

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

1. File Number: <p style="text-align: center; font-size: 1.2em;"><b>50,678</b></p>	2. Status Change Date:	3. Field Office:	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)                                      Person ID **63697**  
 New to system                                       Add Seq# \_\_\_\_\_

**UNIFIED SCHOOL DISTRICT #259**  
**ATTN: DIVISION DIR OF FACILITIES**  
**3850 N HYDRAULIC ST**  
**WICHITA, KS 67219-3399**

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

**7a**

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

7d. Misc.    Person ID \_\_\_\_\_  
 New to system                                       Add Seq# \_\_\_\_\_

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

**7a**

9. Use of Water:    Changing?     Yes     No

Groundwater                       Surface Water

IRR                       REC                       DEW                       MUN

STK                       SED                       DOM                       CON

HYD DRG     WTR PWR             ART RECHRG

IND    SIC: \_\_\_\_\_     OTHER: \_\_\_\_\_

10. Completion Date: 12/31/2024            11. Perfection Date: 12/31/2028            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: 5/11/23                      By: JNE  
 Date Reviewed: 5/23/2023                      By: KAK  
 Date Entered:                                      By:

File No. **50,678**      15. Formation Code: **113**      Drainage Basin: **Arkansas River**      County: **SEDGWICK**      Special Use:      Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>MOD</b>			<b>82847</b>	<b>NE SE SW</b>	<b>8</b>	<b>27S</b>	<b>1E</b>	<b>2</b>	<b>1,146</b>	<b>2,669</b>	<b>50</b>	<b>5</b>	<b>50</b>	<b>5</b>	<b>SEE COMMENTS</b>

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 **12/31/2024**      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	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	NE ¼	NW ¼	SW ¼	SE ¼						
<b>MOD</b>			<b>65712</b>	<b>8</b>	<b>27S</b>	<b>1E</b>	<b>2</b>																										

Comments: **REPLACING FILE NO. 49,006 WHICH WAS NOT PROPERLY PERFECTED.**



**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

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

**TO:** Files

**DATE:** March 14, 2022

**FROM:** Jessica Engelbrecht

**RE:** Application  
File No. 50,678

Dismissal  
File No. 49,006

USD 259 School District has filed the above referenced new application proposing to appropriate groundwater for irrigation of 10.87 acres of athletic fields at North Wichita High School. The application is requesting a quantity of 5 acre-feet for irrigation use from an existing well, currently authorized by Appropriation of Water, File No. 49,006. The District has also submitted a Voluntary Waiver of Hearing & Dismissal of Water Right form for Appropriation of Water, File No. 49,006, contingent upon the approval of the above referenced new application, which covers the same point of diversion, but a slightly different place of use. File No. 49,006 is being dismissed at the recommendation of DWR staff, because it was not properly perfected.

No well logs were provided by the applicant, but a review of nearby wells and the geographical locations of the wells adjacent to the river, indicate that the source of water is the alluvium of the Little Arkansas River. In general, the wells are shallow (total depths less than 40 feet), show medium to coarse sands overlying shale bedrock, and have static water levels around 15 feet.

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 the notice in The Wichita Eagle starting on May 25, 2022, with the final publication being June 8, 2022. The applicant provided proof of the publication in an affidavit from the paper received on June 8, 2022. No response of any kind was received from nearby well owners. According to the WRIS database, the nearest non-domestic point of diversion (File No. 45,802) is located 4,048 feet away. No domestic wells were identified, either in the current application or the prior application, as being less than 660 feet from the existing well. Therefore, the application appears to meet the well spacing guidelines.

Safe yield was evaluated using the standard methodology in K.A.R. 5-3-11, which is based on the extent of the unconfined aquifer (area of consideration), a potential annual recharge estimate of 5.4 inches, and a percent of recharge available for appropriation of 75% to protect streamflow and domestic users. The entire two-mile circle was used, providing an area of consideration of 8,042 acres. With a potential annual recharge of 5.4 inches, and 75% of recharge available for appropriation, safe yield was determined to be 2,714 acre-feet. Based on this calculation, the area is fully appropriated. While the application fails to meet the safe yield criteria, it qualifies for a small use exemption as allowed in K.A.R. 5-3-16, due to the small quantity of water requested. As noted, File No. 49,006 is also being dismissed and there will be no net change in the amount of water being appropriated with the approval of the new application.

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 these permits, check valves will also need to be installed. No water level measurement tubes are required because this is an existing well that will be authorized less than 100 gpm.

Jeff Lanterman, Water Commissioner for the Stafford Field Office, recommended approval of the referenced application on May 9, 2023.

Based on the above discussion, that the approval is allowed under K.A.R. 5-3-16 (exemptions for up to 15 acre-feet), the area is open to new appropriations for groundwater (but fully appropriated), the proposed appropriation of water appears reasonable, and there is no evidence that senior rights will be impaired. It is recommended that the referenced application File No. 50,678 be approved.


  
**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. 50,678** of the applicant

**UNIFIED SCHOOL DISTRICT #259**  
**3850 N HYDRAULIC ST**  
**WICHITA KS 67219-3399**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **November 8, 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	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8 - 27S - 1E									4.14			0.15		2.85	3.73		10.87

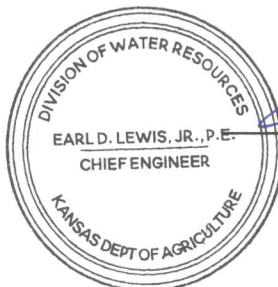
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Northeast Quarter of the Southeast Quarter of the Southwest Quarter (NE¼ SE¼ SW¼) of Section 8, more particularly described as being near a point 1,146 feet North and 2,669 feet West of the Southeast corner of said section, in Township 27 South, Range 1 East, 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 **50 gallons per minute** and to a quantity not to exceed **5 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, 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 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 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 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 *30<sup>th</sup>* day of *May*, 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 *30* day of *May*, 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](http://www.agriculture.ks.gov)

Mike Beam, Secretary

Laura Kelly, Governor

May 31, 2023

JUSTIN WATERS  
UNIFIED SCHOOL DISTRICT #259  
3850 N HYDRAULIC ST  
WICHITA KS 67219-3399

RE: Appropriation of Water  
File No. 50,678

Dismissal of Appropriation of Water  
File No. 49,006

Dear Mr. Waters:

Enclosed is a permit authorizing the District 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. Also enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing File No. 49,006, as requested in your voluntary dismissal form received on November 8, 2021.

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.

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](http://www.kswaterusereport.org).

UNIFIED SCHOOL DISTRICT #259

File Nos. 49,006 and 50,678

Page 2 of 2

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](http://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,



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 31 day of May, 2023, I hereby certify that the attached Approval of Application and Permit to Proceed, File No. 50,678, dated May 30, 2023, was mailed postage prepaid, first class, U.S. Mail to the following:

Original to:

UNIFIED SCHOOL DISTRICT #259  
ATTN: DIVISION DIR OF FACILITIES  
3850 N HYDRAULIC ST  
WICHITA KS 67219-3399

Photocopy to:

KDA-DWR Stafford Field Office

  
\_\_\_\_\_  
DWR Staff