

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

1. File Number: <p style="text-align: center;">50,590</p>	2. Status Change Date: <p style="text-align: center;">2/14/2023</p>	3. Field Office: <p style="text-align: center;">02</p>	4. GMD:
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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

6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter

<p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 41713 Add Seq# _____</p> <p>SEDGWICK CO ENVIRONMENTAL RESOURCES DEPT Attn: SUSAN D ERLENWEIN 1144 S SENECA WICHITA, KS 67213</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>
<p>7b. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> <p>7a</p>	<p>7d. Misc. New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>

<p>8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: right;">Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p> <p>7a</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 100px;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: <u>12/31/2024</u>	11. Perfection Date: <u>12/31/2029 2028</u>	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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____

<p style="font-size: 2em; color: purple;">WAIVER INCLUDED</p>	Date Prepared: 1/26/23 By: JNE
2/14/2023 KKopp	Date Entered: 2/15/2023 LMoody

File No. **50,590** 15. Formation Code: Drainage Basin: **ARKANSAS RIVER** County: **SG** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
PD Comment: Westurban Baseball Quad Well										Authorized		Additional			
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
CHK	88867	SW	SW	SW	10	27	1W	28	1077	4758	49.8	10.42	49.8	10.42	NONE
											4.95		4.95		

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 12/31/2023 2024 Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼						
CHK	70429	10	27	1	16																								

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: December 30, 2022

FROM: Jessica Engelbrecht

RE: Application, File No. 50,590

Susan Erlenwein has filed the above referenced application on behalf of Sedgwick County Environmental Resources Department, proposing 4.95 acre-feet of groundwater per year for irrigation use, at a rate not to exceed 49.8 gallons per minute, from one (1) well located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 10, more particularly described as being near a point 1,077 feet North and 4,758 feet West of the Southeast corner of said section, in Township 27 South, Range 1 West, Sedgwick County, within the Arkansas River drainage basin. The place of use and point of diversion are owned by the applicant.

The proposed place of use is a 1.65-acre ball field in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 10, Township 27 South, Range 1 West, Sedgwick County, Kansas. The requested quantity of 4.95 acre-feet applied to 1.65 acres will provide 3.0 acre-feet per acre, which exceeds the maximum reasonable quantity for irrigation use in Sedgwick County, per K.A.R. 5-3-24. The quantity of water requested is consistent with other turf grass irrigation projects already approved throughout the state. Therefore, the quantity appears to be reasonable. Furthermore, the well has existed since the 1980's without impairing neighboring wells.

Well logs in the immediate area show layers of sand and clay and gravel to a depth of 60 feet with an average static water level of 17 feet. The area has an approximate saturated thickness of 43 feet. According to nearby well logs, the likely source of groundwater would be from the Quaternary system.

Due to the amount of potential nearby well owners within the area, the applicant was required to publish a public notice in the local paper for three consecutive weeks. The applicant published a public notice in The Wichita Eagle for three consecutive weeks starting on November 15, 2021, with the final publication being November 29, 2021. The applicant provided proof of the publication in an affidavit from the paper received on November 28, 2021. No contact of any kind was received.

The application is subject to safe yield based on K.A.R. 5-3-11. The safe yield area of consideration is the full area of the two-mile circle, 8,042 acres using 5.4 inches of potential annual recharge and 75% recharge available for appropriation that is based off the Lower Arkansas Enhanced Recharge area. Total prior appropriations minus pending applications result in 109.13 acre-feet exceeded with no water available for appropriation. Therefore, the quantity of 4.95 acre-feet will not meet safe yield in this area. The application does not qualify for small use exemption as prior small use exemptions in area total 15.22 acre-feet. However, the well has been in operation since the 1980s without impairment of nearby wells and therefore a waiver of K.A.R. 5-3-11 and approval of the application, will have no additional impact to the groundwater supply.

The applicant has four other wells (pending Application, File Nos. 50,591; 50,592; 50,593 and 50,611) within 1,000 feet of the application. According to the WRIS database, the nearest non-domestic point of diversion not owned by the applicant (Water Right, File Nos. 50,218) is located approximately 3,533 feet away. Based on the site map the nearest domestic well is approximately 837 feet away. Per the requirements in K.A.R. 5-4-4(2)(C), the minimum well spacing should be 1,320 feet to all other non-domestic wells and 660 feet to domestic wells, therefore the application meets spacing requirements.

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.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on January 24, 2023. Based on the above discussion, waiver of K.A.R. 5-3-11, 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.

Engelbrecht, Jessica [KDA]

From: Lanterman, Jeff [KDA]
Sent: Tuesday, January 24, 2023 4:11 PM
To: Engelbrecht, Jessica [KDA]
Subject: 50590, 50591, 50592, 50593

Importance: High

Follow Up Flag: Follow up

Flag Status: Flagged

Jessica;

These are applications from SG county to cover existing ball fields that have not been covered previously that have been in place and in use for a long time.

Due to the low rates and small quantities for the ball fields and the long history of existing use I believe these have a small chance of causing impairment so I am in favor of a waiver to get them approved.

Additionally there is a safety concern with ball fields that should be considered.

I recommend approval. (Hey I didn't find 50611 from your memo in this group in my hot rack) did I miss it?

Jeff

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

File Number: 50590, 50591, 50592, and 50593

FO: 2 GMD:

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
REC	01/26/23	52	Statewide	Safe Yield	Yield of The Source Area Exceeded
Rule Number	Date Granted	Date Denied	Justification:	Wells have existed for a minimum of forty (40) years without directly impairing existing water rights. Approving these applications would bring these long-existing low-capacity wells into compliance with the Kansas Water Appropriations Act.	
K.A.R. 5-3-10	2/14/2023				

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
REC	01/26/23	3	Statewide	Well Spacing	Unconfined
Rule Number	Date Granted	Date Denied	Justification:	Wells have existed for a minimum of forty (40) years without directly impairing each other. Approving these applications would bring these long-existing low-capacity wells into compliance with the Kansas Water Appropriations Act.	
K.A.R. 5-4-4	2/14/2023				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared 1/26/23 By JNE

Date Entered 2/15/2023 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 REGULATIONS
K.A.R. 5-3-10 – Safe Yield
K.A.R. 5-4-4 – Well Spacing


Date: February 14, 2023

Re: Application, File Nos. 50,590, 50,591, 50,592, and 50,593

1. That K.A.R. 5-3-10 states in part, that the approval of any new application to appropriate groundwater for beneficial use, shall not cause the safe yield of the source of water supply to be exceeded.
2. That based on the safe yield calculation outlined by K.A.R. 5-3-11, the area is fully appropriated, when comparing precipitation recharge with existing appropriations.
3. That K.A.R. 5-4-4 states in part, that each well that is described in an application for a permit to appropriate water for beneficial use shall be at least 1,320 feet.
4. That the wells proposed by the above referenced applications are located less than 1,320 feet from each other.
5. That the reference applications are requesting groundwater for irrigation of baseball fields from existing wells.
6. That these low-capacity water wells have operated since the mid-1970s, without directly impairing each other or other nearby water rights.
7. That waivers of safe yield and well spacing would not prejudicially or unreasonably affect the public interest, nor result in direct impairment of existing water rights.

Comments:




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. 50,590** of the applicant

**SEDGWICK COUNTY
1144 S SENECA ST
WICHITA KS 67213-4443**

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 **June 1, 2021**.
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 $\frac{1}{4}$				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 $\frac{1}{4}$	
10 - 27S - 1W												1.65					1.65

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 Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 10, more particularly described as being near a point 1,077 feet North and 4,758 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 topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **49.8 gallons per minute** and to a quantity not to exceed **4.95 acre-feet (1.61 million gallons)** of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2024**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2028**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.
8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.
11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of 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.
13. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.
14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
15. That 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 *14th* day of *February*, 2023, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.

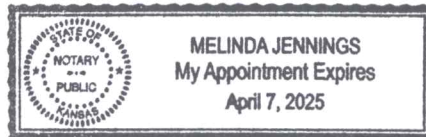
Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me *14* day of *February*, 2023, 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

February 16, 2023

SUSAN D ERLLENWEIN
SEDGWICK CO ENVIRONMENTAL RESOURCES DEPT
1144 S SENECA ST
WICHITA KS 67213-4443

RE: Appropriation of Water
File Nos. 50,590, 50,591, 50592 and 50,593

Dear Ms. Erlenwein:

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

Approval of your applications constitute permits to appropriate water. They do not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. They do 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.

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 the permits. If you need an extension of time, you must request it before the deadline for completion set forth in the permits. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00 per file number.

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.

Also included 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/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 cursive script that reads "Kristen A. Baum".

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

KAB:jne
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:

- 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 10 day of February, 2023, I hereby certify that the attached Approval of Application and Permit to Proceed, File No. 50,590, dated February 14, 2023, was mailed postage prepaid, first class, U.S. Mail to the following:

Original to:

SEDGWICK CO ENVIRONMENTAL RESOURCES DEPT
ATTN: SUSAN D ERLLENWEIN
1144 S SENECA ST
WICHITA KS 67213-4443

Photocopy to:

Stafford Field Office



DWR Staff