

File No. 50796	13. County:	Basin:	Stream:						
Structures File No:	Aquifer Code:	Special Use Area: --- ---							

14. Points of Diversion, Rates & Quantities										Qty AF		Rate gpm		Storage Qty		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)		Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps
MOD	89573	NW NW NE	25	26	1W	1	4676	1995	14.7	14.7						NF	

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

16. Metering **NONE** Metering Required Anti-Reverse Required Seal Required Compliance Date:

17. Place of Use																		Total	Owner(s)	Chg?	Overlaps				
PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼								
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
																									<input type="checkbox"/>
																									<input type="checkbox"/>
																									<input type="checkbox"/>
MOD	70806	25	26	1W	1	Sand and Gravel Pit (NE¼)																		<input type="checkbox"/>	
ENT	71879	24	26	1W		Sand and Gravel Pit (S½ S½ SE¼)																		<input type="checkbox"/>	

18. Point of Diversion and Place of Use Overlaps	
* + # ^	** ++ ## ^^

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 5, 2024

FROM: Jessica Engelbrecht

RE: Application, File No. 50,796

The Perfection Signature Properties LLC., has filed the above referenced application proposing to appropriate 15.7049 acre-feet of groundwater per year to cover evaporative loss from an existing groundwater pit that will be expanded to a surface area of 9.42-acres upon approval of the application. After the proposed expansion, an 8.02-acre portion of the existing groundwater pit will be located in the Northwest Quarter of the Northeast Quarter of Section 25, and a 1.4-acre portion of the groundwater pit will be located in Southwest Quarter of the Southeast Quarter of Section 24, both in Township 26 South, Range 1 West, in Sedgwick County, Kansas within the boundaries of the Arkansas River Basin. The groundwater pit was constructed in the 1970s and pre-dates surrounding domestic wells and nearby groundwater appropriations.

The proposed point of diversion is the center of the groundwater pit, which is located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter of Section 25, more particularly described as being near a point 4,676 feet North and 1,995 feet West of the Southeast corner of said section, in Township 26 South, Range 1 West, Sedgwick County, Kansas.

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 May 16, 2023, with the final publication being May 30, 2023. The applicant provided proof of the publication on May 31, 2023.

On June 19, 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 13, 2023, to deny the application based on the application did 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. 50,778. Additionally, the edge of the groundwater pit is located less than 330 feet to multiple domestic wells.

It should be noted that the application was mistakenly sent to the GMD 2. Adam Koster with MKEC was hired by the applicant to assist with the application process. Mr. Koster contacted our office after receiving a copy of the recommendation for denial. He pointed out the application's point of diversion is located outside of the boundaries of GMD 2. It was a decision of this office to process the application without a recommendation from GMD 2.

On June 27, 2024, a discussion with the applicant's engineer revealed that the applicant had already expanded the pit. The pit was originally proposed to be expanded to 9.42 acres of surface area. The size when completed was 8.82 acres of surface area. The application quantity was revised to 14.7 acre-feet to accommodate the smaller size of the completed groundwater pit. The reduction in quantity now qualifies the application for a safe yield exemption due to 15 acre-feet exemption under K.A.R. 5-3-16.

The revised application quantity was calculated by using the following calculation:

$$8.82 \text{ acres} \times 20'' \text{ natural evaporation loss}/12 = 14.7 \text{ acre-feet.}$$

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 .

Based on the above discussion, 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.

Engelbrecht, Jessica [KDA]

From: Lanterman, Jeff [KDA]
Sent: Thursday, August 15, 2024 2:02 PM
To: Conant, Cameron [KDA]; Engelbrecht, Jessica [KDA]
Subject: RE: Application, File No. 50796

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Jessica;

If we can fit this thing into a 15 af exemption to SY lets get that done and approve it. Please make those changes to your memorandum as to why we are doing it that way.

Go ahead and run a SY for it so that we know it doesn't meet. Explain it is exempt from SY due to the 15 af exemption and run with it.

I didn't see a SY of ours in the file I just assumed it doesn't meet because of what GMD 2 did. But what if it does meet.

Ill bring you the file back. Perhaps let Adam know that's what is up and the only way we can approve it and that they need to quit screwing around with the pit.

Ill bring you the file back. What a pain.

Jeff

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Thursday, June 27, 2024 10:27 AM
To: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: Application, File No. 50796

I only say it'd be nice to break the two because that north little sliver goes into GMD#2. Doesn't have to happen, just be nice is all.

The new map they just sent you shows the actual GW pit at 8.82 acres. I think we should go ahead and modify the application down to 8.82 acres and adjust the quantity down as follows. $8.82 \text{ acres} \times 20'' \text{ evap} = 14.7 \text{ AF}$ so we are just under a 15 AF exemption. That makes the most sense to me, they'll have to initial off/reply via email that they are good with those revisions but we are in a better position getting it below 15 AF in my opinion.

Cameron

From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Sent: Thursday, June 27, 2024 10:22 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: Application, File No. 50796

I don't think that is in the plans to build a structure.
I just got the exhibit this morning. I'll get it into Docuware.

Jessica

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Thursday, June 27, 2024 10:09 AM
To: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: Application, File No. 50796
Importance: High

It would be nice if they had a structure between their pond and the adjoining pit to the north that is in GMD#2. Do you know if they are actually doing that or not? Those maps look ok, I didn't see the shoreline exhibit in docuware.

Cameron

From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Sent: Thursday, June 27, 2024 10:06 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: Application, File No. 50796

"Pages from 50796" is the map that was submitted with the application. The "2024 Shoreline Exhibit" is the completed. Slightly smaller than the size they applied for. We could still modify the application slightly.

Jessica

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Thursday, June 27, 2024 10:00 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Subject: RE: Application, File No. 50796
Importance: High

Do we have a good p/u map showing the proposed pond?

Cameron

From: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Sent: Thursday, June 27, 2024 9:25 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Subject: RE: Application, File No. 50796

Great.

I guess we can give them the below options and see how they want to proceed.

At least I wont have to deal with Timbo on it. I can hear it now " We wouldn't let an irrigator get away with that"

Im sure they will want to proceed with a waiver request for what they already have done... illegally.

I kind of wanna civil penalty them.

Jeff

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Thursday, June 27, 2024 9:14 AM

To: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: Application, File No. 50796

Well crap. What do want Jeff? Seems we have 3 choices.

1. Fill in the new portion of the pit
2. waive SY and approve it
3. tell them to get a viable offset somewhere to cover the evaporative losses from the already exposed GW

None of them seem like great options. At least a pit won't drawdown and impair nearby folks.

Cameron

From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Sent: Thursday, June 27, 2024 9:11 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: Application, File No. 50796

They have completed the expansion of the pit. They may have had it done shortly after applying. I think I remember the reason they submitted the application is because they found out they needed an appropriation after they started they expansion. When they submitted their application, I believe they continued with the expansion instead of stopping to wait for an approval.

Jessica

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Thursday, June 27, 2024 9:03 AM
To: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: Application, File No. 50796
Importance: High

What work has been completed for a while now? Are you saying they had the expansion done before they even applied?

Cameron

From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Sent: Thursday, June 27, 2024 8:38 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: Application, File No. 50796

I asked Adam Koster for some info a while back. I wanted to know if any work had been done, so we could figure out what they actually needed for quantity without expansion. Sounds like the work has been completed for a while now. Maybe even before they applied.

I'll go ahead and continue on with it as it's written. Not sure what else we can do there.

Jessica

From: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Sent: Tuesday, June 4, 2024 4:40 PM
To: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>

Subject: RE: Application, File No. 50796
Importance: High

Ya if it doesn't meet SY all we can do is the existing pit. IMO. No expansions!

From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Sent: Tuesday, June 4, 2024 4:08 PM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: Application, File No. 50796

That is correct. When it was assigned to me, it was marked as GMD 2 and I didn't double check. MKEC pointed out to me after GMD 2 recommended denial, that the pond is just outside of the GMD 2 boundary. I was thinking about the SY waiver because that is what we did with the one to the north. The only difference is the pit to the north didn't have plans to expand. The south pit does. I didn't know if we wanted to approve the expansion when there is no available SY.

Jessica

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Tuesday, June 4, 2024 4:03 PM
To: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: Application, File No. 50796
Importance: High

Refresh me please. This was an application that was close to a GW pit in GMD#2 also right? That one ended up getting approved with waivers (50778).

Is there a thought to following that same idea and waiving SY to approve this pit? I don't love waiving SY but I'd like to treat them pretty close to the same if they are both similar and so close together. Is this pit different than 50778 besides being outside GMD#2?

Cameron

From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Sent: Tuesday, June 4, 2024 3:55 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Application, File No. 50796
Importance: High

I'm looking at an application for REC Use for a pre-existing groundwater pit in SG Co. A housing development started going in and they wanted to expand the existing pond. A safe yield calculation shows that the area is over appropriated.

My thought was to alter the application to cover the pond at its current size, and ask for a SY waiver.

Thoughts?

Jessica

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. 50,796** of the applicant

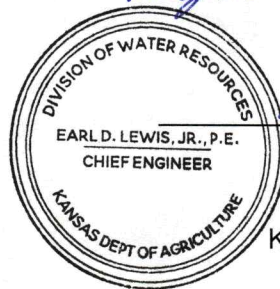
**PERFECTION BUILDERS
443 N MAIZE RD
WICHITA, KS 67212**

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 27, 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 8.82 acres, located in the South Half of the South Half of the Southeast Quarter (S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 24, and in the Northeast Quarter (NE $\frac{1}{4}$) of Section 25, all in 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 Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 25, more particularly described as being near a point 4,676 feet North and 1,995 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 **14.7 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 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 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.

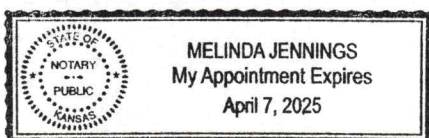
ORDERED this 30th day of August, 2024, in Manhattan, Riley County, Kansas.



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 30 day of August, 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

September 6, 2024

PERFECTION BUILDERS
443 N MAIZE RD
WICHITA, KS 67212

RE: Appropriation of Water
File No. 50,796

Dear Sir or Madam:

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.

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. 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 blue ink that reads "Kristen A. Baum".

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

KAB:kak: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 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 6th day of September, 2024, I hereby certify that the attached Approval of Application and Permit to Proceed, File No. 50796, dated August 30, 2024, was mailed postage prepaid, first class, U.S. Mail to the following:

Original to:

PERFECTION BUILDERS
443 N MAIZE RD
WICHITA KS 67212

Photocopy to:

KDA-DWR Stafford Field Office



DWR Staff