Kansas Department of Agriculture Division of Water Resources

PERMIT OF NEW APPLICATION WORKSHEET

1. File Number:	50355		2. Status (11/8/	Change Date: / <mark>2022</mark>	3. Field Office: 02		4. GMD:			
5. Status:	⊠ Approved	☐ Denied by D	WR/GMD	☐ Dis	miss by Request/Fai	lure to F	Return			
6. Enclosures:	⊠ Check Valve	⊠ N of C Form	□ W	ater Tube	☐ Driller Copy	⊠ M	eter			
7a. Applicant(s) New to syste		Person ID 246 Add Seq#	618	7c. Landowne New to sy			Person IDAdd Seq#			
ATTN: O 455 MAII	WICHITA PERATIONS & M N ST - 8TH FLOO A, KS 67202		E	7d. Misc New to sy	stem □		Person ID Add Seq#			
8. WUR Corres New to syste Overlap File Agree Y	em 🗌 : (s) WUC	Person ID Add Seq# Notarized WUC	Form	9. Use of Wat	☑ Groundwater ☑ REC ☐ SED ☐ WTR PWR	□ DI	urface Water EW			
10. Completion [12/31/2024 Date: 12/31/2021	11. Perfe	ection Date:	12/31/2028 		p Date:				
	13. Conservation Plan Required? Yes No Date Required: Date Approved: Date to Comply: 14. Water Level Measuring Device? Yes No Date to Comply: Date WLMD Installed:									
				11/0/2022	Date Entered:	19/20 1/9/20 Moody	Rv.			

L	File No.	50,355		15. Forma	ation Co	ode: 11	3		Drair	nage B	Basin: A	Arkan	sas Ri	ver	C	ounty	SG		Sp	ecial L	Jse:		Stream:		
	16. Poin T MOD	ts of Diversion													17. R		d Quar	-				Additiona	al		
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DD	ENT	67967	SE N	w nw	11	27S	1W	;	2	45	20	4	190		EV	ΆP		-1:	3.33		ANY	,	11.33		NA
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F	Limit	ation:		af/yı	r at				gpm (cfs) w	hen co	mbine	ed with	file nu	ımber	(s)						
	20. Meter Required? ⊠ Yes ☐ No					To be installed by							_ D	ate Ac	ceptab	ole Me	eter Inst	alled _							
	21. Plac	e of Use				N	E1⁄4			NV	V ¹⁄₄			sv	J ¹⁄₄			5	6E1/4		Total	Owner	Chg ²	? NO	Overlap Files
OD-	MOD DEL	PUSE S	T R	ID	NE	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1⁄4	NW 1⁄4	SW 1/4	SE 1/4					
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KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

MEMORANDUM

TO: Files DATE: September 20, 2022

FROM: Brandon Milner **RE:** Application, File No. 50,355

The city of Wichita has filed the above referenced application on February 24, 2020, proposing to appropriate 13.34 Acre-feet for evaporative loss on an 6.8-acre surface existing groundwater pit for recreational use. This will strictly be for recreational use next to the city of Wichita's new water treatment plant. The geo-center is located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 11, Township 27 South, Range 1 West in Sedgwick County Kansas. The proposed point of diversion and place of use are located within the Arkansas River Basin.

The applicant proposes an evaporative loss quantity of 11.33 acre-feet based on the 6.8 surface areas X 20"NET (Sedgwick County)/ 12" per foot X 1 Year (GW)= 11.33 acre-feet. The application for this existing groundwater pit was filed to bring into compliance with the KWAA. The property will be used for site aesthetics for the Wichita water treatment facility. The applicant stated that this area was a previous sand and gravel facility before being acquired by the city of Wichita for the water treatment plant. The groundwater pit was never permitted under water appropriations and does not meet safeyield criteria.

Therefore, the application is subject to safeyield based on K.A.R. 5-3-11. Results revealed that there is 2,714.34 acre feet at a recharge rate of 5.4 inches at 75% based on the 8,042 area of consideration. Total prior appropriations minus pending applications result in -798.82 acre-feet exceeded with no water available for appropriation. Therefore, the quantity of 11.33 acre-feet will not meet safeyield in this area. However, according to K.A.R. 5-3-16, safeyield exemptions up to 15 acre-feet are applicable considering the total small volume exemptions of the area does not exceed 15 acre-feet within a two mile radius of the point of diversion. Senior rights within the two radius of the point of diversion have used 3.6 acre feet of water which would leave 11.4 acre-feet available for use on this application, therefore the 15 Acre-feet exemption can be utilized in this situation.

There are multiple wells within one half mile of the point of diversion. A newspaper publication was released from August 12th, 2022, through August 26th 2022 in the Wichita Eagle newspaper with no responses to date. There are no domestic wells within 660 feet of this application and no non-domestic wells within 1320' so standard spacing has been met as according to K.A.R. 5-4-4.

The source of water for this groundwater pit is main stem alluvium from the Arkansas River.

This memo was sent for recommendation to the Stafford Field Office on September 20, 2022, for recommendation.

Brandon Milner Environmental Scientist Manhattan Headquarters

From: Lanterman, Jeff [KDA]

Sent: Tue 9/20/2022 10:39 AM

To: Milner, Brandon [KDA]

Cc: Conant, Cameron [KDA]

Subject: RE: 50355 Memo

Brandon.

I am totally OK approving this old GW pit. Looks like it was being actively worked in the 1996 Air photo on google earth and pretty much done by the 2002 photo. Lots of activity here since 2018. WOW. Looks like the treatment plant is pretty much built now.

Whether we do this under the exemption or just waive SY for it lets get it covered.

Thanks Jeff

From: Milner, Brandon [KDA] < Brandon.M.Milner@ks.gov>

Sent: Tuesday, September 20, 2022 9:57 AM

To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov> **Cc:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>

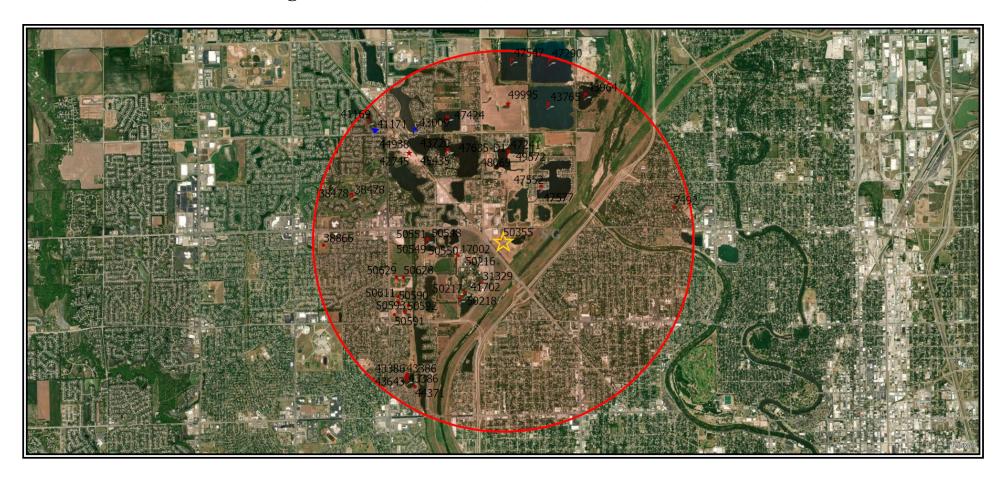
Subject: 50355 Memo

Good morning guys,

Attached is a memo for 50,355 for an existing groundwater pit in Wichita next to the City of Wichita's new water treatment plant. This is an old sand and gravel pit that is now going to be used for recreational purposes. This application does not meet safeyield, so a waiver for not meeting safeyield will be needed for this. Could you provide a recommendation on this one? Thanks!

Brandon Milner Environmental Scientist Water Appropriation Program

Safe Yield Report Sheet Water Right- A5035500 Point of Diversion in 11-27S-01W Footages from SE corner- 4,520 feet North 4,190 feet West



Analysis Results

The selected PD is in an area OPEN to new appropriations. The safe yield based on the variables listed below is 2,714.34 AF. Total prior appropriations in the circle is 3,646.91 AF.-133.75 = 3,513.16 AF Total quantity of water available for appropriation is 0.00 AF.

Safe Yield Variables

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

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

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 19-SEP-2022 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 41 water rights and 32 points of diversion within the circle.

File Number	Use	ST	SR	Q4 Q	3 Q	2 Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 7492 00	IRR	NK	G	NC W	2 W	2 SW	1320	4950	06	27	01E	1	WR	13.00	13.00	10.00	10.00
A 17002 00	REC	NK	G	N	W S	E NE	3516	1266	10	27	01W	20	WR	484.88	484.88		
A 31329 00	REC	NK	G	N	E N	E SE	1950	20	10	27	01W	17	WR	521.71	282.34		
A 38478 00	IRR	NK	G	S	E N'	W SE	1840	1930	04	27	01W	1	WRF	197.00	197.00	131.00	131.00
A 38478 00	REC	NK	G	S	E N'	W SE	1840	1930	04	27	01W	1	WRF	32.00	32.00		
A 38866 00	IRR	NK	G	S	W N	E NW	4380	3620	09	27	01W	1	WR	20.00	20.00	15.00	15.00
A 41169 00	REC	NK	G	S	W S	E SE	647	925	33	26	01W	15	WR	12.33	12.33		
A 41702 00	REC	NK	G	S	W N	E SE	1484	934	10	27	01W	13	WR	320.00	290.60		
A 42745 00	IND	NK	G				4174	4084	03	27	01W	168	WR	0.30	0.30		
A 43386 00	IRR	NK	G	N	E N'	W SW	2234	4396	15	27	01W	7	WR	3.10	3.10	8.00	8.00
Same	IRR	NK	G	N	E N'	W SW	2139	4456	15	27	01W	8	WR				
Same	IRR	NK	G	N	E N'	W SW	2328	4335	15	27	01W	9	WR				
A 43643 00	REC	NK	G	S	E N'	W SW	1888	4224	15	27	01W	16	WR	19.30	19.30		
A 43720 00	REC	NK	G	S	E N'	W NE	4200	1800	03	27	01W	132	WR	200.00	200.00		
A 43765 00	REC	NK	G	S	E N'	W SE	1424	1436	35	26	01W	3	WR	243.00	243.00		
A 43964 00	REC	NK	G	N	W N	W SW	2100	4600	36	26	01W	6	WR	50.00	50.00		
A 44371 00	IRR	NK	G	S	W N	E SW	1625	3935	15	27	01W	17	WR	9.00	9.00	10.00	10.00
A 44938 00	IND	NK	G				4174	4084	03	27	01W	168	WR	0.49	0.20		
A 45435 00	REC	NK	G	S	E N'	W NE	4200	1800	03	27	01W	132	WR	400.00	400.00		
A 47241 00	REC	NK	G	S	W N	E NW	4146	3684	02	27	01W	7	WR	46.41	46.41	Highlighted	
A 47290 00	REC	NK	G	N	E SV	V NE	3844	1325	35	26	01W	5	WR	195.00	195.00	Rights con	
A 47424 00	REC	NK	G	N	E SV	V SE	761	1784	34	26	01W	382	WR	46.67	46.67	volume of v	
A 47547 00	REC	NK	G	N	W S	E NW	3904	3442	35	26	01W	6	WR	117.00	117.00	used by 15	
A 47552 00	REC	NK	G	N	E N'	W SE	2180	1872	02	27	01W	15		0.00	0.00	exemption	Rule 3.6
A 47577 00	REC	NK	G	N	E N'	W SE	2180	1872	02	27	01W	15		0.00	0.00	AF Total	_
																10/24/202	2
																ВММ	

File	Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A	48069 00	REC	NK	G		SW	NE	NW	4146	3684	02	27	01W	7	WR	12.30	12.30		
A	47635 D1	REC	NK	G		SW	NE	NW	4146	3684	02	27	01W	7	WR	5.00	5.00		
A	49572 00	REC	NK	G		SW	NE	NW	4146	3684	02	27	01W	7	WR	6.28	6.28		
A	49995 00	IND	GY	G		SW	NE	SW	1586	3800	35	26	01W	8	WR	203.30	203.30		
A	50216 00	REC	KE	G		NW	SE	NE	3516	1266	10	27	01W	20	WR	122.76	122.76		
A	50217 00	REC	KE	G		SW	NE	SE	1484	934	10	27	01W	13	WR	471.40	471.40		
A	50218 00	REC	KE	G		NW	SE	SE	1122	1224	10	27	01W	25	WR	30.00	30.00		
A	50355 00	REC	AY	G		SE	NW	NW	4520	4190	11	27	01W	2		0.00	0.00		
A	50548 00	REC	AY	G		SE	NE	NW	4440	2993	10	27	01W	27		0.00	0.00		
A	50549 00	REC	AY	G		SE	NE	NW	4440	2993	10	27	01W	27		0.00	0.00		
A	50550 00	REC	AY	G		SE	NE	NW	4440	2993	10	27	01W	27		0.00	0.00		
A	50551 00	REC	AY	G		SE	NE	NW	4440	2993	10	27	01W	27		0.00	0.00		
A	50590 00	IRR	AY	G		SW	SW	SW	1077	4758	10	27	01W	28	WR	10.42	10.42	2.00	2.00
A	50591 00	IRR	AY	G		SW	SW	SW	407	4985	10	27	01W	29	WR	10.42	10.42	2.00	2.00
A	50592 00	IRR	AY	G		SW	SW	SW	525	4390	10	27	01W	30	WR	10.42	10.42	3.00	3.00
A	50593 00	IRR	AY	G		SW	SW	SW	897	4197	10	27	01W	31	WR	10.42	10.42	2.00	2.00
A	50611 00	IRR	AY	G		SW	SW	SW	1403	4773	10	27	01W	32	WR	46.03	46.03	15.00	15.00
A	50628 00	IRR	AY	G		NW	NW	SW	2468	4463	10	27	01W	33	WR	23.02	23.02	2.00	2.00
A	50629 00	IRR	AY	G		NW	NW	SW	2477	4856	10	27	01W	34	WR	23.02	23.02	3.00	3.00

Limitations

File	Number	Seq Num Limitations
A	31329 00	1 250 MGY COM/W #17002
A	41702 00	1 1057.81AF/YR COM/W #17002 & #31329
A	44938 00	1 .160MGY @80GPM COM/W #42,745
A	45435 00	1 400AF/YR COM/W #43720
A	50216 00	1 925 GPM COM/W #17002
A	50217 00	1 600 GPM COM/W #41702

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. 50,355 of the applicant

CITY OF WICHITA
Attn: OPERATIONS & MAINTENANCE
455 MAIN ST - 8TH FLOOR
WICHITA, KS 67202

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 **February 24, 2020.**
- 2. That the water sought to be appropriated shall be used for recreational use to cover evaporative losses from a groundwater pit with a maximum surface area of 6.8 acres located in Northwest Quarter (NW $\frac{1}{4}$) of the of Section 11 in Township 27 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 a groundwater pit with a geographical center located in the Southeast Quarter of the Northwest Quarter (SE¼ NW¼ NW¾) of Section 11, more particularly described as being near a point 4,419 feet North and 3,465 feet West of the Southeast corner of said section, in Township 27 South, Range 1 West, Sedgwick County, Kansas located substantially as shown on the map accompanying the application.
- 4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of natural evaporation and to a quantity not to exceed **11.33 acre-feet** of water for any calendar year, from a groundwater exposure with a surface area not greater than 6.8 acres.
- 5. That installation of works for diversion of water shall be completed on or before <u>December 31</u>, <u>2024</u> 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 <u>December 31, 2028</u>, 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 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.
- 12. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
- 13. 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.
- 14. 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.

	0 11	
Ordered this 8 da	ay of November	, 2022, in Manhattan, Riley County, Kansas. Litournessu
		Lane P. Letourneau, P.G. Water Appropriation Program Manager Division of Water Resources Kansas Department of Agriculture
State of Kansas)) SS	

The foregoing instrument was acknowledged before me this day of ,2022, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of

Agriculture

County of Riley

ASHLEE FREEMAN My Appointment Expires April 21, 2024

Notary Public

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



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

Mike Beam, Secretary

Laura Kelly, Governor

CITY OF WICHITA Attn: OPERATIONS & MAINTENANCE 455 MAIN ST - 8TH FLOOR WICHITA, KS 67202

November 10, 2022

RE: Appropriation of Water, File No. 50,355

Dear Sir or Madam:

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

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

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

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

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

Sincerely,

Kristen A. Baum

New and Change Applications Unit Supervisor

Division of Water Resources

KAB:bmm Enclosure(s)

pc: Stafford Field Office

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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

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

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

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

CERTIFICATE OF SERVICE

CITY OF WICHITA Attn: OPERATIONS & MAINTENANCE 455 MAIN ST - 8TH FLOOR WICHITA, KS 67202

With photocopies to: Stafford Field Office

Division of Water Resources