

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

1. File Number: <b>50,424</b>	2. Status Change Date:	3. Field Office: <b>02</b>	4. GMD:
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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) New to system <input type="checkbox"/> <span style="float:right;">Person ID <b>67388</b> Add Seq# _____</span>  <b>PIKE, LLC          C/O JAY RUSSELL          PO BOX 75337          WICHITA KS 67275</b>	7c. Landowner(s) New to system <input type="checkbox"/> <span style="float:right;">Person ID _____ Add Seq# _____</span>
7b. Landowner(s) New to system <input type="checkbox"/> <span style="float:right;">Person ID _____ Add Seq# _____</span>	7d. Misc. New to system <input type="checkbox"/> <span style="float:right;">Person ID _____ Add Seq# _____</span>

8. WUR Correspondent New to system <input type="checkbox"/> <span style="float:right;">Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/></span> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No <b>7A</b>	9. Use of Water: Changing? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water <input checked="" type="checkbox"/> <b>IRR</b> <input checked="" type="checkbox"/> <b>REC</b> <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: _____
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10. Completion Date: **12/31/2025**      11. Perfection Date: **12/31/2029**      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: \_\_\_\_\_ Date WLMD Installed: \_\_\_\_\_

Date Prepared: 12/14/21 Date Reviewed: 3/26/2024 Date Entered: <b>4/2/2024</b> <b>KAnderson</b>	By: JNE By: KAK By:
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**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** December 13, 2021

**FROM:** Jessica Engelbrecht

**RE:** Application, File Nos. 50,424

Pike, LLC has filed the referenced application to appropriate 11.92 acre-feet groundwater from one (1) well at a rate of 100 gallons per minute for irrigation use on 9.17 acres of greenspace and 14.77 acre-feet to authorize evaporative loss in four-small ponds for recreation use. The proposed point of diversion is located in the Northwest Quarter of the Southwest Quarter of the Southeast Quarter (NW¼ SW¼ SE¼) in Section 22, more particularly described as being near a point 1,040 feet North and 2,140 feet West of the Southeast corner of said section, in Township 27 South, Range 2 West, Sedgwick County, within the Arkansas River drainage basin, in the undifferentiated Wellington Formation. The applicant has signed the application form stating that they have legal access to the point of diversion.

The requested quantity of 11.92 acre-feet is reasonable and based on K.A.R. 5-3-24 for irrigation use in Sedgwick County. The 9.17 acres is located in the Southwest Quarter of Section 27, Township 26 South, Range 1 West, of Sedgwick County. The greenspace is within the subdivision known as Taliesin under the development of Jay Russell and Pike, LLC. The 14.77 acre-feet is to authorize evaporative loss on 8.44 acres of groundwater ponds. The justification is based on 21 inches of NET for Sedgwick County / 12 inches per foot times one year = 14.77 acre-feet. The ponds will be constructed with liners to minimize seepage.

A driller's test log shows sandy topsoil 0 to 2 feet, clay from 2 to 17 feet, fine sand from 17 to 24 feet, aqua shale from 24 to 37 feet, sandstone from 35 to 37 feet, fine sand from 37 to 39 feet, sandstone from 39 to 41 feet, gray shale from 41 to 90 feet, and a static water level of 27 feet. The well appears to be in a confined aquifer, more specifically the Wellington Formation.

Based on a safe yield analysis with 8,042-acre area, 75% recharge (Arkansas River Basin), and 3.3 inches of annual recharge, there are 1,658.76 acre-feet allowable for appropriation with 45.72 acre-feet of existing appropriations. The application meets the safe yield requirement of K.A.R. 5-3-11 with 1586.76 acre-feet available for appropriation. There will be 1560.07 acre-feet remaining after approval of this application.

The application is in proximity to a populated area. The applicant published a public notice in The Wichita Eagle for three consecutive weeks from May 27 through June 10, 2021 and provided proof of the publication in an affidavit from the paper received in DWR on July 16, 2021. No comments were received from the public or the correspondence.

Memorandum  
File No. 50,424  
Page 2 of 2

According to the WRIS database, the nearest proposed non-domestic point of diversion (Application, File No. 50,425 – which is being processed with this application) is located 1,033 feet away and also owned by the applicant. Based on well logs obtained from the Kansas Geological Survey website, there are two domestic wells located less than 660 feet away from the point of diversion. Therefore, the application does not meet the well spacing requirements in K.A.R. 5-4-4. However, the application proposes a low capacity (100 g.p.m.) well and the spacing guidelines set forth in K.A.R. 5-4-4 do not appear to be necessary to prevent direct impairment.

The applicant has submitted a signed Minimum Desirable Streamflow form, which has been properly notarized. By completing this statement, the applicant affirms his/her knowledge that there could be times when the diversion of water may not be allowed under this permit.

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.

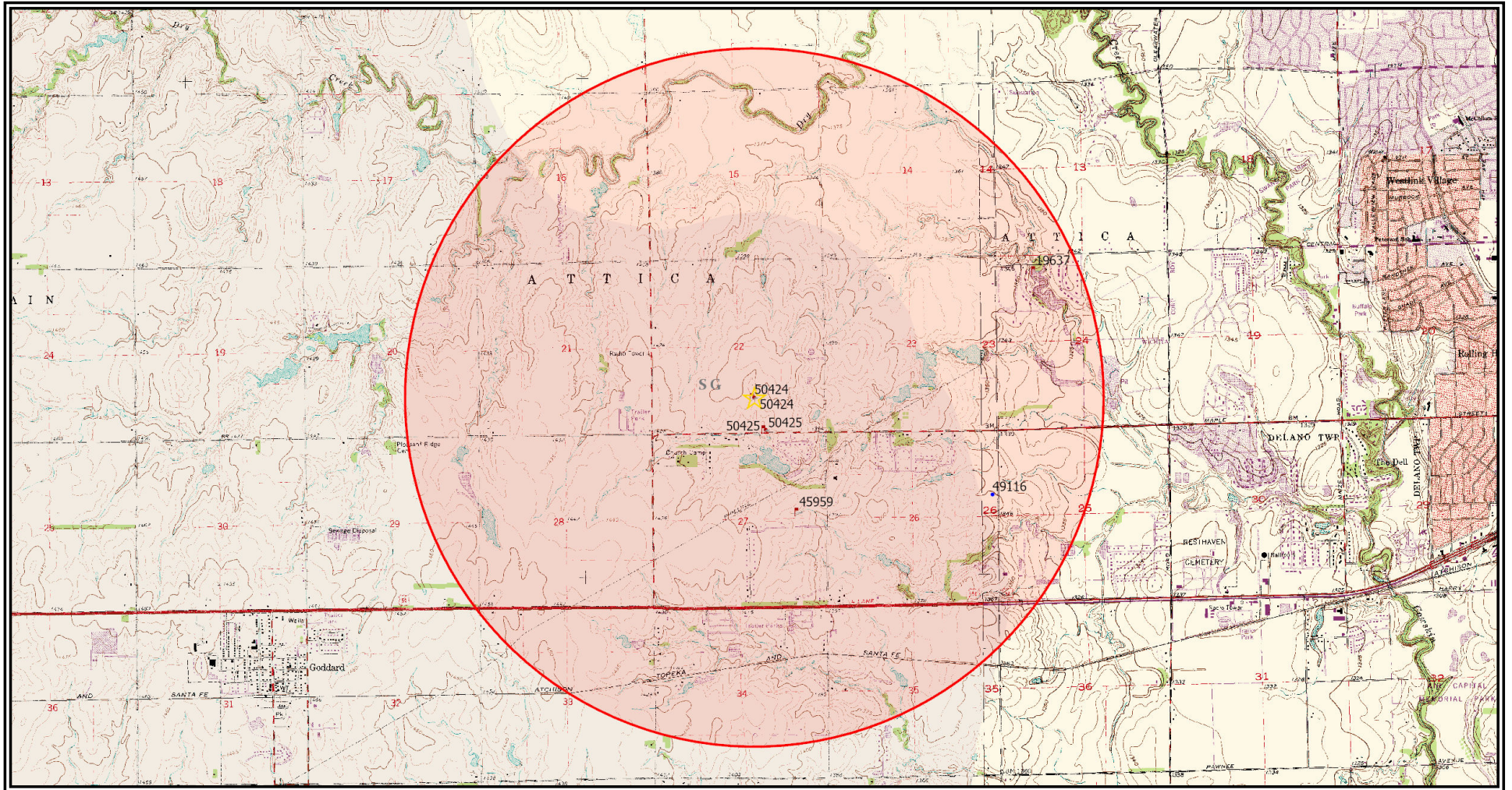
If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

In an e-mail message, dated December 13, 2021, Jeff Lanterman, Water Commissioner of the Stafford Field Office, indicated he had no objection to the approval of the referenced application.

Based on the above discussion, it does not appear that approval of the application will impair senior water rights, nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.



**Safe Yield Report Sheet**  
**Water Right- Proposed Point of Diversion**  
**Point of Diversion in 22-27S-02W**  
**Footages from SE corner- 1,040 feet North 2,140 feet West**



**\*MEETS SAFE YIELD**

## Analysis Results

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

The safe yield based on the variables listed below is 1,658.76 AF.

Total prior appropriations in the circle is 98.69 AF – 53.38 AF = 45.31 AF

Total quantity of water available for appropriation is 1,560.07 AF – 45.31 AF = 1,514.76 AF

(11.92 AF – 14.77 AF – 11.92 AF – 14.77 AF = 53.38 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 3.3 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 02-DEC-2021 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 4 water rights and 4 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 19637 00	REC	NK	G		NW	NE	NW	4950	3930	24	27	02W	1	WR	58.00	58.00		
A 45959 00	REC	NK	G		SW	SE	NE	2854	829	27	27	02W	1	WR	14.00	14.00		
<del>A 50424 00</del>	<del>IRR</del>	<del>AY</del>	<del>G</del>		<del>NW</del>	<del>SW</del>	<del>SE</del>	<del>1040</del>	<del>2140</del>	<del>22</del>	<del>27</del>	<del>02W</del>	<del>1</del>	<del>WRF</del>	<del>11.92</del>	<del>11.92</del>	<del>9.17</del>	<del>9.17</del>
<del>A 50424 00</del>	<del>REC</del>	<del>AY</del>	<del>G</del>		<del>NW</del>	<del>SW</del>	<del>SE</del>	<del>1040</del>	<del>2140</del>	<del>22</del>	<del>27</del>	<del>02W</del>	<del>1</del>	<del>WRF</del>	<del>14.77</del>	<del>14.77</del>		
<del>A 50425 00</del>	<del>IRR</del>	<del>AY</del>	<del>G</del>		<del>SE</del>	<del>SW</del>	<del>SE</del>	<del>65</del>	<del>1800</del>	<del>22</del>	<del>27</del>	<del>02W</del>	<del>2</del>	<del>WRF</del>	<del>11.92</del>	<del>0.00</del>	<del>9.17</del>	<del>0.00</del>
<del>A 50425 00</del>	<del>REC</del>	<del>AY</del>	<del>G</del>		<del>SE</del>	<del>SW</del>	<del>SE</del>	<del>65</del>	<del>1800</del>	<del>22</del>	<del>27</del>	<del>02W</del>	<del>2</del>	<del>WRF</del>	<del>14.77</del>	<del>0.00</del>		



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. 50,424** of the applicant

**PIKE 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 **August 17, 2020**.

2. That the water sought to be appropriated shall be used for recreational use in a series of four (4) interconnected ponds located in the West Half of the Southeast Quarter (W $\frac{1}{2}$  SE $\frac{1}{4}$ ) and the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 22, Township 27 South, Range 2 West, Sedgwick County, Kansas, and for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
22 - 27S - 2W						2.00										7.17	9.17

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Northwest Quarter of the Southwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 22, more particularly described as being near a point 1,040 feet North and 2,140 feet West of the Southeast corner of said section, in Township 27 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 **100 gallons per minute (0.23 c.f.s.)**, and to a quantity not to exceed **14.77 acre-feet of water for any calendar year for recreational use**, and **11.92 acre-feet of water for any calendar year for irrigation use**.



5. That installation of works for diversion of water shall be completed on or before **December 31, 2025**, 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, 2029**, 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.

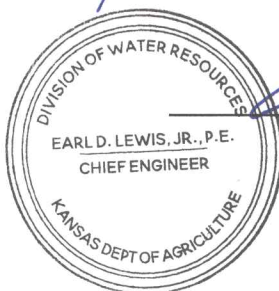
14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure 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.

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.

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.

Ordered this 1st day of April, 2024, in Riley County, Kansas.

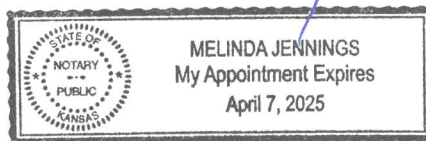


*Earl D. Lewis Jr.*  
\_\_\_\_\_  
Earl D. Lewis Jr., P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                                  ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 1st day of April, 2024, 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

April 3, 2024

PIKE LLC  
PO BOX 75337  
WICHITA KS 67275

RE: Application  
File Nos. 50,424 and 50,425

Dear Sir or Madam:

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

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

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

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

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

Enclosures  
KAB:kak:jne  
pc: Stafford Field Office



## RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, 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 3 day of April, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,424, dated April 1, 2024, was mailed postage prepaid, first class, US mail to the following:

PIKE LLC  
PO BOX 75337  
WICHITA KS 67275

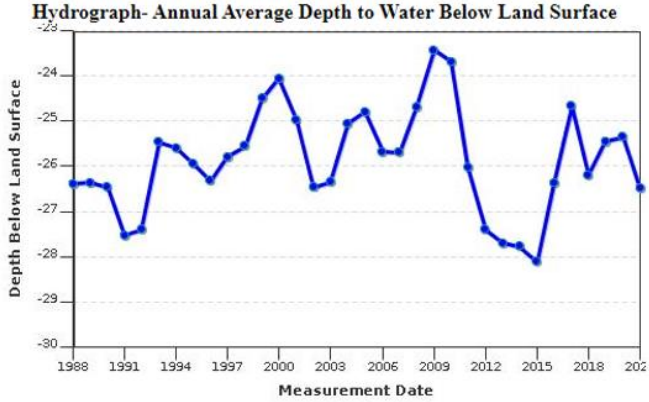
With photocopies to:

KDA-DWR Stafford Field Office

  
Division of Water Resources

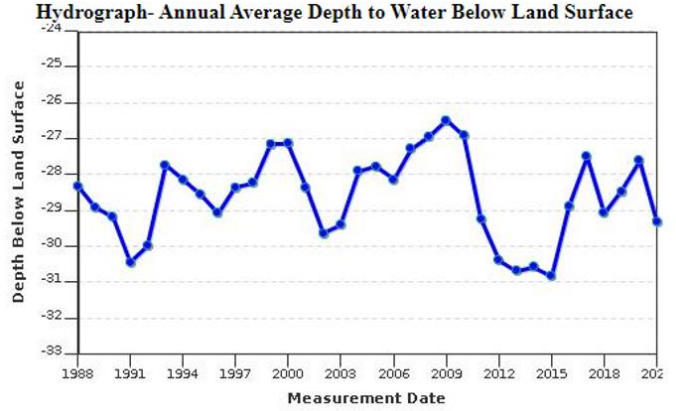
**General Well Site Information ?**

<b>USGS ID:</b>	374223097295402	<b>KGS Local Well ID:</b>	27S 02W 13BBB 02
<b>County:</b>	Sedgwick	<b>PLSS Description:</b>	27S 2W 13 NWNWNW
<b>HUC 8 Code:</b>	11030013	<b>GMD:</b>	None
<b>Longitude:</b>	-97.498596	<b>Lat/Long Source:</b>	GPS
<b>Latitude:</b>	37.706534	<b>Lat/Long Accuracy:</b>	5 seconds
<b>Surface Elevation (ft):</b>	1355	<b>Depth of Well (ft):</b>	94
<b>Geological Unit Codes:</b>		<b>USGS Map Name:</b>	WICHITA WEST
<b>Use of Site:</b>	Observation	<b>Use of Water:</b>	Unused
<b>WWC5 Links:</b>	None	<b>WIMAS Link:</b>	None



**General Well Site Information ?**

<b>USGS ID:</b>	374223097295401	<b>KGS Local Well ID:</b>	27S 02W 13BBB 03
<b>County:</b>	Sedgwick	<b>PLSS Description:</b>	27S 2W 13 NWNWNW
<b>HUC 8 Code:</b>	11030013	<b>GMD:</b>	None
<b>Longitude:</b>	-97.498599	<b>Lat/Long Source:</b>	GPS
<b>Latitude:</b>	37.70653	<b>Lat/Long Accuracy:</b>	5 seconds
<b>Surface Elevation (ft):</b>	1355.1	<b>Depth of Well (ft):</b>	127
<b>Geological Unit Codes:</b>		<b>USGS Map Name:</b>	WICHITA WEST
<b>Use of Site:</b>	Observation	<b>Use of Water:</b>	Unused
<b>WWC5 Links:</b>	None	<b>WIMAS Link:</b>	None



**General Well Site Information ?**

<b>USGS ID:</b>	374223097295403	<b>KGS Local Well ID:</b>	27S 02W 13BBB 01
<b>County:</b>	Sedgwick	<b>PLSS Description:</b>	27S 2W 13 NWNWNW
<b>HUC 8 Code:</b>	11030013	<b>GMD:</b>	None
<b>Longitude:</b>	-97.498589	<b>Lat/Long Source:</b>	GPS
<b>Latitude:</b>	37.706552	<b>Lat/Long Accuracy:</b>	5 seconds
<b>Surface Elevation (ft):</b>	1355	<b>Depth of Well (ft):</b>	55
<b>Geological Unit Codes:</b>		<b>USGS Map Name:</b>	WICHITA WEST
<b>Use of Site:</b>	Observation	<b>Use of Water:</b>	Unused
<b>WWC5 Links:</b>	None	<b>WIMAS Link:</b>	None

