

THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

FINDINGS AND ORDER  
IN THE MATTER OF THE TEMPORARY SUSPENSION OF PROCESSING NEW APPROPRIATION APPLICATIONS  
FILED IN SELECT AREAS WITHIN THE BOUNDARY OF  
EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

After due consideration, the Chief Engineer, Kansas Department of Agriculture, Division of Water Resources (hereafter referred to as the “Chief Engineer”) makes the following Findings and Order:

FINDINGS

1. That K.A.R. 5-22-7 pertains to safe yield requirements in Equus Beds Groundwater Management District No. 2 (GMD No. 2), including new applications for approval.
2. That K.A.R. 5-22-1(ff) defines safe yield as the total quantity of groundwater that can be artificially withdrawn from an aquifer; and naturally discharges to a stream without exceeding the aquifer recharge value for the area of consideration and without impairing the water rights diverting from the aquifer.
3. That the Board of Directors of GMD No. 2 has begun and continues discussion on improving recharge estimates outlined in K.A.R. 5-22-7(b)(5)(c) pertaining to the appropriation of new groundwater appropriations within the boundaries of GMD. No. 2.
4. That on November 10, 2015, and December 8, 2015, the Board of Directors of GMD No. 2 reviewed and ultimately approved a proposal by the Kansas Geological Survey (KGS) to complete technical work to assist the District in determining if its safe yield calculations and recharge rates should be revised.
5. That in a letter received in the office of the Chief Engineer on May 16, 2016, Tim Boese, Manager of GMD No. 2, requested that due to declining trends in District groundwater levels “new applications for groundwater appropriation filed on or after May 10, 2016 within the areas defined in the following table be suspended for processing for up to 14 months to allow for further study and possible recommendations by the District, including modifications to the District’s safe yield regulation and calculations. Additionally, any new groundwater appropriation application filed on or after May 10, 2016, would be subject to any changes to the District’s safe yield regulation and calculation.”

Township	Range	Sections	Township	Range	Sections
18 south	4 west	20, 21, 25-29, and 32-36	21 south	1 west	7, 18, 19, 30, and 31
18 south	3 west	28-33	22 south	4 west	1-3, and 10-12
20 south	4 west	13-16, 21-28, and 33-36	22 south	3 west	1-14, 24, and 25
20 south	3 west	15-22, and 27-35	22 south	2 west	1-36
21 south	4 west	1-3, 10-15, 22-27, and 34-36	22 south	1 west	6, 7, 18, 19, 30, and 31
21 south	3 west	2-11, and 13-36	23 south	2 west	2-9
21 south	2 west	12, 13, and 17-36			

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Equus Beds Groundwater  
Management District No. 2

6. That after review and discussion of the supporting data with District staff it has been determine to be the public interest to suspend processing of all new applications for permit to appropriate water for beneficial use in the defined area (hereinafter described) within the boundaries of GMD. No. 2, until October 10, 2017, to allow the GMD Board of Directors to conclude its consideration of the matter.

ORDER

NOW THEREFORE, the Chief Engineer hereby orders that, new groundwater appropriation applications within GMD No. 2 including the areas in the following table within the boundaries of GMD. No. 2, be suspended until October 10, 2017, to allow its study to be concluded and the Board of Directors to complete their consideration of potential modification to the District’s safe yield regulation.

Township	Range	Sections	Township	Range	Sections
18 south	4 west	20, 21, 25-29, and 32-36	21 south	1 west	7, 18, 19, 30, and 31
18 south	3 west	28-33	22 south	4 west	1-3, and 10-12
20 south	4 west	13-16, 21-28, and 33-36	22 south	3 west	1-14, 24, and 25
20 south	3 west	15-22, and 27-35	22 south	2 west	1-36
21 south	4 west	1-3, 10-15, 22-27, and 34-36	22 south	1 west	6, 7, 18, 19, 30, and 31
21 south	3 west	2-11, and 13-36	23 south	2 west	2-9
21 south	2 west	12, 13, and 17-36			

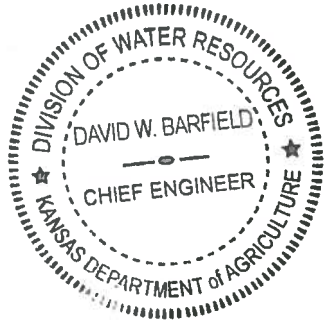
is subject to the following five (5) terms or conditions:

1. If either K.A.R. 5-22-7 is amended or another management alternative for the area is proposed by the GMD Board and adopted by the Chief Engineer, then any application to appropriate water for beneficial use within the area which is filed after the date of this order, shall then be processed in accordance with the provisions of the amended regulation(s) or adopted management alternative. If K.A.R. 5-22-7 is not amended nor any other management alternative adopted by the Chief Engineer, then any application to appropriate water for beneficial use filed on and after the date of this order, shall be processed in accordance with the regulations in effect at the time the application was filed. This temporary suspension of processing of any new application to appropriate water for beneficial use is being done for the purpose of allowing the Board of Directors of GMD No. 2 and the Chief Engineer to evaluate revised recharge values which shall be developed by the KGS in collaboration with the GMD No. 2 Board of Directors, and the Chief Engineer will evaluate all data and information to determine if K.A.R. 5-22-7 should be amended or other management alternative be adopted in the public interest.
2. The following applications shall not be subject to this order:
  - a. Applications for domestic use of water for temporary permits
3. For good cause shown, the Chief Engineer may waive this temporary suspension if it is shown to the satisfaction of the Chief Engineer that such waiver will not prejudicially and unreasonably affect the public interest or impair existing water rights.
4. The Chief Engineer specifically retains jurisdiction in this matter to make such changes, additions, or deletions to this order as deemed necessary in the public interest.
5. This Order shall be in effect until October 10, 2017, unless extended by the Chief Engineer upon the request of the Board of Directors of GMD No. 2.

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Ordered this 10<sup>th</sup> day of August, 2016, in Topeka, Shawnee County, Kansas.



David W. Barfield  
David W. Barfield, 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 10<sup>th</sup> day of August, 2016, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter  
Notary Public

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Management District No. 2