

MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: March 21, 2025

From: Christa Anhold, Environmental Scientist

Re: New Application File No. 51,073 – David Seck

Summary

David Seck has filed the above referenced new application proposing to appropriate 224 AF of groundwater per year from one (1) well at a rate of 1,200 gpm for the irrigation of 160 acres in Reno County. The application is signed stating the applicant has legal access to the point of diversion and place of use. There are no overlapping files.

Reasonable Rate and Quantity

The requested 224 AF of groundwater applied to 160 acres is equivalent to 1.4 AF per acre, which is the maximum reasonable quantity for Reno County. Based on the area 1,200 gpm can be considered reasonable.

Source of Supply

A well log provided with the application notes top soil from the surface to 2ft, brown clay from 2 to 8ft, coarse to medium sand from 8 to 25ft, medium sand and gravel from 25 to 44ft, tan clay from 44 to 52ft, fine sand from 52 to 68ft, light brown clay from 68 to 73ft, light brown clay with fine sand from 73 to 78ft, alternating fine to medium sand from 78 to 166ft and grey clay from 166 to 167ft below ground surface. Static water was measured at 11ft below ground surface. The source of supply is likely Equus beds.

Nearby Water Rights

From the proposed point of diversion, the closest nondomestic well (File No. 4,604) is 2,480 ft away and the closest domestic well is 1,974 ft away. The applicant provided names and address of three (3) nearby well owners. Nearby letters were mailed on January 22, 2025. No responses have been received to date.

Recommendations

In a letter dated March 19, 2025, Equus Bed GMD No. 2 Manager, Tim Boese, recommended approval of the proposed application.

The applications were sent for consideration to Cameron Conant, Assistant Water Commissioner, and Jeff Lanterman, Water Commissioner, of the Stafford Field Office on March 21, 2025 and recommended for approval in an e-mail dated March 31, 2025.

The application complies with all regulations concerning reasonable quantity, safe yield, and minimum spacing requirements. Approval of the application will not 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
Water Appropriation Program

From: "Lanterman, Jeff [KDA]"
Sent: Mon 3/31/2025 9:22 AM
To: "Conant, Cameron [KDA]" <Cameron.Conant@ks.gov>; "Anhold, Christa [KDA]" <Christa.Anhold@ks.gov>
Subject: RE: 51073 FO Recommendation Request

This is an area that Tim did all that polygon hydrograph matching work. Or Steve did. Just from memory recharge is actually closer to 3-4" which would probably put this file at over appropriated, but can't get the board to do anything about it.

Since the high in 19 the recent years are pretty bleak in those hydrographs but admittedly we have been in a drought. If it rains it will probably come back up.

Well logs look pretty good. Lots of water there. I think we can go ahead and approve this one and hope for the best.

Thanks
Jeff

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Monday, March 31, 2025 9:01 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: 51073 FO Recommendation Request

Jeff, this is an irrigation application request requesting a single well covering 160 acres, 224 AF @ 1200 GPM. Per the supplemental they may install pivot with cornering system and SDI. This is located between Hutchinson and Burrton a mile south of HWY 50, 4 miles west of the Burrton IGUCA boundary.

I highlighted what I thought was the most applicable nearby hydrograph from the ones Christa included with her email. It is a GMD#2 OBS well with a long history to current and is the same depth as the proposed well. Over the long-term, I'd say the area is relatively stable. In the last 15 years I would characterize the area as having a small declining trend. In dry years there is a more pronounced decline, but it doesn't appear too concerning. During the 2011 drought there was a 4.5' decline but the water level recovered to nearly 2008/2009 levels in 2019. From 2020 to 2025 there was a 5.22' decline and any recovery is not showing up yet due to continued dry conditions? That said, there is a lot of water here with a saturated thickness of ~155'. Quality would be the major concern here but GMD#2 noted they provided a quality sample of 207 mg/l, so it seems ok even at the deeper depth of 167'.

I didn't find a well log but Christa detailed it in her memo and so did Tim, so we must have one, it just must not be in Docuware at this time. Plenty of sand and gravel all the way down with a clay layer at 68-73' and more sand and gravel below that. The log Christa talked referenced goes down to 166'. It'll be sourced in Equus Beds. Spacing is met by a wide margin and there is no concern about that.

GMD ran the SY (full circle and 6") and it has over 800 AF remaining in the 2 mile circle. I am kind of surprised there was an area so "open" still in GMD#2. There is about 5, 49k file numbers in the 2 mile circle and a junior pending 51k number so there has been recent development in the area. I think we can recommend approval of this application. Please pass on to Christa if you agree, let me know if you have any questions.

Cameron

From: Anhold, Christa [KDA] <Christa.Anhold@ks.gov>
Sent: Friday, March 21, 2025 10:25 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: 51073 FO Recommendation Request

Good morning,

Attached is my draft memo for new application 51,073 for your review and recommendation. Nearby notifications were mailed on January 22, 2025. No comments of any kind were received.

Below are the WIZARD wells within a 2-mile radius of the proposed well.

0.72 miles

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=380021097482801 1972-1996

1.15mi

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=380136097481601 1971-1980

1.17mi

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=380139097481201 1971-2013

1.43mi

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=380142097484003 1989-current GMD#2 OBS well

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=380142097484002 1989-current GMD#2 OBS well

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=380142097484001 1989-current GMD#2 OBS well

1.47mi

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=380000097463003 1990-current GMD#2 OBS well, 63' depth

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=380000097463002 1990-current GMD#2 OBS well, 160' depth

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=380000097463001 1990-current GMD#2 OBS well, 220' depth

1.58mi

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=375915097471301 1971-1986

1.75mi

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=380050097494703 1989-current GMD#2 OBS well

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=380050097494702 1989-current GMD#2 OBS well

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=380050097494701 1989-current GMD#2 OBS well

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. 51,073** of the applicant

**DAVID SECK
6614 E EALES RD
HUTCHINSON, KS 67501**

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 **July 24, 2023**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼													
31 - 21S - 4W	40	40	40	40													160

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located near the center of the Northeast Quarter (NE¼) of Section 31, more particularly described as being near a point 3,960 feet North and 1,320 feet West of the Southeast corner of said section, in Township 23 South, Range 4 West, Reno 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 **1,200 gallons per minute (2.67 c.f.s.)** and to a quantity not to exceed **224 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 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 all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. 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).

14. 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.

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

16. 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.

17. 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 1st day of April, 2025, 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 1st day of April, 2025, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Vickie 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

April 3, 2025

DAVID SECK
6614 E EALES RD
HUTCHINSON KS 67501

RE: Appropriation of Water
File No. 51,073

Dear Mr. Seck:

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

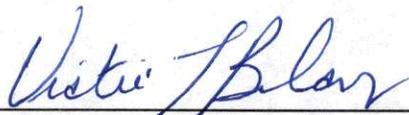
On this 3rd day of April, 2025, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 51,073, dated April 1, 2025, was mailed postage prepaid, first class, US mail to the following:

DAVID SECK
KRISTINE S SECK REVOCABLE TRUST
6614 E EALES RD
HUTCHINSON, KS 67501

With photocopies to:

KDA-DWR Stafford Field Office

Equus Beds GMD No. 2



Division of Water Resources