAIZE KS 67101  
>-----  
> FIDDLERS COVE AT PRAIRIE PINES LLC  
>  
> 4051 STONE BARN ST  
> MAIZE KS 67101  
>-----  
> WATERCRESS HOA  
>  
> 3845 N WATERCRESS CT  
> MAIZE KS 67101  
>-----  
> WATERCRESS HOA  
>  
> 3845 N WATERCRESS CT  
> MAIZE KS 67101  
>-----  
> MKEC ENGINEERING CONSULTANTS INC  
>  
> 411 N WEBB RD  
> WICHITA KS 67206  
>-----  
> HAMPTON LAKES MASTER ASSOCIATION  
> RESCOM FACILITY GROUP  
> 1000 E ENGLISH ST  
> WICHITA KS 67211  
>-----  
> HAMPTON LAKES MASTER ASSOCIATION  
> RESCOM FACILITY GROUP  
> 1000 E ENGLISH ST  
> WICHITA KS 67211  
>-----  
> CARLSON PRODUCTS LLC  
>  
> 4601 N TYLER RD  
> MAIZE KS 67101  
>-----  
> AVALON PARK MASTER ASSOCIATION  
> HOA MANAGEMENT SERVICES  
> 1900 E DOUGLAS AVE STE 100  
> WICHITA KS 67214  
>-----  
> AVALON PARK MASTER ASSOCIATION
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> HOA MANAGEMENT SERVICES
> 1900 E DOUGLAS AVE STE 100
> WICHITA KS 67214

> RED WOLF LLC

>
> 2243 N RIDGE RD SUITE 105
> WICHITA KS 67205

> WATERCRESS HOA

>
> 3845 N WATERCRESS CT
> MAIZE KS 67101

> WATERCRESS HOA

>
> 3845 N WATERCRESS CT
> MAIZE KS 67101

> JOHN R PFISTER

>
> PO BOX 250
> KECHI KS 67067

> JEANNE M STEVEN

>
> 5221 W 37TH ST N
> WICHITA KS 67205

> CARRIAGE CROSSING HOA
> HOA MANAGEMENT SERVICES
> 1900 E DOUGLAS SUITE 100
> WICHITA KS 67214

> EDGEWATER HOA
> HOA MANAGEMENT SERVICES
> 1900 E DOUGLAS AVE STE 100
> WICHITA KS 67214

> SHADOW LAKES HOME OWNERS ASSOC
> HOA MANAGEMENT SERVICES
> 1900 E DOUGLAS AVE STE 100
> WICHITA KS 67214

> SHADOW LAKES HOME OWNERS ASSOC
> HOA MANAGEMENT SERVICES
> 1900 E DOUGLAS AVE STE 100
> WICHITA KS 67214

> NEWMARKET OFFICE LLC

>
> 727 N WACO STE 400
> WICHITA KS 67203

> NEWMARKET OFFICE LLC

>
> 727 N WACO STE 400
> WICHITA KS 67203

> RECREATIONAL FILE

>
> GROUNDWATER PIT
> ALLSTATE MO 00000

> EDGEWATER HOA
> HOA MANAGEMENT SERVICES
> 1900 E DOUGLAS AVE STE 100

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> WICHITA KS 67214
>-----
> EDGEWATER HOA
> HOA MANAGEMENT SERVICES
> 1900 E DOUGLAS AVE STE 100
> WICHITA KS 67214
>-----
> TIER 1 LLC
>
> 2243 N RIDGE RD SUITE 105
> WICHITA KS 67205
>-----
> ESTANCIA MASTER ASSOCIATION
>
> 1900 E DOUGLAS AVE SUITE 100
> WICHITA KS 67214
>-----
> TYLERS LANDING HOMEOWNERS ASSOC
> HOA MANAGEMENT SERVICES
> 1900 E DOUGLAS AVE STE 100
> WICHITA KS 67214
>-----
> WATERCRESS HOA
>
> 3845 N WATERCRESS CT
> MAIZE KS 67101
>-----
> WATERCRESS APARTMENTS LLC
> CLINT CASE
> 4200 EAST SKELLY DR SUITE 800
> TULSA OK 74135
>-----
> CORNEJO & SONS LLC
>
> PO BOX 16204 2060 E TULSA
> WICHITA KS 67216
>-----
> WOODARD LLC
>
> PO BOX 75337
> WICHITA KS 67275
>-----
> UNIFIED SCHOOL DISTRICT #266
>
> 905 W ACADEMY AVE
> MAIZE KS 67101
>-----
> PETERSON MCNETT DRILLING INC
>
> PO BOX 207
> LINDSBORG KS 67456
>-----
> PETERSON MCNETT DRILLING INC
>
> PO BOX 207
> LINDSBORG KS 67456
>-----
> PEARSON CONSTRUCTION
>
> 2901 N MEAD
> WICHITA KS 67219
>-----
> TIER 1 LLC
>
> 2243 N RIDGE RD SUITE 105
> WICHITA KS 67205
>-----
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Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: 49,745

FO: 2

GMD:

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	7/29/2021	6	Statewide	Well Spacing	Unconfined
Rule Number	Date Granted	Date Denied	Justification:	As the applicant provided multiple signed domestic well spacing consent forms, the well has been in use since 2005 with no complaints (16 years), has previously pumped the majority of the requested quantity (illegally) with no issues, has a low rate of diversion, was filed to bring the well into compliance and avoid possible future over pumping issues, and is in service of the home owners within the HOA community, a waiver of K.A.R. 5-4-4(c)(2)(C) seems reasonable.	
K.A.R. 5-4-4(c)(2)(C)	12/21/2022				

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.		

Date Prepared 12/28/2022 By _____
 Date Entered LMoody By _____

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

WAIVER OF REGULATION K.A.R. 5-4-4(c)(2)(C) Well Spacing


Date: December 21, 2022

Re: Application, File No. 49,745

1. That the existing well under the above referenced application does not meet minimum well spacing criteria as required by K.A.R. 5-4-4(c)(2)(C) because it is likely located less than 660 feet from multiple domestic wells located in the HOA community.
2. That K.A.R. 5-4-4(c)(2)(C) requires a minimum well spacing of 660 feet between a non-domestic well and domestic well whose common source of supply is an unconfined aquifer system.
3. That the applicant has submitted multiple domestic well consent forms.
4. That the well has already been in use for irrigation since 2005, 16 years, under File No. 46,215 and there have been no reported issues.
5. That the majority of the requested quantity has previously been pumped, although illegally, and there have been no reported issues.
6. That the requested rate of diversion is low (40 gallons-per-minute) which should help limit any possible impact of the well on any nearby domestic wells.
7. That the increased quantity was requested to bring the well into compliance and avoid possible future over pumping issues.
8. That a waiver of K.A.R. 5-4-4(c)(2)(C) will not prejudicially or unreasonably affect the public interest and should not impair any existing water rights.

Comments:




Earl D. Lewis Jr.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture


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

This is to certify that I have examined Application, **File No. 49,745** of the applicant

TYLERS LANDING HOMEOWNERS ASSOC
Attn: HOA MANAGEMENT SERVICES
1900 E DOUGLAS AVE STE 100
WICHITA, KS 67214

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 **December 19, 2016**.
2. That the water sought to be appropriated shall be used for irrigation use on 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	
33	26S	1W			0.9					0.3	3.8								5

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well, which is to located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE¼ SE¼ NW¼) of Section 33, more particularly described as being near a point 3,394 feet North and 3,115 feet West of the Southeast corner of said section, in Township 26 South, Range 1 West, Sedgwick County, located substantially as shown on the map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **40 gallons per minute (0.089 c.f.s.)** and to a quantity not to exceed **12.28 acre-feet** of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2024** 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, 2028** 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 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.

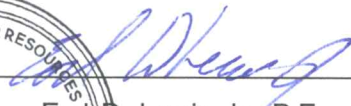
14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

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 quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File No. 46,215, will provide a total **not to exceed 12.28 acre-feet** of water per calendar year, for irrigation use on the land described herein.

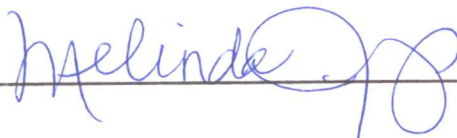
Ordered this 21st day of December, 2022, in Manhattan, Riley County, Kansas.



 EARL D. LEWIS, JR., P.E.
 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 21st day of December, 2022, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.





MELINDA JENNINGS
 My Appointment Expires
 April 7, 2025

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

TYLERS LANDING HOMEOWNERS ASSOC
Attn: HOA MANAGEMENT SERVICES
1900 E DOUGLAS AVE STE 100
WICHITA, KS 67214

January 3, 2023

RE: Application, File No. 49,745

Dear Water User:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. A water meter is required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this 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

KAB:mjm
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 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.

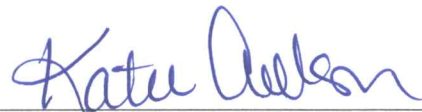
CERTIFICATE OF SERVICE

On this 3 day of January, 2023 I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,745, dated December 21, 2022, was mailed postage prepaid, first class, US mail to the following:

TYLERS LANDING HOMEOWNERS ASSOC
Attn: HOA MANAGEMENT SERVICES
1900 E DOUGLAS AVE STE 100
WICHITA, KS 67214

With photocopies to:

Stafford Field Office



Division of Water Resources