

MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: June 11, 2024

From: Kris Neuhauser, Environmental Scientist

Re: New Application File No. 50,840 – City of Goddard

Summary

The City of Goddard has filed the above referenced new application to appropriate groundwater for irrigation use, requesting 320 million gallons (982 acre-feet) a year at a maximum diversion rate of 800 gallons per minute from two (2) wells; both located in the Northwest Quarter of Section 31, Township 27 South, Range 1 West, Sedgwick County, Kansas. The application overlaps in point of diversion with Water Right, File Nos. 16,735 and overlaps in place of use with Water Right, File Nos. 16,735 and 30,352; and Water Appropriation, File Nos. 40,924 and 40,926. The entire place of use is owned by the city (City of Goddard and immediate vicinity).

Reasonable Rate and Quantity

The proposed quantity of water of 320 mgd appears to be reasonable based on the municipal supplemental sheet and the city's letter outlining the future growth of Goddard. No additional water will be permitted when combined with the city's existing water rights that overlap in place of use. However, there will be additional quantity out of the two individual wells. File No. 50,840 will be limited to 320 mgd when combined with File Nos. 16,735; 30,352; 40,924; 40,926. Each well will maintain their current authorized rate and combined limitation under File No. 16,735 (500 gpm per well, limited to 800 gpm when both wells are pumping simultaneously).

Source of Supply and Safe Yield

Based on the existing well logs and overlapping water rights, the source of water appears to be Quaternary System. Since the two existing wells are separate and not considered a battery, and do not have separate quantity or rates, a safe yield was run at each point.

(WELL #5): K.A.R. 5-3-11 applies to safe yield evaluations for all unconfined aquifers. The potential annual recharge at the circle center was estimated to be 2.8 inches. The percent of recharge available for appropriation was 100%. The area of consideration used was 8,042 acres. Safe yield was determined to be 1,876.58 acre-feet, and existing appropriations have appropriated 1,875.16 acre-feet, leaving 1.42 acre-feet available. The application requesting 982.04 acre-feet (0 additional quantity) meets safe yield criteria.

(WELL #6): K.A.R. 5-3-11 applies to safe yield evaluations for all unconfined aquifers. The potential annual recharge at the circle center was estimated to be 2.8 inches. The percent of recharge available for appropriation was 100%. The area of consideration used was 8,042 acres. Safe yield was determined to be 1,876.58 acre-feet, and existing appropriations have appropriated 1,747.16 acre-feet, leaving 129.42 acre-feet available. The application requesting 982.04 acre-feet (0 additional quantity) meets safe yield criteria.

Nearby Water Rights

No well users were identified within one-half mile of the proposed points of diversion. However, since these existing wells are located within the city, numerous domestic wells are within one-half mile. An email was sent

to Craig R. Crossette, City of Goddard Administrator, on February 13, 2024, outlining the need for a public notice. An affidavit of publication for the public notice was returned to this office on March 11, 2024. The publications ran in the Times Sentinel on February 22, February 29, and March 7, 2024. No responses of any kind were received within the 15-day period for comments following the final publication.

The closest non-domestic well (to either well), is roughly 645 feet away (authorized by Water Right, File No. 34,991), while the closest domestic well is roughly 650 feet away. According to K.A.R. 5-4-4 well spacing criteria is not met for both non-domestic and domestic wells. However, the wells proposed by File No. 50,840 are existing and currently authorized by Water Right, File No. 16,735.

There is no history of impairment or complaints in the area. Steven Thurlow, Engineering Associate, also conducted a Theis analysis (attached to the approval package in Docuware). Based on the above discussion, nearby wells should not be impacted and waivers of spacing will not be required.

Recommendations

In an email conversation on May 28, 2024, Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application. Based on the above discussion, safe yield criteria is met, spacing is adequate, and approval of the application will not impair senior water rights, nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.

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

File Number: **50,840**

FO: **2**

GMD:

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
MUN	6/14/2024 8/1/2022	145	Statewide	Application Acceptance	Maximum Instantaneous Rate
Rule Number	Date Granted	Date Denied	Justification:	The proposed pumping rate per well exceeds 20 gpm. Both wells are currently permitted by Water Right, File No. 16,735. Application, File No. 50,840 proposes additional quantity with no net increase in authorized rate of diversion from what is currently authorized.	
K.A.R. 5-3-4(d)					

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

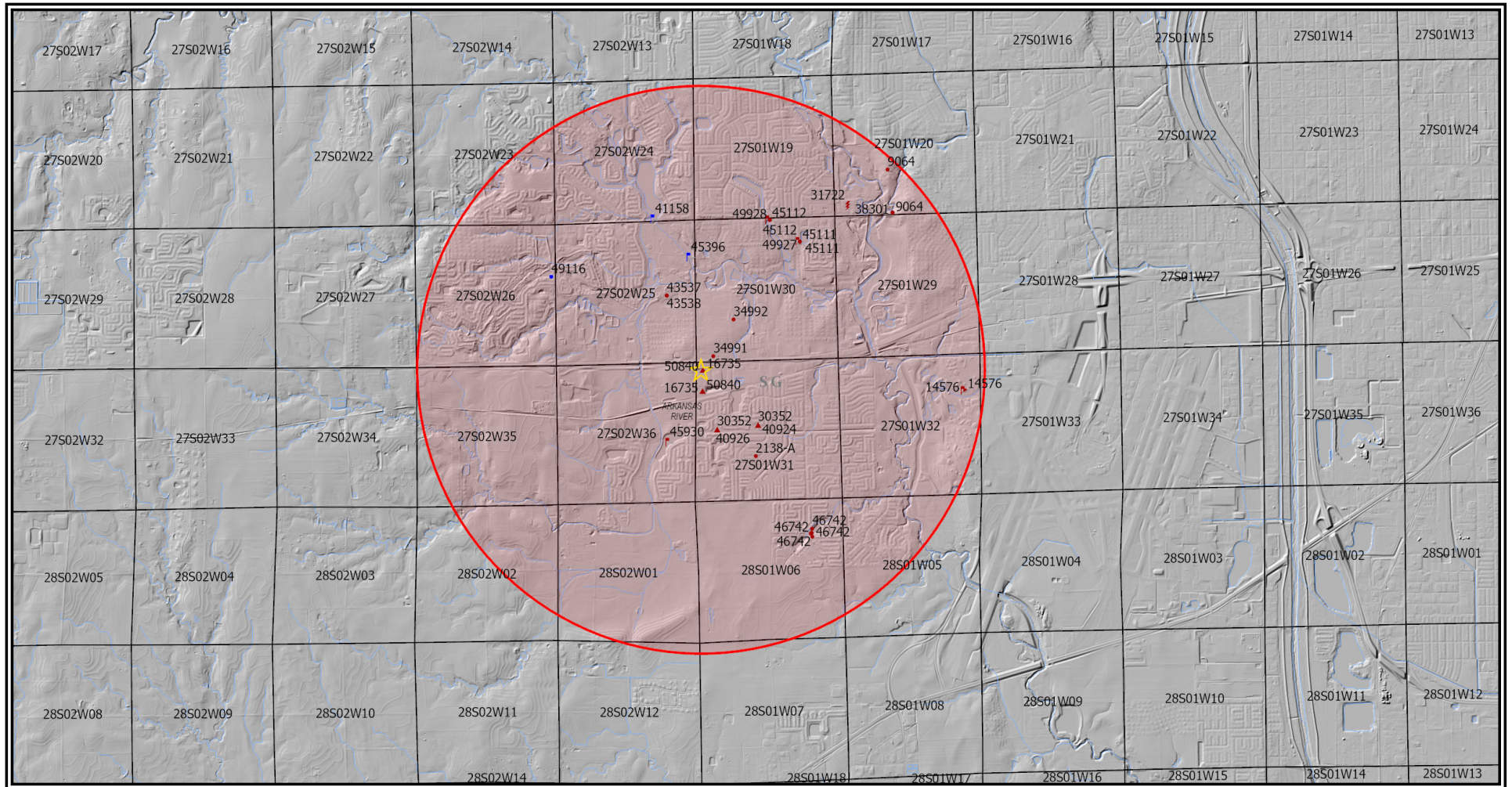
Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
				K.A.R.		

COMMENTS: Will not be a new rule

Date Prepared **6/14/2024** By **KJN**

Date Entered _____ By _____

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 31-27S-01W
Footages from SE corner- 4,832 feet North 5,230 feet West



Analysis Results

NO ADDITIONAL WATER BEING AUTHORIZED BY 50840, PASSES SY*

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

The safe yield based on the variables listed below is 1,876.58 AF.

Total prior appropriations in the circle is 1,747.16 AF.

Total quantity of water available for appropriation is 129.42 AF.

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 2.8 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 26-MAR-2024 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 19 water rights and 19 points of diversion within the circle.

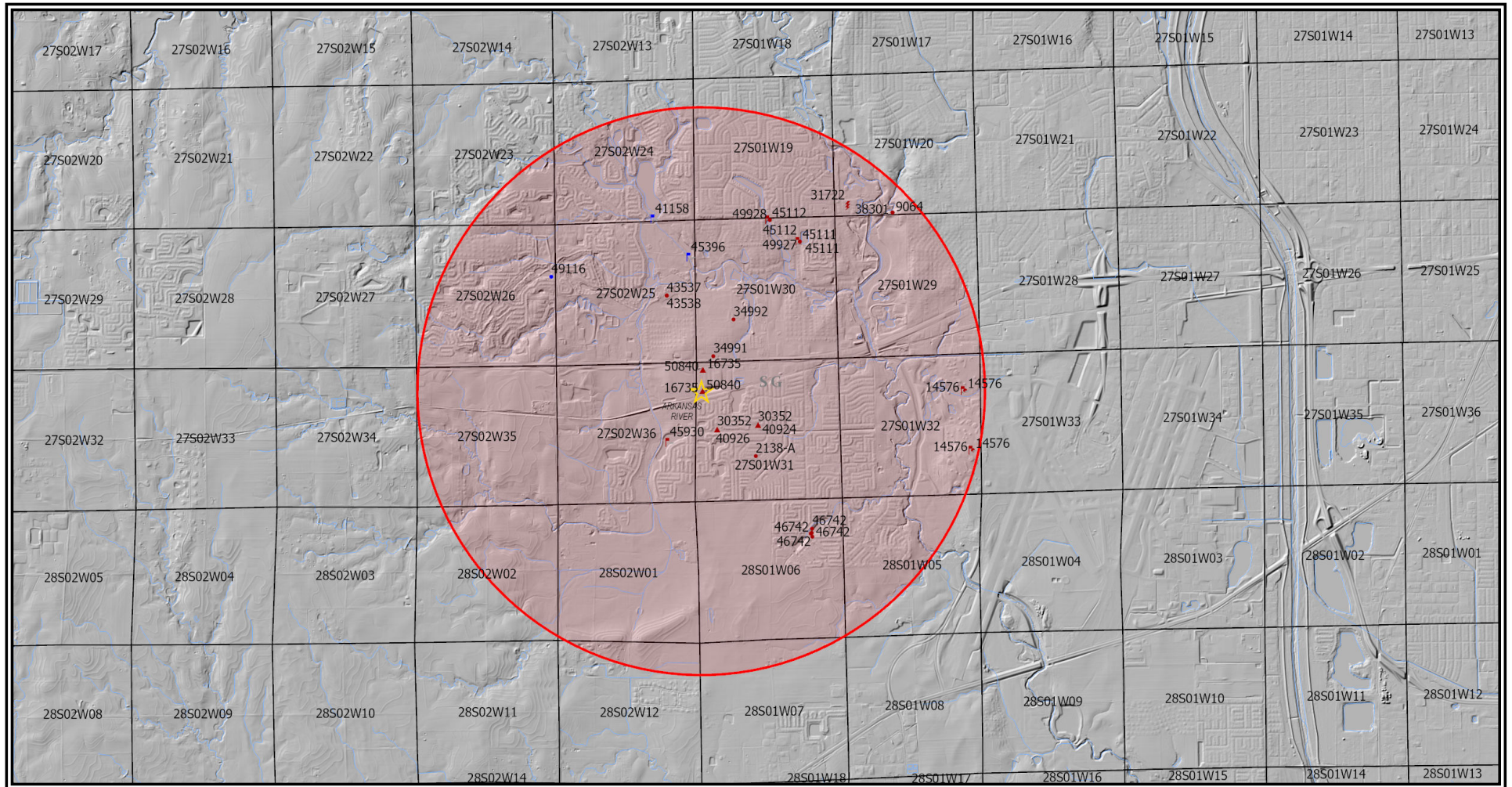
File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 2138 A	IRR	NK	G		SE	NE	SE	1373	282	33	27	01W	4	PD	40.00	40.00	320.00	320.00
A 9064 00	IRR	NK	G		SW	NE	SW	1730	3400	20	27	01W	2	PD	69.00	69.00	142.00	142.00
Same	IRR	NK	G		SE	SE	SW	125	3125	20	27	01W	1	PD	71.00	71.00		
A 14576 00	IRR	NK	G		NE	SE	NE	3700	425	32	27	01W	2	PD	107.00	107.00	195.00	195.00
A 14576 00	REC	NK	G		NE	SE	NE	3700	425	32	27	01W	2	PD	19.00	19.00		
A 16735 00	MUN	NK	G					4032	5230	31	27	01W	2	PD	168.75	168.75		
Same	MUN	NK	G					4832	5230	31	27	01W	1	PD	168.75	168.75		
A 30352 00	MUN	NK	G		SE	SE	NW	2750	3120	31	27	01W	4	PD	149.68	92.95		
Same	MUN	NK	G					2720	4474	31	27	01W	5	PD	105.63	99.49		
A 34991 00	IRR	NK	G		SW	SW	SW	140	4790	30	27	01W	55	WR	50.00	50.00	115.82	115.82
A 34992 00	IRR	NK	G		SW	NE	SW	1480	3900	30	27	01W	3	WR	48.00	48.00	115.70	0.00
A 38301 00	IRR	NK	G		SE	SE	SW	535	2685	20	27	01W	7	WR	46.00	46.00	142.00	0.00
A 40924 00	MUN	LR	G		SE	SE	NW	2750	3120	31	27	01W	4	WR	300.00	300.00		
A 40926 00	MUN	LR	G					2720	4474	31	27	01W	5	WR	300.00	152.11		
A 43537 00	IRR	NK	G		NW	NE	SE	2511	1092	25	27	02W	1	WR	177.00	177.00	174.70	174.70
A 43538 00	IRR	NK	G		NW	NE	SE	2511	1092	25	27	02W	1	WR	100.00	100.00	174.70	0.00
A 45111 00	IRR	NK	G		SE	NW	NE	4376	1399	30	27	01W	53	WRF	1.30	1.30	1.00	1.00
A 45111 00	REC	NK	G		SE	NW	NE	4376	1399	30	27	01W	53	WRF	0.70	0.70		
A 45112 00	IRR	NK	G		NW	NW	NE	5122	2527	30	27	01W	54	WRF	2.20	2.20	1.70	1.70
A 45112 00	REC	NK	G		NW	NW	NE	5122	2527	30	27	01W	54	WRF	2.40	2.40		
A 45930 00	REC	NK	G		NW	NE	SE	2254	930	36	27	02W	2	WR	14.00	14.00		
A 46742 00	IRR	NK	G		SW	NE	NE	4076	1216	06	28	01W	1	WR	12.22	12.22	6.60	6.60
Same	IRR	NK	G		NW	SE	NE	3897	1273	06	28	01W	2	WR				
Same	IRR	NK	G		NW	SE	NE	3777	1216	06	28	01W	3	WR				
Same	IRR	NK	G		NW	SE	NE	3917	1235	06	28	01W	4	WR				

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A 49927 00	IRR	KE	G		SE	NW	NE	4376	1399	30	27	01W	53	WR	2.00	2.00	1.00	0.00
A 49928 00	IRR	KE	G		NW	NW	NE	5122	2527	30	27	01W	54	WR	3.30	3.30	1.70	0.00
A 50840 00	MUN	AY	G					4032	5230	31	27	01W	2	WR	982.04	0.00		
Same	MUN	AY	G					4832	5230	31	27	01W	1	WR				

Limitations

File Number	Seq Num	Limitations
A 14576 00	1	COMMENT-100GPM COM/FOR IRR & REC USE
A 16735 00	1	800GPM WHEN WELLS OPERATE SIMULTANEOUSLY
A 30352 00	2	172.679MGY COM/W #16735
A 40926 00	1	320MGY(982AF/YR) COM/W #16735,#30352鿜 ON LAND LISTED IN APPROVAL
A 43538 00	1	900GPM COM/W #43537
A 49927 00	1	3.3 AF/YR @ 9R GPM COM/W #45111
A 49928 00	1	5.5 AF/YR @ 95 GPM COM/W #45112

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 31-27S-01W
Footages from SE corner- 4,032 feet North 5,230 feet West



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The selected PD is in an area OPEN to new appropriations.
 The safe yield based on the variables listed below is 1,876.58 AF.
 Total prior appropriations in the circle is 1,875.16 AF.
 Total quantity of water available for appropriation is 1.42 AF.

**NO ADDITIONAL WATER BEING
 AUTHORIZED BY 50840, SY PASSES***

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.
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Same	IRR	NK	G		SE	NE	SE	1580	220	32	27	01W	1	PD	168.00	168.00		
Same	REC	NK	G		NE	SE	NE	3700	425	32	27	01W	2	PD	19.00	19.00		
Same	REC	NK	G		SE	NE	SE	1580	220	32	27	01W	1	PD	29.00	29.00		
A 16735 00	MUN	NK	G					4032	5230	31	27	01W	2	PD	168.75	168.75		
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From: Neuhauser, Kris [KDA]
Sent: Tue 6/11/2024 9:33 AM
To: Baum, Kristen [KDA]; Thurlow, Steven [KDA]; Kopp, Kenneth [KDA]
Cc: Engelhaupt, David [KDA]
Subject: RE: City of Goddard, pending application 50840

Thanks all. I'll get everything ready!

Kris Neuhauser

New Applications Lead
Kansas Department of Agriculture, Division of Water Resources
Phone: 785-564-6643

From: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Sent: Tuesday, June 11, 2024 9:27 AM
To: Thurlow, Steven [KDA] <Steven.Thurlow@ks.gov>; Kopp, Kenneth [KDA] <Kenneth.Kopp@ks.gov>
Cc: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Subject: RE: City of Goddard, pending application 50840
Importance: High

Thanks Steven!

I think we can move forward with this application. There's plenty of saturated thickness to support that drawdown. We are just shy of 1000AF so I think Lane can sign for us.

Kristen Baum, Environmental Scientist
DWR – Water Appropriations

From: Thurlow, Steven [KDA] <Steven.Thurlow@ks.gov>
Sent: Tuesday, June 11, 2024 9:08 AM
To: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Kopp, Kenneth [KDA] <Kenneth.Kopp@ks.gov>
Cc: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Subject: RE: City of Goddard, pending application 50840

Attached is the spreadsheet and report for the one-year Theis analysis for these two wells for the City of Goddard. The analysis was conducted with the assumption that the pumping wells will be operating at a constant rate throughout the entire year. The maximum total historic drawdown from the PUSE's four currently authorized pumping wells was compared to the maximum total proposed drawdown from the two proposed pumping wells running three different pumping scenarios. The max net drawdown after one-year was found to be 8.9 feet.

Let me know if you have any questions.

Steven Thurlow
Engineering Associate
Kansas Department of Agriculture
Division of Water Resources

From: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Sent: Tuesday, June 4, 2024 11:42 AM
To: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>; Thurlow, Steven [KDA] <Steven.Thurlow@ks.gov>
Cc: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Kopp, Kenneth [KDA] <Kenneth.Kopp@ks.gov>
Subject: City of Goddard, pending application 50840
Importance: High

I apologize, but I have an urgent request. City of Goddard has been corresponding with Earl and Lane about their application, and they need it processed. It was filed in August of 2022.

The application requests 0 additional quantity but it's based on the place of use. It would be additional quantity out of the individual wells. We need a Theis analysis to make sure we are comfortable with the additional quantity out of each well because it does not meet standard well spacing. I think we would keep each well authorized 500 gpm, and they would be limited to 800 gpm when pumping simultaneously. At 500 gpm, the most an individual well could pump would be 263mgd. They've requested 320mgd combined. The wells are currently authorized 54.986mgd each but they have a history of some overpumping. There's no history of complaints about these. There's an irrigation well about 650 northeast of the north well, and some domestics in the area, probably near both wells.

Let me know if there is anything you need.
Thank you,

Kristen A. Baum, Environmental Scientist

Water Appropriation Program

Division of Water Resources

Kansas Department of Agriculture

(785) 564-6627

kristen.baum@ks.gov

From: Lanterman, Jeff [KDA]
Sent: Tue 5/28/2024 2:27 PM
To: Neuhauser, Kris [KDA]; Conant, Cameron [KDA]; Baum, Kristen [KDA]
Subject: RE: 50840 recommendation request

Kris;

Im ok with approval of this application but shouldn't this still be subject to SY because we will potentially be pumping a lot more water out of these points of diversion. It is zero additional to the city's existing overall quantity though and the city's other rights are within ~ 1/2 to 3/4 miles of these points so maybe it doesn't matter much. I guess my question is do we need a waiver of sy to get these approved, be interested to hear what Kristen thought so I added her in. It would fit with how we do SY now for MUNI's and overlapping files. In other cases the city's wells might not be so close.

Also do we need to address one well per application, perhaps 5-3-4d needs waived as well?

I see your limiting paragraph and I agree with it.

The nearest observation well is a little over 2 miles north and doesn't show much, it is a GMD 2 monitoring well set. Just glad this is outside of GMD!

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=374223097295403

Looks like there is a ton of aquifer there.

Thanks

Jeff

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Tuesday, March 26, 2024 12:22 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: 50840 recommendation request

Jeff and Cameron,

Attached is my draft memo for 50840. A couple of existing municipal wells for City of Goddard. No additional Q being authorized.

Let me know if you need more info or want the memo tweaked. Thanks!

Kris Neuhauser

New Applications Lead

Kansas Department of Agriculture, Division of Water Resources

Phone: 785-564-6643

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. 50,840** of the applicant

**CITY OF GODDARD
PO BOX 667
GODDARD, KS 67052**

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

1. That the priority date assigned to such application is **August 1, 2022**.
2. That the water sought to be appropriated shall be used for municipal use within the City of Goddard, Kansas, and immediate vicinity.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of two (2) wells:

one (1) well located in Lot 1 of Section 31, more particularly described as being near a point 4,832 feet North and 5,230 feet West of the Southeast corner of said section, at a diversion rate not in excess of **500 gallons per minute (1.12 c.f.s.)**, and

one (1) well located Lot 1 of Section 31, more particularly described as being near a point 4,032 feet North and 5,230 feet West of the Southeast corner of said section, at a diversion rate not in excess of **500 gallons per minute (1.12 c.f.s.)**,

both 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 quantity not to exceed **320 million gallons** of water for any calendar year.
5. That this permit is further limited to a diversion rate which when the wells operate simultaneously will provide a diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)**.

6. 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.

7. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2044**, 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.

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 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.

10. 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.

11. 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.

12. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

13. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

14. That acceptable water flow meters shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. These required water flow meters 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).

15. 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.

16. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.


17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

18. That the rate of diversion of water approved under this permit is further limited to the rate which combined with Water Right, File No. 16,735, will provide a total not to exceed **800 gallons per minute (1.78 c.f.s.)** from the wells authorized herein.

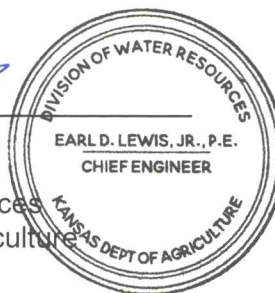
19. That the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File Nos. 16,735 and 30,352, and Appropriation of Water, File Nos. 40,924 and 40,926, will provide a total not to exceed **320 million gallons of water** per calendar year for municipal use at the place of use authorized herein.

20. 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 28th day of June, 2024, in Manhattan, Riley County, Kansas.



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

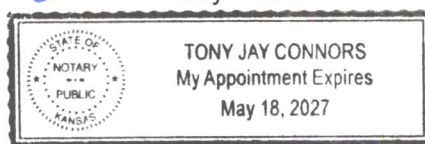


State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 28 day of June, 2024, by Earl D. Lewis Jr., P.E., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



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. 5-3-4(d)

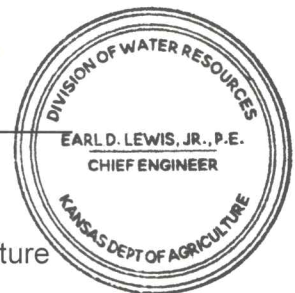
Date: June 28, 2024

RE: New Application, File No. 50,840

1. Kansas Administrative Regulation (K.A.R.) 5-3-4(d) states in part that if the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, with the exception that four wells within a circle within a quarter-mile radius, in the same local source of supply, that do not exceed a maximum diversion rate of 20 gallons per minute per well, may be filed on a single application.
2. Both wells proposed by Application, File No. 50,840, pertain to municipal water supply for the City of Goddard, and were originally authorized under one permit, now Water Right, File No. 16,735, prior to the regulatory restrictions in K.A.R. 5-3-4d.
3. Application, File No. 50,840 proposes to pump an additional quantity of water with no net increase in the authorized rate of diversion from what is currently authorized. While additional water would be pumped from the proposed wells, no additional water has been proposed beyond what is currently authorized when existing water rights are combined.
4. In this specific case, it is in the public interest to allow the City of Goddard the additional flexibility to pump water for municipal water supply from either well, under one priority, and there would be no administrative or regulatory advantage to requiring the water right owner to now file a second separate application.
5. Granting this waiver would not prejudicially or unreasonably affect the public interest, and no senior water rights will be impaired by the proposed use.

Comments:

Earl D. Lewis Jr., 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

July 2, 2024

BROOKE BRANDENBURG
CITY OF GODDARD
PO BOX 667
GODDARD KS 67052

RE: Appropriation of Water
File No. 50,840

Dear Mr. Brandenburg:

Enclosed is a permit authorizing the city to proceed with construction of the proposed diversion works and to appropriate water for beneficial use. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit, with specific reference to Paragraph Nos. 3, 5, 18 and 19.

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.

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.

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,

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

KAB:kak:kjn
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 2 day of July, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,840, dated June 28, 2024, was mailed postage prepaid, first class, US mail to the following:

CITY OF GODDARD
118 N MAIN PO BOX 667
GODDARD, KS 67052

With photocopies to:

KDA-DWR Stafford Field Office



Division of Water Resources