



File No. <b>51002</b>	13. County: <b>Stafford</b> Basin: <b>N F NINNESCAH RIVER</b> Stream:		
Structures File No:	Aquifer Code:	Special Use Area:	

14. Points of Diversion, Rates & Quantities										Qty <b>AF</b>		Rate <b>gpm</b>		Storage Qty		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps	
<b>CHK</b>	<b>90206</b>	<b>NW</b>	<b>NW</b>	<b>NW</b>	<b>14</b>	<b>25S</b>	<b>12W</b>	<b>1</b>	<b>4800</b>	<b>5090</b>	<b>15</b>	<b>15</b>	<b>99</b>	<b>99</b>			

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"/>	
<b>CHK</b>	<b>71309 14 25S 12W 1</b>	<b>Marshes (W2 NW NW) &amp; (N2 SE NW)</b>																	<b>5a and 5b</b>	<input checked="" type="checkbox"/>	*
																				<input type="checkbox"/>	

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

# MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

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Date: May 13, 2024

From: Daniel Bird, Environmental Scientist

Re: New Application File No. 51,002 – Steve Brensing

## Summary

Applicant Steve Brensing has requested to pump 15AF at a rate 99 GPM from the north fork Ninnescah. Steve is planning to create 2 pond/marsh areas totaling ~5 acres in area. This application is within GMD #5. According to 5-25-4 GMD #5 is closed to new appropriations. 51002 is a 15AF exemption per 5-25-15. Due to its location in the NF Ninnescah no offset is needed and can be processed like normal.

## Reasonable Rate and Quantity

Mr. Brensing would like to pump at a maximum rate of 99GPM this is reasonable for this project if he can get that rate from his well. He is asking for 15AF according to the following justification:

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

Storage and fill = 2.5AF due to ~5 acres x 6" average depth

Totaling 15AF

## 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 test well logs submitted. The well log used for this file is 100' deep and has a static water level of 18'. The well log shows 2 sections of sand and gravel totaling 31'.

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 is one water right within a mile of 51,002 it 44563. 44563 is a water right for 120AF and is located 44563' away meeting 1,320 spacing requirements. With 51002 being a 15AF exemption to safe yield there is no conflict there.

On April 29, 2024, nearby well owner Mrs. Carolyn McFadden called to express concern that a recreational pond for the use of drawing wildlife in for hunting will cause the spread of disease. She was concerned that with the recent issues with disease in livestock that drawing in wildlife could cause disease to spread. She had also been initially concerned with the local on but that was cleared up during the call.

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

## Recommendations

On May 6, 2024, Orrin Feril of GMD #5 recommended approval based on the application meeting the requirements of **K.A.R. 5-25-4(b)(9)** provided the combined size of the ponds 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.

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** April 29, 2024

**FROM:** Daniel Bird

**RE:** Application File No. 51,002  
Nearby notification responses

On April 17, 2024, I sent out nearby well notification letters for 51,002.

On April 29, 2024, nearby well owner Mrs. Carolyn McFadden called to express concern that a recreational pond for the use of drawing wildlife in for hunting will cause the spread of disease. She was concerned that with the recent issues with disease in livestock that drawing in wildlife could cause disease to spread. She had also been initially concerned with the location but that was cleared up during the call.

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

**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.

Stafford Field Office  
300 S. Main Street  
Stafford, KS 67578-1521



Phone: 620-234-5311  
Fax: 620-234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

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. 51,002

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. Carolyn McFadden, one of the nearby well owners, called the office and we discussed the possible new right. Carolyn stated she 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](mailto:Daniel.bird@ks.gov)

Enclosure

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. 51,002

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 two ponds combined do not exceed 5.0 acres.

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

Sincerely,

Orrin Feril  
Manager



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

51002

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

WATER RESOURCES RECEIVED
MAR 27 2023
KS DEPT OF AGRICULTURE

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): Steve Brensing
Address: 694 E Old HWY 50
City: Stafford State KS Zip Code 67578
Telephone Number: (620) 546-3617 email: brensingsteve@gmail.com

2. The source of water is: [ ] surface water in n/a (stream)
OR [x] 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) [x] 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. 2 GMD 5 Meets K.A.R. 5-3-1 (YES/NO) Use REC Source G/S County SF By ALB Date 3/28/23
Code REG Fee \$ 200 TR # Receipt Date Check # NA

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.

11/17/2023  
KJN

- (A) One in the \_\_\_\_ quarter of the ~~W~~<sup>4800</sup> quarter of the ~~NW~~<sup>5090</sup> quarter of Section 14, more particularly described as being near a point ~~4620~~ feet North and ~~4750~~ 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)

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 22, 2023. Steve E. 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 one well, one pump, one motor  
(number of wells, pumps or dams, etc.)  
and will be completed (by) 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. **Request 60 days to provide test log.**

Information below is from:     Test holes     Well as completed     Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
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 Brensing 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 21<sup>st</sup> day of March, 2023.  
(month) (year)

Steve E. Brensing  
(Applicant Signature)

By Steve E. Brensing  
(Agent or Officer Signature)

\_\_\_\_\_  
(Agent or Officer - Please Print)

Assisted by CRC

SFFO/AWC  
(office/title)

Date: March 20, 2023

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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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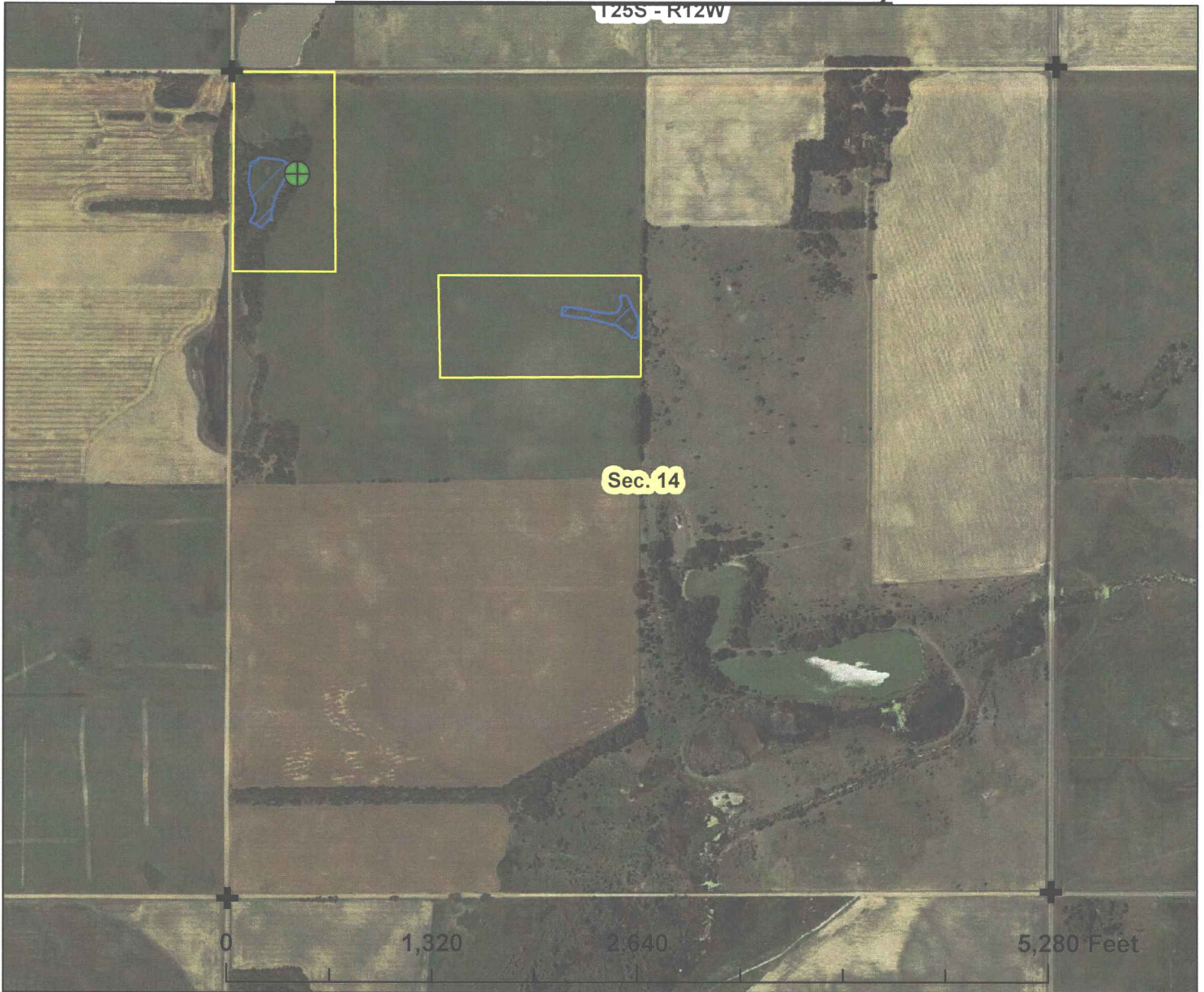
MAR 27 2023







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**New Application Map**  
**Appropriation File No.**  
**Section 14-25S-12W in Stafford County**

T25S - R12W



-  proposed well location  
(4620'N & 4750'W)
-  approximate pond location
-  1/2 mile circle  
around well
-  20 acre tract pond  
will be located in
-  nearby wells
-  section corners

List of wells within 1/2 mile of point of diversion:

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*By signing I agree that all water rights w/in 1/2 mile of the proposed point of diversion are shown on the map.*

signature

date

1 inch = 1,000 feet

map created on 3/22/23 scale 1:12,000





## RECREATIONAL USE SUPPLEMENTAL SHEET

File No. \_\_\_\_\_

Name of Applicant (Please Print): Steve 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 up to two small pond/marsh areas with water throughout the year, the ponds will have a maximum depth of ~3'.

The total pond area is up to ~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.

There are 2 planned pond/marsh areas that will be created and filled by this well. The combined surface area of the ponds will be less than ~5 acres.

One pond will be located in the W½ NW¼ NW¼ of Section 14-T25S-R12W.

One pond will be located in the N½ SE¼ NW¼ of Section 14-T25S-R12W.

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

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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.

Steve E. Brensing  
Signature of Applicant

State of Kansas )  
County of Stafford ) ss

Steve E. Brensing  
(Print Applicant's Name)

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

Faith Curtis  
Notary Public

My Commission Expires:



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**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

**DATA ENTRY SYSTEM ID NUMBER SHEET**

FILE NUMBER 51002

APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
<u>24126</u>	<u>90206</u>	

LANDOWNER PERSON ID & SEQ #	PUSE ID
<u>24126</u>	<u>71309</u>

WATER USE CORRESPONDENT PERSON ID & SEQ #
<u>24126</u>

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

4/7/2023

STEVE BRENSING  
694 E OLD HWY 50  
STAFFORD KS 67578

RE: Application, File No(s). **51002**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) for a permit to appropriate water for beneficial use. Your application(s) has been assigned the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. *Stafford Field Office at 620-234-5311*. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kris Neuhauser". The signature is written in a cursive style with a long horizontal flourish at the end.

Kris Neuhauser  
New Applications Lead  
Water Appropriation Program



10

11

proposed modified location  
4800'N & 5090'W of SE Corner



original requested location

25S12W

15

14



11/17/2023

Water Resources  
Received

KS Dept Of Agriculture



**From:** Conant, Cameron [KDA]  
**Sent:** Fri 11/17/2023 10:51 AM  
**To:** Neuhauser, Kris [KDA]  
**Subject:** 51002 revise well location  
**Attachments:** 51002 revised pd location map.pdf

Hello Kris, I was talking with Steve Brensing (applicant) last night and he'd like to move the proposed well location to a point as shown on the attached rough map. He is preparing to do the test hole and decided that first location was not going to be as handy as the new location.

Does this suffice to move the proposed location or do you need something more formal?

*Cameron R. Conant*

Assistant Water Commissioner  
Stafford Field Office  
(620) 234-5311

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. 51,002** of the applicant

**STEVE BRENSING  
694 E OLD HWY 50  
STAFFORD, KS 67578**

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 two (2) marshes, with a combined maximum surface area of not greater than five (5) acres, one (1) located in the West Half of the Northwest Quarter of the Northwest Quarter ( $W\frac{1}{2} NW\frac{1}{4} NW\frac{1}{4}$ ), and one (1) in the North Half of the Southeast Quarter of the Northwest Quarter ( $N\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$ ), both in 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 Northwest Quarter ( $NW\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$ ) of Section 14, more particularly described as being near a point 4,800 feet North and 5,090 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. 82a703c 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.

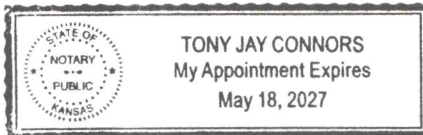
*Lane P. Letourneau*

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

STEVE BRENSING  
694 NE OLD HWY 50  
STAFFORD KS 67578

RE: Appropriation of Water  
File No. 51,002

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](http://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](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: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. 51,002, dated June 13, 2024, was mailed postage prepaid, first class, US mail to the following:

STEVE BRENSING  
694 NE OLD HWY 50  
STAFFORD KS 67578

With photocopies to:

MYRON J & SHIRLEY BRENSING LIVING TRUST  
614 CLEVELAND AVE  
STAFFORD KS 67578-1623

KDA-DWR Stafford Field Office

  
Division of Water Resources