

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

1. File No.: 50,992	2. Status Change Date: 3/4/2025	4. Field Office: 02 - Stafford GMD: 02 - Equus Beds Structures File No.: Filing/Priority Date: 3/16/23	
3. Associated File No(s):			
5a. ☒ Applicant ☒ Owner ☒ WUC Person ID 68940 ☐ Address Change Add Seq# PLANT FACTORY LLC ATTN: JEREMY JOHNSON 2707 W 13TH STREET NORTH WICHITA, KS 67203		5b. ☐ Owner ☐ WUC Person ID ☐ Address Change Add Seq#	
5c. ☐ Owner ☐ WUC Person ID ☐ Address Change Add Seq#		5d. ☐ Owner ☐ WUC Person ID ☐ Address Change Add Seq#	
6. Change No.: ☐ PD ☐ PU ☐ UMW Base Acres: Year: Min Reasonable Q: Previous UMW: MDS Gauge: Active Admin? ☐ Completion/Start Date: 12/31/2026 Perfection/Expiration Date: 12/31/2030		7. Use of Water ☒ Groundwater ☐ Surface Water UMW: IND-Industrial SIC: 0181 UMW: UMW:	
8. Action Trail			
9. Special Conditions			
10. 5YR Allocation Type: Start Year: 5YR Quantity: Base Acres: Comment:			
11. Sand & Gravel Proj ID: ☐ Active ☐ Dredge ☐ IND Evap ☐ Jr Evap ☐ Other Diversion ☐ Rpt on Sr			
12. Waiver Rule ID: ☐ New Date Requested: Applies: Rule No.: Justification: Rule Type: Rule SubType:			
Comments		Processed CLA 3/3/25	Entered
		Reviewed KAK 3/3/2025	3/6/2025 KAnderson

File No. 50,992		13. County: SG - Sedgwick Basin: 55- Little Arkansas River Stream:																			
Structures File No:		Aquifer Code: 190 Equus Beds										Special Use Area:									
14. Points of Diversion, Rates & Quantities																					
PDIV		Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Qty mgd		Rate gpm		Storage Qty AF		Storage Rate					
										Auth	Add	Auth	Add	Auth	Add	Auth/Add					
MOD		90177	NW SE SW	1	25S	2W	5	890	3850	4.89	4.89	50	50								
15. Limitations NEW Type: Quantity: AF Rate: gpm combined with file no(s):																					
NEW Type: Quantity: AF Rate: gpm combined with file no(s):																					
16. Metering ☒ Metering Required ☐ Anti-Reverse Required ☐ Seal Required Compliance Date: 12/31/2026																					
17. Place of Use																		Total	Owner(s)	Chg?	Overlaps
PUSE S T R ID		NE¼				NW¼				SW¼				SE¼							
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
																		0.00		☐	
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CHK 71284 1 25S 2W 3		GREENHOUSE (SE SW)																	5a	☐	
																				☐	
18. Point of Diversion and Place of Use Overlaps																					
* + # ^										** ++ ## ^^											

MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: March 3, 2025

From: Christa Anhold , Environmental Scientist

Re: New Application File No. 50,992 – Plant Factory, LLC

Summary

Plant Factory, LLC filed the above referenced new application proposing to appropriate 4,887,765 gallons (15 AF) of groundwater per year from one (1) well at a rate of 50 GPM for an industrial greenhouse in Sedgwick County. The application is signed stating the applicant has legal access to the proposed point of diversion and place of use. There are no overlapping files of the place of use or point of diversion. The applicant had a temporary water permit (File No. 20230062) approved March 16, 2023, to drill their well and start their greenhouse.

Reasonable Rate and Quantity

The applicant proposes 4,887,765 gallons (~15AF) of groundwater for a greenhouse and plant growing operation to grown ornamental nursery products. The applicant proposes to grow two million (2,000,000) plants per year and the plants will require 13,391 gallons of water per day, which amounts to roughly 4,887,715 gallons (~15AF) per year. A rate of 50 gallons per minute can be considered reasonable.

Source of Supply and Safe Yield

The application is exempt from safe yield as it proposes 15 AF of water at a rate of 50 GPM and complies with K.A.R. 5-22-2 regulations for safe yield. The applicant did not provide a well log, using nearby well logs and established water rights in the area the source of supply was determined to be the Equus Beds.

Nearby Water Rights

The applicant provided names and addresses of fifteen (15) nearby neighbors. Nearby letters were mailed to all fifteen (15) identified well owners on June 5, 2024. Two phone calls were received but no written responses have been received to date. From the proposed point of diversion, the closest nondomestic well (WR File No. 388) is 1,330 ft away and the closest domestic well is roughly 1,000 ft away and is owned by the applicant.

Recommendations

In a letter dated January 28, 2025, Equus Bed GMD No. 2 Manager, Tim Boese, recommended approval of the above proposed application.

The application was sent for consideration to Cameron Conant, Assistant Water Commissioner, and Jeff Lanterman, Water Commissioner, of the Stafford Field Office on February 5, 2025, and recommended for approval in an e-mail from Jeff Lanterman dated February 28, 2025.

The application complies with all regulations concerning reasonable quantity, safe yield, and minimum spacing requirements. It does not appear that approval of the application will impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.

Christa Anhold
Environmental Scientist
Manhattan Headquarters

From: "Lanterman, Jeff [KDA]"
Sent: Fri 2/28/2025 4:03 PM
To: "Conant, Cameron [KDA]" <Cameron.Conant@ks.gov>; "Anhold, Christa [KDA]" <Christa.Anhold@ks.gov>
Subject: RE: 50992 Recommendation Request

Wow did you look at some of the GW level fluctuations there. Down to 60 and back up. Middle of Wichita well field.

I don't think I can complain about this one but be for Wichita being able to lower their basin storage area limits.

Anyway I recommend approval of this 15 af exemption.

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Friday, February 28, 2025 3:04 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: 50992 Recommendation Request

Do you have time to knock this one out before you leave? I see no issues with 15 AF @ 50 GPM for this in GMD2.

Cameron

From: Conant, Cameron [KDA]
Sent: Friday, February 21, 2025 10:16 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: 50992 Recommendation Request

See review. No major concerns here. No log, but it'll be Equus Beds. Way over-appropriated but this is a 15AF exemption and 50 GPM.

Cameron

From: Conant, Cameron [KDA]
Sent: Monday, February 17, 2025 8:44 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: 50992 Recommendation Request

Jeff, this is a 15 AF exemption request for a greenhouse in SG County. GMD recommended approval, this meets all rules and I can't imagine any issues cropping up from it. I would point out that there are over 16,000 AF of prior existing appropriations in the 2 mile circle (there is a large amount of Municipal water tied up here), so that should be noted, but really doesn't have bearing on this small use exemption as there was quantity remaining under the allowed 45 AF per the reg.

We never got a test hole log, but as Christa notes, based on location and other nearby logs this could safely be called Equus Beds. I don't love not having a log and think it should always be a high priority to get one with every application, but in this case it's not the end of the world.

There are a lot of hydrographs, the nearest ones stop getting measured in in 2013 or 2017 which is odd. A fair number are measured by City of Wichita, wonder if there was just something done differently and they aren't getting entered into the Wizard site anymore. I didn't look at all the logs Christa provided but generally speaking there do not seem to be major declines, there are peaks and valleys but overall the area seems to recover pretty well.

This is for 50 GPM, spacing is met to all nearby wells. I think we can recommend approval of this application, please pass on to Christa if you agree.

From: Anhold, Christa [KDA] <Christa.Anhold@ks.gov>

Sent: Wednesday, February 5, 2025 2:05 PM

To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron <Cameron.Conant@ks.gov>

Subject: 50992 Recommendation Request

Good afternoon,

Attached is my draft memo for new application 50,992 for your review and recommendation. Nearby notifications were mailed on June 5, 2025 by Daniel Bird. To my knowledge Daniel received one phone call, but no written responses have been received to date.

WIZARD wells within a two-mile radius around the proposed point of diversion are as follows:

0.16mi

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=375348097294201

0.22mi

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=375348097295101

0.28mi

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=375348097292601

0.35mi

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=375348097292602

0.42mi

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=375415097295101

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=375420097300202

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=375420097300201

0.67mi

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0.76mi

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0.78mi

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0.80mi

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=375355097284502

0.82mi

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=375355097284501

0.87mi

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=375421097285401

0.90mi

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0.92mi

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0.94mi

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1.00mi

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1.01mi

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1.02mi

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1.12mi

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1.16mi

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1.20mi

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1.22mi

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1.36mi

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1.39mi

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1.40mi

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1.43mi

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1.51mi

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=375441097310401

1.55mi

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=375342097280201

1.74mi

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1.75mi

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1.80mi

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1.89mi

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=375326097274502

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=375326097274501

Let me know if you have any questions or need anything else.

Christa Anhold
Environmental Scientist
Department of Water Resources
(785)-370-1574
Christa.anhold@ks.gov

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

APPROVAL OF APPLICATION and PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,992** of the applicant

**PLANT FACTORY LLC
2707 W 13TH STREET NORTH
WICHITA, KS 67203**

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 16, 2023**.
2. That the water sought to be appropriated shall be used for industrial use in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 1, Township 25 South, Range 2 West, Sedgwick County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by a one (1) well located in the Northwest Quarter of the Southeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 1, more particularly described as being near a point 890 feet North and 3,850 feet West of the Southeast corner of said section, in Township 25 South, Range 2 West, Sedgwick County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **50 gallons per minute (0.11 c.f.s.)** and to a quantity not to exceed **4.89 million gallons of water (15 acre-feet)** for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2026**, 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, 2030, 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 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 4th day of March, 2025, in Manhattan, Riley County, Kansas.



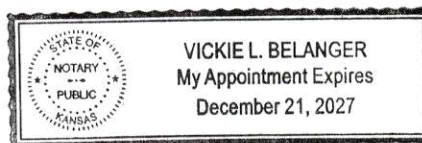
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 4th day of March, 2025, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



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

March 7, 2025

JEREMY JOHNSON
PLANT FACTORY LLC
2707 W 13TH STREET NORTH
WICHITA KS 67203

RE: Appropriation of Water
File No. 50,992

Dear Mr. Johnson:

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

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

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

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

Also included is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/dwr. 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:cla
Enclosure(s)
pc: Stafford Field Office
Equus Beds GMD No. 2

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 7th day of March, 2025, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,992, dated March 4, 2025, was mailed postage prepaid, first class, US mail to the following:

JEREMY JOHNSON
PLANT FACTORY LLC
2707 W 13TH STREET NORTH
WICHITA KS 67203

With photocopies to:

KDA-DWR Stafford Field Office

Equus Beds GMD No. 2



Division of Water Resources