

**Kansas Department of Agriculture**  
**Division of Water Resources**  
 APPROVAL OF CHANGE APPLICATION WORKSHEET

1. File No.: <b>50778</b>	2. Status Change Date: <b>5/22/2024</b>	4. Field Office: <b>02 - Stafford</b> GMD: <b>02 - Equus Beds</b> Structures File No.: Filing/Priority Date: <b>05/02/2022</b>
3. Package File No(s):		
5a. <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID <b>68369</b> Add Seq# <b>1</b>  <b>THE MOORINGS HOMEOWNERS ASSOC</b> <b>4647 N MERIDIAN AVE</b> <b>WICHITA, KS 67204</b>	5b. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	
5c. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	
6. Change No.: --- <input type="checkbox"/> PD <input type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres: --- Year: --- Min Reasonable Q: --- Previous UMW: <b>Not changing</b> MDS Gauge: --- Active Admin? <input type="checkbox"/> Completion/Start Date: <b>12/31/2024</b> <sup>2025</sup> Perfection/Expiration Date: <b>12/31/2028</b> <sup>12/31/2029</sup>		7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: <b>REC-Recreational</b> UMW: UMW:
8. Action Trail ---		
9. Special Conditions ---		
10. 5YR Allocation Type: Start Year: --- 5YR Quantity: --- Base Acres: --- Comment: ---		
11. Sand & Gravel Proj ID: --- <input type="checkbox"/> Active <input type="checkbox"/> Dredge <input type="checkbox"/> IND Evap <input type="checkbox"/> Jr Evap <input type="checkbox"/> Other Diversion <input type="checkbox"/> Rpt on Sr		
12. Waiver Rule ID: --- <input type="checkbox"/> New Date Requested: --- <b>WAIVERS FOR WELL SPACING AND SAFE YIELD SEE WAIVER WORKSHEETS.</b> Applies: --- Rule No.: --- Justification: --- Rule Type: --- Rule SubType: ---		
Comments	Processed <b>05/03/24 JNE</b>	Entered <b>5/28/2024</b> <b>KAnderson</b>
	Reviewed <b>KAK</b> <b>5/3/2024</b>	

File No. **50778**      13. County: **SG** Basin: **33 - Arkansas River** Stream:  
 Structures File No:      Aquifer Code: **190 - Equus Beds**      Special Use Area: --- ---

14. Points of Diversion, Rates & Quantities											Qty <b>AF</b>		Rate <b>gpm</b>		Storage Qty <b>AF</b>		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)			Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps
<b>NO CHG</b>	<b>89513</b>	<b>NE NE SW</b>	<b>24</b>	<b>26S</b>	<b>1W</b>	<b>6</b>	<b>2266</b>	<b>3033</b>								<b>161.67</b>	<b>161.67</b>	

15. Limitations    Type:            Quantity:      **AF**    Rate:      **gpm**    combined with file no(s):  
                           Type:            Quantity:                 Rate:                 combined with file no(s):

16. Metering            Metering Required        Anti-Reverse Required        Seal Required    Compliance Date:

17. Place of Use											NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps
PUSE	S	T	R	ID	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE										
<b>NO CHG</b>	<b>70849</b>	<b>24</b>	<b>26S</b>	<b>1W</b>	<b>4</b>	<b>97-acre surface area groundwater pit</b>																	<b>5a</b>	<input type="checkbox"/>						
																									<input type="checkbox"/>					

18. Point of Diversion and Place of Use Overlaps

<p>* + # ^</p>	<p>** ++ ## ^^</p>
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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:** May 3, 2024

**FROM:** Jessica Engelbrecht

**RE:** Application, File No. 50,778

The Moorings Homeowners' Association has filed the above referenced application proposing to appropriate 161.67 acre-feet of groundwater per year to cover evaporative loss from an existing 97-acre groundwater pit for recreational use. The existing groundwater pit is located in the Southwest Quarter of Section 24, Township 26 South, Range 1 West, in Sedgwick County, Kansas within the boundaries of the Arkansas River Basin. The point of diversion and place of use lay within the boundaries of Equus Beds Groundwater Management District No. 2. The groundwater pit was constructed in the 1950s and pre-dates surrounding domestic wells and nearby groundwater appropriations.

The proposed point of diversion is the center of an existing groundwater pit, which is located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter of Section 24, more particularly described as being near a point 2,266 feet North and 3,033 feet West of the Southeast corner of said section, in Township 26 South, Range 1 West, Sedgwick County, Kansas.

The proposed place of use is an existing ninety-seven (97) acre groundwater pit in the Southeast Quarter of Section 20, Township 26 South, Range 1 West. The applicant has signed the application stating that they have legal access to the point of diversion and place of use.

The requested quantity of 161.67 acre-feet per year was calculated by the applicant with the given equation:

$$97 \text{ acres} \times 20" \text{ natural evaporation loss} / 12 = 158 \text{ acre-feet.}$$

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 a public notice in the Wichita Eagle for three consecutive weeks start on March 8, 2023, with the final publication being March 22, 2023. The applicant provided proof of the publication on May 9, 2023.

On May 4, 2023, a request for recommendation was sent to the Equus Beds Groundwater Management District No. 2 (GMD 2) for a review of the proposed application. GMD 2 submitted a recommendation on September 8, 2023, to deny the application based on the applications not complying with Safe Yield Rule and Regulation K.A.R. 5-22-7(a) as existing and proposed consumptive appropriations exceed the maximum allowable. The application was also recommended for denial due to the application's failure to meet spacing, Regulation K.A.R. 5-2-2(C), as the groundwater pit edge is less than 1,320 feet to the groundwater pit authorized by Water Right, File No. 43,471. Additionally, the edge of the groundwater pit is located less than 330 feet to multiple domestic wells. The applicant submitted an appeal to GMD 2 on October 4, 2023. The board reviewed the appeal on February 21, 2024.

On March 6, 2023, a recommendation for approval was received from GMD 2. A letter dated February 29, 2024 stated the District recommended that the application be granted exceptions to the Safe Yield Rule and Regulation K.A.R. 5-22-7(a), and to the Well Spacing Rule and Regulation K.A.R. 5-22-2(c), and that the application be recommended for approval.

The proposed application is subject to minimum desirable streamflow requirements. The applicant returned a signed and notarized minimum desirable streamflow form with the application.

Jeff Lanterman, Water Commissioner, Stafford Field Office, a recommended approval of the referenced application on May 3, 2024, with a waiver of spacing regulation K.A.R. 5-22-2(c), as well as a waiver of safe yield regulation K.A.R. 5-22-7(a) which would not require the applicant to reduce the size of the groundwater pit.

Based on the above discussion, safe yield criteria met, a waiver of spacing regulation K.A.R. 5-22-2(C), a waiver of safe yield K.A.R. 5-22-7(a), and the 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.

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

File Number: 50,778

FO: 2

GMD: 2

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
REC	5/2/2022	22		Well Spacing	<del>PIT SPACING</del> Well Spacing
Rule Number	Date Granted	Date Denied	Justification:	Spacing is not met as the edge of the groundwater pit is located less than 330 feet to domestic wells and is located less than 1,320 feet to non-domestic points of diversion. Minimal drawdown will likely not impair senior domestic and non-domestic points of diversion.	
K.A.R. 5-22-2	5/22/2024				

**WAIVER RULE (complete only if a new rule needs to be created):**

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
				K.A.R.		

Date Prepared 5/3/24 By JNE

Date Entered 5/28/2024 By KAnderson

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

File Number: 50,778

FO: 2

GMD: 2

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
REC	5/2/2022	179		Safe Yield	YIELD OF THE SOURCE AREA EXCEEDED
Rule Number	Date Granted	Date Denied	Justification:	Local safe yield is not met because propr appropriations exceed the allowable amount. Minimal drawdown will likely not impair senior domestic and non-domestic points of diversion.	
K.A.R. 5-22-7	5/22/2024				

**WAIVER RULE (complete only if a new rule needs to be created):**

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
				K.A.R.		

Date Prepared 5/3/24 By JNE

Date Entered 5/28/2024 By KAnderson

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 REGULATION**  
**K.A.R. 5-22-7 Safe Yield**

Date: \_\_\_\_\_, 2024

Re: Application, File No. 50,778

1. That the application is requesting 161.67 acre-feet of groundwater for recreational use at the rate of natural evaporation from a proposed 97-acre groundwater pit. The groundwater pit is located within the boundaries of Equus Beds Groundwater Management District (GMD) 2.
2. That the application does not meet safe yield criteria as set forth in K.A.R. 5-22-7. Existing groundwater appropriations exceed the maximum allowable by 2912.93 acre-feet based on an analysis by GMD 2.
3. That the pit has been in existence since the 1950s and was in existence before the surrounding residences.
4. That the minimal drawdown created by net evaporation effects of the proposed groundwater pit will likely not impair nearby domestic and non-domestic points of diversion.
5. That the waiver will not prejudicially or unreasonably affect the public interest, and senior rights will not be impaired by the proposed use.

Comments:

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

## Engelbrecht, Jessica [KDA]

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**From:** Lanterman, Jeff [KDA]  
**Sent:** Friday, May 3, 2024 2:05 PM  
**To:** Engelbrecht, Jessica [KDA]  
**Cc:** Letourneau, Lane [KDA]; Conant, Cameron [KDA]  
**Subject:** 50778 Recommendation

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Jessica. This one has been a long road.

I didn't know what the GMD recommendation looked like until I started reviewing the file.

I have been battling these GW pit conditions with GMD #2 since the 00's. Finally getting Tim to see the light is a huge accomplishment. Great Work on this file. .

I recommend approval!

Jeff Lanterman PG, Water Commissioner  
Kansas Department of Agriculture  
Division of Water Resources  
(620)234-5311  
[jeff.lanterman@ks.gov](mailto:jeff.lanterman@ks.gov)  
<https://agriculture.ks.gov/divisions-programs/dwr>



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. 50,778** of the applicant

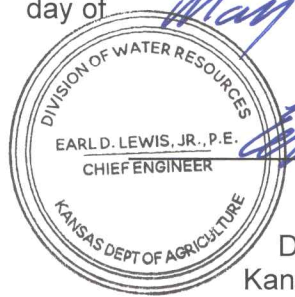
**THE MOORINGS HOMEOWNERS ASSOC  
4647 N MERIDIAN AVE  
WICHITA KS 67204**

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 **May 2, 2022**.
2. That the water sought to be appropriated shall be used for recreational use in a groundwater pit, with a maximum surface area of 97 acres, located in Section 24, Township 26 South, Range 1 West, Sedgwick County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a groundwater pit with a geographical center located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 24, more particularly described as being near a point 2,266 feet North and 3,033 feet West of the Southeast corner of said section, in Township 26 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 **natural evaporation** and to a quantity not to exceed **161.67 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, 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 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.

- 8. 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.
- 9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
- 10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.
- 11. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.
- 12. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
- 13. That the groundwater pit shall be constructed, maintained, and operated in a manner that will prevent degradation to the water quality of the source of supply, which would cause impairment to existing water rights.
- 14. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.
- 15. That failure without cause to comply with the provisions of this 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 22<sup>nd</sup> day of May, 2024, 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 22<sup>nd</sup> day of May, 2024, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Melinda Jennings  
 Notary Public

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 REGULATION**  
**K.A.R. 5-22-2(C) Well Spacing**

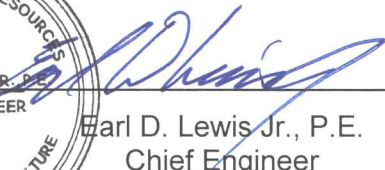
Date: May 22, 2024

RE: Appropriation of Water, File No. 5-22-2(c)

1. That the existing well under the above-referenced application does not meet safe yield criteria as set forth in K.A.R. 5-22-7(a), because existing and proposed consumptive appropriations exceed the maximum allowable by 2912.93 acre-feet.
2. That the edge of the proposed groundwater pit is located less than the required spacing distance of 330 feet from nearby domestic wells.
3. That the edge of the proposed groundwater pit is located less than the required spacing distance of 1,320 feet from groundwater pits authorized by Water Right, File Nos. 43,471.
4. That the minimal drawdown created by net evaporation effects of the proposed groundwater pit will likely not impair senior domestic and non-domestic points of diversion.
5. That Equus Beds Groundwater Management District No. 2 reviewed the application and has recommended the application be approved with a waiver of spacing.
6. That a waiver of K.A.R. 5-22-2 will not prejudicially or unreasonably affect the public interest.

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

WAIVER OF REGULATION  
K.A.R. 5-22-7 Safe Yield

Date: May 22, 2024

Re: Application, File No. 50,778

1. That the application is requesting 161.67 acre-feet of groundwater for recreational use at the rate of natural evaporation from a proposed 97-acre groundwater pit. The groundwater pit is located within the boundaries of Equus Beds Groundwater Management District (GMD) 2.
2. That the application does not meet safe yield criteria as set forth in K.A.R. 5-22-7. Existing groundwater appropriations exceed the maximum allowable by 2912.93 acre-feet based on an analysis by GMD 2.
3. That the pit has been in existence since the 1950s and was in existence before the surrounding residences.
4. That the minimal drawdown created by net evaporation effects of the proposed groundwater pit will likely not impair nearby domestic and non-domestic points of diversion.
5. That the waiver will not prejudicially or unreasonably affect the public interest, and senior rights will not be impaired by the proposed use.

Comments:



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

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



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

Mike Beam, Secretary

Laura Kelly, Governor

May 28, 2024

KURT BACHMAN  
THE MOORINGS HOMEOWNERS ASSOC  
4647 N MERIDIAN AVE  
WICHITA KS 67204

RE: Appropriation of Water  
File No. 50,778

Dear Mr. Bachman:

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.

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).

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/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:kak:jne  
Enclosure(s)  
pc: Stafford Field Office  
Equus Beds GMD No. 2

## RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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

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

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

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

## CERTIFICATE OF SERVICE

On this 28 day of May, 2024, I hereby certify that the attached Approval of Application and Permit to Proceed, File No. 50,778, dated May 22, 2024, was mailed postage prepaid, first class, U.S. Mail to the following:

Original to:

THE MOORINGS HOMEOWNERS ASSOC  
4647 N MERIDIAN AVE  
WICHITA KS 67204

Photocopy to:

KDA-DWR Stafford Field Office

Equus Beds GMD No. 2

  
DWR Staff