

File No. 51001	13. County: Stafford Basin: N F NINNESCAH RIVER 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	
CHK	90204	NW	NW	SW	12	25S	12W	3	2455	4700	15	15	99	99			

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

16. Metering Metering Required Anti-Reverse Required Seal Required Compliance Date: **12/31/2025**

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				
																				<input type="checkbox"/>	
																				<input type="checkbox"/>	
																				<input type="checkbox"/>	
																				<input type="checkbox"/>	
CHK	71307 12 25S 12W 4	Marsh (N NW SW)																	5a and 5b	<input checked="" type="checkbox"/>	*
		N2																		<input type="checkbox"/>	

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

MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: May 13, 2024

From: Daniel Bird, Environmental Scientist

Re: New Application File No. 51,001 – Richard Brensing

Summary

Applicant Richard Brensing has requested to pump 15AF at a rate 99 GPM from a single well located in the North Fork Ninescah basin. Richard plans to pump the well into a recreational pond/marsh area totaling ~5 acres in area. This application is located within Groundwater Management No. 5 boundaries. GMD#5 is closed to new appropriations per **5-25-4. Sustainable yield**. However, exemptions of up to 15 AF are allowed per **5-25-15. Exemptions for up to 15 acre-feet of groundwater**. Since the well is in the NF Ninescah, no offset is needed per the regulation, and this can be processed as a normal 15 AF exemption.

Reasonable Rate and Quantity

Mr. Brensing would like to pump the well at a maximum rate of 99 GPM which appears to be reasonable for the project if he can get that rate from his well. He is asking for 15 AF and justified the quantity as follows, per the supplemental page included with the application:

Pond size of ~5 acres x 32" of net evaporation = 13AF.

Storage and fill = 2.5AF due to ~5 acre area x 6" average depth which is a combined total of 15 AF.

Source of Supply and Safe Yield

This application is a 15AF exemption to safe yield. It has been shown that there is water available in the aquifer via well logs submitted. Submitted well logs have a static water level of 22' and 18' as well as 24-25' of sand in gravel.

The formation source for this water right looks to be 180 undifferentiated Kansan or Nebraskan. This was determined due to its similarity and proximity to 24-11-28dd in the Stafford County KGS bulletin.

Nearby Water Rights

There are three water rights within a mile of the point of diversion: 36123, 25359, and 26650. All of these are regular water rights and so do not interfere with 51001's 15AF exemption status. The distance between 51001 and these other water rights is also greater than the minimum spacing 1320'.

Nearby domestic well owner Brad Johnson expressed concern that it could impact his domestic for his livestock. The well meets all spacing standards and should not impact the domestic well.

Recommendations

GMD #5 recommends approval based on the application meeting the requirements of **K.A.R. 5-25-4(b)(9)** provided the size of the pond does not exceed 5 acres.

After processing and additional review, I also believe this application can be recommended for approval as it appears to meet all the applicable rules and regulations.

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

Daniel Bird
Division of Water Resources
Kansas Department of Agriculture
300 S. Main Street
Stafford, Kansas 67578-1342

RE: Application File No. 51,001

Dear Mr. Bird,

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 5.0 acres.

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

Sincerely,

Orrin Feril
Manager

MAR 27 2023

12:40



THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

51001

File Number _____
This item to be completed by the Division of Water Resources.

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): Richard Brening
Address: 614 Cleveland Avenue
City: Stafford State KS Zip Code 67578-1623
Telephone Number: (620) 546-4073 email: brening@sbcglobal.net

2. The source of water is: surface water in n/a (stream)
OR groundwater in North Fork Ninnescah (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 15 acre-feet OR -- _____ gallons per calendar year, to be diverted at a maximum rate of 99 gallons per minute OR -- _____ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) Municipal (g) Stockwatering (h) Sediment Control
(i) Domestic (j) Dewatering (k) Hydraulic Dredging (l) Fire Protection
(m) Thermal Exchange (n) Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:															
F.O.	<u>2</u>	GMD	<u>5</u>	Meets K.A.R. 5-3-1	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Use	<u>REC</u>	Source	<input checked="" type="checkbox"/> G <input type="checkbox"/> S	County	<u>SF</u>	By	<u>ALB</u>	Date	<u>3/28/23</u>
Code	<u>REG</u>	Fee \$	<u>200</u>	TR #		Receipt Date	<u>3/27/23</u>	Check #	<u>NA</u>						

4/3/2023
LMoody

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

(A) One in the NW quarter of the NW quarter of the SW quarter of Section 12, more particularly described as being near a point 2455 feet North and 4700 feet West of the Southeast corner of said section, in Township 25 South, Range 12 West, Stafford County, Kansas.

(B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

Myron & Shirley Brensing Living Trust, 614 Cleveland Avenue, Stafford, KS 67578-1623
(name, address and telephone number)

(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 22nd, 2023.

Robert Brensing
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of 1 well, 1 pump, 1 motor
(number of wells, pumps or dams, etc.)

and will be completed as soon as possible after approval of application.
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be 2023
(Mo/Day/Year)

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9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here n/a
- If no, explain here why a Water Structures permit is not required This is not large enough to require any type of structures permitting.

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

NONE: This is a stand-alone request for a small use exemption.

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13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached (2 nearby logs, our source will be same and depth will be similar)

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	1983	2018	_____	_____
Total depth of well	60	62	_____	_____
Depth to water bearing formation	35	38	_____	_____
Depth to static water level	18	22	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of part owner and agent.
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):
Myron & Shirley Breusing Living Trust, 614 Cleveland Avenue, Stafford, KS 67578-1623
(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Stafford, Kansas, this 21st day of March, 2023.
(month) (year)

Richard Breusing
(Applicant Signature)

By Richard Breusing
(Agent or Officer Signature)

(Agent or Officer - Please Print)

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FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet


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New Application Map
Appropriation File No.
Section 12-25S-12W in Stafford County





 proposed well location
 (2455'N & 4700'W)

 approximate pond location

 ½ mile circle
 around well

 20 acre tract pond
 will be located in

 nearby wells

 section corners

List of wells within ½ mile of point of diversion:
 --see 24k topo for nearby wells--

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By signing I agree that all water rights w/in ½ mile of the proposed point of diversion are shown on the map.

signature

date

1 inch = 1,000 feet

map created on 3/21/23 scale 1:12,000

RECREATIONAL USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): Richard Brensing

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): _____
Hunting and wildlife benefits.

2. Please summarize how the water will be used and justify the quantity of water requested: The well will be used to fill and maintain a small pond/marsh areas with water throughout the year, the pond will have a maximum depth of ~3'.

The total pond area is ~5 acres x 32" evap = ~13 AF

Storage/fill: ~5 acres x 6" average depth = ~2.5 AF

Storage/fill + Evap replacement = 15 AF total

3. Please complete the following table showing estimated future water requirements:

ESTIMATED FUTURE WATER DIVERTED/STORED	
NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)
Year 1	15
Year 2	15
Year 3	15
Year 4	15
Year 5	15

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used by providing the fractional part of the Section, Township and Range.

The planned pond/marsh area that will be created and filled by this well will have a surface area of less than ~5 acres.

The pond will be located in the N½ NW¼ SW¼ of Section 12-T25S-R12W as shown on the maps.

You may attach any additional information you believe will assist in informing the Division of the need for your request.

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WATER WELL RECORD Form WWC-5

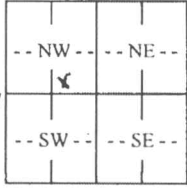
Division of Water Resources App. No.

Well ID

Original Record Correction Change in Well Use

1 LOCATION OF WATER WELL: County: Stafford	Fraction ¼ SW ¼ SE ¼ NW ¼	Section Number 12	Township Number T 25 S	Range Number R 12 <input type="checkbox"/> E <input checked="" type="checkbox"/> W
---	------------------------------	-----------------------------	----------------------------------	---

2 WELL OWNER: Last Name: Johnson First: Brad Business: Address: 406 SE 80th Ave Address: City: Stafford State: KS ZIP: 67578	Street or Rural Address where well is located (if unknown, distance and direction from nearest town or intersection): If at owner's address, check here: <input type="checkbox"/> 4S of Stafford, KS
---	--

3 LOCATE WELL WITH "X" IN SECTION BOX: N  W E S ----- mile -----	4 DEPTH OF COMPLETED WELL: 62 ft. Depth(s) Groundwater Encountered: 1) 22 ft. 2) ft. 3) ft., or 4) <input type="checkbox"/> Dry Well WELL'S STATIC WATER LEVEL: 22 ft. <input checked="" type="checkbox"/> below land surface, measured on (mo-day-yr) 06/27/18 <input type="checkbox"/> above land surface, measured on (mo-day-yr) Pump test data: Well water was ft. after hours pumping gpm Well water was ft. after hours pumping gpm Estimated Yield: 55 gpm Bore Hole Diameter: 8 in. to ft. and in. to ft.	5 Latitude: (decimal degrees) Longitude: (decimal degrees) Horizontal Datum: <input type="checkbox"/> WGS 84 <input type="checkbox"/> NAD 83 <input type="checkbox"/> NAD 27 Source for Latitude/Longitude: <input type="checkbox"/> GPS (unit make/model:) (WAAS enabled? <input type="checkbox"/> Yes <input type="checkbox"/> No) <input type="checkbox"/> Land Survey <input type="checkbox"/> Topographic Map <input type="checkbox"/> Online Mapper: 6 Elevation: ft. <input type="checkbox"/> Ground Level <input type="checkbox"/> TOC Source: <input type="checkbox"/> Land Survey <input type="checkbox"/> GPS <input type="checkbox"/> Topographic Map <input type="checkbox"/> Other
---	---	--

7 WELL WATER TO BE USED AS:

1. Domestic: <input type="checkbox"/> Household <input type="checkbox"/> Lawn & Garden <input checked="" type="checkbox"/> Livestock <input type="checkbox"/> Irrigation <input type="checkbox"/> Feedlot <input type="checkbox"/> Industrial	5. <input type="checkbox"/> Public Water Supply: well ID 6. <input type="checkbox"/> Dewatering: how many wells? 7. <input type="checkbox"/> Aquifer Recharge: well ID 8. <input type="checkbox"/> Monitoring: well ID 9. Environmental Remediation: well ID <input type="checkbox"/> Air Sparge <input type="checkbox"/> Soil Vapor Extraction <input type="checkbox"/> Recovery <input type="checkbox"/> Injection	10. <input type="checkbox"/> Oil Field Water Supply: lease 11. Test Hole: well ID <input type="checkbox"/> Cased <input type="checkbox"/> Uncased <input type="checkbox"/> Geotechnical 12. Geothermal: how many bores? a) Closed Loop <input type="checkbox"/> Horizontal <input type="checkbox"/> Vertical b) Open Loop <input type="checkbox"/> Surface Discharge <input type="checkbox"/> Inj. of Water 13. <input type="checkbox"/> Other (specify):
---	--	---

Was a chemical/bacteriological sample submitted to KDHE? Yes No If yes, date sample was submitted:

Water well disinfected? Yes No

8 TYPE OF CASING USED: Steel PVC Other CASING JOINTS: Glued Clamped Welded Threaded
 Casing diameter **5** in. to **42** ft., Diameter in. to ft., Diameter in. to ft.
 Casing height above land surface **12** in. Weight **2.8** lbs./ft. Wall thickness or gauge No. **Sch. 40**

TYPE OF SCREEN OR PERFORATION MATERIAL:
 Steel Stainless Steel Fiberglass PVC Other (Specify)
 Brass Galvanized Steel Concrete tile None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE:
 Continuous Slot Mill Slot Gauze Wrapped Torch Cut Drilled Holes Other (Specify)
 Louvered Shutter Key Punched Wire Wrapped Saw Cut None (Open Hole)

SCREEN-PERFORATED INTERVALS: From **42** ft. to **62** ft., From ft. to ft., From ft. to ft.
 GRAVEL PACK INTERVALS: From **23** ft. to **62** ft., From ft. to ft., From ft. to ft.

9 GROUT MATERIAL: Neat cement Cement grout Bentonite Other

Grout Intervals: From **0** ft. to **23** ft., From ft. to ft., From ft. to ft.

Nearest source of possible contamination:
 Septic Tank Lateral Lines Pit Privy Livestock Pens Insecticide Storage
 Sewer Lines Cess Pool Sewage Lagoon Fuel Storage Abandoned Water Well
 Watertight Sewer Lines Seepage Pit Feedyard Fertilizer Storage Oil Well/Gas Well
 Other (Specify) **none - in pasture**

Direction from well? Distance from well? ft.

10 FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHO. LOG (cont.) or PLUGGING INTERVALS
0	8	top sand			
8	38	clay			
38	62	sand and gravel			

11 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed, reconstructed, or plugged under my jurisdiction and was completed on (mo-day-year) **06/27/18** and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. **186** This Water Well Record was completed on (mo-day-year) **07/10/18** under the business name of **Kelly's Water Well Service, Inc.** Signature *Kathryn A. Good*

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 KS DEPT OF AGRICULTURE

3-22-2023

(Date)

Kansas Department of Agriculture
Division of Water Resources
Earl D. Lewis, Jr, Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application
File No. _____

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Richard Brensing

Signature of Applicant

Richard Brensing

(Print Applicant's Name)

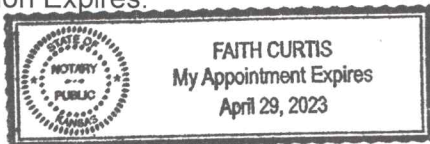
State of Kansas)
County of Stafford) ss

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 22nd day of March, 2023.

Faith Curtis

Notary Public

My Commission Expires:



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KS DEPT OF AGRICULTURE

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

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

April 05, 2024

McClure, Jon, Resident Agent
544 SE 10th Ave
Stafford, KS 67578-1623

Re: Pending Application, File No. 51,001

Dear Sir or Madam:

This is to advise you that Richard Brensing has filed the application referred to above for a permit to appropriate 15 acre-feet of groundwater per calendar year for recreational use to be diverted at a maximum rate of 99 gallons per minute from a well. The proposed point of diversion for 51,001 is located as follows:

Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12, Township 25 South, Range 12 West, Stafford County, Kansas.

A map is enclosed indicating the location of the proposed well. Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

If you have any questions or comments, you may also contact me at (620) 234-5311. If you call, please reference the file number so I can help you more efficiently. Mailed comments can be sent to the Stafford Field Office at 300 S. Main St. Stafford, KS 67578-1521.

Sincerely,

Daniel Bird
Environmental Scientist
Water Appropriations Program

Enclosure

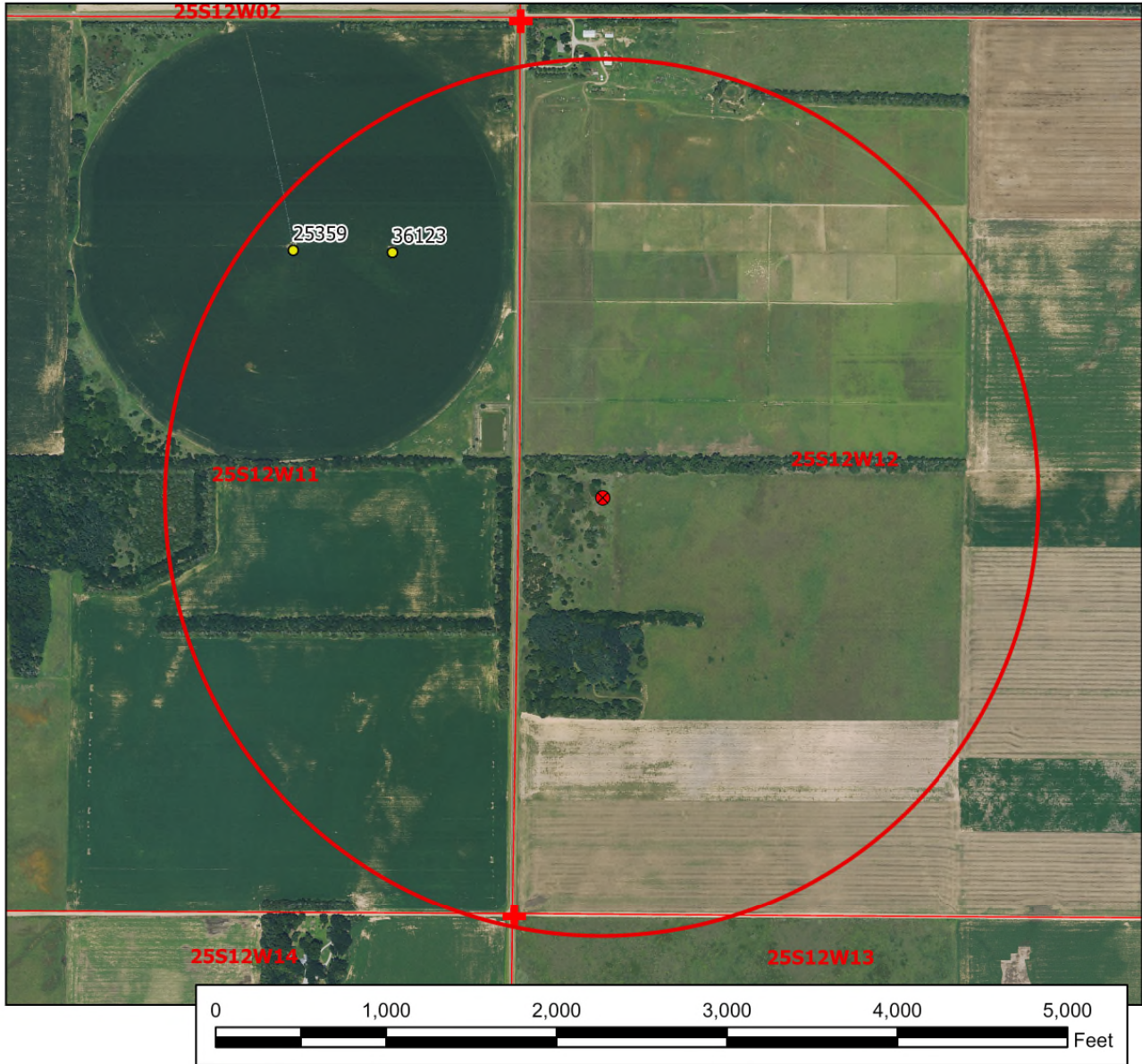
pc:

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



Legend

- Water Appropriation
- Proposed Point of Diversion
- Section Corner
- Section Line
- Half Mile Circle

Water Right, File No. 51001

Point of Diversion Map
12-25S-12W // Stafford County



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Mike Beam, Secretary

Laura Kelly, Governor

April 05, 2024

Johnson, Bradley Wayne ET AL
406 SE 80th Ave
Stafford, KS 67578-1623

Re: Pending Application, File No. 51,001

Dear Sir or Madam:

This is to advise you that Richard Brensing has filed the application referred to above for a permit to appropriate 15 acre-feet of groundwater per calendar year for recreational use to be diverted at a maximum rate of 99 gallons per minute from a well. The proposed point of diversion for 51,001 is located as follows:

Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12, Township 25 South, Range 12 West, Stafford County, Kansas.

A map is enclosed indicating the location of the proposed well. Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

If you have any questions or comments, you may also contact me at (620) 234-5311. If you call, please reference the file number so I can help you more efficiently. Mailed comments can be sent to the Stafford Field Office at 300 S. Main St. Stafford, KS 67578-1521.

Sincerely,

Daniel Bird
Environmental Scientist
Water Appropriations Program

Enclosure

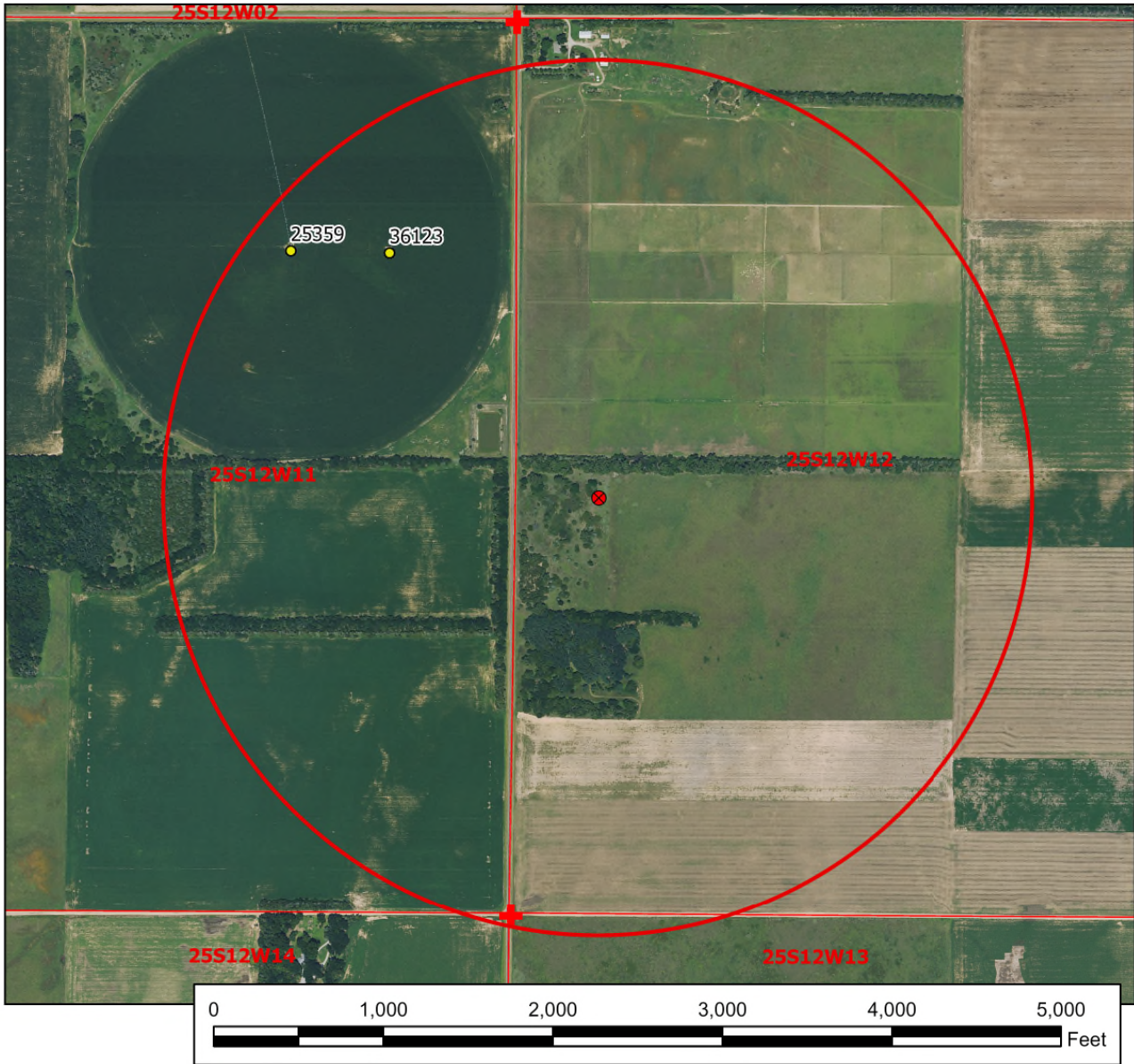
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Point of Diversion Map
12-25S-12W // Stafford County



04/03/2024 DKB/SFFO 1:10,000 scale

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Mike Beam, Secretary

Laura Kelly, Governor

April 05, 2024

Brensing, Richard
614 Cleveland Ave
Stafford, KS 67578-1623

Re: Pending Application, File No. 51,001

Dear Sir or Madam:

This is to advise you that Richard Brensing has filed the application referred to above for a permit to appropriate 15 acre-feet of groundwater per calendar year for recreational use to be diverted at a maximum rate of 99 gallons per minute from a well. The proposed point of diversion for 51,001 is located as follows:

Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12, Township 25 South, Range 12 West, Stafford County, Kansas.

A map is enclosed indicating the location of the proposed well. Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

If you have any questions or comments, you may also contact me at (620) 234-5311. If you call, please reference the file number so I can help you more efficiently. Mailed comments can be sent to the Stafford Field Office at 300 S. Main St. Stafford, KS 67578-1521.

Sincerely,

Daniel Bird
Environmental Scientist
Water Appropriations Program

Enclosure

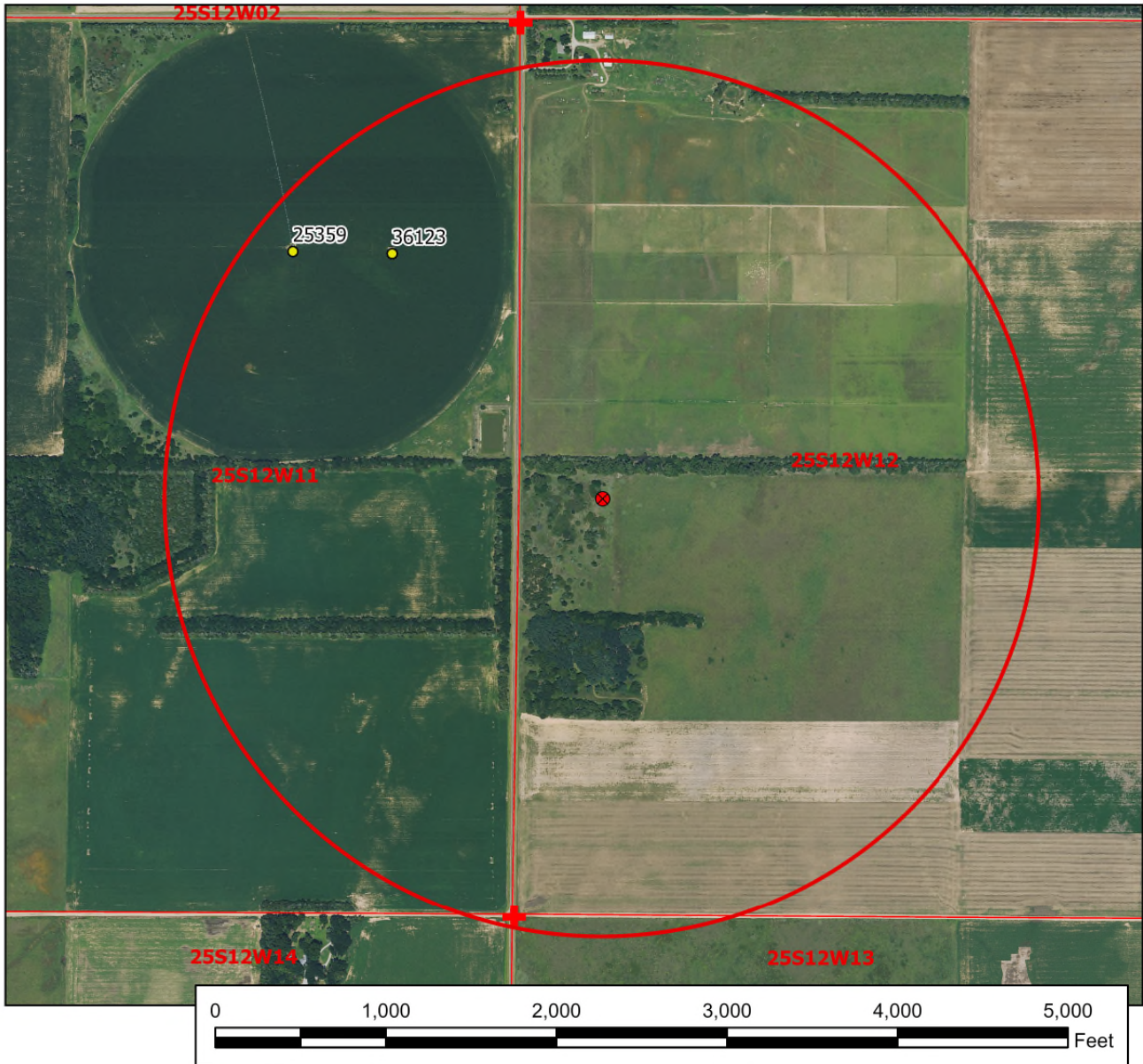
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Point of Diversion Map
12-25S-12W // Stafford County



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Mike Beam, Secretary

Laura Kelly, Governor

April 22, 2024

Orrin Feril
Big Bend — GMD No. 5
125 S Main St.
Stafford, KS 67578

RE: New Application, File No. 51,001

Dear Mr. Feril,

We are enclosing a copy of the application, as referenced above, for your review and recommendation. Currently, the application appears to be in proper form. Notification letters were sent to the nearby well owners shown on the application map. Brad Johnson, one of the nearby well owners, called the office and we discussed the possible new right. Brad stated he had concerns with the proposed well but did not provide a written complaint. A summary of his concerns and our findings is attached as a memo.

This office will delay any further action on this file for a period of 15 business days from the date of this letter to allow you time to submit your recommendations concerning the application. Please submit your recommendation within the allotted time, or any authorized extension of time.

Sincerely,

Daniel K. Bird
Environmental Scientist
Stafford Field Office
Daniel.bird@ks.gov

Enclosure

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: April 22, 2024

FROM: Daniel Bird

RE: Application File No. 51,001
Nearby notification responses

On April 5, 2024, I sent out 3 nearby well notification letters.

On April 9, 2024, nearby well owner Brad Johnson called with concern for his domestic well that pulls ~1.6 gal/min for livestock. He said they already encounter issues getting water during the summertime and has concern that 15AF at 99 GPM will call issues watering his livestock.

The spacing to that well is compliant, the general area water level is stable, and the area well logs indicate that adequate water is available to move forward with this application. If this comes up as a complaint Mr. Johnson may need to look a little more at his pumping set up as 1.6 GPM seems awfully low given the formation.

Mr. Johnson did not submit formal comments in writing and there were no other comments from other nearby wells.

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. 51,001** of the applicant

**RICHARD BRENSING
614 CLEVELAND AVE
STAFFORD, KS 67578-1623**

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 **March 27, 2023**.
2. That the water sought to be appropriated shall be used for recreational use to replace evaporative losses from a marsh, with a maximum surface area of not greater than five (5) acres, located in the North Half of the Northwest Quarter of the Southwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 12, 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 Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 12, more particularly described as being near a point 2,455 feet North and 4,700 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 **99 gallons per minute (0.22 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 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).

13. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

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

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

16. That failure without cause to comply with 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 13 day of June, 2024, in Manhattan, Riley County, Kansas.

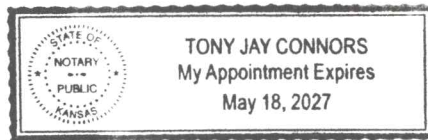
Lane P. Letourneau

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 13 day of June, 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

June 17, 2024

RICHARD H BRENSING
614 CLEVELAND AVE
STAFFORD KS 67578-1623

RE: Appropriation of Water
File No. 51,001

Dear Mr. Brensing:

Enclosed is a permit authorizing you 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 the permit.

A notice must be filed on the enclosed forms 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 the 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, per file number.

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.kswateruserreport.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. 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:dkb
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 17 day of June, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 51,001, dated June 13, 2024, was mailed postage prepaid, first class, US mail to the following:

RICHARD H BRENSING
614 CLEVELAND AVE
STAFFORD KS 67578-1623

With photocopies to:

KDA-DWR Stafford Field Office



Division of Water Resources