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Topeka, KS 66612
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Mike Beam, Secretary

Laura Kelly, Governor

May 8, 2024

BIG BEND GMD NO 5
125 S MAIN ST
STAFFORD KS 67587

RECEIVED

MAY 13 2024

Big Bend GMD #5

RE: Water Right
File No(s).

Dear Sir or Madam:

According to our records you are an owner or water use correspondent for the above referenced water right(s) or permit(s) to appropriate water.

The purpose of this letter is to advise you of the Division's plan to implement Minimum Desirable Streamflow (MDS) requirements for Rattlesnake Creek, which were made part of the Kansas Water Appropriation Act by the Kansas Legislature in 1984. The Legislature established MDS thresholds on 23 streams and rivers at 32 locations to ensure base flows in certain streams, to protect water rights, and to meet in-stream water uses related to water quality, fish and wildlife, and recreation. When streamflow in a MDS stream drops below a statutory threshold, and remains continuously deficient for at least seven consecutive days, pumping restrictions are imposed on water rights and permits that were granted after the MDS threshold was enacted in 1984. MDS requirements for the Rattlesnake Creek, as adopted in K.S.A. 82a-703c, and amendments thereto, are included in the following table:

Minimum Desirable Streamflow Requirements for Rattlesnake Creek Gages (Values in c.f.s.)												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Macksville	5	5	10	10	10	10	5	1	1	1	5	5
Zenith	15	15	15	15	15	15	5	3	3	3	10	15

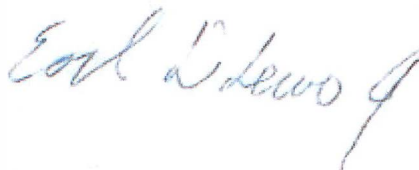
All permits issued by the Division, with a priority date after April 12, 1984, contain a specific condition that the use of water would be subject to curtailment should the MDS threshold not be met. K.A.R. 5-3-25 provides that all terms, conditions, and limitations placed on an approval of an application for a permit to appropriate water by the Chief Engineer pursuant to the provisions of K.S.A. 82a-712, and amendments thereto, shall remain in full force and effect unless expressly modified or removed by the Chief Engineer. MDS administration will take place in accordance with the requirements of K.S.A. 82a-703a through 82a-703c and K.A.R. 5-15-1 through 5-15-4.

Through the use of groundwater flow modeling, it has been determined that the use of water under the above referenced water right(s) should be subject to MDS restrictions whenever the flow of in Rattlesnake Creek drops below the established minimum streamflow requirements for the gage(s) located downstream from the authorized point(s) of diversion. **Beginning in 2025, you will receive an order to cease diversions through groundwater pumping should the streamflow at the downstream gage fall below the established MDS threshold for at least seven consecutive days.** Administration will end after streamflow in Rattlesnake Creek has exceeded the values in the above table for a period of 14 consecutive days. These criteria are established in K.A.R. 5-15-1. Water rights selected for MDS administration in the Rattlesnake Creek basin include those that the groundwater flow model shows would have at least a 10% impact to streamflow within a 30-day period. A map showing the areas that meet the current criteria (MDS Administration Area) and the locations of the affected water rights is enclosed with this letter. Also included is a chart depicting the historical likelihood of administration for water rights above each gage based on the current administration criteria.

(over)

In some cases, water rights that are located within the Rattlesnake Creek MDS Administration Area may be moved out of the administration area through use of the offset regulation contained in K.A.R. 5-25-22. Questions regarding implementation of the MDS requirements and the utilization of this regulation should be directed to the KDA-DWR Stafford Field Office at 620-234-5311.

Sincerely,

A handwritten signature in blue ink that reads "Earl D. Lewis Jr." in a cursive style.

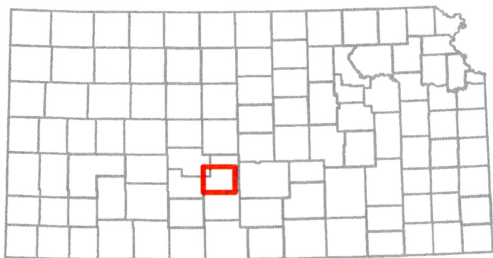
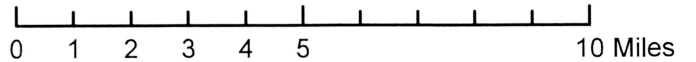
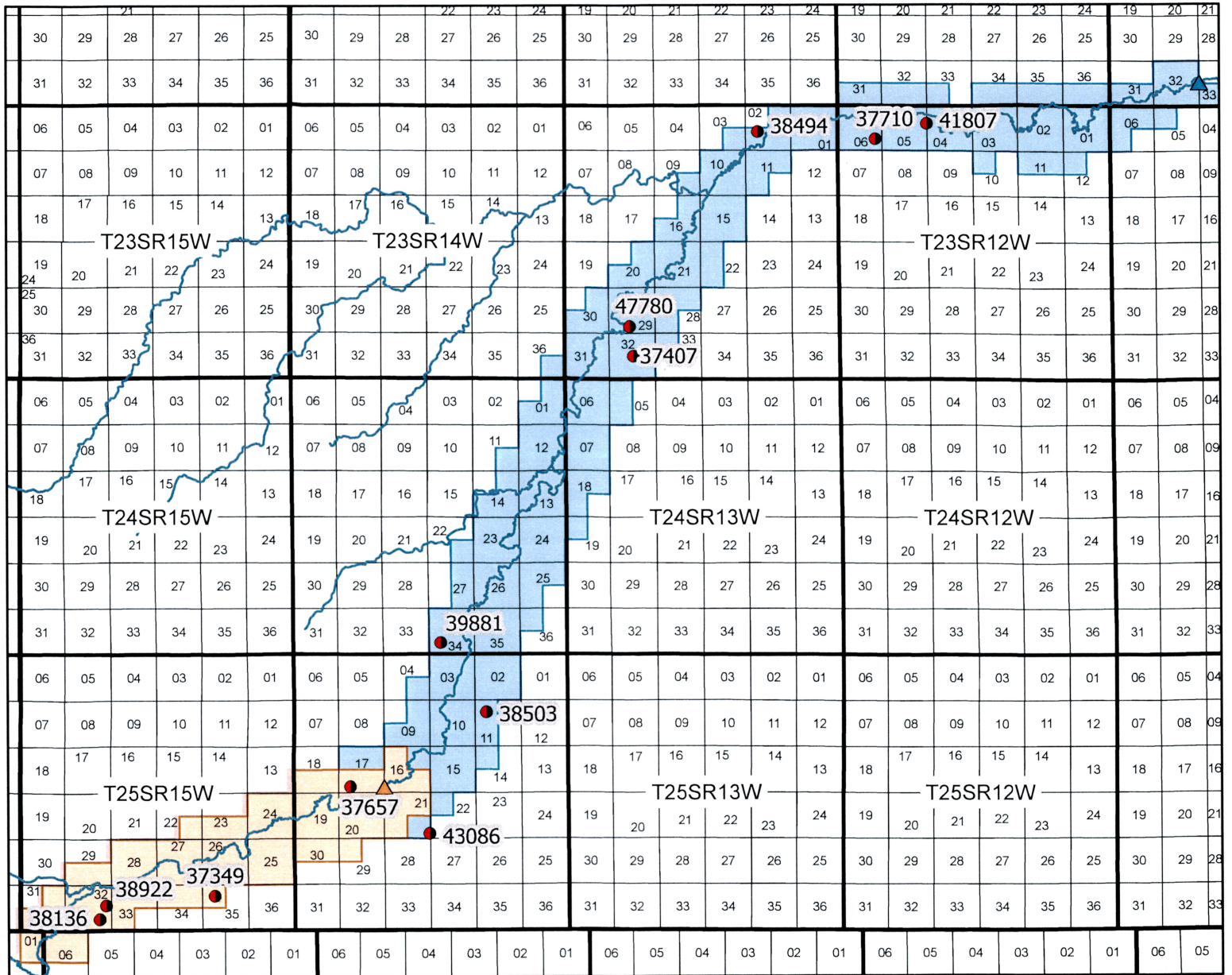
Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources






EDL:kak

Enclosures

pc: Stafford Field Office
Big Bend GMD No. 5

Minimum Desirable Streamflow Rattlesnake Creek Administration Area

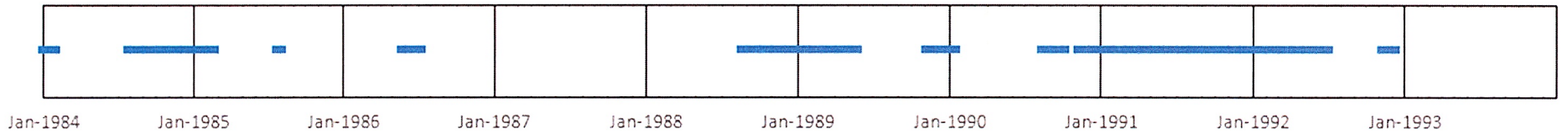


-  Zenith Gage
-  Macksville Gage
-  Point of Diversion
-  Macksville Administration Area
-  Zenith Administration Area

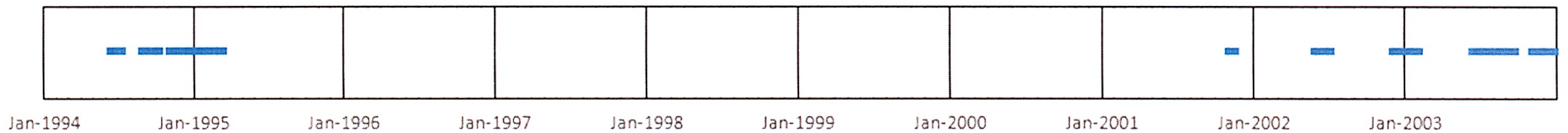


Kansas Department of Agriculture
Division of Water Resources
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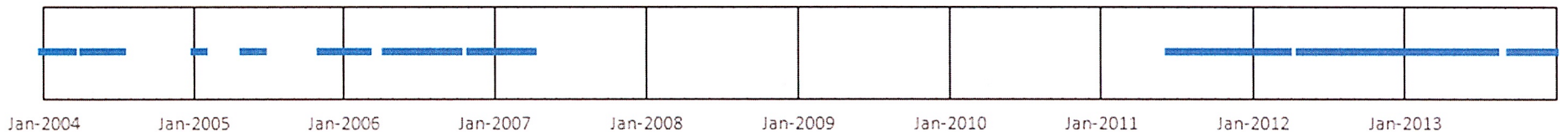
Approximated MDS Administration Periods, 1984 - 1993, Zenith Gage



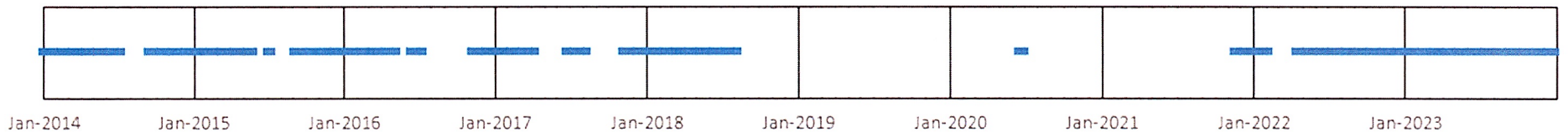
Approximated MDS Administration Periods, 1994 - 2003, Zenith Gage



Approximated MDS Administration Periods, 2004 - 2013, Zenith Gage

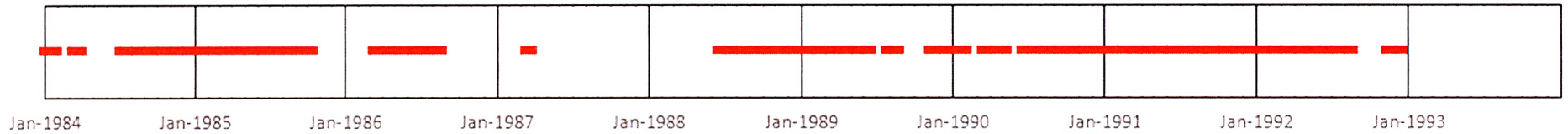


Approximated MDS Administration Periods, 2014 - 2023, Zenith Gage

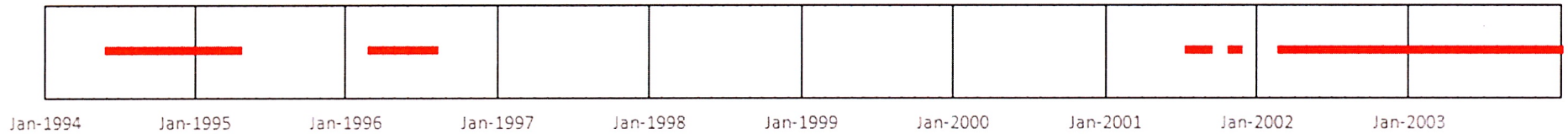


■ Zenith Gage Under Administration

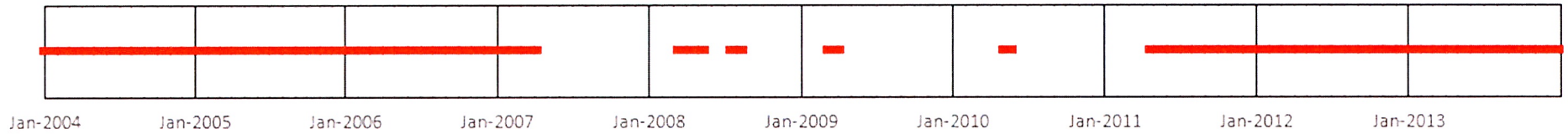
Approximated MDS Administration Periods, 1984 - 1993, Macksville Gage



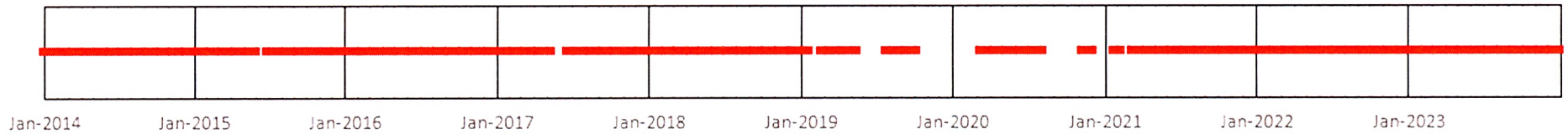
Approximated MDS Administration Periods, 1994 - 2003, Macksville Gage



Approximated MDS Administration Periods, 2004 - 2013, Macksville Gage



Approximated MDS Administration Periods, 2014 - 2023, Macksville Gage



■ Macksville Gage Under Administration