

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

1. File Number: <p style="text-align: center; font-weight: bold;">50,450</p>	2. Status Change Date: <p style="text-align: center; font-weight: bold; color: purple;">4/7/2022</p>	3. Field Office: <p style="text-align: center; font-weight: bold;">02</p>	4. GMD: <p style="text-align: center; font-weight: bold;">02</p>
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5. Status:	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied by DWR/GMD	<input type="checkbox"/> Dismiss by Request/Failure to Return
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6. Enclosures:	<input checked="" type="checkbox"/> Check Valve	<input checked="" type="checkbox"/> N of C Form	<input checked="" type="checkbox"/> Water Tube	<input type="checkbox"/> Driller Copy	<input checked="" type="checkbox"/> Meter
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7a. Applicant(s) New to system <input type="checkbox"/> PAUL J & MARGARET M GRUENBACHER 21201 W 77TH ST N MOUNT HOPE, KS 67108	Person ID <u>6625</u> Add Seq# _____
7b. Landowner(s) New to system <input type="checkbox"/> 7A	Person ID _____ Add Seq# _____

7c. Landowner(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____
7d. Landowner New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____

8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No 7a	Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/>
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9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input checked="" type="checkbox"/> Groundwater	<input type="checkbox"/> Surface Water
<input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN	<input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON
<input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG	<input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____

10. Completion Date: 12/31/2022 2023	11. Perfection Date: 12/31/2026 2027	12. Exp Date: _____
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13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Date to Comply: 12/31/2026 Date WLMD Installed: _____
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	Date Prepared: 02/21/2022 By: JNE Date Entered: 4/11/2022 By: <u>LMoody</u>
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File No. **50,450** 15. Formation Code: **190** Drainage Basin: **ARKANSAS RIVER** County: **SG** Special Use: Stream:

16. Points of Diversion

MOD DEL ENT	PDIV Qualifier	S	T	R	ID	'N	'W
CHK	79525	LOT 1	5	26S	2W	5	5175 1320

17. Rate and Quantity

Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
800	92.16	800	92.16	48,043
	MOD		MOD	

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

19. Limitation: _____ - af/yr at **800** gpm (**1.780** cfs) when combined with file number(s) **48,043**
 Limitation: _____ - af/yr at _____ - gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2023** ~~12/31/2021~~ Date Acceptable Meter Installed _____

21. Place of Use

MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
√	70127	5	26S	2W	7		46.0	40.0												86.00	7a	NO	**	48,043	
																								** NO O/L IN P/U	

Comments: 3/4/2022
KJN

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: File

DATE: January 20, 2022

FROM: Jessica Engelbrecht

RE: Application, File No. 50,450

92.16

Paul Gruenbacher has filed the referenced application to appropriate groundwater for irrigation use, requesting one (1) well, a quantity of ~~111.8~~ acre-feet, and a diversion rate of 800 gallons per minute. The proposed well is to be located in Lot 1 of Section 5, more particularly described as being near a point 5,175 feet North and 1,320 feet West of the Southeast corner of said section, in Township 26 South, Range 2 West, Sedgwick County, within the Arkansas River drainage basin. The proposed point of diversion is located within the boundaries of Equus Beds Groundwater Management District No. 2. The application has a point of diversion overlap with File No. 48,043.

The applicant identified seven (7) domestic wells within one-half mile of the proposed well and one (1) non-domestic well. Nearby well notification letters were sent out on April 29, 2021. No contact of any kind was received. According to the WRIS database, the nearest non-domestic points of diversion (Water Right, File No. 42989, 42990 & 47516) are located 2,825 feet away. Based on the site map the nearest domestic well is less than 600 feet away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-22-2 for wells located within Equus Beds Groundwater Management District No. 2, the minimum well spacing should be 1,320 feet to all other non-domestic wells and 660 feet to domestic wells. The owner of the domestic well submitted a signed well spacing consent form. Based on K.S.A. 5-22-2(e)(4) the applicant's well is not subject to the spacing regulations in K.A.R. 5-22-2(a)(1).

A driller's test log shows clay from 0 to 30 feet, medium sand from 30 to 67 feet, clay from 67 to 85 feet, fine sand from 85 to 93 feet, clay from 93 to 95 feet, medium sand from 95 to 99 feet, fine sand from 95 to 99 feet, fine sand from 99 to 102 feet, medium sand from 102 to 115 feet. The driller's test log notes a completed well depth of 115 feet and a static water level of 30 feet.

92.16

The requested quantity of water, ~~111.8~~ acre-feet, is to irrigate the proposed 86 acres identified in the application. This comes out to ~~1.3~~ acre-feet per acre which is the ~~maximum~~ allowable of ~~1.3~~ acre-feet per ~~acre~~ for Sedgwick County, Kansas. **1.07** **minimum**

A copy of the application was submitted to Equus Beds Groundwater Management District No. 2 on May 21, 2021. GMD #2 recommended approval of the application in a letter, received via email, on December 24, 2021. In the letter, GMD 2 stated that the application does not comply with Safe Yield Regulation K.A.R. 5-22-7. However, GMD 2 recommends approval of the application subject to the applicant reducing the quantity requested to 92.16 acre-feet per year, and the proposed rate limited to 800 GPM when combined with File No. 48,043. This would reduce the quantity to 1.07 acre-feet per acre which meets DWR's standard for minimum reasonable quantity for Sedgwick County, Kansas.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. A water level measurement tube is required because this is a proposed new well exceeding 100 gpm.

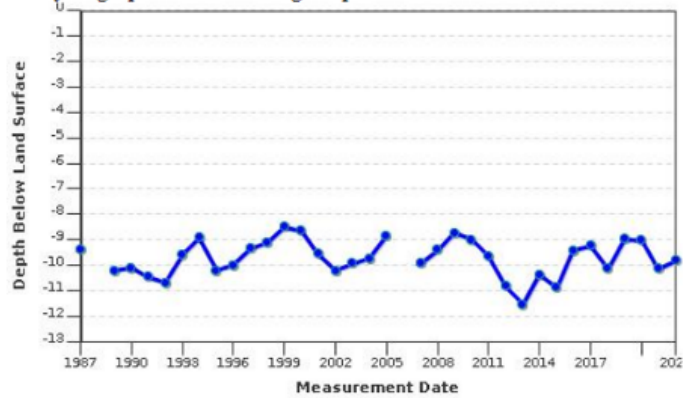
Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on February 8, 2022. Based on the above discussion, well spacing, and reduction of quantity to meet safe yield, approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

3/4/2022
KJN

General Well Site Information ?

USGS ID: 374923097313002 **KGS Local Well ID:** 26S 02W 03A 02
County: Sedgwick **PLSS Description:** 26S 2W 3 NWNE
HUC 8 Code: 11030013 **GMD:** Equus Beds GMD #2
Longitude: -97.527034 **Lat/Long Source:** GPS
Latitude: 37.823552 **Lat/Long Accuracy:** 5 seconds
Surface Elevation (ft): 1376 **Depth of Well (ft):** Unknown
Geological Unit Codes: **USGS Map Name:** COLWICH

Located approximately 2.0 miles from Application File No. 50,450 P/D
Hydrograph- Annual Average Depth to Water Below Land Surface

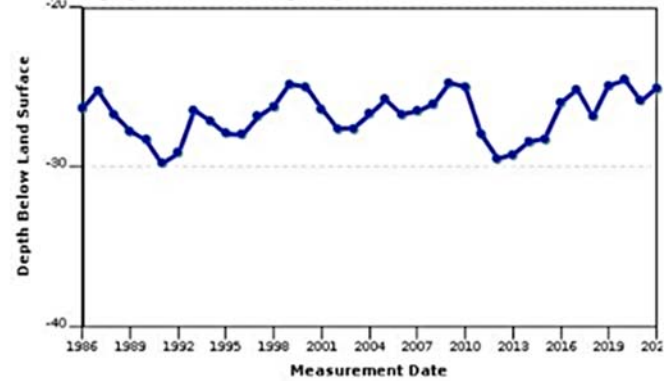


General Well Site Information ?

USGS ID: 374832097330401 **KGS Local Well ID:** 26S 02W 04CCD 03
County: Sedgwick **PLSS Description:** 26S 2W 4 SESWSW
HUC 8 Code: 11030013 **GMD:** Equus Beds GMD #2
Longitude: -97.551422 **Lat/Long Source:** GPS
Latitude: 37.808532 **Lat/Long Accuracy:** 5 seconds
Surface Elevation (ft): 1396.6 **Depth of Well (ft):** 260
Geological Unit Codes: **USGS Map Name:** COLWICH

Located approximately 1.06 miles from Application File No. 50,450 P/D

Hydrograph- Annual Average Depth to Water Below Land Surface



Engelbrecht, Jessica [KDA]

From: Lanterman, Jeff [KDA]
Sent: Tuesday, February 8, 2022 9:19 AM
To: Engelbrecht, Jessica [KDA]
Subject: RE: Memo 50450

Follow Up Flag: Follow up
Flag Status: Flagged

Jessica;

I looked this over and feel like it can be recommended for approval. Reduced quantity here meets minimum reasonable quantity for SG county. The water levels in the area look pretty good but I am still curious as to why Tim didn't do any water level analysis.

When you do your water level graphs I am usually more interested in water levels that go through the current date. A couple of those graphs you gave ended in the 80's or even the 60's. The close one went through 22 though and was good enough.

Approve it.

Thanks.

From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Sent: Wednesday, February 2, 2022 8:27 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Memo 50450
Importance: High

From: Engelbrecht, Jessica [KDA]
Sent: Thursday, January 20, 2022 10:05 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: Memo 50450
Importance: High

Jeff,
Attached is the application for Paul Gruenbacher.
I believe he called you last week to ask about the status of his application. I just got off the phone with him as I was writing this up.

Jessica Engelbrecht, Environmental Scientist
KDA Division of Water Resources
Stafford Field Office
(620) 234-5311 Office
(620) 234-6900 Fax

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. 50,450** of the applicant

PAUL J & MARGARET M GRUENBACHER
21201 W 77TH ST N
MOUNT HOPE, KS 67108

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 **October 1, 2020**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				TOTAL
			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	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
5	26S	2W		46	40													86	

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well, in Lot 1 of Section 5, more particularly described as being near a point 5,175 feet North and 1,320 feet West of the Southeast corner of said section, in Township 26 South, Range 2 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 **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **92.16 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.

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 day of , 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,450, dated was mailed postage prepaid, first class, US mail to the following:

PAUL J & MARGARET M GRUENBACHER
21201 W 77TH ST N
MOUNT HOPE, KS 67108

With photocopies to:

Stafford Field Office

Equus Beds GMD #2

Division of Water Resources

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

PAUL J & MARGARET M GRUENBACHER
21201 W 77TH ST N
MOUNT HOPE, KS 67108

April 13, 2022

RE: Application, File No. 50,450

Dear Applicant:

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". The signature is written in a cursive style.

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

KAB:jne
Enclosures

pc: Stafford Field Office
GMD#2

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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CERTIFICATE OF SERVICE

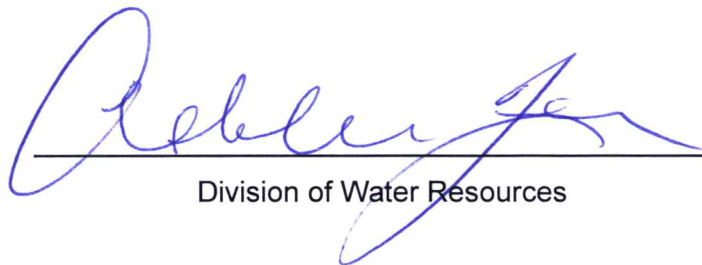
On this 13 day of April, 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,450, dated 5 April 2022 was mailed postage prepaid, first class, US mail to the following:

PAUL J & MARGARET M GRUENBACHER
21201 W 77TH ST N
MOUNT HOPE, KS 67108

With photocopies to:

Stafford Field Office

Equus Beds GMD #2



Division of Water Resources