

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

1. File Number: <p style="text-align: center; font-size: 1.2em;">50,310</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;">6/9/2022</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">02</p>	4. GMD: <p style="text-align: center; font-size: 1.2em;">02</p>
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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 ~~87726~~
New to system Add Seq# _____

67058

WOODARD, LLC
PO BOX 75337
WICHITA KS 67275

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

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

7A

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

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

7A

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: 12/31/2022 ²³ 11. Perfection Date: 12/31/2026 ²⁷ 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: ~~12/31/2026~~ Date WLMD Installed: _____

WAIVER INCLUDED

5/24/2021 KJN	6/3/2022 KAB	Date Prepared: 4/13/21 By: JNE	
		Date Entered: 6/14/2022 By: LMoody	

File No. **50,310** 15. Formation Code: **180** Drainage Basin: **ARKANSAS** County: **SG** Special Use: Stream:

16. Points of Diversion											
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
✓					87726 NW NE NW	29	26S	1W	22	4478	3898

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
NF	18.6729.22 AF	NF	18.6729.22 AF	None
NE	MOD	NE	MOD	

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

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

20. Meter Required? Yes No To be installed by _____ ~~12/31/2022~~ **12/31/2023** Date Acceptable Meter Installed _____

21. Place of Use										NE¼		NW¼		SW¼		SE¼		Total	Owner	Chg? NO	Overlap Files			
T	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			
✓				69665	29	26S	1W	12		Three (3) Groundwater Pits Located in NW¼ of the NE¼ of the NW¼ of Section 29												7A	NO	NONE

Comments: **No PU overlap with existing water rights based on PU maps**

5/24/2021
 KJN

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: April 1, 2021

FROM: Jessica Engelbrecht

RE: Application, File No. 50,310

18.67

Jay Russell has filed the referenced application, on behalf of Woodard, LLC to appropriate groundwater for recreational use. The applicant is requesting a quantity of ~~29.22~~ acre-feet at the rate Natural Evaporation from a groundwater pit. The geographic center of the three groundwater pits is located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW¼ NE¼ NW¼) of Section 29, more particularly described as being near a point 4,478 feet North and 3,898 feet West of the Southeast corner of said section, in Township 26 South, Range 1 West, Sedgwick County, within the Arkansas River drainage basin and within the boundaries of the Equus Beds Groundwater Management District No. 2. There are no overlapping water rights on the proposed point of diversion and place of use.

18.67

The quantity of water requested for the application (~~29.22~~ acre-feet) was based on a groundwater pit not to exceed ~~17.53~~ acres in size, as follows: ~~17.53~~ acres x 20 inches of evaporation / 12"/foot = ~~29.22~~ acre-feet.

11.2

11.2

18.67

The application is in a densely populated area with several possible domestic well locations within one-half mile of the proposed groundwater pits and no non-domestic wells/groundwater pits, which WRIS confirmed. A public notice was printed for three consecutive weeks with the first publication being August 20, 2020. No contact of any kind was received. The application was submitted to Equus Beds Groundwater Management District No. 2 on October 5, 2020. According to the WRIS database, the nearest non-domestic point of diversion (File Nos. 38,514 & 39,033) is located 1,100 feet away. The nearest domestic well would be over 700 feet away (Geo-Center to KGS domestic well location).

The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-22-2(c) 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.

On December 24, 2020 GMD#2 recommended denial of Application File No. 50,310. The applicant appealed the dismissal recommendation on January 22, 2021. GMD#2 asked the applicant to acquire spacing waivers and individual notification letters to surrounding landowners. Notification letters and spacing waivers were sent out on February 15, 2021. Two calls and one email were received from nearby landowners with general questions but no objections to the approval of the applications.

GMD#2 recommended approval of the application in a letter received on March 18, 2021. In the letter GMD#2 said the application does not comply with the Well Spacing Rule and Regulation K.A.R. 5-22-2(c). GMD#2 recommended a waiver of K.A.R. 5-22-29(c) and approval upon the following modifications to the application; a reduction of the proposed quantity from 29.22 to 18.67 acre-feet and a reduction in surface area of the groundwater pits from 17.53 to 11.2 acres. The applicant submitted an email on March 31, 2021 giving permission to modify the application in accordance with the GMD#2 recommendation. Based on the information provided in the recommendation from GMD#2, a waiver appears reasonable.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office on June 25, 2020.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on April 3, 2021. Based on the above discussion, safe yield is met and a waiver for spacing is recommended by GMD#2, 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.

JEFF WINTER, PRESIDENT
VIN KISSICK, VICE PRESIDENT
DAVID BOGNER, SECRETARY
MIKE MCGINN, TREASURER
TIM BOESE, MANAGER
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:
JOE BERGKAMP
ALAN BURGHART
DALE SCHMIDT
BOB SEILER
DAVID STROBERG

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

March 18, 2021

Chief Engineer, Division of Water Resources
Attn: Jessica Engelbrecht
300 S. Main Street
Stafford, KS 67578

Re: Appropriation Application No. 50310 – Woodard, LLC

Dear Ms. Engelbrecht:

The referenced application was reviewed by the Equus Beds Groundwater Management District No. 2 Board of Directors at the March 10, 2021, meeting. District staff and the applicant's consultant presented information regarding the applications.

Upon review of information presented and discussed at the meeting, and based on findings that:

1. Application No. 50310, as modified, proposes 18.67 acre-feet for the evaporation loss from three proposed groundwater pits totaling 11.2 acres with a geo-graphic center located in the Southwest quarter of the Northeast quarter of the Northwest quarter (4331N & 3800'W), Section 29, Township 26 South, Range 1 West, Sedgwick County.
2. The modified application does not comply with the Well Spacing Rule and Regulation K.A.R. 5-22-2(c), as the proposed point of diversion (groundwater pits) does not meet the minimum spacing requirement of 1,320 feet to the irrigation well authorized by Water Right Nos. 38514 & 39033, and also to the edge of the groundwater pit authorized by Water Permit No. 47565.
3. The edge of the proposed groundwater pit is located approximately 550 feet to the irrigation well authorized by Water Right Nos. 38514 & 39033 and is located approximately 960 feet to the closest edge of the groundwater pit authorized by No. 47565.
4. The application does not comply with the Well Spacing Rule and Regulation K.A.R. 5-22-2(c), as the edge of the proposed groundwater pit does not meet the minimum spacing requirement of 330 feet to four potential domestic wells.
5. In accordance with K.A.R. 5-22-2(e)(5), the applicant submitted with the appeal petition a signed spacing consent form signed by the owner's representative for the irrigation well authorized by Water Right Nos. 38514 & 39033.
6. No signed spacing consent forms were submitted with the appeal petition for Water Permit No. 47565, or for any of the domestic wells.
7. Water Permit No. 47565 is now owned by multiple lot owners in the Carriage Crossing housing addition.
8. The domestic wells appear to be used for lawn irrigation and are not used for typical household use and drinking water.
9. The modified proposed groundwater pits locations does not comply with the Well Spacing Rule and Regulation K.A.R. 5-22-2(c), but the modified location did decrease the number of potential domestic lawn-watering wells to four, and did increase the spacing distance to the other domestic lawn-watering wells and to the Carriage Crossing groundwater pit authorized by Water Permit No. 47565
10. The applicant's consultant mailed notification letters to the domestic wells owners located within 330 feet of the proposed groundwater pits and to all of the apparent owners of Water Permit No. 47565.

H:\MSOFFICE\LETTERS\APPI\BoardApproved\#50310_Woodard.docx



11. The District received two calls, and the applicant's consultant received one email, from some of the owners of Water Permit No. 47565 groundwater pit. The inquiries were informational and did not appear to be for or against the application.
12. No spacing consent forms were submitted from the nearby well owners and Water Permit No. 47565 owners as a result of the notification.
13. The modified application complies with the Safe Yield Rule and Regulation K.A.R. 5-22-7(a).
14. Hydrologic data indicates that saturated thickness in the application area is approximately 70 feet and that the groundwater level in the area has been stable and has not shown a declining trend.
15. Drawdown caused by the proposed groundwater pits would be minimal and impairment of nearby points of diversion is not anticipated.
16. Groundwater flow direction at the proposed groundwater pit appears to be to the southeast and away from the existing senior points of diversion that are closer than the minimum spacing requirements.
17. The Board of Directors has previously reviewed similar applications that did not meet spacing requirements and recommended exceptions to the Well Spacing Rule and Regulation K.A.R. 5-22-2(c), and recommended the application(s) for approval.

It was the decision of the Board of Directors to recommend that the application be granted an exception to the Well Spacing Rule and Regulation K.A.R. 5-22-2(c), and that the application be recommended for approval, subject to:

1. Application No. 50310 is modified as described by the applicant's consultant to 18.67 acre-feet for a total groundwater pit area of 11.2 acres with a geo-center located 4331' North and 3800' West of the southeast corner of Section 29-26S-1W, Sedgwick County;
2. A permit condition be added requiring the area around the groundwater pit be constructed and maintained to prohibit any untreated surface drainage from entering the aquifer through the excavated pit;
3. Treated surface water may enter the pit only if the quality of water entering the groundwater pit does not degrade the groundwater quality, and appropriately engineered, constructed and maintained water treatment best management practices (BMPs) are utilized, including at a minimum that the SNOUT stormwater management systems with Bio-Skirts are installed at the most downstream street curb inlets as described by the applicant's consultant, or alternative BMPs are installed as provided for in the City of Maize stormwater regulations and approved by the Equus Beds Groundwater Management District prior to installation; and
4. A sign is permanently posted at the excavation, identifying the excavation as a groundwater pit and stating that dumping or discharges into the pit are prohibited to prevent contamination of the Equus Beds aquifer. The sign must be a minimum of three feet in length by two feet in width, easily visible and of durable construction.

A District Board of Director's decision may be requested for reconsideration by the Board by submitting a written request to the District office within 15 days from the date of this notification, pursuant to K.A.R. 5-22-12.

Please contact the District if you have any questions regarding the District's findings or recommendation.

Sincerely,
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2



Tim Boese
Manager

TDB/db

Enclosure

pc: Woodard, LLC, Applicant
Daniel Clement, Burns & McDonnell

APPLICATION REVIEW INFORMATION

NAME Woodard, LLC
ADDRESS PO Box 75337
Wichita, Kansas 67205

APPLICATION NO. 50310
NEW APPL. X
COUNTY Sedgwick TRACT SW-NE-NW
WELL LOCATION S 29 T 26S R 1W
CHG. P/U _____
CHG. P/D _____
CHG. USE _____
QUANT 29.22 AF/Y RATE NA GPM
WELL SPACING D<330', ND<1320'

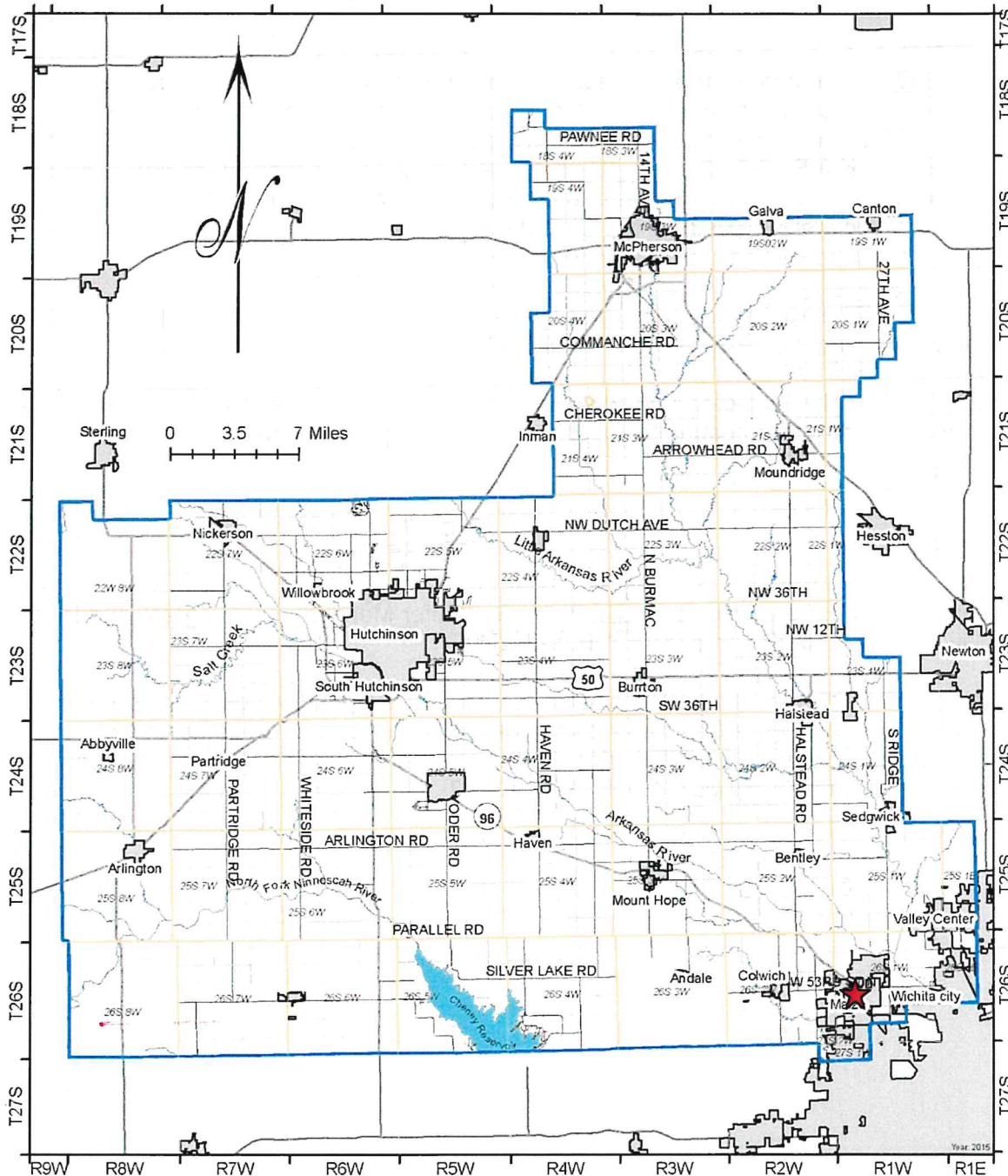


Figure 1. General location of application within the District indicated by the star.

ISSUE:

The new application does not comply with the Districts' Well Spacing Rule and Regulation K.A.R. 5-22-2(c). The applicant has requested a waiver of the Well Spacing Rule and Regulation.

BACKGROUND INFORMATION:

NOV 4, 2019 – The applicant filed a new permit application for 29.22 acre-feet for the evaporation loss from three proposed groundwater pits totaling 17.53 acres with a geo-graphic center located in the Southwest quarter of the Northeast quarter of the Northwest quarter (4478'N & 3898'W), Section 29, Township 26 South, Range 1 West, Sedgwick County (Figures 1-3).

DEC 24, 2020 – In response to a request from the Division of Water Resources (DWR), District Staff reviewed the application using the adopted management program, and rules and regulations. The review found that the application did not comply with the Well Spacing Rule and Regulation K.A.R. 5-22-2(c), as the proposed point of diversion is located less than the required minimum spacing of 1,320 feet to two non points of diversion and less than 330 feet to multiple domestic wells. Based on the District's review, the application was recommended for denial.

JAN 7, 2021 – The applicant's consultant filed an appeal petition dated January 5, 2021, with the District, pursuant to K.A.R. 5-22-12 (Exhibit A).

JAN 22, 2021 – The applicant and the applicant's consultant were notified by letter that the appeal was scheduled for hearing by the Board of Directors at the February 2, 2021, meeting.

FINDINGS:

The application was reviewed using the District's Aquifer Management Program and Rules and Regulations, K.A.R. 5-22-1 through K.A.R. 5-22-17.

Application No. 50310 proposes 29.22 acre-feet for the evaporation loss from three proposed groundwater pits totaling 17.53 acres with a geo-graphic center located in the Southwest quarter of the Northeast quarter of the Northwest quarter (4478'N & 3898'W), Section 29, Township 26 South, Range 1 West, Sedgwick County (Figures 1-3).

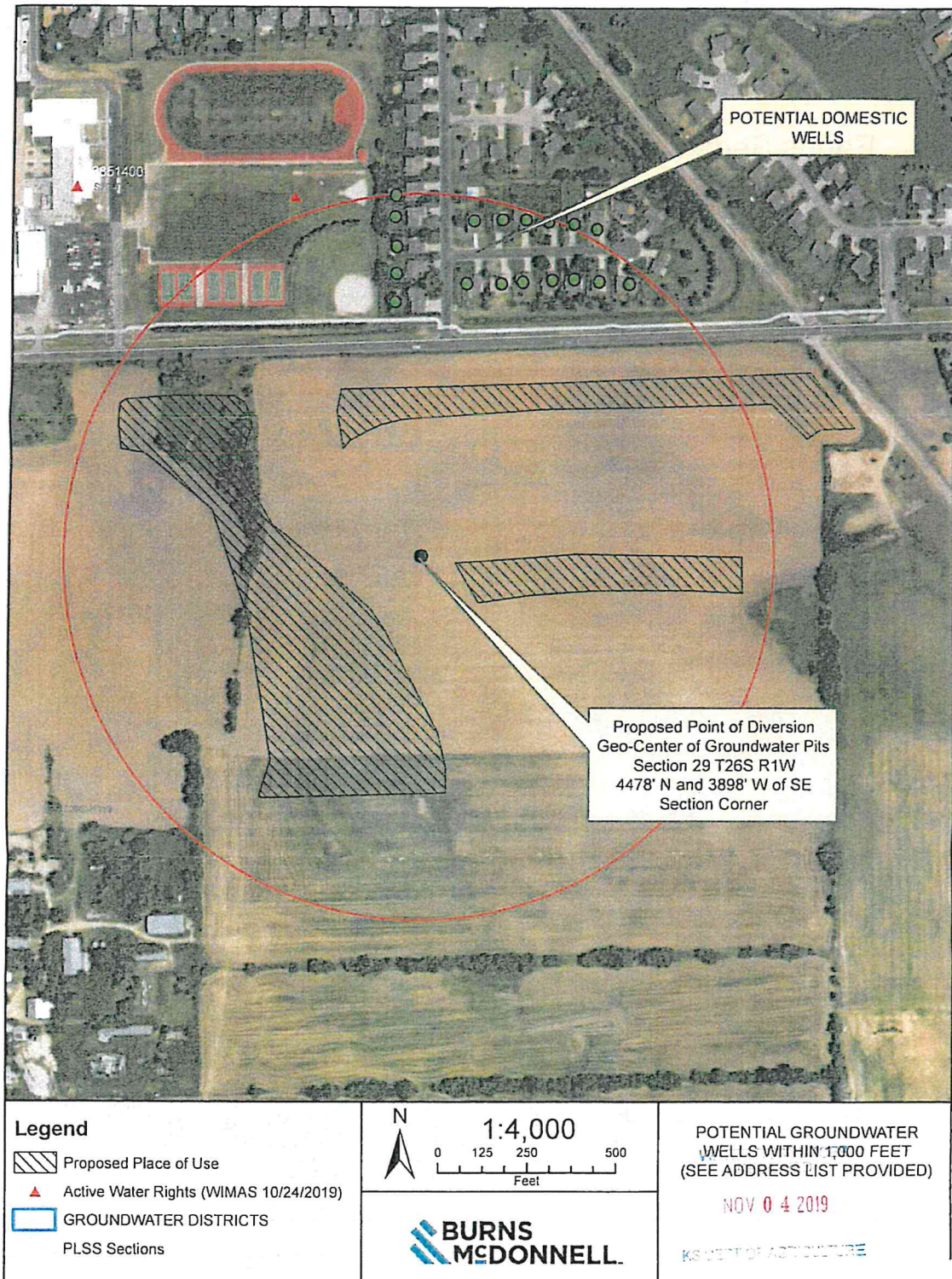


Figure 2. No. 50310 Application map

The application complies with Safe-Yield Rule and Regulation K.A.R. 5-22-7. Total consumptive appropriations including the proposed application totaled 3,129.32 acre-feet, which is 673.18 acre-feet below the maximum allowable quantity of 3,802.5 acre-feet for the area of consideration (2 mile circle) (Figure 3 & 4).

Equus Beds Groundwater Management District No. 2
Safe Yield Evaluation #50310 - Woodard, LLC
SWNENW (4478'N & 3898'W) 29-26S-01W, Sedgwick County
Prepared By: T. Boese Date: 11/6/2020

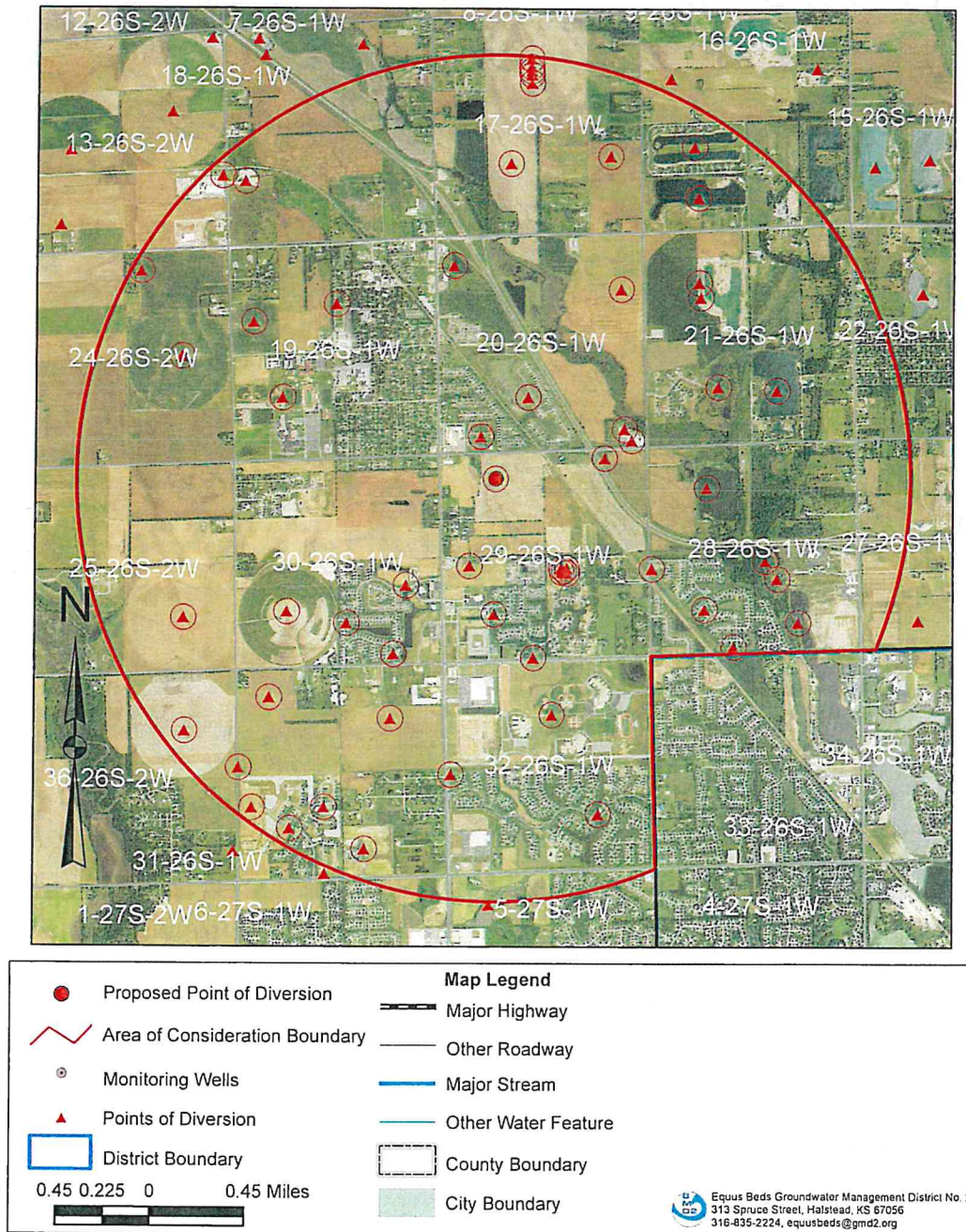


Figure 3. Safe yield evaluation map.

SAFEYIELD EVALUATION - NO. 50310 - WOODARD, LLC						
LOCATION: SWNEHW (4478'N & 3836'W) 25-265-01W, Sedgwick County						
SPECIAL USE AREA: Home						
EVALUATION DATE: 11/6/2020						
Total Area: 2,605 acres; Area in 3 inch discharge zone: 0 acres; Area in 6 inch discharge zone: 2,605 acres						
FILE_ID	WELL_ID	TOWNSHIP	RANGE	SECTION	QUALIFIER	USE AUTHQUANTITY
A00695900	515	265	01W	31	39601360	IRR 26
A00988300	3248	265	01W	32	23995159	IRR 26.7
A01287100	710	265	02W	24	48002300	IRR 23
A01576300	178	265	02W	24	48002300	IRR 84
A01984600	460	265	02W	24	26501280	IRR 168
A02316400	1411	265	01W	30	13403900	IRR 187.5
A0240181R	192	265	01W	32	13461420	IRR 51.63
A0240181R	3328	265	01W	32	13461420	REC 58.33
A02450300	1654	265	01W	19	38562490	MUN 19.7
A02584300	3979	265	01W	31	12283947	REC 21.3
A02584300	3981	265	01W	31	17403090	REC 3.2
A02584300	3982	265	01W	31	17604890	REC 3.5
A02584300	3983	265	01W	31	12283947	IRR 6.1
A02584300	3985	265	01W	31	17403090	IRR 0.4
A02584300	3986	265	01W	31	17604890	IRR 6.7
A02613001W	3736	265	01W	21	35903885	IND 63.33
A02613001R	3735	265	01W	21	39603921	IRR 41.75
A02613002	1323	265	01W	21	39603921	IRR 46.55
A0281671R	311	265	01W	19	15053920	IRR 24
A0281671R	2772	265	01W	19	15053920	MUN 80
A02817400	575	265	02W	25	13201300	IRR 203
A02824500	1166	265	01W	32	39002550	IRR 165
A02975900	1071	265	02W	36	39701350	IRR 60
A03063900	512	265	01W	19	34004620	IRR 44
A03257600	1563	265	01W	31	39601360	IRR 53
A03851400	578	265	01W	20	3314222	IRR 17.8
A0384200	1806	265	02W	13	18000063	IND 25.8
A03903300	1046	265	01W	20	3314222	IRR 6.2
A04028100	471	265	01W	21	12951980	REC 70
A04108400	594	265	01W	16	7923828	REC 55
A04161800	2157	265	02W	36	39701350	IRR 135
A04228700	2278	265	01W	31	45904384	IRR 26
A04240000	2581	265	01W	20	1880375	IND 15
A04253600	2445	265	01W	17	39612785	IRR 0
A04253600	2446	265	01W	17	37532783	IRR 0
A04253600	2412	265	01W	17	40527287	IRR 207
A04253600	2443	265	01W	17	43612790	IRR 0
A04253600	2444	265	01W	17	41612788	IRR 0
A04338100	2566	265	01W	16	19443926	REC 70
A04385900	2702	265	01W	18	14534724	IND 9.75
A04391200	2721	265	01W	31	27655210	MUN 463
A04480800	2898	265	01W	28	41503800	IND 78.3
A04504300	2975	265	01W	28	6751595	REC 18.33
A04515600	2958	265	01W	28	10443946	REC 26
A04561500	3078	265	01W	20	46084851	REC 5
A04571900	3124	265	01W	29	49511104	REC 0.5
A04616200	3257	265	01W	28	22342399	REC 4
A04616300	3258	265	01W	28	17782106	REC 2
A0463251R	3314	265	01W	29	22272249	IRR 0
A0463251R	3296	265	01W	29	21672172	IRR 18
A0463251R	3315	265	01W	29	22202102	IRR 0
A0463251R	3316	265	01W	29	21222352	IRR 0
A0463251R	3317	265	01W	29	21002107	IRR 0
A0463251R	3321	265	01W	29	22272249	REC 0
A0463251R	3322	265	01W	29	22202102	REC 0
A0463251R	3323	265	01W	29	21222352	REC 0
A0463251R	3324	265	01W	29	21002107	REC 0
A0463251R	3297	265	01W	29	21672172	REC 13.61
A0463481R	3312	265	01W	29	10963980	IRR 3.9
A0463481R	3313	265	01W	29	10963980	REC 4.9
A04635800	3332	265	01W	30	19490909	REC 5.43
A04635900	3333	265	01W	30	10352418	REC 21.67
A04636000	3334	265	01W	30	2441250	IRR 5.59
A04640900	3344	265	01W	20	4800552	IND 14.69
A04645300	3356	265	01W	28	953228	IRR 7.74
A04645400	3358	265	01W	28	20765258	IRR 4.8
A04681000	3459	265	01W	21	13573473	REC 9.4
A0474211R	3623	265	01W	29	000-92995	IRR 10.3
A0474211R	3624	265	01W	29	000-92995	REC 12.3
A04756500	3685	265	01W	20	12953008	REC 22.3
A0480141R	3901	265	01W	31	6802090	IRR 8.1
A0480141R	4032	265	01W	31	6802090	REC 6.9
A04933700	4895	265	01W	20	39550597	IRR 109.2
A04982600P	5205	265	01W	29	10963980	IRR 9.1
A04986900	4965	265	01W	17	17623333	IND 83.5
A04997900P	5206	265	01W	29	23154590	IRR 15
A05031000P	5293	265	01W	29	44783858	REC 29.22
A05033900P	5284	265	01W	17	18970792	REC 0
A20159048	4881	265	01W	21	35903885	HYD 371.2
A20189058	5227	265	01W	29	000-92995	REC 12.3
Allowable Appropriations	3,802.50		Total Existing Appropriation		3,500.52	
Small User Quantity	29.23		Non Consumptive Appropriations		371.2	
Remaining SUQ	15.77		Consumptive Appropriations		3,129.32	
Note: Values are in acre-feet			Available Appropriations		673.18	

Figure 4. Safe yield evaluation spreadsheet.

The application does not comply with the Well Spacing Rule and Regulation K.A.R. 5-22-2(c), as the proposed point of diversion (groundwater pits) does not meet the minimum spacing requirement of 1,320 feet to the irrigation well authorized by Water Right Nos. 38514 & 39033, and also to the edge of the groundwater pit authorized by Water Permit No. 47565. The edge of the proposed groundwater pit is located approximately 550 feet to the irrigation well authorized by Water Right Nos. 38514 & 39033 and is located approximately 530 feet to the closest edge of the groundwater pit authorized by No. 47565. Additionally, the edge of the proposed groundwater pit does not meet the minimum spacing requirement of 330 feet to multiple domestic wells (Figures 5 & 6).

Equus Beds Groundwater Management District No. 2
Spacing Evaluation (from geo-center) #50310 - Woodard, LLC
SWNENW (4478'N & 3898'W) 29-26S-01W, Sedgwick County
 Prepared By: T. Boese Date: 11/6/2020



Figure 5. Spacing evaluation map.

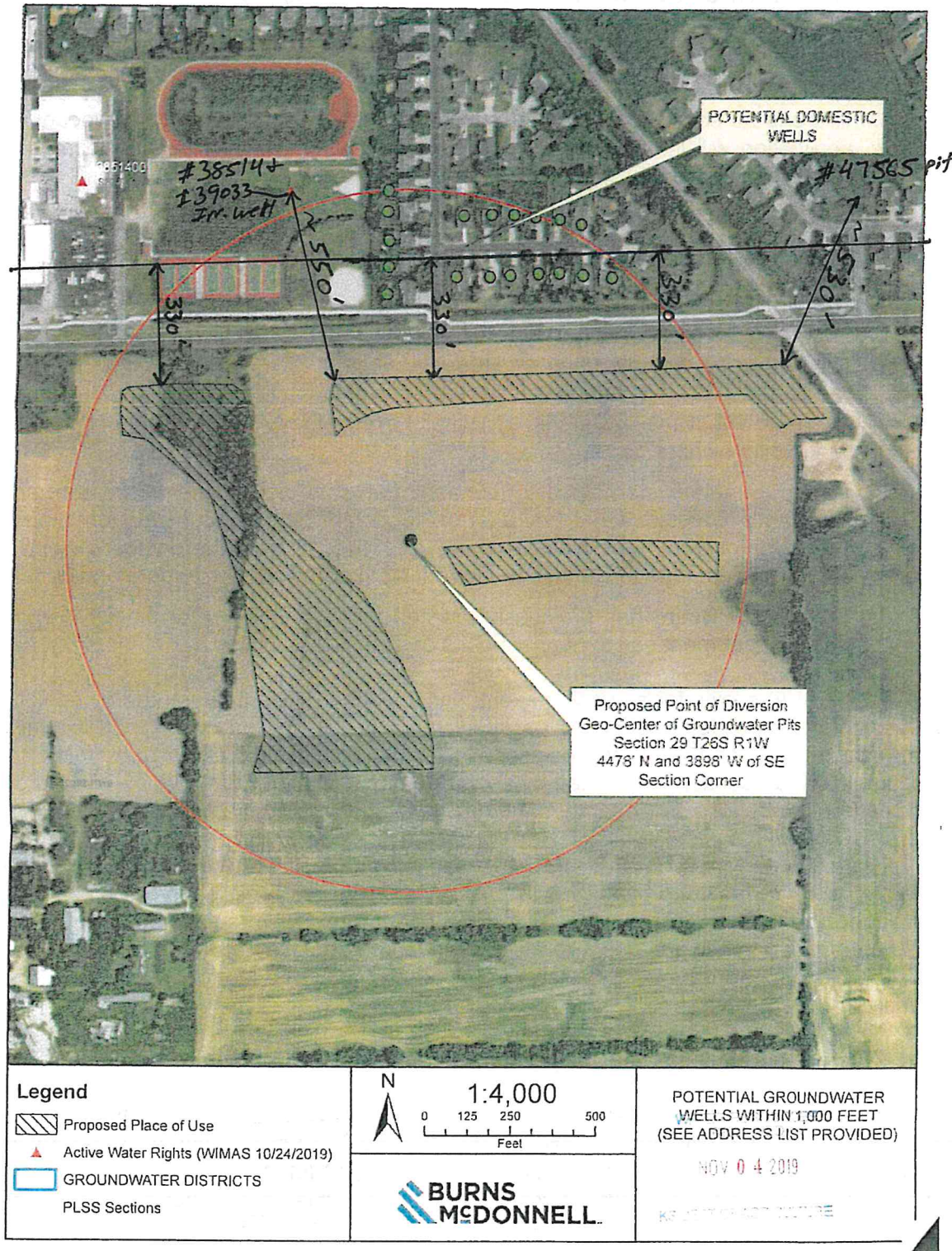


Figure 6. Spacing evaluation map.

The applicant's consultant's January 5, 2021, appeal letter (Attachment A), advised:

1. The application complies with the Safe Yield Regulation, which indicates that there is sufficient water supply available for the application and the additional withdrawal proposed by the application will not impair existing non-domestic and domestic water rights.
2. There is no scientific evidence to indicate that the groundwater pit proposed by the application will impair non-domestic or domestic points of diversion located closer than the minimum spacing requirements.
3. The groundwater levels in the area are stable.
4. DWR did not receive any comments in opposition to the application.
5. The applicant was able to obtain a signed spacing consent form for the irrigation well authorized by Water Right Nos. 38541 and 39003.
6. The applicant initially tried to obtain a signed spacing consent form from the developer of Water Permit No. 47565 (Carriage Crossing housing addition), but discovered that the ownership of Water Permit No. 47565 had been transferred to multiple lot owners.
7. Trying to obtain sign spacing consent forms is best done in person and the applicant's consultant did not attempt to obtain spacing consent forms from the individual lot owners of Water Permit No. 47565, or from the domestic well owners within 330 feet, due to COVID-19 preventing in person door-to-door contact.
8. The District Board has previously granted spacing waivers for similar applications where impairment risk to nearby points of diversion is limited.

K.A.R. 5-22-2(e)(5) allows for a spacing exemption if written consent is granted by senior water permit owners to allow for a proposed groundwater pit to be located closer than the minimum spacing requirement of 1320 feet. Additionally K.A.R. 5-22-2(e)(5) also allows for a spacing exemption if written consent is granted by senior domestic well owners to allow for a proposed groundwater pit to be located closer than the minimum spacing requirement of 330 feet.

In accordance with K.A.R. 5-22-2(e)(5), the applicant submitted with the appeal petition a spacing consent form signed by the owner's representative for the irrigation well authorized by Water Right Nos. 38514 & 39033. No spacing consent forms were submitted for Water Permit No. 47565, and no spacing consent forms were submitted for any of the domestic wells. The domestic wells appear to be used for lawn irrigation and are not used for typical household use and drinking water.

Drawdown caused from the proposed groundwater pits totaling 17.53 acres would be minimal.

Hydrologic data indicates that depth to bedrock is approximately 80 feet. Depth to static water level at the site is approximately 10 feet below land surface and the saturated thickness was calculated at approximately 70 feet. Groundwater flow direction at the application site appears to be to the southeast and away from the domestic wells to the north of the proposed groundwater pits.

Water level data from Groundwater Monitoring Site EB 246A, located approximately 1.5 miles north of Application No. 50310, recorded water level changes for the period from April 3, 1990, to January 12, 2021 (figure 6). Water levels typically range from approximately 1 to 5 feet below land surface and the water level has been stable and has not shown a declining trend.

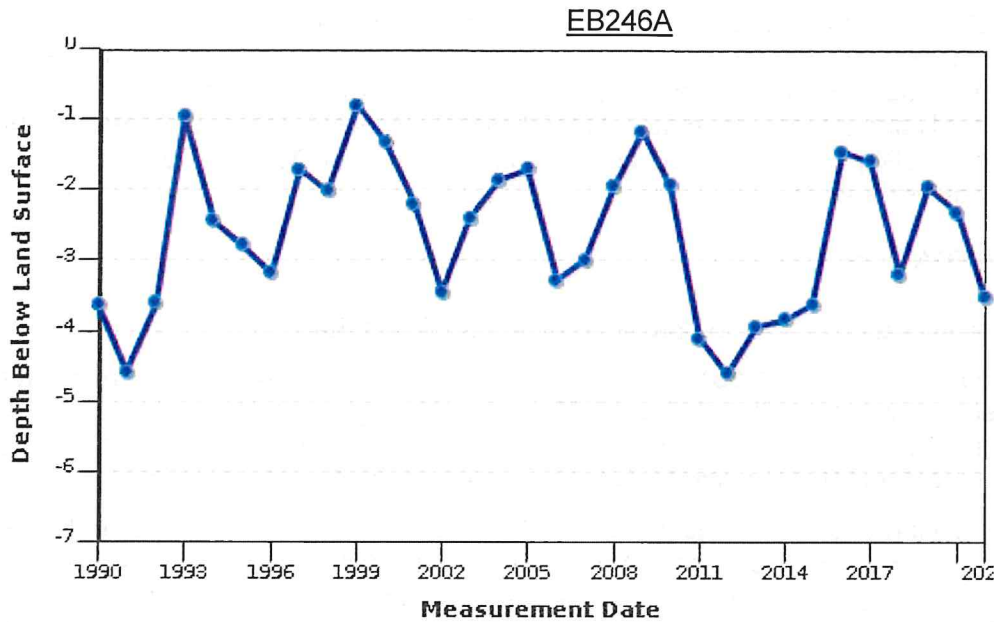


Figure 6 - A hydrograph of the average annual water level measurements taken at EB246A
 Location: SE-NE-SE - SEC. 18, T26S, R1W, Sedgwick County

Water level data from Groundwater Monitoring Site EB 223A, located approximately 2.25 miles east of Application No. 50310, recorded water level changes for the period from November 23, 1988, to January 13, 2021 (figure 7). Water levels typically range from approximately 10 to 14 feet below land surface and the water level has been stable and has not shown a declining trend.

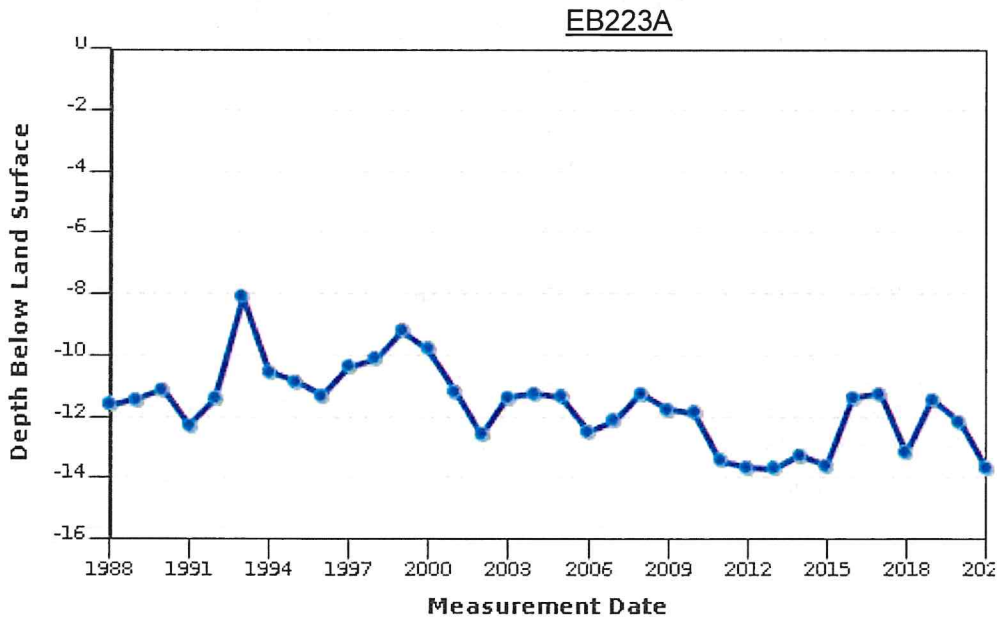


Figure 7 - A hydrograph of the average annual water level measurements taken at EB223A
 Location: NW-NE-NE - SEC. 27, T26S, R1W, Sedgwick County

The Board of Directors has previously reviewed similar applications that did not meet spacing requirements and recommended exceptions to the Well Spacing Rule and Regulation K.A.R. 5-22-2(c), and recommended the application(s) for approval. However, the Board has usually required that the applicant attempt to obtain signed written spacing consent forms for the domestic and non-domestic points of diversion that the proposed groundwater pit does not meet minimum spacing requirements to.

STAFF RECOMMENDATION:

Based on District findings and information provided by the applicant that:

1. Application No. 50310 proposes 29.22 acre-feet for the evaporation loss from three proposed groundwater pits totaling 17.53 acres with a geo-graphic center located in the Southwest quarter of the Northeast quarter of the Northwest quarter (4478'N & 3898'W), Section 29, Township 26 South, Range 1 West, Sedgwick County
2. The application does not comply with the Well Spacing Rule and Regulation K.A.R. 5-22-2(c), as the proposed point of diversion (groundwater pits) does not meet the minimum spacing requirement of 1,320 feet to the irrigation well authorized by Water Right Nos. 38514 & 39033, and also to the edge of the groundwater pit authorized by Water Permit No. 47565.
3. The edge of the proposed groundwater pit is located approximately 550 feet to the irrigation well authorized by Water Right Nos. 38514 & 39033 and is located approximately 530 feet to the closest edge of the groundwater pit authorized by No. 47565.
4. The application does not comply with the Well Spacing Rule and Regulation K.A.R. 5-22-2(c), as the edge of the proposed groundwater pit does not meet the minimum spacing requirement of 330 feet to multiple domestic wells.
5. In accordance with K.A.R. 5-22-2(e)(5), the applicant submitted with the appeal petition a signed spacing consent form signed by the owner's representative for the irrigation well authorized by Water Right Nos. 38514 & 39033.
6. No signed spacing consent forms were submitted for Water Permit No. 47565, and no signed spacing consent forms were submitted for any of the domestic wells.
7. Water Permit No. 47565 is now owned by multiple lot owners in the Carriage Crossing housing addition.
8. The domestic wells appear to be used for lawn irrigation and are not used for typical household use and drinking water.
9. The applicant's consultant did not attempt to contact in person the owners of Water Permit No. 47565, or the domestic well owners, due to COVID-19 preventing door-to-door solicitation attempts to obtain spacing consent form signatures.
10. The application complies with the Safe Yield Rule and Regulation K.A.R. 5-22-7(a).
11. Hydrologic data indicates that saturated thickness in the application area is approximately 70 feet and that the groundwater level in the area has been stable and has not shown a declining trend.
12. Drawdown caused by the proposed groundwater pits would be minimal and impairment of nearby points of diversion is not anticipated.
13. Groundwater flow direction at the proposed groundwater pit appears to be to the southeast and away from the existing senior points of diversion that are closer than the minimum spacing requirements.

14. The Board of Directors has previously reviewed similar applications that did not meet spacing requirements and recommended exceptions to the Well Spacing Rule and Regulation K.A.R. 5-22-2(c), and recommended the application(s) for approval.

Staff Recommends:

OPTION 1:

The application review is tabled until the next Board meeting to allow time for the applicant to attempt to obtain signed spacing consent forms from the owners of the domestic wells within 330 feet of the proposed groundwater pit, and the owners of Water Permit No. 47565.

OPTION 2:

The application be granted an exception to the Well Spacing Rule and Regulation K.A.R. 5-22-2(c), and that the application be recommended for approval, subject to:

1. A permit condition be added requiring the area around the groundwater pit be bermed or graded, and maintained, to prohibit any surface drainage or storm water runoff from entering the aquifer through the excavated pit.
2. A sign is permanently posted at the excavation, identifying the excavation as a groundwater pit and stating that dumping or discharges into the pit are prohibited to prevent contamination of the Equus Beds aquifer. The sign must be a minimum of three feet in length by two feet in width, easily visible and of durable construction

UPDATE FROM FEBRUARY 2, 2021 BOARD MEETING ACTION

BACKGROUND INFORMATION:

Feb 2, 2021: The District Board of Directors heard the appeal. District staff and the applicant's consultant presented information regarding the applications.

It was the decision of the Board of Directors to table making a recommendation on the application until the March, 2021, District Board of Directors meeting to allow the applicant to notify, and also attempt to obtain signed spacing consent forms from, the nearby senior domestic and non-domestic points of diversion owners located closer than the minimum spacing requirements to the proposed groundwater pit(s) for which the applicant had not yet received signed spacing consent forms. The District and the applicant's consultant were to collaborate on a notification letter that will be sent by the applicant to the nearby points of diversion owners and will stipulate that any response to the notification letter will be sent to the District directly from the nearby owner.

Feb 4, 2021: The District notified, by mail, the applicant and the applicant's consultant of the Board's February 2, 2021, decision.

Feb 15, 2021: Upon the District staff and the applicant's consultant working together to draft a letter to the nearby domestic well owners and water permit no. 47565 owners, the applicant's consultant sent an email (Exhibit B) to the District with the following:

1. A final draft of the letter to the nearby well and water permit owners, including spacing consent forms for the domestic well owners and the water permit owners to review and consider signing.
2. Notification that the size and shape of the proposed north groundwater pit had been reduced, thereby reducing the number of domestic wells to four potential lawn-watering wells within 330 feet of the groundwater pit and also increasing the distance between the proposed groundwater pits and the other domestic wells to the north. The spacing was also increased from approximately 530 feet to now 960 feet to the groundwater pit authorized by Water Permit No. 47565.
3. The proposed Best Management Practice (BMP) to be installed to treat the stormwater runoff that would enter the groundwater pit. The proposed BMP is a SNOUT system to be installed on the downstream most curb inlets to the groundwater pits. The SNOUT can remove trash, debris, larger particles, and oil when properly equipped with a Bio-Skirt.

Mar 5, 2021: The District notified the applicant and the applicant's consultant that the appeal would be heard at the March 10, 2021, meeting.

FINDINGS

The applicant's consultant mailed notification letters and spacing consent forms to the four potential domestic well owners and all of the apparent owners (~50) of the existing Carriage Crossing groundwater pit authorized by Water Permit No. 47565. The letters were dated February 15, 2021 and were mailed on or about February 17, 2021, and advised the recipients that they had 15 days to respond to either the District or DWR.

As of March 5, 2021, the District had received two calls and the applicant's consultant received one email, all from owners of Water Permit No 47565. The responses mostly consisted of questions including how the proposed groundwater pits might impact their water use and if the application would affect their water right ownership. One responder advised the current water-level in the Carriage Crossing groundwater pit was low. As of March 5, 2021, no signed spacing consent forms had been submitted from the domestic well owners or Water Permit No. 47565 owners.

The revised proposed groundwater pits shape and size reduced the proposed pits to 11.2 acres total and the requested quantity of water to 18.67 acre-feet. Additionally, the proposed geo-center was moved approximately 177 south-southeast of the originally proposed geo-center.

The proposed new geo-center location complies with Safe-Yield Rule and Regulation K.A.R. 5-22-7. Total consumptive appropriations including the proposed application totaled 3,152.77 acre-feet, which is 634.23 acre-feet below the maximum allowable quantity of 3,787 acre-feet for the area of consideration (2 mile circle) (Figures 8 & 9). This is similar to the safe yield evaluation performed on the original geo-center location.

Equus Beds Groundwater Management District No. 2
Safe Yield Evaluation #50310 - Woodard, LLC
SWNENW (4331'N & 3800'W) 29-26S-01W, Sedgwick County
Prepared By: T. Boese Date: 3/5/2021

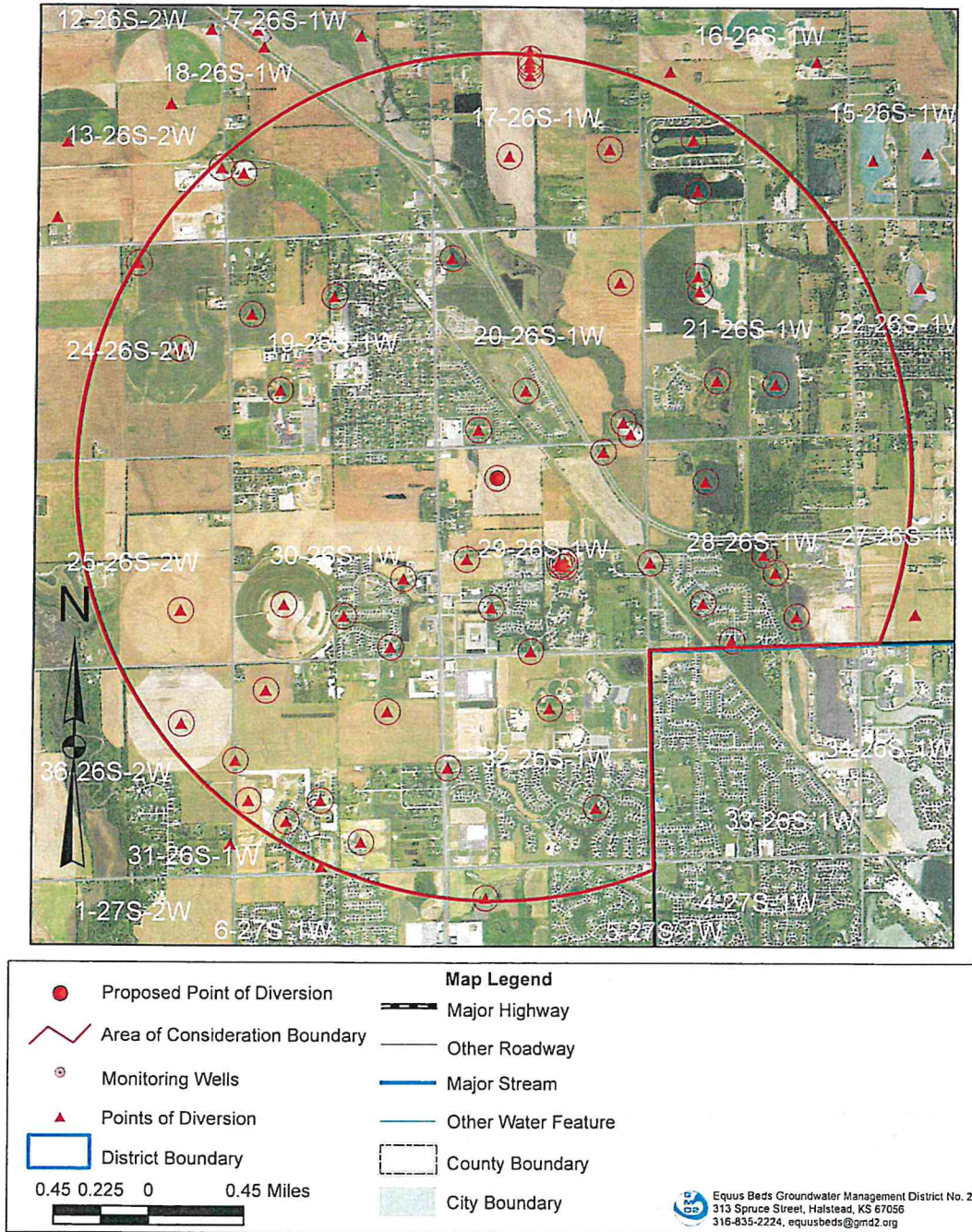


Figure 8. Safe yield evaluation map.

SAFETYIELD EVALUATION - NO. 50310 - WOODARD, LLC							
LOCATION: SWNW 1/4 (4331'N & 3800'W) 29-265-01W, Sedgwick County							
SPECIAL USE AREA: None							
EVALUATION DATE: 3/5/2021							
Total Area: 7,574 acres; Area in 3 inch discharge zone: 0 acres; Area in 6 inch discharge zone: 7,574 acres							
FILE_ID	WELL_ID	TOWNSHIP	RANGE	SECTION	QUALIFIER	USE	AUTHQUANTITY
A00695900	515	265	01W	31	39601360	IRR	26
A00988300	3248	265	01W	32	23995159	IRA	26.7
A01287100	710	265	02W	24	48002300	IRA	23
A01576300	178	265	02W	24	48002300	IRA	84
A01984600	460	265	02W	24	26601280	IRA	168
A02314400	1411	265	01W	30	13403900	IRA	187.5
A024018IR	192	265	01W	32	13461420	IRA	51.63
A024018RE	3328	265	01W	32	13461420	REC	58.33
A02450300	1654	265	01W	19	38562490	MUN	19.7
A02584300	3979	265	01W	31	12283947	REC	21.3
A02584300	3981	265	01W	31	17403090	REC	3.2
A02584300	3982	265	01W	31	17604890	REC	3.5
A02584300	3983	265	01W	31	12283947	IRA	6.1
A02584300	3985	265	01W	31	17403090	IRR	0.4
A02584300	3986	265	01W	31	17604890	IRR	6.7
A026130D1M	3736	265	01W	21	35903885	IND	63.33
A026130D1R	3735	265	01W	21	39603921	IRR	41.75
A026130D2	1323	265	01W	21	39603921	IRA	46.55
A028167IR	311	265	01W	19	15053920	IRA	24
A028167MU	2772	265	01W	19	15053920	MUN	80
A02817400	575	265	02W	25	13201300	IRA	203
A02824500	1166	265	01W	32	39002550	IRR	165
A02975900	1071	265	02W	36	39701350	IRR	60
A03063900	512	265	01W	19	34004620	IRA	44
A03257600	1563	265	01W	31	39601360	IRR	53
A03851400	578	265	01W	20	3314222	IRR	17.8
A03894200	1806	265	02W	13	18000063	IND	25.8
A03903300	1046	265	01W	20	3314222	IRR	6.2
A04098100	471	265	01W	21	12951980	REC	70
A04108400	594	265	01W	16	7923828	REC	55
A04120700	304	275	01W	5	45004250	REC	20
A04146100	2144	275	01W	5	45004250	REC	14
A04161800	2157	265	02W	36	39701350	IRA	135
A04228700	2278	265	01W	31	45904384	IRA	26
A04240000	2581	265	01W	20	1880375	IND	15
A04253600	2445	265	01W	17	39612785	IRA	0
A04253600	2446	265	01W	17	37532783	IRA	0
A04253600	2412	265	01W	17	40572787	IRA	207
A04253600	2444	265	01W	17	41612788	IRA	0
A04328100	2566	265	01W	16	18443926	REC	70
A04385900	2702	265	01W	18	14534724	IND	9.75
A04391200	2721	265	01W	31	27655210	MUN	463
A04460800	2898	265	01W	28	41503800	IND	78.3
A04504300	2975	265	01W	28	6751595	REC	18.33
A04515600	2958	265	01W	28	10443946	REC	26
A04561500	3078	265	01W	20	46084851	REC	5
A04571900	3124	265	01W	29	49511104	REC	0.5
A04616200	3257	265	01W	28	22342399	REC	4
A04616300	3258	265	01W	28	17782106	REC	2
A046325IR	3314	265	01W	29	22272249	IRA	0
A046325R	3296	265	01W	29	21672172	IRA	18
A046325R	3315	265	01W	29	22202102	IRA	0
A046325R	3316	265	01W	29	21222232	IRA	0
A046325R	3317	265	01W	29	21002107	IRA	0
A046325RE	3321	265	01W	29	22272249	REC	0
A046325RE	3322	265	01W	29	22202102	REC	0
A046325RE	3323	265	01W	29	21222232	REC	0
A046325RE	3324	265	01W	29	21002107	REC	0
A046325RE	3297	265	01W	29	21672172	REC	13.61
A046348IR	3312	265	01W	29	10963980	IRR	3.9
A046348RE	3313	265	01W	29	10963980	REC	4.9
A04635800	3332	265	01W	30	19490909	REC	5.43
A04635900	3333	265	01W	30	10352418	REC	21.67
A04636000	3334	265	01W	30	2441250	IRR	5.59
A04640900	3344	265	01W	20	4800552	IND	14.69
A04645300	3356	265	01W	28	953228	IRR	7.74
A04645400	3358	265	01W	28	20765258	IRR	4.8
A04681000	3459	265	01W	21	13573473	REC	9.4
A047421IR	3623	265	01W	29	000-92995	IRR	10.3
A047421RE	3624	265	01W	29	000-92995	REC	12.3
A04756500	3685	265	01W	20	12953008	REC	22.3
A048014IR	3901	265	01W	31	6802090	IRR	8.1
A048014RE	4032	265	01W	31	6802090	REC	6.9
A04933700	4895	265	01W	20	39550597	IRR	109.2
A04982600P	5205	265	01W	29	10963980	IRR	9.1
A04986900	4965	265	01W	17	17623333	IND	83.5
A04997900P	5206	265	01W	29	23154590	IRR	15
A05031000P	5293	265	01W	29	4351388	REC	18.67
A05033900P	5294	265	01W	17	18970792	REC	0
A20159048	4881	265	01W	21	35903885	HYD	371.2
A20189058	5227	265	01W	29	000-92995	REC	12.3
Allowable Appropriations	3,787.00	Total Existing Appropriation				3,523.97	
Small User Quantity	29.23	Non Consumptive Appropriations				371.2	
Remaining SUQ	15.77	Consumptive Appropriations				3,152.77	
Note: Values are in acre-feet		Available Appropriations				634.23	

Figure 9. Safe yield evaluation spreadsheet.

The modified proposed groundwater pits locations does not comply with the Well Spacing Rule and Regulation K.A.R. 5-22-2(c), but the modified location did decrease the number of potential domestic lawn-watering wells to four, and did increase the spacing distance to the other domestic lawn-watering wells and to the Carriage Crossing groundwater pit authorized by Water Permit No. 47565 (Figure 10).



Figure 10

The applicant has proposed the installation of a SNOUT stormwater management system BMP to treat the street stormwater runoff entering the proposed groundwater pit s The applicant's consultant has advised that the runoff will be from streets, yards, and grassy areas in the proposed housing development, and that no outside drainage will enter the groundwater pits. The SNOUT systems will not be installed to treat runoff from yards or other grassy areas, and are proposed to be installed at the locations shown in Figure 11. The District staff review of the SNOUT system found it removes larger particles and trash, and when properly equipped with a Bio-Skirt, it can more effectively remove hydrocarbons and oils. It does not remove soluble chemicals, such as fertilizers, pesticides, salts, etc. Proper installation and routine maintenance is critical to its effectiveness.

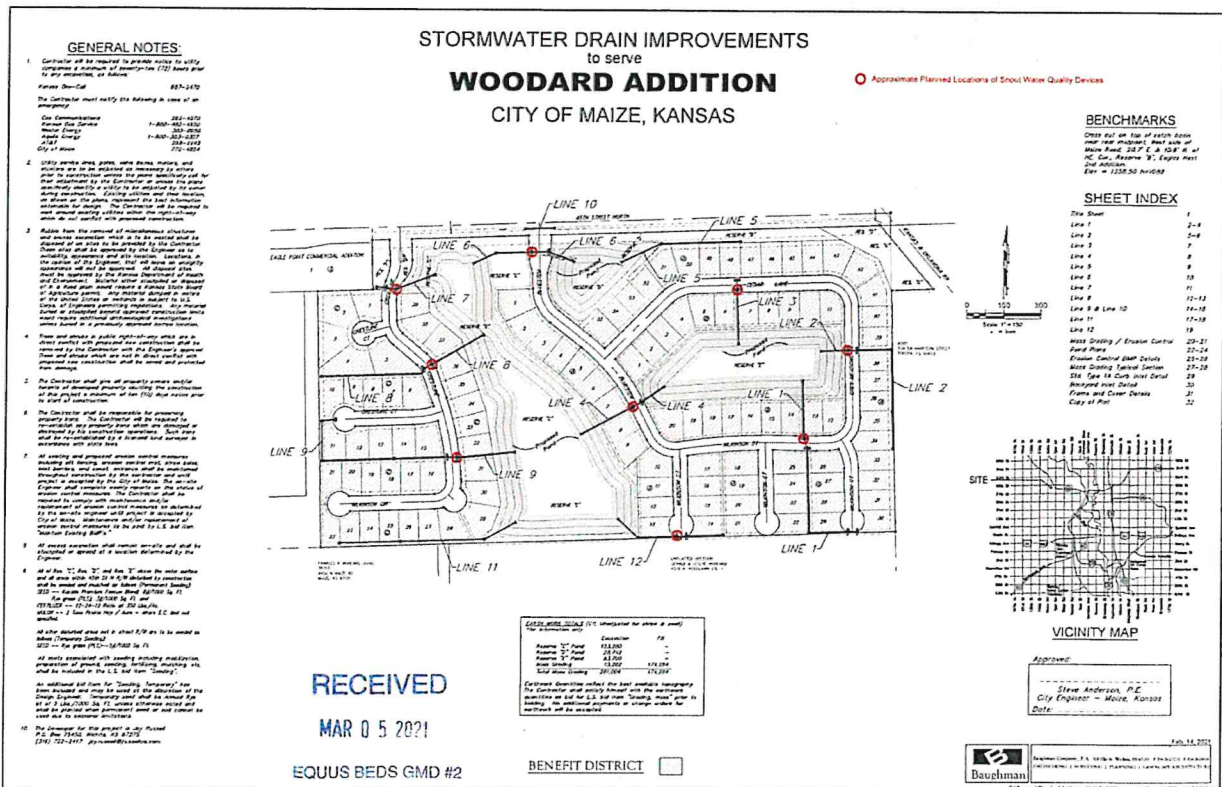


Figure 11 – Stormwater drainage plan

UPDATED STAFF RECOMMENDATION:

Based on District findings and information provided by the applicant that:

1. Application No. 50310, as modified, proposes 18.67 acre-feet for the evaporation loss from three proposed groundwater pits totaling 11.2 acres with a geo-graphic center located in the Southwest quarter of the Northeast quarter of the Northwest quarter (4,331N & 3,800'W), Section 29, Township 26 South, Range 1 West, Sedgwick County
2. The modified application does not comply with the Well Spacing Rule and Regulation K.A.R. 5-22-2(c), as the proposed point of diversion (groundwater pits) does not meet the minimum spacing requirement of 1,320 feet to the irrigation well authorized by Water Right Nos. 38514 & 39033, and also to the edge of the groundwater pit authorized by Water Permit No. 47565.
3. The edge of the proposed groundwater pit is located approximately 550 feet to the irrigation well authorized by Water Right Nos. 38514 & 39033 and is located approximately 960 feet to the closest edge of the groundwater pit authorized by No. 47565.
4. The application does not comply with the Well Spacing Rule and Regulation K.A.R. 5-22-2(c), as the edge of the proposed groundwater pit does not meet the minimum spacing requirement of 330 feet to four potential domestic wells.
5. In accordance with K.A.R. 5-22-2(e)(5), the applicant submitted with the appeal petition a signed spacing consent form signed by the owner's representative for the irrigation well authorized by Water Right Nos. 38514 & 39033.
6. No signed spacing consent forms were submitted with the appeal petition for Water Permit No. 47565, or for any of the domestic wells.
7. Water Permit No. 47565 is now owned by multiple lot owners in the Carriage Crossing housing addition.
8. The domestic wells appear to be used for lawn irrigation and are not used for typical household use and drinking water.
9. The modified proposed groundwater pits locations does not comply with the Well Spacing Rule and Regulation K.A.R. 5-22-2(c), but the modified location did decrease the number of potential domestic lawn-watering wells to four, and did increase the spacing distance to the other domestic lawn-watering wells and to the Carriage Crossing groundwater pit authorized by Water Permit No. 47565
10. The applicant's consultant mailed notification letters to the domestic wells owners located within 330 feet of the proposed groundwater pits and to all of the apparent owners of Water Permit No. 47565.
11. The District received two calls, and the applicant's consultant received one email, from some of the owners of Water Permit No. 47565 groundwater pit. The inquiries were informational and did not appear for or against the application.
12. No spacing consent forms were submitted from the nearby well owners and Water Permit No. 47565 owners as a result of the notification.
13. The modified application complies with the Safe Yield Rule and Regulation K.A.R. 5-22-7(a).

14. Hydrologic data indicates that saturated thickness in the application area is approximately 70 feet and that the groundwater level in the area has been stable and has not shown a declining trend.
15. Drawdown caused by the proposed groundwater pits would be minimal and impairment of nearby points of diversion is not anticipated.
16. Groundwater flow direction at the proposed groundwater pit appears to be to the southeast and away from the existing senior points of diversion that are closer than the minimum spacing requirements.
17. The Board of Directors has previously reviewed similar applications that did not meet spacing requirements and recommended exceptions to the Well Spacing Rule and Regulation K.A.R. 5-22-2(c), and recommended the application(s) for approval.

Staff Recommends:

The application be granted an exception to the Well Spacing Rule and Regulation K.A.R. 5-22-2(c), and that the application be recommended for approval, subject to:

1. Application No. 50310 is modified as described by the applicant's consultant to 18.67 acre-feet for a total groundwater pit area of 11.2 acres with a geo-center located 4,331' North and 3,800' West of the southeast corner of Section 29-26S-1W, Sedgwick County;
2. A permit condition be added requiring the area around the groundwater pit be constructed and maintained to prohibit any untreated surface drainage from entering the aquifer through the excavated pit;
3. Treated surface water may enter the pit only if the quality of water entering the groundwater pit does not degrade the groundwater quality, and appropriately engineered, constructed and maintained water treatment practices are utilized, including at a minimum the SNOUT stormwater management systems, with Bio-Skirts, are installed at the most downstream street curb inlets; and
4. A sign is permanently posted at the excavation, identifying the excavation as a groundwater pit and stating that dumping or discharges into the pit are prohibited to prevent contamination of the Equus Beds aquifer. The sign must be a minimum of three feet in length by two feet in width, easily visible and of durable construction.



January 5, 2021

Tim Boese
Manager
Groundwater Management District No. 2
313 Spruce Street
Halstead, Kansas 67056

Re: Appropriation Application No. 50310 – Woodard, LLC

Dear Mr. Boese:

We have received your letter dated December 24, 2020 regarding the Groundwater Management District No. 2 (District) review and recommendation for Appropriation Application 50310. It is our understanding that the District has made a recommendation to the Chief Engineer of the Division of Water Resources (DWR) that application 50310 be denied based on well spacing requirements described by K.A.R. 5-22-2(c) as the proposed groundwater pit is located within:

- 1,320 feet of the Maize USD 266 irrigation well authorized by Water Right Nos. 38514 and 39033
- 1,320 feet the Carriage Crossing housing addition groundwater pit authorized by Water Permit No. 47565
- 330 feet to surrounding domestic wells

This letter serves as a formal request for an appeal to the District Board of Directors regarding the District's recommendation for denial pursuant to K.A.R. 5-22-12. The basis for the appeal and supporting documentation are provided below.

1. *Proximity to Maize USD 266 irrigation well (38541 and 39033)* – the applicant has obtained a signed spacing waiver from USD 266 pursuant to K.A.R. 5-22-2(e)(5) resolving this issue. The signed form has been attached to this letter for your review.
2. *Proximity to the Carriage Crossing housing addition groundwater pit (47565)* – the applicant initially pursued obtaining a signed spacing waiver from the land developer and found that the ownership of the pit has since been transferred to multiple parcel/lot owners within the housing addition. The applicant requests that the District Board recommend to the Chief Engineer that a waiver of K.A.R. 5-22-2(c) be granted to resolve the spacing issue to groundwater pit 47565 based on the following:
 - a. There is no scientific evidence to indicate that the proposed groundwater pit is likely to impair the groundwater supply of the existing Carriage Crossing groundwater pit authorized by 47565.

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EQUUS BEDS GMD #2



Tim Boese
January 5, 2021
Page 2

- b. The application complies with safe-yield regulation K.A.R. 5-22-7 indicating adequate groundwater supply exists to satisfy domestic wells, prior appropriations, and the proposed groundwater pit without risk of impairment.
 - c. According to data from nearby District monitoring wells EB 246-C and EB223-A the area surrounding the application exhibits shallow and historically stable groundwater levels.
 - d. DWR did not receive any comments in opposition to the proposed groundwater pit from the public notice process.
 - e. In our experience obtaining spacing waiver forms requires in person door-to-door type solicitation to effectively generate responses and or obtain signed spacing waiver forms. The current situation with COVID-19 prevents in person door-to-door type solicitation for spacing waiver forms.
 - f. The GMD2 Board of Directors has previously recommended that the Chief Engineer grant spacing waivers for similar applications where data indicates that risk to surrounding water right owners from the proposed application is limited.
3. *Proximity to domestic wells (within 330 feet)* – The applicant requests that the District Board recommend to the Chief Engineer that a waiver be granted to resolve the domestic well spacing issues based on the following:
- a. There is no scientific evidence to indicate that the proposed groundwater pit is likely to impair the groundwater supply of existing domestic wells in the area.
 - b. The application complies with safe-yield regulation K.A.R. 5-22-7 indicating adequate groundwater supply exists to satisfy domestic wells, prior appropriations, and the proposed groundwater pit without risk of impairment.
 - c. According to data from nearby District monitoring wells EB 246-C and EB223-A the area surrounding the application exhibits shallow and historically stable groundwater levels.
 - d. DWR did not receive any comments in opposition to the proposed groundwater pit from the public notice process.
 - e. In our experience obtaining spacing waiver forms requires in person door-to-door type solicitation to effectively generate responses and or obtain signed spacing waiver forms. The current situation with COVID-19 prevents in person door-to-door type solicitation for spacing waiver forms.
 - f. Surrounding domestic well owners will remain senior in priority to the proposed groundwater pit application and will retain the same protections and rights to file an impairment complaint with the Chief Engineer with or without a signed spacing consent form.

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JAN 07 2021



Tim Boese
January 5, 2021
Page 3

- g. The GMD2 Board of Directors has previously recommended that the Chief Engineer grant spacing waivers for similar applications where data indicates that risk to surrounding water right owners from the proposed application is limited.

We request that our appeal be heard at the first available District board meeting. Please feel free to contact me directly should you have any questions regarding our appeal of the District's recommendation to the Chief Engineer. Thank you again for your assistance with these applications.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Clement".

Daniel Clement, P.G.
Senior Hydrogeologist

DWC/dwc

Attachments – Spacing Waiver USD 266
Groundwater Level Hydrographs EB246-C, EB223A

cc: Woodard LLC, Applicant
Jessica Engelbrecht, DWR
Jeff Lanterman, DWR

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JAN 07 2021

EQUUS BEDS GMD #2

DUNN COMPANY

**NON-DOMESTIC POINT OF DIVERSION OWNER
GROUNDWATER PIT SPACING CONSENT FORM**

K.A.R. 5-22-2(e)(5)

I USD 266, whose address is 4750 N 119TH ST,
Water Right/Permit/Application Owner Address
MAIZE, KS, 67101, own either approved
City State Postal Code Telephone
water permit/right # 38514 or have filed application # _____ for non-domestic
beneficial use. 39033

I understand and acknowledge that Woodard, LLC has either filed a change in
Applicant Name
point of diversion application on existing water permit # _____, or new application # 50310
for a water permit to withdraw or appropriate groundwater for non-domestic beneficial use by
means of a groundwater pit.

That the application described the location of the geographic center of a proposed groundwater
pit in the SW 1/4 NE 1/4 NW 1/4 of Section 29, Township 26
south, Range 1 west, Sedgwick County, and will allow the withdrawal of
29.22 acre-feet per year for recreational use.

The applicant has informed me that the proposed groundwater pit edge is within the minimum
required spacing interval of 1320 of my point of diversion.

Having full knowledge of the above and without waiving any right to file an impairment complaint
with the Chief Engineer, Division of Water Resources, I grant my permission to locate said
groundwater pit less than the minimum required spacing interval from my point of diversion.

Dated at Maize, Kansas, this 30 day of November 2020.

Signed by: [Signature]
Non-Domestic Point of Diversion Owner
RICHARD BELL, ASSI. SUPERINTENDENT

Witnessed by: [Signature]

Address: 905 W. Academy Ave
Maize, KS 67101

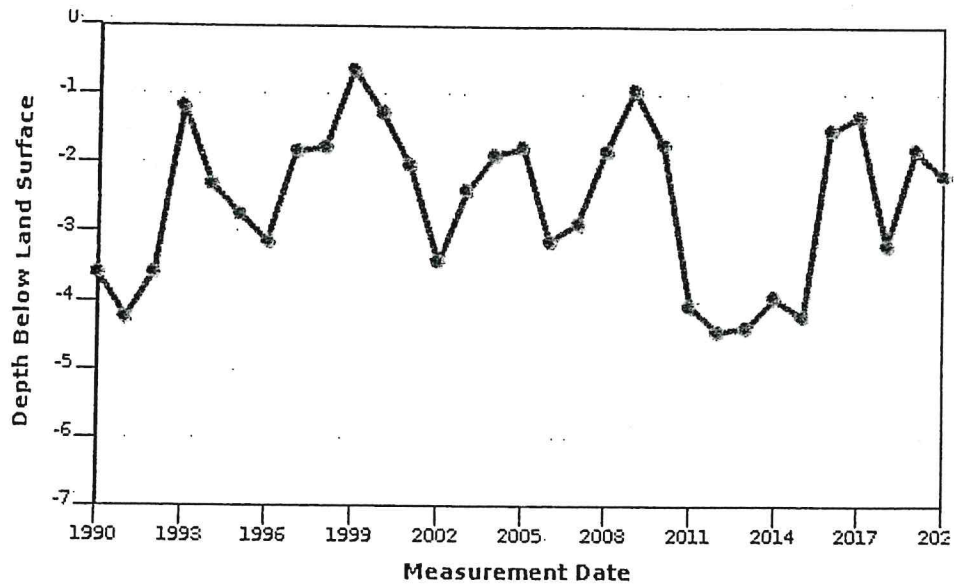
Telephone: 316-722-0614

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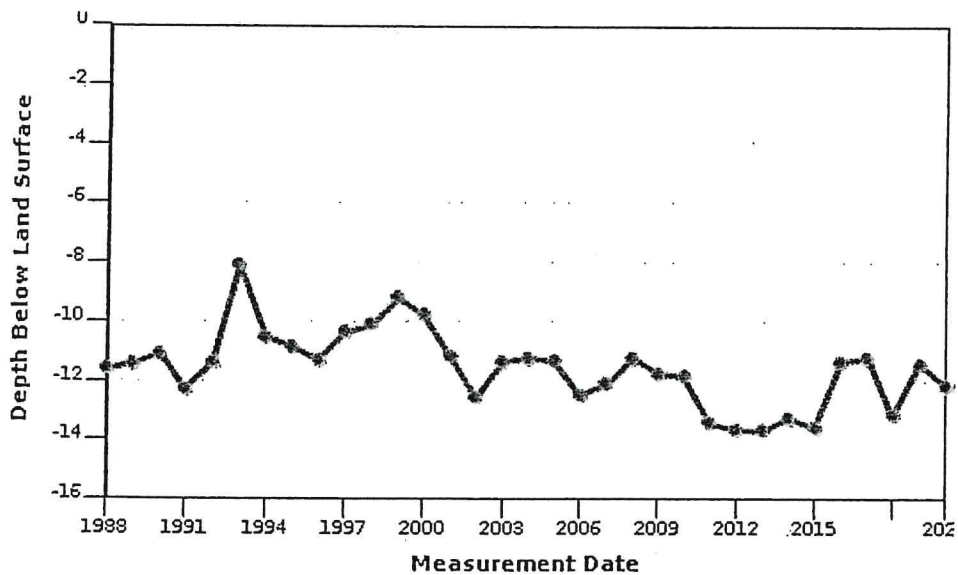
EB246-C (Near 53rd and Maize Road)

https://geoportal.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=374713097275001



EB223-A (East of 45th and Ridge Road)

https://geoportal.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=374558097250203



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EQUUS BEDS GMD #2

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Tim Boese

From: Clement, Daniel W [dwclement@burnsmcd.com]
Sent: Monday, February 15, 2021 2:11 PM
To: Tim Boese
Cc: 'Lanterman, Jeff [KDA]'
Subject: RE: Application 50310
Attachments: BMP-Full-Design-Brochure-2019sm.pdf; Carriage Crossing 47565 Notification Letter Packet.pdf; 50310 Woodard LLC Domestic Well Notification Packet.pdf; Woodard 330 feet gw pit buffer.pdf

Tim,

Attached are the notification packets for both the domestic well owners to the north of the pits and for the Carriage crossing groundwater pit owners of #47565. As requested the letters reflect a reduced quantity to match the reduced acreage in groundwater pits. The original application was 29.22 AF for 17.53 acres, however the reduction in acreage drops our proposed quantity to 18.67 AF for 11.2 acres of exposed groundwater surface at 20 inches of net evaporation. If you have any comments on the attached letters, please let us know by close of business tomorrow as we need the remainder of the time this week to print and mail the notifications.

The revised geo-center based on the modified groundwater pit configuration is approximately 176 feet SSE of the current geo-center, with the same quarter calls but revised footages of 4,331 feet north and 3,800 feet west. Note that this is within 300 feet of the originally proposed point of diversion and increased spacing distance to the lawn irrigation wells to the north and the carriage crossing groundwater pit. The revised configuration of the groundwater pits results in significantly fewer lawn irrigation wells within 330 feet, and the closest edge of our proposed pits being approximately 960 feet from the edge of the Carriage Crossing pit 47565.

Also attached are the proposed BMPs for the project regarding treatment of the stormwater runoff for the groundwater pit. The product is called SNOUT, documentation is available here: <https://www.bmpinc.com/resources/>. We are planning on using a single snout on the downstream most curb inlets. The key to making sure any bmp is operating as designed is maintenance. The City of Wichita has approved these at other locations based on ease of maintenance (easy access with vac trucks) along with their TSS removal efficiency. We can also optionally specify the snouts be installed with a bio-skirt which has a potential for up to 97% reduction in oils.

If you can think of anything else that will be needed for a final review at the March 10th board meeting please let me know.

Daniel Clement, P.G. \ Burns & McDonnell
 Senior Hydrogeologist \ Water
 M 316-518-0893
dwclement@burnsmcd.com \ burnsmcd.com
 800 E. 1st Street North, Suite 400 \ Wichita , KS 67202
 *Registered in KS

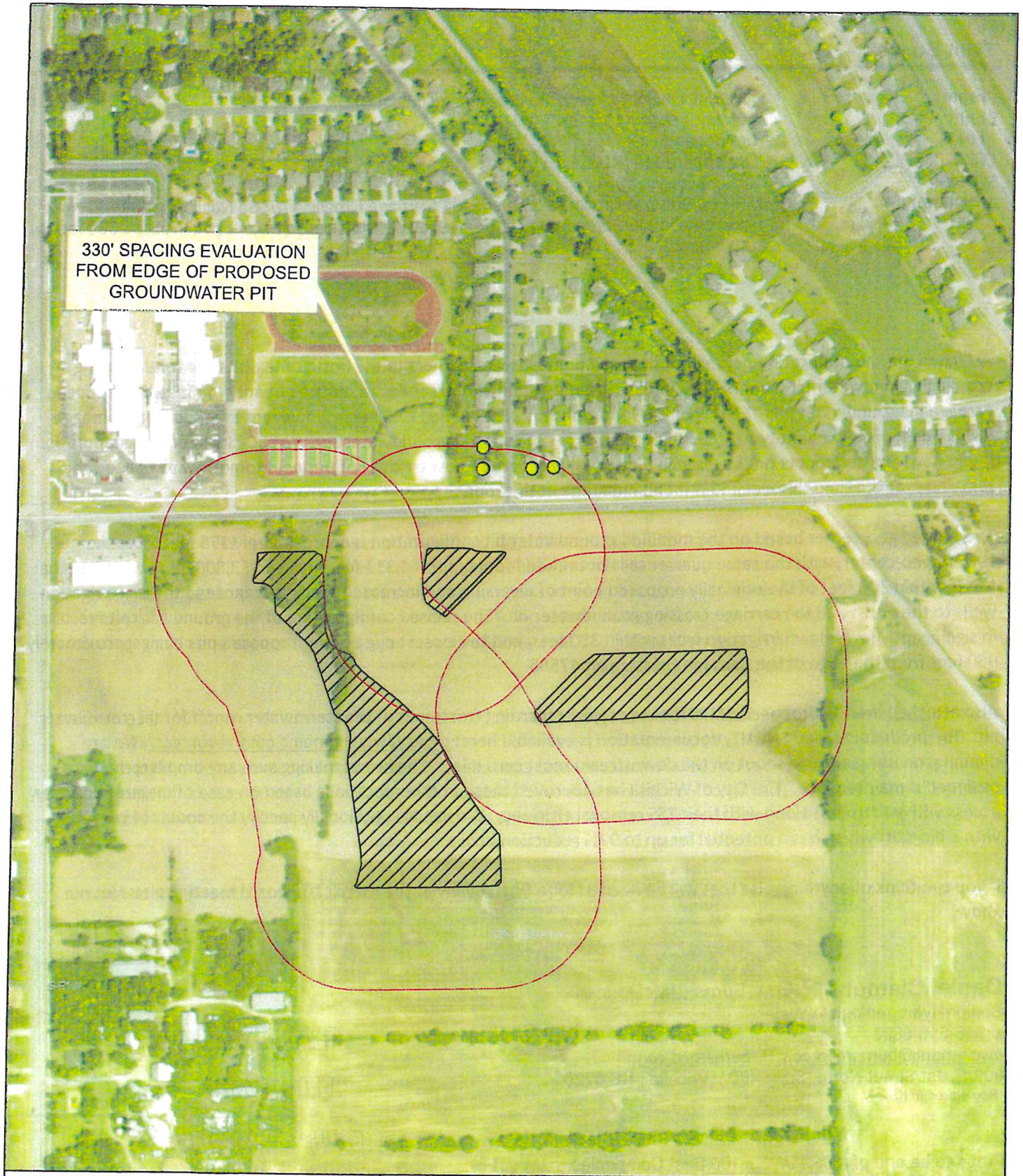
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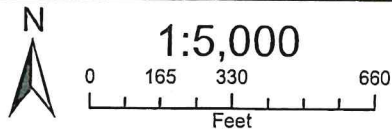
Proud to be one of *FORTUNE's* 100 Best Companies to Work For
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Legend

-  330' Buffer from Proposed GW Pit Edge
-  Groundwater Pit Place of Use 02 05 2021
-  Active Water Rights (WIMAS 10/24/2019)
-  GROUNDWATER DISTRICTS
- PLSS Sections



**BURNS
MCDONNELL**

POTENTIAL GROUNDWATER
WELLS WITHIN 330 FEET

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BURNS PEDS GMD 42



February 15, 2021

Re: Pending Application, File No. 50,310

Dear Sir or Madam:

This is to advise you that Woodard LLC has filed the application referred to above to appropriate 18.67 acre-feet of groundwater per calendar year to cover the evaporation loss from three groundwater pits totaling approximately 11.2 acres. The proposed point of diversion for application 50,310 is the geographic center of the three groundwater pits located in the Southwest Quarter of the Northeast Quarter of the Northwest Quarter of Section 29, Township 26 South, Range 1 West, Sedgwick County, Kansas.

Records indicate that you may have a groundwater well in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and that the proposed use of water is potentially located within the minimum required spacing interval of 330 feet defined by K.A.R. 5-22-2. Consideration will be given to comments or other information which you desire to submit **within 15 days** from the date of this letter. Enclosed for your consideration is a partially completed spacing waiver form which can be submitted to either the Kansas Division of Water Resources or Groundwater Management District No. 2.

If you have any questions or comments, you may contact either of the agencies below.

Kanas Division of Water Resources
Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521
Phone - 620-534-5311
Jeff.lanterman@ks.gov

Groundwater Management District No. 2
313 Spruce Street
Halstead, Kansas 67056
Phone - 316-835-2224
tboese@gmd2.org

Sincerely,

Daniel Clement, P.G.
Senior Hydrogeologist

DWC/dwc

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EQUUS BEDS GMD #2

BURNS  MCDONNELL

February 15, 2021

Re: Pending Application, File No. 50,310

Dear Sir or Madam:

This is to advise you that Woodard LLC has filed the application referred to above to appropriate 18.67 acre-feet of groundwater per calendar year to cover the evaporation loss from three groundwater pits totaling approximately 11.2 acres. The proposed point of diversion for application 50,310 is the geographic center of the three groundwater pits located in the Southwest Quarter of the Northeast Quarter of the Northwest Quarter of Section 29, Township 26 South, Range 1 West, Sedgwick County, Kansas.

Records indicate that you may be the partial owner of water right 47565 and you are notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and that the proposed use of water is potentially located within the minimum required spacing interval of 1,320 feet defined by K.A.R. 5-22-2. Consideration will be given to comments or other information which you desire to submit **within 15 days** from the date of this letter. Enclosed for your consideration is a partially completed spacing waiver form which can be submitted to either the Kansas Division of Water Resources or Groundwater Management District No. 2.

If you have any questions or comments, you may contact either of the agencies below.

Kanas Division of Water Resources
Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521
Phone - 620-534-5311
Jeff.lanterman@ks.gov

Groundwater Management District No. 2
313 Spruce Street
Halstead, Kansas 67056
Phone - 316-835-2224
tboese@gmd2.org

Sincerely,

Daniel Clement, P.G.
Senior Hydrogeologist

DWC/dwc

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BOUIS BEDS GMD #2

NON-DOMESTIC POINT OF DIVERSION OWNER
GROUNDWATER PIT SPACING CONSENT FORM
K.A.R. 5-22-2(e)(5)

I _____, whose address is _____,
Water Right/Permit/Application Owner Address
_____, _____, _____, _____, own either approved
City State Postal Code Telephone
water permit/right # 47565 or have filed application # _____ for non-domestic beneficial
use.

I understand and acknowledge that Woodard, LLC has either filed
new application # 50310 for a water permit to withdraw or appropriate groundwater for non-
domestic beneficial use by means of a groundwater pit.

That the application described the location of the geographic center of a proposed groundwater
pit in the SW 1/4 NE 1/4 NW 1/4 of Section 29, Township 26
south, Range 1 west, Sedgwick County, and will allow the withdrawal of 18.67
acre-feet per year for recreational use.

The applicant has informed me that the proposed groundwater pit edge is within the minimum
required spacing interval of 1320 feet of my point of diversion.

Having full knowledge of the above and without waiving any right to file an impairment complaint
with the Chief Engineer, Division of Water Resources, I grant my permission to locate said
groundwater pit less than the minimum required spacing interval from my point of diversion.

Dated at _____, Kansas, this _____ day of _____ 20_____.

Signed by: _____
Non-Domestic Point of Diversion Owner

Witnessed by: _____

Address: _____

Telephone: _____

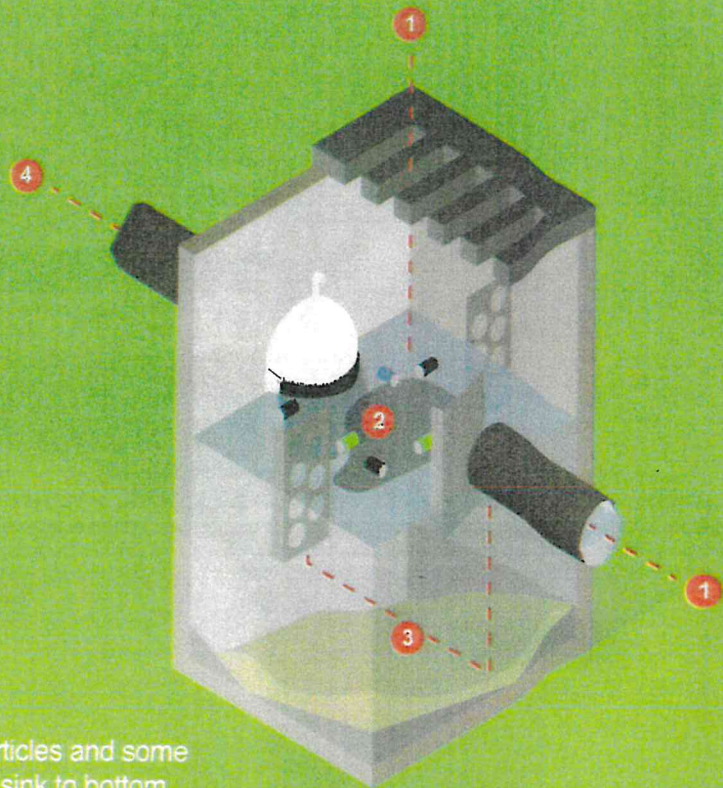
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BOUIS BEDS GMD #2

The Quality Stormwater Management System

Helping you do more water quality improvement with less budget.

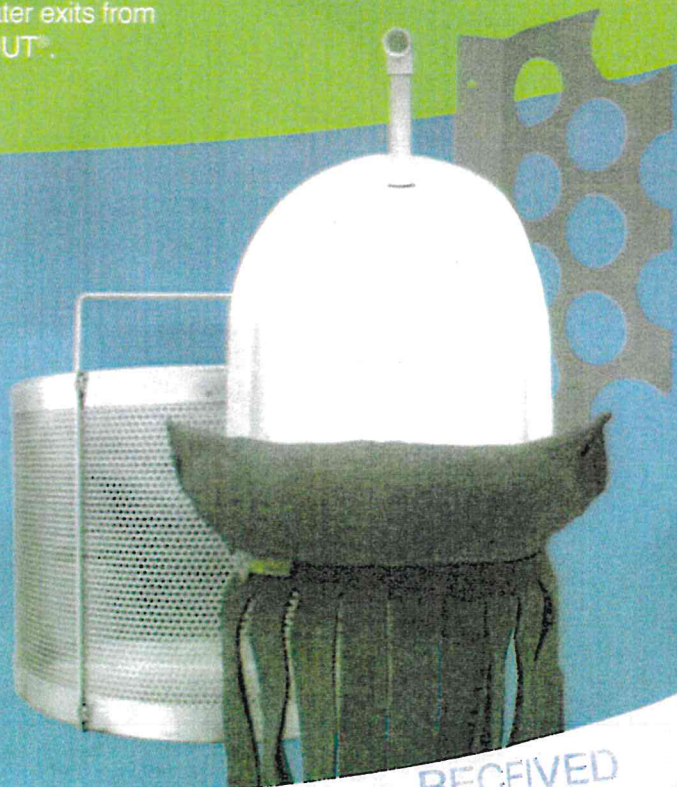


- 1 Stormwater and trash enter through grate or pipe.
- 2 Oil and floatable debris on surface cannot exit pipe.
- 3 Gross particles and some sediment sink to bottom.
- 4 Cleaner water exits from under SNOOT®.

Make the most of your stormwater dollars with the SNOOT® system.

We have stormwater quality experts on staff to help you with our wide range of products, including the SNOOT®, Bio-Skirt®, Stainless Steel TrashScreen™, and our new Turbo Plate® to reduce turbulence and increase sediment capture.

Whether it is for highway or municipal drainage, governmental, educational, or residential facilities, we have the experience for your stormwater quality improvement needs.



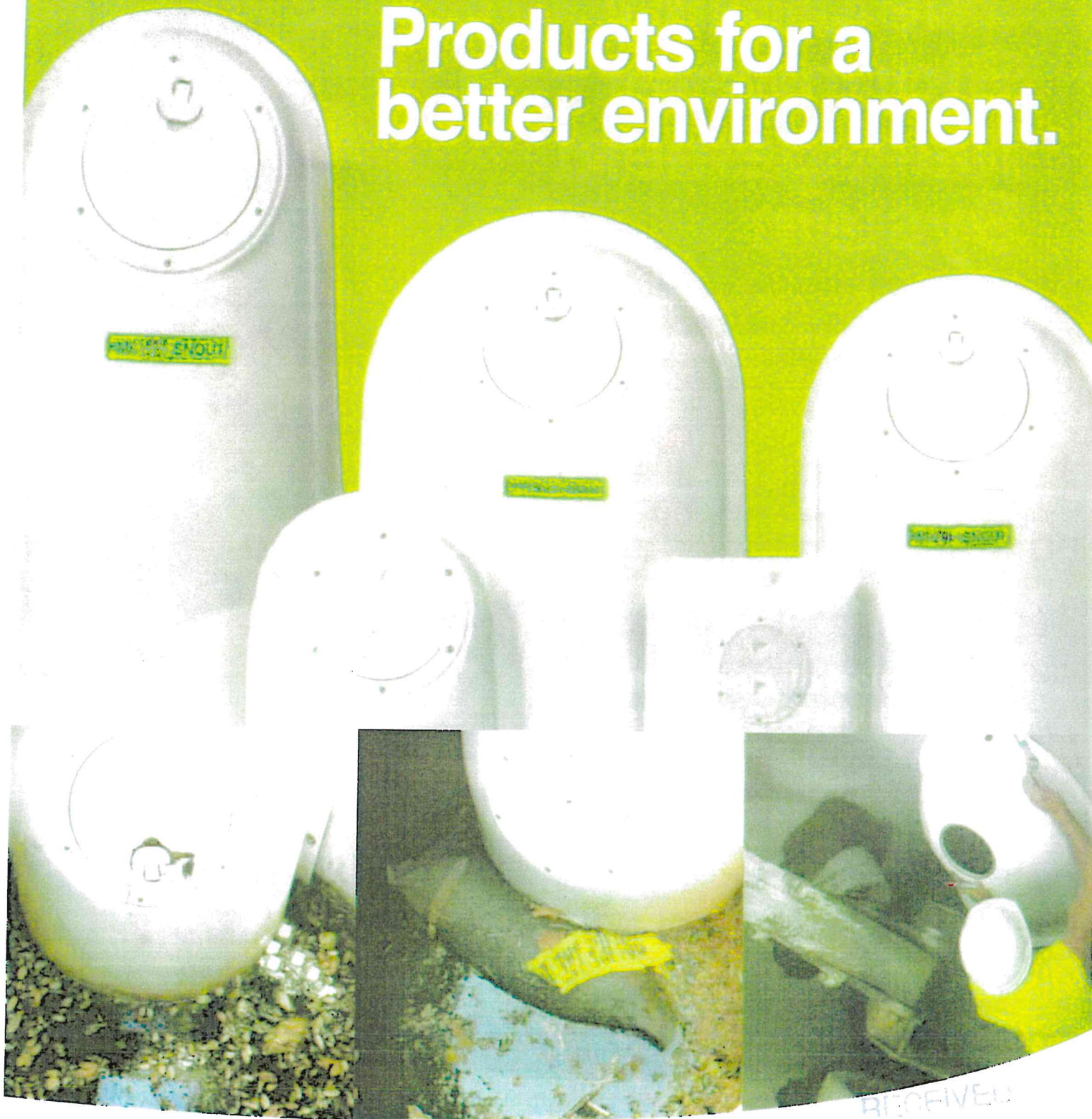
Made in the USA with over 80,000 SNOOT®'s installed since 1999.

For more information on how our system can solve your stormwater quality issues, contact us at (800) 504-8008 or visit us at bmpinc.com

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STORMWATER QUALITY IMPROVEMENT

Products for a better environment.



**Best Management Products**
The Stormwater Quality Experts

More than 80,000 SNOUTs[®] installed. Made in the USA since 1999

For more information on how our systems can solve any stormwater situation, contact us at [800.504.8008](tel:800.504.8008) or visit us at bmpinc.com



Design and Maintenance Considerations for SNOUT[®] Stormwater Quality Systems

Background:

The SNOUT system from Best Management Products, Inc. (BMP, Inc.) is based on a vented hood that can reduce floatable trash and debris, free oils, and other solids from stormwater discharges. In its most basic application, a SNOUT hood is installed over the outlet pipe of a catch basin or other stormwater quality structure with a deep sump (see Installation Drawing). The SNOUT forms a baffle that traps floatable debris and free oils on the surface, while permitting heavier solids to sink to the bottom of the sump. The clarified intermediate layer is forced out of the structure through the open bottom of the SNOUT by displacement from incoming flow. The resultant discharge contains considerably less unsightly trash and other gross pollutants, and can also offer reductions of free-oils and finer solids.

As with any structural stormwater quality design, maintenance considerations will have a dramatic impact on SNOUT system performance over the life of the facility. The most important factor to consider when designing structures with a SNOUT is the depth of the sump. Sump is defined as the depth from the invert of the outlet pipe to the bottom of the structure. *Simply put, the deeper the sump, the more effective the unit will be both in terms of pollutant removals and reducing frequency of maintenance.* More volume in a structure means more quiescence, thus allowing the pollutants a better chance to separate out. Secondly, more volume means fewer cycles between maintenance, because the structure has a greater capacity. Of equal importance to good performance is putting SNOUTs in multiple structures. The closer one captures pollution to where it enters the infrastructure (e.g. at the inlet), the less mixing of runoff there is, and the easier it will be to separate out pollutants. Putting SNOUTs and deep sumps in all inlets that can be easily maintained develops a powerful structural treatment train with a great deal of effective storage volume, where even finer particles may have chance to settle out.

Design Notes:

- The SNOUT size is ALWAYS greater than the nominal pipe size. The SNOUT should cover the pipe OD and optimally the grouted area around the pipe (e.g. for a 12" pipe, an 18" SNOUT is the correct choice).
- As a rule of thumb, BMP, Inc. recommends *minimum* sump depths based on outlet pipe inside diameters of 2.5 to 3 times the outlet pipe size.
- For best performance, the inlet pipe and outlet pipe should have inverts close to the same elevation (a six inch or less deviation is optimal).
- Special note for smaller pipes: A minimum sump depth of 36 inches for all

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pipe sizes 12 inches ID or less, and 48 inches for pipe 15-18 inches ID is required if collection of finer solids is desired.

- The plan dimension of the structure should be up to 6 to 7 times the flow area of the outlet pipe. Increasing area beyond that has a minimal impact on performance. However, the structure wall where the SNOUT is mounted must accommodate the size of the SNOUT (either the correct diameter or enough width).
- To optimize pollutant removals establish a "treatment train" with SNOUTs placed in as many inlets where it is feasible to do so (this protocol applies to most commercial, institutional or municipal applications and any application with direct discharge to surface waters).
- At a minimum, SNOUTs should be used in every third structure for less critical applications (less critical areas might include flow over grassy surfaces, very low traffic areas in private, non-commercial or non-institutional settings, single family residential sites).
- Use Bio-Skirts® for increased hydrocarbon reduction. Bio-Skirts are highly recommended for fueling or vehicle service stations, convenience stores, restaurants, loading docks, marinas, beaches, schools or high traffic applications. Each Bio-Skirt can retain about one gallon of oils.
- Use the Stainless TrashScreen for "Full Trash Capture" requirements.
- Use BMP Turbo Plates™ for increased sediment capture.
- The "R" series SNOUTs (12R, 18R, 24R, 30R, 30R/96, 42RTB/60, 52RTB/72, 52RTB/84 and 72RTB/96) are available for round manhole type structures of up to 96" ID; the "F" series SNOUTs (LP318F, 12F, 18F, 24F, 30F, 36F, 48F, 72F and 96F) are available for flat walled structures; the "NP" series SNOUTs (NP1218R, NP1524R, NP1830R, and NP2430R) are available for smaller diameter structures up to 30" ID.

Example Structure Sizing Calculation:

A SNOUT equipped structure with a 15 inch ID outlet pipe (1.23 sqft. flow area) will offer best performance with a minimum plan area of 7.4 sqft. and 48 inch sump. Thus, a readily available 48 inch diameter manhole-type structure, or a rectangular structure of 2 feet x 4 feet will offer sufficient size when combined with a sump depth of 48 inches or greater.

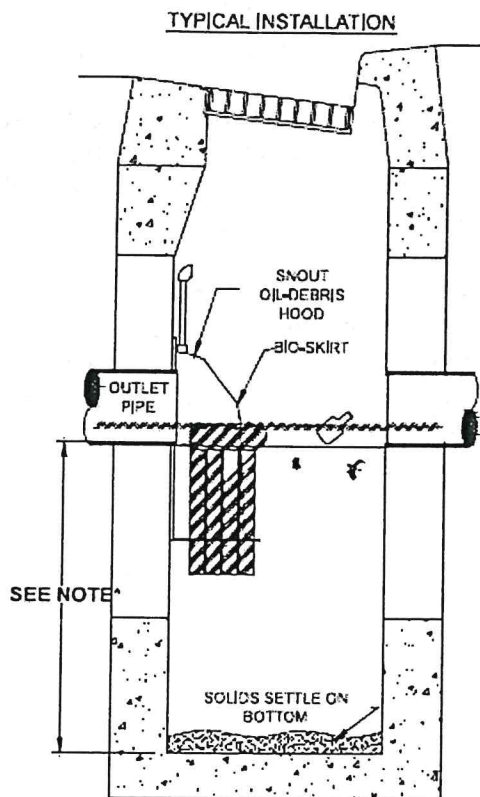
Maintenance Recommendations:

- Monthly monitoring for the first year of a new installation after the site has been stabilized is a recommended practice.
- Measurements should be taken after each rain event of .5 inches or more, or monthly, as determined by local weather conditions.
- Checking sediment depth and noting the surface pollutants in the structure will be helpful in planning maintenance.
- The pollutants collected in SNOUT equipped structures will consist of floatable debris and oils on the surface of the captured water, and grit and sediment on the bottom of the structure.
- It is best to schedule maintenance based on the solids collected in the sump.
- Optimally, the structure should be cleaned when the sump is half full (e.g. when 2 feet of material collects in a 4 foot sump, clean it out).
- Structures should also be cleaned if a spill or other incident causes a larger

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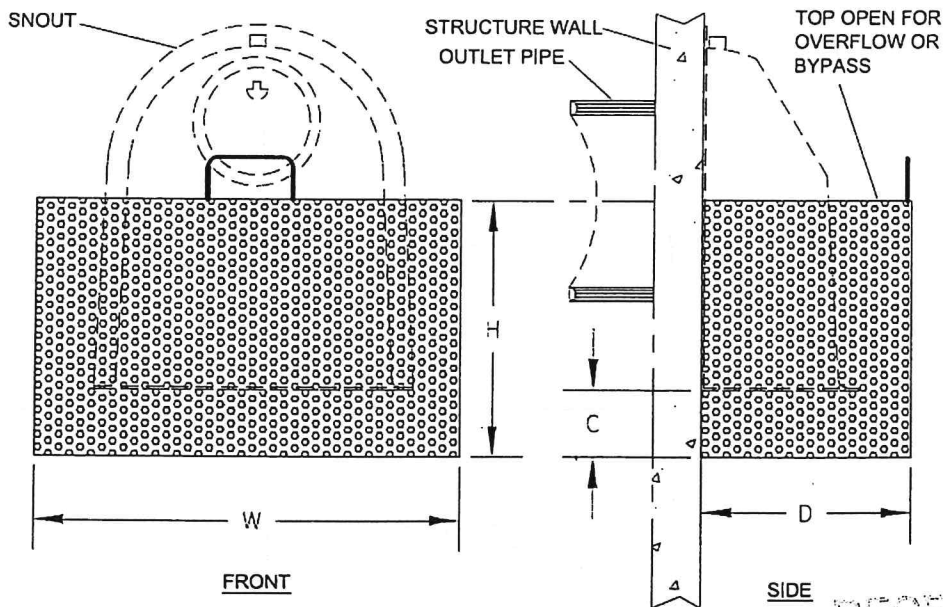
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BIO-SKIRT INSTALLATION:



*NOTE- ATTACH BIO-SKIRT STRUCTURE WALL SUCH THAT IT IS APPROXIMATELY AT SAME ELEVATION AS STATIC WATER LEVEL

STAINLESS TRASHSCREEN INSTALLATION:



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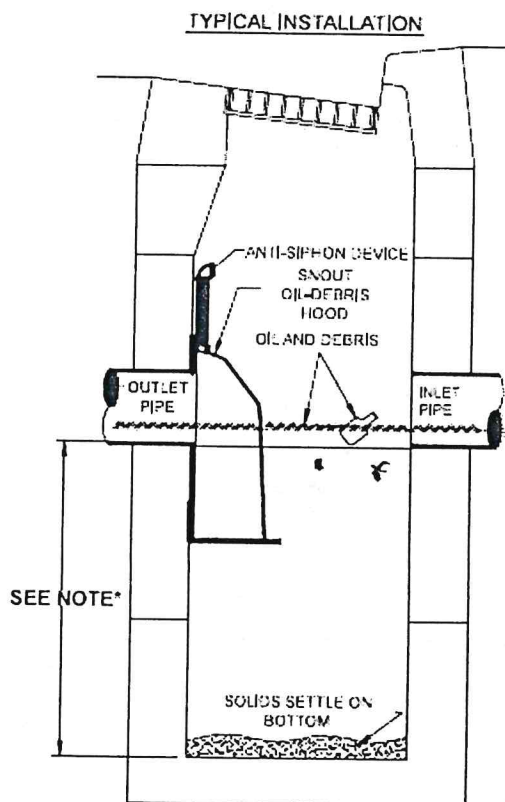
EQUUS BEDS GMD #2

than normal accumulation of pollutants in a structure.

- Maintenance is best done with a vacuum truck.
- If Bio-Skirts are being used in the structure to enhance hydrocarbon capture, they should be checked on a monthly basis for the first year, and serviced or replaced when more than 2/3 of the boom is submerged, indicating a nearly saturated state. Assuming a typical pollutant-loading environment exists, Bio-Skirts should be serviced* annually or replaced as necessary.
- In the case of an oil spill, the structure should be checked and serviced and Bio-Skirts (if present) replaced or serviced immediately.
- All collected wastes must be handled and disposed of according to local environmental requirements.
- To maintain the SNOUT hoods, an annual inspection of the anti-siphon vent and access hatch are recommended. A simple flushing of the vent, or a gentle rodding with a flexible wire are all that's typically needed to maintain the anti-siphon properties. Opening and closing the access hatch once a year ensures a lifetime of trouble-free service.

*To extend the service life of a Bio-Skirt, the unit may be "wrung out" to remove oils and washed in an industrial washing machine with warm water. The Bio-Skirt may then be re-deployed if the material maintains it's structural integrity. A maintained Bio-Skirt can last for several years. Each Bio-Skirt can hold about on gallon of oils.

SNOUT INSTALLATION:



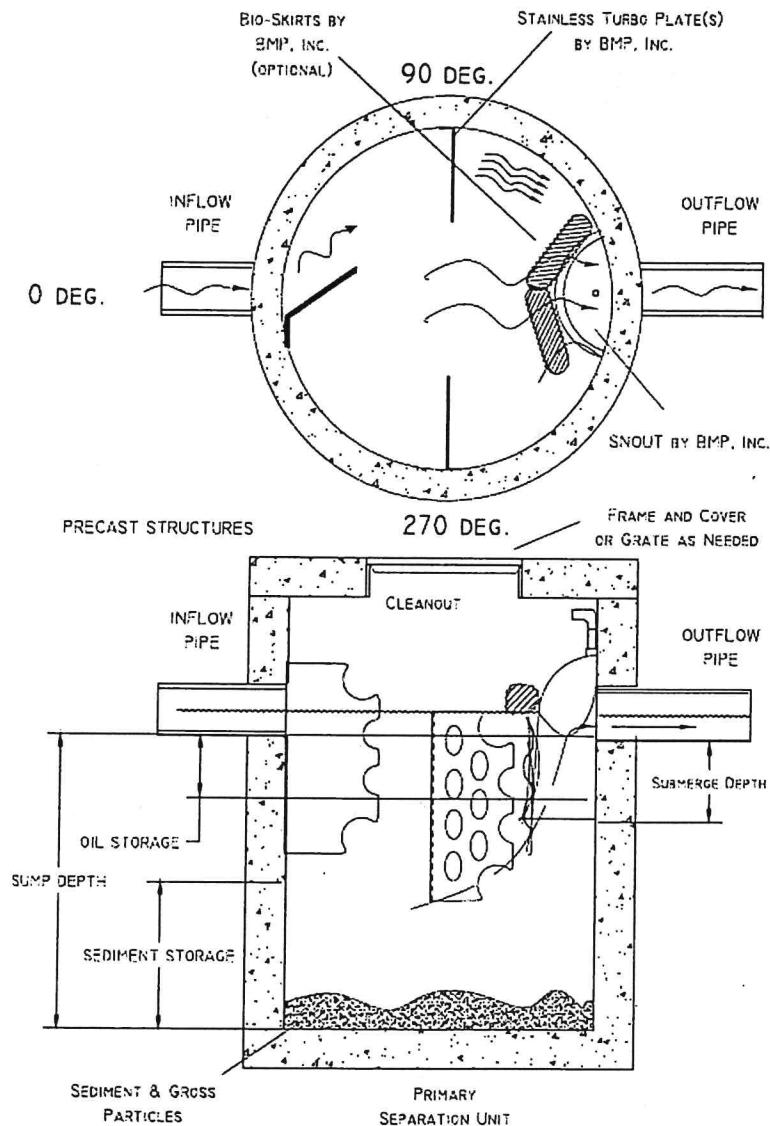
*NOTE- SUMP DEPTH OF 36" MIN. FOR UP TO 12" ID PIPE. OUTLET. FOR PIPES 15" ID AND ABOVE SUMP DEPTH OF 2.5 TO 3 TIMES PIPE ID RECOMMENDED (E.G., 5' DEEP for 24" PIPE)

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FEB 15 2012

BOB'S BEDS GMBL #4

TURBO PLATE INSTALLATION:
**SNOUT TURBO PLATE-OIL-GRIT
 SEPARATOR**



Contact Information: Please contact T. J. Mullen at 800-504-8008, tjm@bmpinc.com or Matt White at 888-434-0277, mwhite@bmpinc.com for design assistance.

Website: www.bmpinc.com

The SNOUT, Bio-Skirt and TrashScreen are protected by: US Patents 6126817, 7857966, 7951294 and 8512556. More US patents are pending and BMP holds Canadian patents for much of the technology patented in the US. Canadian Patents numbers include 2285146, 2688012, 2690156 and 2740678. The SNOUT®, Bio-Skirt® Turbo Plate™ and Stainless TrashScreen™ are trademarks of Best Management Products,

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FEB 15 2002

BOJUS RECS GMD #9

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Engelbrecht, Jessica [KDA]

From: Lanterman, Jeff [KDA]
Sent: Friday, April 2, 2021 3:43 PM
To: Engelbrecht, Jessica [KDA]; Baum, Kristen [KDA]
Subject: RE: 50,310

Follow Up Flag: Follow up
Flag Status: Completed

Jessica.

I have been pretty aware of this applications and have met with their Consultants through the process and was at the GMD meeting where this was discussed. Daniel and Brian were pretty concerned about how GMD would micro manage the pit conditions regarding stormwater.

Maybe work with Kristen on the wording regarding the BMP's that Tim wanted added. We have discussed including an addendum that would put GMD in charge of the permit conditions and enforcement of such that they want added. Maybe this would be a good permit to pursue that on 😊

I recommend approval.

Thanks
Jeff

From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Sent: Friday, April 2, 2021 12:27 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: 50,310

Jeff,
I've attached a memo, GMD 2 Recommendation Letter and the application for 50,310. The applicant originally requested 29.22 AF for three proposed groundwater pits with a combined size of 17.53 AF. Following GMD 2 recommendations, the application has been modified to request 18.67 AF for three proposed groundwater pits not to exceed 11.2 acres. There will need to be a spacing waiver.

Jessica Engelbrecht, Environmental Scientist
KDA Division of Water Resources
Stafford Field Office
(620) 234-5311 Office
(620) 234-6900 Fax
Jessica.engelbrecht@ks.gov
agriculture.ks.gov

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

File Number: **50,310**

FO: **2**

GMD: **2**

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
REC	6/9/2021	22	GMD 2	Well Spacing	Pit Spacing
Rule Number	Date Granted	Date Denied	Justification:	One non-domestic well, a groundwater pit, and four domestic wells don't meet standard spacing, but GMD 2 calculations show minimal drawdown, thus a waiver was recommended.	
K.A.R. 5-22-2(c)	6/9/2022				

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.		

COMMENTS: Will not be a new rule

Date Prepared **6/9/2021** By **KJN**

Date Entered **6/14/2022** By **LMoody**

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

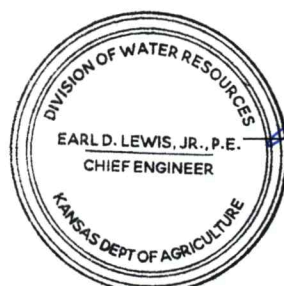
WAIVER OF REGULATION K.A.R. 5-22-2(c) Well Spacing

Date: JUNE 9, 2022


RE: Appropriation of Water, File No. 50,310

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 edge of the proposed groundwater pits is located less than the required spacing distance of 330 feet from four domestic wells.
3. That the edge of the proposed groundwater pits is located less than the required spacing distance of 1,320 feet from the irrigation well authorized by Water Right, File Nos. 38,514 and 39,033 (550 feet away), and also the edge of a groundwater pit authorized by Water Right, File No. 47,565 (960 feet away).
4. That applicant submitted a spacing consent form, signed by the owner's representative for the irrigation well authorized by Water Right, File Nos. 38,514 and 39,033.
5. The applicant's consultant mailed notification letters to the domestic well owners located within 330 feet of the proposed point of diversion, and to all apparent owners of Water Right, File No. 47,565.
6. That Groundwater Management District No. 2 received two calls, and the applicant's consultant received one email. All inquiries were informational and did not appear to be for or against New Application, File No. 50,310.
7. That hydrologic data indicates that saturated thickness in the application area is approximately 70 feet, and that the groundwater level in the area has been stable, with no signs of a declining trend. Drawdown caused by the proposed groundwater pits would be minimal and impairment of nearby points of diversion is not anticipated.
8. That groundwater flow direction appears to be to the Southeast, which is away from the existing senior points of diversion that do not meet spacing requirements.
9. That a waiver of K.A.R. 5-22-2(c) will not prejudicially or unreasonably affect the public interest.

Comments:



EARL D. LEWIS, JR., P.E.
CHIEF ENGINEER


Earl D. Lewis Jr., P.E.
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. 50,310** of the applicant

**WOODARD, LLC
PO BOX 75337
WICHITA KS 67275**

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 **November 4, 2019**.
2. That the water sought to be appropriated shall be used for recreational use to cover evaporative losses from three (3) groundwater pits with a total, maximum surface area of 11.2 acres, located in the North Half of the Northwest Quarter (NW $\frac{1}{4}$) of Section 29, in Township 26 South, Range 1 West, Sedgwick County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of three (3) groundwater pits with a geographical center located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 29, more particularly described as being near a point 4,478 feet North and 3,898 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 **natural evaporation** and to a quantity not to exceed **18.67 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, 2023** 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, 2027** 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 all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.
14. 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.
15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
16. 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.
17. 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.
18. That the groundwater pits shall be constructed, maintained, and operated in a manner that will prevent degradation to water quality of the source of supply, which could cause impairment to existing water rights.

19. That the area around the groundwater pits must be constructed and maintained to prohibit any untreated surface water drainage from entering the pits.

20. That surface water entering the groundwater pits shall be processed or treated as needed to prevent waste, degradation, or contamination of groundwater. Such processing or treatment practices shall be designed, constructed, and maintained based upon sound engineering practices.

21. That a sign be permanently posted at the pits, identifying the excavations as a groundwater pits, and stating that dumping or discharges into the pits is prohibited in order to prevent contamination of the Equus Beds aquifer. The sign must be three (3) feet in length by two (2) feet in width, be easily visible, and of durable construction

Ordered this 9th day of June, 2022, in Manhattan, Riley County, Kansas.



Earl D Lewis Jr

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 9 day of June, 2022, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings

Notary Public



Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

WOODARD LLC
PO BOX 75337
WICHITA KS 75337

June 14, 2022

RE: Application, File No. 50,310

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 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,

A handwritten signature in black ink that reads "Kristen A. Baum".

Kristen A. Baum
New Applications and Changes Supervisor
Division of Water Resources

Enclosures

pc: Stafford Field Office
GMD 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, 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 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, 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

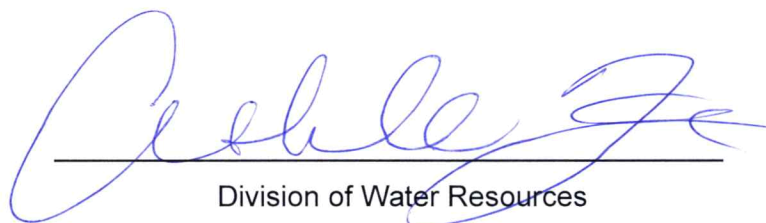
On this 14 day of June, 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,310, dated 9 June, 2022, was mailed postage prepaid, first class, US mail to the following:

WOODARD, LLC
PO BOX 75337
WICHITA KS 67275

With photocopies to:

Stafford Field Office

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Division of Water Resources