

MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: November 4, 2024

From: Christa Anhold, Environmental Scientist

Re: New Application File No. 51,027 and Change File No. 41,665 – Robert Seidel

Summary

Robert Seidel filed the above referenced change application proposing change the point of diversion under WR File No. 41,665 from three (3) groundwater pits to a battery of two (2) wells. Additionally, the applicant filed a new application to permit two (2) of the groundwater pits currently covered under WR File No. 41,665. The new application proposes to appropriate 1.5 AF of groundwater per year to offset natural evaporation from two (2) groundwater pits for recreational use at a golf course in Pratt County. These applications fall under GMD No. 5, which is closed to new water right appropriations, the new application will fall under K.A.R. 5-25-15 which allows for an exemption for the use of 15 AF of groundwater per year. The applicant owns the place of use and points of diversion, there will be no overlapping files for the point of diversion or place of use.

Change Application

WR File No. 41,665 was certified on November 21, 2003, for three (3) groundwater pits which are authorized to divert 36 AF at 500 GPM to irrigate 29 acres in Pratt County. The change application proposes to change the point of diversion from a battery of three (3) groundwater pits to a battery of two (2) wells, with no change in the place of use or use made of water. The change application, submitted on April 26, 2023, has been signed and notarized by all the landowners.

Specific regulations for changes in the point of diversion per K.A.R. 5-25-2a, have been met.

The applicant provided the names and address of four (4) domestic water users within one half mile around the proposed new point of diversion. Nearby notifications were mailed on August 27, 2024. No responses of any kind have been received to date.

The distance from the proposed geographic center of the battery of wells the nearest nondomestic well (WR File No. 42,709) is 3,418 feet away and to the nearest domestic well is 600 feet away. The proposed battery of wells does not meet well spacing regulations per K.A.R. 5-25-2, which stipulates well spacing for nondomestic to domestic wells must be no less than 660 feet. **The change application will require a waiver of K.A.R 5-25-2(a)(2) for spacing to one domestic well. The owner of the domestic well that doesn't meet well spacing was notified via a nearby notification letter mailed on August 27, 2024. No comments of any kind were received. The applicants well log estimates a rate of 50 GPM, making it unlikely that the battery of wells will support the 500 GPM sustained under WR File No. 41,665.**

Reasonable Rate and Quantity

The above referenced new applicant requests 1.5 AF of groundwater per year to offset loss from evaporation for two (2) groundwater pits with a combined surface area of 0.6 acres. The requested quantity can be considered reasonable since it is less than the maximum reasonable quantity of evaporation loss from the proposed pits, calculated below:

$$\text{Evaporation: } (0.6 \text{ acres} \times 31 \text{ in/acre}) / (12 \text{ in/ft}) = 1.55 \text{ AF}$$

Source of Supply and Safe Yield

The two (2) existing groundwater pits proposed in the new application, were originally permitted under WR File No. 41,665 and are supplied by Tributary Alluvium. The new referenced application is exempt from safe yield per K.A.R. 5-25-4(b).

Nearby Water Rights

The distance between the two (2) proposed groundwater pits geographic center is 214 feet measured. The distance to the proposed battery of wells under WR File No. 41,665 is 1,748 and 1,666 feet from each pit. The applicant provided names and address of four (4) domestic well owners within a one-half mile radius around the proposed points of diversion. Nearby notifications were mailed on August 27, 2024. No responses have been received to date.

Recommendations

In two (2) letters, both dated September 27, 2024, Big Bend GMD No. 5 Manager, Orrin Feril, recommended approval of both applications. GMD No. 5 waived water flowmeter requirements per K.A.R 5-25-5 for new application File No. 51,027.

The applications were sent for consideration to Jeff Lanterman, Water Commissioner, and Cameron Conant, Assistant Water Commissioner, of the Stafford Field Office on October 16, 2024, and recommended for approval in an email dated November 1, 2024. Approval of the change application is contingent on an approved waiver for domestic well spacing.

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



Christa Anhold
Environmental Scientist
Water Appropriation Program

From: Lanterman, Jeff [KDA]
Sent: Fri 11/1/2024 1:53 PM
To: Conant, Cameron [KDA]; Anhold, Christa [KDA]
Subject: RE: 51027 and 41665 recommendation request

I recommend approval of this package new app/change package.

Thanks!

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Friday, November 1, 2024 10:36 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: 51027 and 41665 recommendation request

Jeff, this is a change and new app package for Seidels golf course. They have been working on this idea for a while it looks like as we filled out similar apps in 2016 that were not filed.

The change app is requesting to convert from a battery of 3 GW pits to a battery of 2 wells. This is a geo-center move from the pits to the wells of about ~1560'. I think they are currently using just one of the GW pits to pump water to the golf course, I'm sure the wells will be far more efficient and easier to upkeep. The pits and wells will be the same source of tributary alluvium and I don't think we are impacting a blue line stream at all.

All three of the existing pits are very small. The three existing pits are all very small, but one of the owners wants to cover two of the old GW pits with a 15 AF exemption. The exemption is for 1.55 AF to cover evaporative losses from the 0.6 acres of exposed GW. The third pit is not being covered and honestly I'm not very concerned about it as I think it is about 0.15 acres in size and if you get right down to it, looks to me like it is within 300' of a home and we can probably consider it domestic and move on with no issues.

We notified all nearby wells with no comments received. The battery does not meet spacing to a domestic well that is about 600' away. The domestic is a family member and provided no comments or concern.

GMD recommended approval with no waiver noted. I think they should have done a waiver per 5-25-2. That said, I think we can recommend approval of this change to a battery of wells with the spacing waiver to nearby domestic and also recommend approval of the new application to cover evaporative losses. Please pass on to Christa if you agree.

Cameron

From: Anhold, Christa <Christa.Anhold@ks.gov>
Sent: Wednesday, October 16, 2024 11:29 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: 51027 and 41665 recommendation request

Good morning,

Attached is a draft memo for 51,027 and change app 41,665 for your review and recommendation. Nearby notifications were mailed on August 27, 2024. No responses have been received to date. Big Bend GMD 5 recommended approval of both applications on September 27, 2024.

Here are the links to hydrographs within a 2-mile radius as well as their distance from the proposed point of diversion.

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=3741260984115010.92

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=374223098394401

0.97

If you need anything else let me know.

Christa Anhold
Environmental Scientist
Department of Water Resources
(785)-564-6644
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. 51,027** of the applicant

**ROBERT SEIDEL
30370 NE 30TH ST
PRATT, KS 67124**

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

1. That the priority date assigned to such application is **April 26, 2023**.
2. That the water sought to be appropriated shall be used for recreational use, to cover evaporative losses from two (2) groundwater pits with a combined surface area of 0.6 acres, both 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 18, Township 27 South, Range 12 West, Pratt County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn at the following points:
 - one (1) groundwater pit 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 18, with one (1) pit more particularly described as being near a point 2,133 feet North and 2,135 feet West of the Southeast corner of said section, and
 - one (1) groundwater pit 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 18, more particularly described as being near a point 2,244 feet North and 2,320 feet West of the Southeast corner of said section,both in Township 27 South, Range 12 West, Pratt 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 natural evaporation and to a quantity not to exceed **1.5** 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, 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 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.

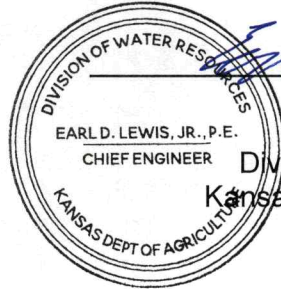
12. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

13. That the groundwater pits shall be constructed, maintained, and operated in a manner that will prevent degradation to the water quality of the source of supply, and shall not cause an unreasonable deterioration of the water quality for existing water users.

14. 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.

15. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

Ordered this 24th day of January, 2025, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.
Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 24th day of January, 2025, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

[Signature]
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

January 28, 2025

ROBERT O SEIDEL
30370 NE 30TH ST
PRATT KS 67124

RE: Appropriation of Water
File No. 51,027

Water Right
File No. 41,665

Dear Mr. Seidel:

Enclosed is a new 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 the new permit. Also enclosed is an order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change in the point of diversion under the above referenced water right.

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.

Since the change order modifies the certificate of appropriation for the above referenced water right, it should be recorded with the Register of Deeds as other instruments affecting real estate.

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 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.

ROBERT O SEIDEL
File Nos. 41,665 and 51,027
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Also included with your permit 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
GMD No. 5

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Division, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

CERTIFICATE OF SERVICE

On this 28 day of January, 2025, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 41,665, and the Approval of Application and Permit to Proceed, File No. 51,027, dated January 24, 2025, were mailed postage prepaid, first class, US mail to the following:

Original to:

ROBERT O SEIDEL
30370 NE 30TH ST
PRATT KS 67124

With photocopies to:

KDA-DWR Stafford Field Office

Big Bend GMD No. 5



Division of Water Resources