



File No. <b>50958</b>	13. County: <b>SF Stafford</b> Basin: <b>NF Ninescah River</b> Stream:																									
Structures File No:	Aquifer Code: <b>180 undifferentiated Kansan/Nebraskan</b>										Special Use Area:															
14. Points of Diversion, Rates & Quantities																										
	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Qty <b>AF</b>		Rate <b>gpm</b>		Storage Qty		Storage Rate		Overlaps								
										Auth	Add	Auth	Add	Auth	Add	Auth/Add										
<b>CHK</b>	<b>90046</b>	<b>SE NE NE</b>	<b>28</b>	<b>25</b>	<b>12W</b>	<b>3</b>	<b>4212</b>	<b>4</b>		<b>15</b>	<b>15</b>	<b>800</b>	<b>800</b>					<b>+</b>								
																		<b>+</b>								
																		<b>#</b>								
																		<b>^</b>								
																		<b>**</b>								
																		<b>++</b>								
15. Limitations Type: Quantity: Rate: combined with file no(s): Type: Quantity: Rate: combined with file no(s):																										
16. Metering <input checked="" type="checkbox"/> Metering Required <input type="checkbox"/> Anti-Reverse Required <input type="checkbox"/> Seal Required Compliance Date: <b>12/31/2025</b>																										
17. Place of Use																										
	PDIV	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps	
						NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
<b>CHK</b>	<b>71226</b>	<b>28</b>	<b>25</b>	<b>12W</b>	<b>2</b>	<del>1.10</del>			<del>1.40</del>	<b>East half of Northeast Quarter for rec use pond CCB 5.28.24</b>													<b>2.50</b>	<b>5a</b>	<input type="checkbox"/>	<b>+</b>
										<b>2.5 ACRES KNA</b>															<input type="checkbox"/>	<b>+</b>
																									<input type="checkbox"/>	<b>#</b>
																									<input type="checkbox"/>	<b>^</b>
																									<input type="checkbox"/>	<b>**</b>
																									<input type="checkbox"/>	<b>++</b>
18. Point of Diversion and Place of Use Overlaps																										
*										**																
+										++																
#										##																
^										^^																

# MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

---

Date: May 17, 2024

From: Colin Barclay, Environmental Scientist

Re: New Application File No. 50958 – Farm House Terrace LLC

## Summary

Farm House Terrace LLC has filed the above referenced application to appropriate 15 acre-feet of ground water for storage in a 2.5 acre reservoir for recreational purposes. The rate of diversion is a maximum of 800 gallons per minute from a well located in Stafford County, Kansas and within the Big Bend Groundwater Management District #5. The place of use is solely owned by the applicant, and they have signed the application form affirming legal access to the point of diversion. DWR Structures has made the determination that dam, stream obstruction, and floodplain fill permits are not required.

## Reasonable Rate and Quantity

Reasonable quantity of water for recreational use was defined as one year of net evaporation, seepage, and one reservoir fill per year. As confirmed through areal measurements, the proposed reservoir will have a surface area of roughly 2.5 acres and an average depth of 3 feet. Maximum reasonable capacity was found to be 15 acre-feet.

Net evaporation is  $2.5 \text{ acres} \times 32 \text{ inches} / 12 \text{ inches per foot} = 6.67 \text{ acre-feet per year evaporation}$ .

Seepage is  $.027 \text{ inches per day} \times 365 \text{ days} / 12 \text{ inches per foot} = .83 \text{ acre-feet per year}$ .

Reservoir capacity is  $2.5 \text{ acres} \times 3 \text{ feet depth} = 7.5 \text{ acre-feet per year per filling}$ .

$6.67 \text{ acre-feet per year of evaporation} + .83 \text{ acre-feet of seepage} + 7.5 \text{ acre-feet per year of reservoir capacity} = 15 \text{ acre-feet}$ .

In addition, as the applicant is applying in Big Bend Groundwater Management District #5 which is closed, the maximum reasonable quantity that can be authorized is 15 acre-feet per year to meet the exemption as per K.A.R. 5-25-15. File no. 50,958 is not in an intensive groundwater use control area and is not within any of the drainage basins as defined in K.A.R. 5-25-15(c). The application meets the exemption as outlined in:

(a)(1) The sum of the annual quantity of water requested by the new application and the total annual quantities authorized by prior approvals of applications because of an exemption pursuant to this regulation does not exceed 15 acre-feet in a one-mile-radius circle surrounding the proposed point of diversion. There are no other exempted Water Rights within a one-mile-radius circle.

(2) The application meets the spacing criteria set forth in K.A.R. 5-25-2. The well will be almost a mile (5,186.83 ft) away from the nearest non-domestic well. The well is roughly 1,600 feet from the nearest domestic well.

(3) The approval of the application will not authorize an additional quantity of water from an existing non-domestic vested right, permit, or water right that would result in a total combined annual quantity of water authorized from the point of diversion in excess of 15 acre-feet.

(4) The applicant demonstrates that approval of up to 15 acre-feet of water will not impair existing water rights or permits to appropriate water for beneficial use and will not prejudicially and unreasonably affect the public interest.

(5) All requirements of K.S.A. 82a-709 and K.S.A. 82a-711, and amendments thereto, and K.A.R. 5-3-1 and K.A.R. 5-3-1b for processing a new application to appropriate water have been met.

## Source of Supply and Safe Yield

The source of supply appears to be the undifferentiated Kansas/Nebraskan stage. The depth of the completed well was 50 feet with the static water level being found at 12 feet. As per K.A.R. 5-3-16 application 50,958 is exempt from safe yield as it is less than 15 acre-feet and is located within Groundwater Management District #5. The application meets the exemption for sustainable yield as per K.A.R. 5-25-4 (5) "Permits to appropriate 15 acre-feet of water or less per year that are exempt pursuant to K.A.R 5-25-15."

## Nearby Water Rights

No appropriated wells were found to be within one-half ( $\frac{1}{2}$ ) mile of the proposed point of diversion. One (1) nearby domestic was found to be within one-half ( $\frac{1}{2}$ ) mile of the proposed point of diversion. The proposed point of diversion meets well spacing requirements as the nearest domestic well is roughly 2,730 feet away and the nearest nondomestic well is located roughly 3,330 feet away. Per the requirements of K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-quarter ( $\frac{1}{4}$ ) mile to all other non-domestic wells and 660 feet to domestic wells. Nearby well notification letters were sent out on March 26, 2024. No comments of any kind were received during the 15-day period open to comments and concerns.

## Recommendations

The application was sent for consideration to Orrin Feril, Manager of the Big Bend Groundwater Management District, and recommended for approval in an e-mail dated May 6, 2024.

The application was sent for consideration to Jeff Lanterman, Water Commissioner of Stafford Field Office on May 7, and recommended for approval in an e-mail dated May 17, 2024.

The application complies with all regulations concerning reasonable quantity, safe yield, and minimum spacing requirements. The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office. 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.



Colin Barclay

Environmental Scientist  
Water Appropriation Program

Tom Taylor - At-Large (Pres.)  
Fred Grunder - Pratt (V Pres.)  
John Janssen - Kiowa (Treas.)  
Marlyn Spare - Stafford (Sec.)  
Darrell Wood - Edwards  
Craig Zwick - Rice  
Joe Schlessiger - Barton  
Kerry Froetschner - Pawnee  
Gary Hornbaker - Reno



Orrin Feril, Manager  
125 South Main Street  
Stafford, Kansas 67578  
ph: (620) 234-5352  
fx: (620) 234-5718  
gmd5@gmd5.org  
www.gmd5.org

May 6, 2024

Colin Barclay  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS 66502

RE: Application File No. 50,958

Dear Mr. Barclay,

The Big Bend Groundwater Management District #5 has reviewed the above referenced application for appropriation. The District is closed to further new surface and groundwater appropriations except those that are exempt from the closure per K.A.R. 5-25-4 (b).

Based upon information received in the District office, the application meets the requirements of K.A.R. 5-25-4 (b)(9) and is therefore recommended for approval provided that the total size of the pond does not exceed 2.5 acres.

Please feel free to give me a call if you have any questions.

Sincerely,

Orrin Feril  
Manager


**FW: 50958 review and recommendation**

Lanterman, Jeff [KDA] &lt;Jeff.Lanterman@ks.gov&gt;

Fri 5/17/2024 12:00 PM

To: Barclay, Colin [KDA] &lt;Colin.Barclay@ks.gov&gt;

Cc: Conant, Cameron [KDA] &lt;Cameron.Conant@ks.gov&gt;

 4 attachments (2 MB)

50958 2024-05-06 Rec.pdf; Updated Memo\_50958.docx; 50958 log.pdf; 50958 map.jpg;

Hey Colin, This one looks good to go!

I recommend approval.

Thanks

Jeff

---

**From:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>**Sent:** Friday, May 17, 2024 10:59 AM**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>**Subject:** FW: 50958 review and recommendation

Jeff, this application is for a 15 AF small use exemption for recreational purposes in GMD#5, North Fork Ninnescah. No offset is needed, this application complies with all the 15 AF regs and GMD has recommended approval. The quantity is justified by storage, evap, and the tiny remainder applied to seepage to justify the full 15 AF. This is an after the fact permit. They aren't using the well but the pond has been constructed and well drilled for a while now. The attached map shows the completed pond at about 2.5 acres, there is a large berm around it which is why the map looks a little funny. Colin called it 180 Undiff Kan/Neb and I agree with that. The well log doesn't point to alluvium really and I'd bet that is cause we are so far up in the system there just isn't much alluvium. Source of 180 covers it well here I think. There is 38' of saturated thickness based on the log but they stopped at a clay layer, there is plenty of water here but as you get deeper you may get into some salt. Spacing is met by wide margin, there really isn't anything around. There aren't a lot of good hydrographs of this depth in the area but I'm fairly certain the area water level is stable here. The log below is 3 miles to the east but I think it's pretty representative of the area and it is 60' depth so similar to this one.

[https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs\\_id=375117098350901](https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=375117098350901) ~ 3 miles east

I think we can recommend approval of this 15 AF exemption, pass on to Colin if you agree.

*Cameron*

---

**From:** Barclay, Colin [KDA] <[Colin.Barclay@ks.gov](mailto:Colin.Barclay@ks.gov)>**Sent:** Tuesday, May 7, 2024 11:09 AM**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>; Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>**Subject:** 50958 review and recommendation

Jeff and Cameron,

I have attached the memo and GMD recommendation for application 50,958 your review and recommendation. I sent out nearby letters on March 26 and I have not heard back from anyone. Please let me know if you need anything else.

Thank you!


-Colin



## Appropriation No. 50958 Map

The proposed pond is about 2.5 acres in size. The red outlined area is 2.5 acres in size and is a good representation of the pond. The worked area around the outline is a berm, I believe the actual water holding pond area is accurately shown.

### Legend

 proposed pond outline---2.5 acres



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. 50,958** of the applicant

**FARM HOUSE TERRACE LLC  
619 S JACKSON ST  
PRATT KS 67124**

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 **February 6, 2023**.
2. That the water sought to be appropriated shall be used for recreational use to fill and replace evaporative losses from a pond, with a maximum surface area of 2.5 acres, located in the East Half of the Northeast Quarter (E $\frac{1}{2}$  NE $\frac{1}{4}$ ) of Section 28, in Township 25 South, Range 12 West, Stafford County, Kansas.
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 Southeast Quarter of the Northeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 28, more particularly described as being near a point 4,212 feet North and 4 feet West of the Southeast corner of said section, in Township 25 South, Range 12 West, Stafford 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 **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **15 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 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.

12. 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.

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

14. 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.

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

16. 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.

17. 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 23 day of May, 2024, in Manhattan, Riley County, Kansas.

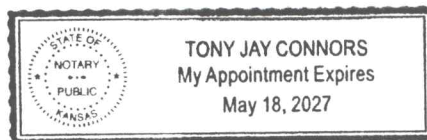
*Lane P. Letourneau*

Lane P. Letourneau, P.G.  
Water Appropriation Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 23 day of May, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

*Tony Jay Connors*  
Notary Public





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

DAKOTA HOLTGRIEVE  
FARM HOUSE TERRACE LLC  
619 S JACKSON ST  
PRATT KS 67124-2622

RE: Appropriation of Water  
File No. 50,958

Dear Mr. Holtgrieve:

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.

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).

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.

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:kak:ccb

Enclosure(s)

pc: Stafford Field Office  
Big Bend GMD No. 5

## 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 foregoing Approval of Application and Permit to Proceed, File No. 50,958, dated May 23, 2024, was mailed postage prepaid, first class, US mail to the following:

FARM HOUSE TERRACE LLC  
619 S JACKSON ST  
PRATT KS 67124-2622

With photocopies to:

KDA-DWR Stafford Field Office

Big Bend GMD No. 5

  
Division of Water Resources