

Kansas Department of Agriculture
Division of Water Resources
 APPROVAL OF NEW APPLICATION WORKSHEET

1. File No.: 51045	2. Status Change Date: 7/25/2024	4. Field Office: 02 - Stafford GMD: 05 - Big Bend Structures File No.: --- Filing/Priority Date: 5/26/2023 Application Complete Date: 6/27/2024
3. Package File No(s): 32937 (Reduction F&O); 33416 (F&O)		
5a. <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID 6496 Add Seq# 1 CITY OF GREENSBURG 300 S MAIN GREENSBURG, KS 67054	5b. <input type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID 6496 Add Seq# 1 5A	
5c. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	
6. Change No.: --- <input type="checkbox"/> PD <input type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres: --- Year: --- Min Reasonable Q: --- Previous UMW: MDS Gauge: Rattlesnake Creek @ Macksville Active Admin? <input type="checkbox"/> Completion/Start Date: 12/31/2025 Perfection/Expiration Date: 12/31/2044	7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: MUN-Municipal UMW: UMW:	
8. Action Trail ---		
9. Special Conditions ---		
10. 5YR Allocation Type: Start Year: --- 5YR Quantity: --- Base Acres: --- Comment: ---		
11. Sand & Gravel Proj ID: --- <input type="checkbox"/> Active <input type="checkbox"/> Dredge <input type="checkbox"/> IND Evap <input type="checkbox"/> Jr Evap <input type="checkbox"/> Other Diversion <input type="checkbox"/> Rpt on Sr		
12. Waiver Rule ID: --- <input type="checkbox"/> New Date Requested: --- Applies: --- Rule No.: --- Justification: --- Rule Type: --- Rule SubType: ---		
Comments GMD5 15 AF Small Use Exemption w/Offset	Processed 7/17/24 EKF	Entered 7/26/2024 KAnderson
	Reviewed KAK 7/23/2024	

File No. **51045** 13. County: **KW - Kiowa** Basin: **57 - Rattlesnake Creek** Stream: ---
 Structures File No: --- Aquifer Code: **180 Undifferentiated Kansan / Nebraskan** Special Use Area: **045 Rattlesnake Creek Zone A**

14. Points of Diversion, Rates & Quantities										Qty mg		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	90372	NW	NW	NW	7	28	17W	7	4900	4975	4.89	4.89	99	99	---	---	---	None

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 ID	S	T	R	ID	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
																	34	16	5	15	70	5a	<input type="checkbox"/>		
																							<input type="checkbox"/>		
																							<input type="checkbox"/>		
																							<input type="checkbox"/>		
ENT	718357	28	17W		Greensburg Municipal Airport (W2 W2)																	5a	<input type="checkbox"/>	None	
DEL	3275	16	28	18W	2	City of Greensburg & Immediate Vicinity																		<input type="checkbox"/>	

18. Point of Diversion and Place of Use Overlaps

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KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: July 9, 2024

FROM: Elizabeth K Fitch

RE: Application, File No. 51,045 and
Water Right, File No. 32937

The City of Greensburg filed an application to appropriate groundwater for municipal use that was assigned File No. 51,045. This application was proposed under a small use exemption and is proposed to be offset by a reduction under File No. 32937. These applications are in the Big Bend Groundwater Management District (GMD5) and the new application will be processed under K.A.R. 5-25-15.

File No. 51,045 is requesting 15 acre-feet (AF) or 4,887,765 gallons of groundwater per calendar year at a rate of 99 gallons per minute (gpm) for municipal use from one groundwater well. The proposed point of diversion is 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 7, more particularly described as being near a point 4,900 feet North and 4,975 feet West of the Southeast corner of said section, in Township 28 South, Range 17 West, in Kiowa County, Kansas. The quantity of water requested under File No. 51,045 will be used at a municipal airport. The facility will include a terminal building, hangars and businesses. The businesses will include agriculture spraying companies.

As noted, proposed point of diversion is located within GMD5 which is fully appropriated based on sustainable yield criteria and is closed to further new surface water and groundwater appropriations. K.A.R. 5-25-15 allows for exemptions to safe yield under specific conditions, which are outlined below.

- There are no other small use exemptions within a one-mile radius of the proposed point of diversion.
- Spacing requirements appear to be met as there are no other wells noted within a one-half mile radius of the proposed point of diversion.
- No other water rights authorized the proposed place of use or point of diversion.
- Impairment appears unlikely.
- File No. 51,045 is in the Rattlesnake Creek Basin, therefore an offset from another water right is required. The proposed offset File No. 32,937 qualifies because:
 - It is 3.32 miles from the proposed point of diversion, which is within the 3.5 miles required by the regulation.
 - It is not within three miles of a solid line stream.
 - It is not abandoned due to nonuse.
 - The use made of water is considered 100% consumptive as municipal use, which can be changed 1:1 to File No. 51,045 which will also be considered 100% consumptive as municipal use.
 - The file will be reduced by 15 AF ^(4,888 mgd) per a "Request to Reduce a Portion of an Existing Water Right" form has been submitted. The application will be reduced from 57.68 million gallons per year (mgy) (177 AF) to 52.792 mgy (162 AF). The place of use limitation with File No. KW-02 will also be reduced in kind.
 - The limitation on junior File No. 33,416 appears to be unnecessary and will be removed with a correctional order, eliminating the need to have a reduction request filed on this water right as well.

No wells of any type were identified within one-half mile of the proposed point of diversion; therefore no nearby notification letters were sent. The proposed point of diversion appears to meet spacing to all known wells.

GMD5 was asked to review the pending application in an email dated June 24, 2024. GMD5 Manager Orrin Feril recommended approval of File No. 51,045 in a letter dated July 8, 2024. In his recommendation, Mr. Feril noted that the application met the conditions of K.A.R. 5-25-4(b)(5), and recommended approval if File No. 32,937 is reduced and used as an offset.

On July 15, 2024, Jeff Lanterman, Water Commissioner of the Stafford Field Office, recommended approval of the new application conditional upon processing of the reduction request submitted under File No. 32,937.

Based on the above discussion, the proposed offset of water will provide sufficient water to cover the proposed water use, GMD No. 5 has recommended approval, the proposed point of diversion complies with minimum spacing regulations, and approval will not impair senior water rights, it is recommended that the referenced application be approved.

Concur w/ Recommendation

Approve it

Jeff Lanterman W.C.

Elizabeth K Fitch
Environmental Scientist

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. 51,045** of the applicant

**CITY OF GREENSBURG
300 S MAIN ST
GREENSBURG KS 67054**

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

1. That the priority date assigned to such application is **May 26, 2023**.
2. That the water sought to be appropriated shall be used for municipal use at the Greensburg Municipal Airport in the West Half of the West Half ($W\frac{1}{2} W\frac{1}{2}$) of Section 7, Township 28 South, Range 17 West, Kiowa 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 7, more particularly described as being near a point 4,900 feet North and 4,975 feet West of the Southeast corner of said section, in Township 28 South, Range 17 West, Kiowa 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 **4.89 million gallons (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, 2044**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

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.

16. That the applicant must submit a progress report to the office of the Chief Engineer by March 1 after the tenth year from the date of the approval of this application and permit to proceed. The progress report is to contain sufficient details to explain the extent of development (perfection) of the water right during the previous ten (10) years, the extent of population being served by the water right and how the water right, in association with any other water right(s) meets the demonstrated municipal use need.

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

18. That 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 *25th* day of *July*, 2024, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

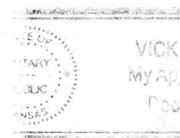
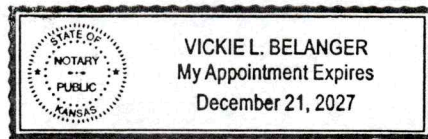
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this *25th* day of *July*, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Vickie L. Belanger

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

August 2, 2024

CITY OF GREENSBURG
300 S MAIN ST
GREENSBURG, KS 67054

RE: Appropriation of Water
File No. 51,045

Dear Sir or Madam:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

On February 10, 2023, the Chief Engineer received a request to secure water from the U.S. Fish and Wildlife Service related to their senior water right for Quivira National Wildlife Refuge, located in eastern Stafford County. It was determined in 2016 that upstream junior groundwater pumping in the Rattlesnake Creek basin and North Fork Ninnescah River basin regularly and significantly impairs the Service's ability to use its water right. Based on the location of your well, your appropriation may be curtailed to protect that senior water right. Please review the included letter, dated January 25, 2024, which details the allocation method that would be used should administration be required to satisfy the water right at the Refuge. Additional information regarding this matter may be found on our website at <https://agriculture.ks.gov/quivira>.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

CITY OF GREENSBURG

File No. 51,045

Page 2 of 2

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:ekf

Enclosure(s)

pc: Stafford Field Office
Groundwater Management District 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

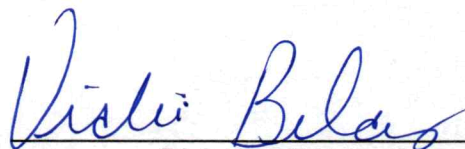
On this 2 day of August, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 51,045, dated July 25, 2024, was mailed postage prepaid, first class, US mail to the following:

CITY OF GREENSBURG
300 S MAIN ST
GREENSBURG KS 67054

With photocopies to:

KDA-DWR Stafford Field Office

Groundwater Management District No. 5



Division of Water Resources