

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/U WORKSHEET

1. File Number: 45835	2. Status Change Date: 5/30/2019	3. Change Num: C#3	4. Field Office: 02	5. GMD:
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 9/5/17
8a. Applicant(s) New to system <input type="checkbox"/> THOMAS C SNELL 509 W 6TH ST ELLINWOOD KS 67526		Person ID 53552 Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		
		8c. Landowner(s) New to system <input type="checkbox"/> JOLENE K GATTON SNELL TRUST 509 W 6TH ST ELLINWOOD KS 67526		
		Person ID 53551 Add Seq# _____		
		8d. WUC New to system <input type="checkbox"/> THOMAS C SNELL 509 W 6TH ST ELLINWOOD KS 67526		
		Person ID 53552 Add Seq# _____		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2019 <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 5/1/19 By: LI Date Entered: 6/4/2019 By: LLM				

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: File

DATE: May 24, 2019

FROM: Leslie Ireland

RE: Water Right, File No. 45,835

Jolene K. Gatton-Snell on behalf of the Jolene K. Gatton-Snell Trust, owner of the irrigated place of use under the referenced file submitted an application to change the place of use on September 5, 2017. The application is being processed with a new application under File No. 49,900.

The right appears to be in compliance with K.S.A. 82a-732 and K.S.A 82a-1906, with no notice to nearby well owners, as there are no well owners within one-half (½) mile of the battery of wells authorized under this right. The application complies with K.A.R. 5-5-2a, appearing to be complete for the requested change.

The referenced file certified 560 gallons per minute (gpm) for the diversion of 169.4 acre-feet (AF) of groundwater from a battery of four (4) wells for the irrigation of 121 acres of row crops under a quarter section pivot without the corners. The place of use is in Section 9, Township 20, Range 10 West, Rice County. The appropriation has no additional limitations and is not indicated to be in a special use area. The certificate indicated 121 acres as the maximum irrigated during perfection.

The change is to modify the 121 acres to 160 acres adding 39 acres that has been proposed to be irrigated with and additional 54.6 AF of groundwater water from File No. 49,900. The Junior right will be limited to 224 AF and 800 gpm with File No. 45,835. Per K.A.R. 5-3-24, *Reasonable quantity for irrigation use*, Rice County irrigation justifies 1.4 acre-foot per acre for the full irrigation of corn. This regulation would allow the proposed 160 acres to justify 224 AF, as proposed.

The approval of the new appropriation should assure there will not be a substantial increase in the historic net consumptive use under the referenced file due to safe yield assuring additional quantity is available. The change complies with Part 6 of K.A.R. 5-5-11, *Applications for change in place of use for irrigation purposes*. Thus the proposed change complies with K.A.R. 5-5-3, *Consumptive use*. The pivot is to be updated to irrigate the corners of the Northwest Quarter, of Section 9, for 160 acres to be authorized.

A water conservation plan meeting the guidelines of the Kansas Water Office will not be required as there appears to be sufficient quantity authorized for irrigation use. Water flowmeter will be required by the approval pursuant to K.A.R. 5-5-11. A check valve will be required if chemigating.

A compliance investigation completed in July of 2014 determined the actual location of the authorized well to be located 3,579 feet North and 2,604 feet West of the Southeast corner of Section 5, approximately 5 feet from the authorized location of 3,580 feet North and 2,580 feet West. It appears the location of the well complies with Part of KAR 5-5-6, *Failure to construct diversion works at authorized location*. The approval will update the location of the well to the feet distances as determined in the 2014 compliance investigation.

The proposed change was submitted to the Stafford Field Office for a recommendation. In a May 24, 2019, E-mail, Jeff Lanterman, SFO Water Commissioner indicated there was no objection to the approval of the change in place of use with the approval of the new appropriation, File No. 49,900.

Based on the above discussion, that the change is reasonable, the historical consumptive use will not substantially be increased due to the approval of the new appropriation, impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced application be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

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

June 7, 2019 **FILE COPY**

THOMAS C SNELL
509 W 6TH ST
ELLINWOOD KS 67526

RE: Water Right, File No. 45,835

Dear Mr. Snell:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the referenced file.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approval for is that an acceptable water flowmeter must be installed on the diversion works.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

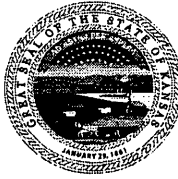
If you have any questions, please contact Leslie Ireland, Environmental Scientist, at (785) 564-6633, or our staff at the Stafford Field Office, (620) 234-5311. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Water Appropriation Program

BAT:LI:li:
Enclosures
pc: Stafford Field Office

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE WATER RIGHT, FILE NO. 45,835

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Jolene K. Gatton-Snell, as Trustee of the Jolene K. Gatton-Snell Trust 509 W 6th Street, Ellinwood, Kansas 67526, received in the office of the Chief Engineer on September 5, 2017, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9 20S 10W					40.0	40.0	40.0	40.0									160.0

a total of 160 acres, in Section 9, Township 20 South, Range 10 West, Rice County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the place of use.

All diversion works 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.

The water right owner shall properly install an acceptable water meter on each of the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 45,835, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated July 17, 2017.

Ordered this 30th day of May, 2019, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
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 30th day of May, 2019, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

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:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) 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 Section, 1320 Research Park Drive, Manhattan, KS 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 hearing 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, KS 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 June, 2019, I hereby certify that the attached Approval of Application for Change in Place of Use, Water Right, File No. 45,835 dated, May 30th, 2019 was mailed postage prepaid, first class, US mail to the following:

THOMAS C SNELL
509 W 6TH ST
ELLINWOOD KS 67526

With photocopies sent to:

Stafford Field Office


Division of Water Resources

1129
SEP 05 2017

RECEIVED



State of Kansas

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- Point of Diversion
- Use Made of Water

(Check one or more)

File No. 45835

2. Name of applicant: Thomas C Snell

Address: 509 W 6th St

City, State and Zip: Ellinwood, KS 67526

Phone Number: (620)564-3312 E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. Husband

Name of water use correspondent: Thomas C Snell

Address: 509 W 6th St

City, State and Zip: Ellinwood, KS 67526

Phone Number: (620)564-3312 E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): Filing new application which will have same point of diversion and wish to make overlap on place of use.

The change(s) will be completed by ASAP (Date)

For Office Use Only:							
F.O. Code	<u>2</u>	GMD	<u>2</u>	Meets K.A.R. 5-5-1	<u>(YES / NO)</u>	Use	<u>IRR</u>
	<u>CPU</u>			Fee \$	<u>200</u>	TR #	
Source	<u>D/S</u>	County	<u>RC</u>	By	<u>KAB</u>	Date	<u>9-5-17</u>
Receipt Date	<u>9/5/17</u>	Check #	<u>8030</u>				

APPLICATION COMPLETE
5/1/19
Reviewer LT

9/8/2017 ULM

SEP 03 2017

4. The presently authorized place of use is:

Owner of Land — NAME: Jolene K Gatton Snell Trust

ADDRESS: 509 W 6th St, Ellinwood KS 67526

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Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9	20S	10W					31	30.5	30	29.5									121

List any other water rights that cover this place of use. None

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: Jolene K Gatton Snell Trust

ADDRESS: 509 W 6th St, Ellinwood KS 67526

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9	20S	10W					40	40	40	40									160

List any other water rights that cover this place of use. None - pending new app FILE NO. 49,900 EXT/DWR 8/31/17

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SEP 05 2017

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12. The presently authorized use of water is for Irrigation purposes.

It is proposed that the use be changed to No Change purpose

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

applied for a new application for additional quantity (overlapping p/d and p/u) as consumptive use will increase.

MAX ACRES PER CONT. 121 ACRES

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to --- (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to --- gallons per minute (--- c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

The need for a waiver is not anticipated.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 6. The presently authorized point(s) of diversion is a battery of four wells; geocenter listed below
(Provide description and number of points)
- 7. The proposed point(s) of diversion is No Change
(Provide description and number of points)

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List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:** Geocenter of a battery of four wells

One in the NW Quarter of the NW Quarter of the NW Quarter of Section 9, Township 20 South, Range 10 W, in Rice County, Kansas, 4831 feet North 5078 feet West of Southeast corner of section.
 Authorized Rate 560 GPM Authorized Quantity 169.4 AF
 (DWR use only: Computer ID No. 9 GPS 4831 feet North 5078 feet West)
 This point will not be changed This point will be changed as follows:

Proposed point of diversion: (Complete only if change is requested)

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point Pending new application

*CERTIFIED GPS CONTROL 7/17/2017 **

9. **Presently authorized point of diversion:**

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:

Proposed point of diversion: (Complete only if change is requested)

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:

Proposed point of diversion: (Complete only if change is requested)

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. N/A

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* LFI/awr 5/1/19-

SCANNED

SEP 05 2017

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Stafford, Kansas, this 31st day of Aug, 2017.

Jolene K Gattton-Snell, Trustee (Owner)

(Spouse)

Jolene K Gattton-Snell, Trustee (Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas } County of Stafford } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 31st day of August, 2017 by Jolene K Gattton-Snell, Trustee.

My Commission Expires



Notary Public signature and stamp.

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
(2) Application to change a point of diversion more than 300 feet \$200
(3) Application to change the place of use \$200
(4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

Ireland, Leslie [KDA]

From: Lanterman, Jeff [KDA]
Sent: Friday, May 24, 2019 11:08 AM
To: Conant, Cameron [KDA]; Ireland, Leslie [KDA]; Baum, Kristen [KDA]
Subject: RE: Recommendation for change in place of use File No. 45835 Snell

Leslie;

This looks good to go. As Cameron noted I already made a recommendation on the new application so you might coordinate with Kristen and send these as a package.

Thanks and HAPPY FRIDAY.

Jeff

From: Conant, Cameron [KDA]
Sent: Friday, May 24, 2019 8:56 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Recommendation for change in place of use File No. 45835 Snell

Jeff,

This new application/change application is located about 2 miles east of the GMD#5 border in Rice County. Matt worked the new app and you recommended approval on it at the beginning of May...with the understanding that this p/u change also was in the works.

The change is to allow 160 acres in the NW¼ to be irrigated. They recently perfected the senior file but it was short so they requested the new app and change to the full quarter. They now have adequate water with approval of the new app so this change is reasonable and we can recommend approval of this one and it should all get approved and finalized with the new app.

Please pass on to Leslie that this change is good to go and you already recommended on the new app.

Cameron

From: Ireland, Leslie [KDA]
Sent: Tuesday, May 21, 2019 4:03 PM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: Recommendation for change in place of use File No. 45835 Snell

Cameron,

So busy with a DB file I didn't see this email. So sorry.

I do have the email from Matt with all the new app stuff and am working on getting it printed.

The safe yield used 1.7 inches and 75% recharge found 854.1 AF of which 717.1 AF was appropriated. The 137.41 AF available for appropriation. The new appropriation is requesting 224 AF having an additional 54.6 AF on top of the 169.4 AF under File No. 45835.

The 54.6 AF that will be appropriated under the new app leaves 82.81 AF at the point for any future applications... (23)

Leslie

From: Conant, Cameron [KDA]
Sent: Wednesday, May 15, 2019 12:24 PM
To: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Subject: FW: Recommendation for change in place of use File No. 45835 Snell

Hello Leslie, I was hoping to get these reviews out today. Do you have a memo for the new app as I assume they are being processed together? What did the SY analysis look like for 49900?

Thanks, Cameron

From: Ireland, Leslie [KDA]
Sent: Wednesday, May 1, 2019 2:01 PM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: FW: Recommendation for change in place of use File No. 45835 Snell

Cameron,

This is for you too.....

Leslie

From: Ireland, Leslie [KDA]
Sent: Wednesday, May 1, 2019 2:00 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: Recommendation for change in place of use File No. 45835 Snell

Please let me know if you'd recommend this change in PU with the new application File No. 49,900.

As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

FILE COPY

THOMAS C SNELL
509 W 6TH ST
ELLINWOOD, KS 67526

9/6/2017

RE: File No 45835

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

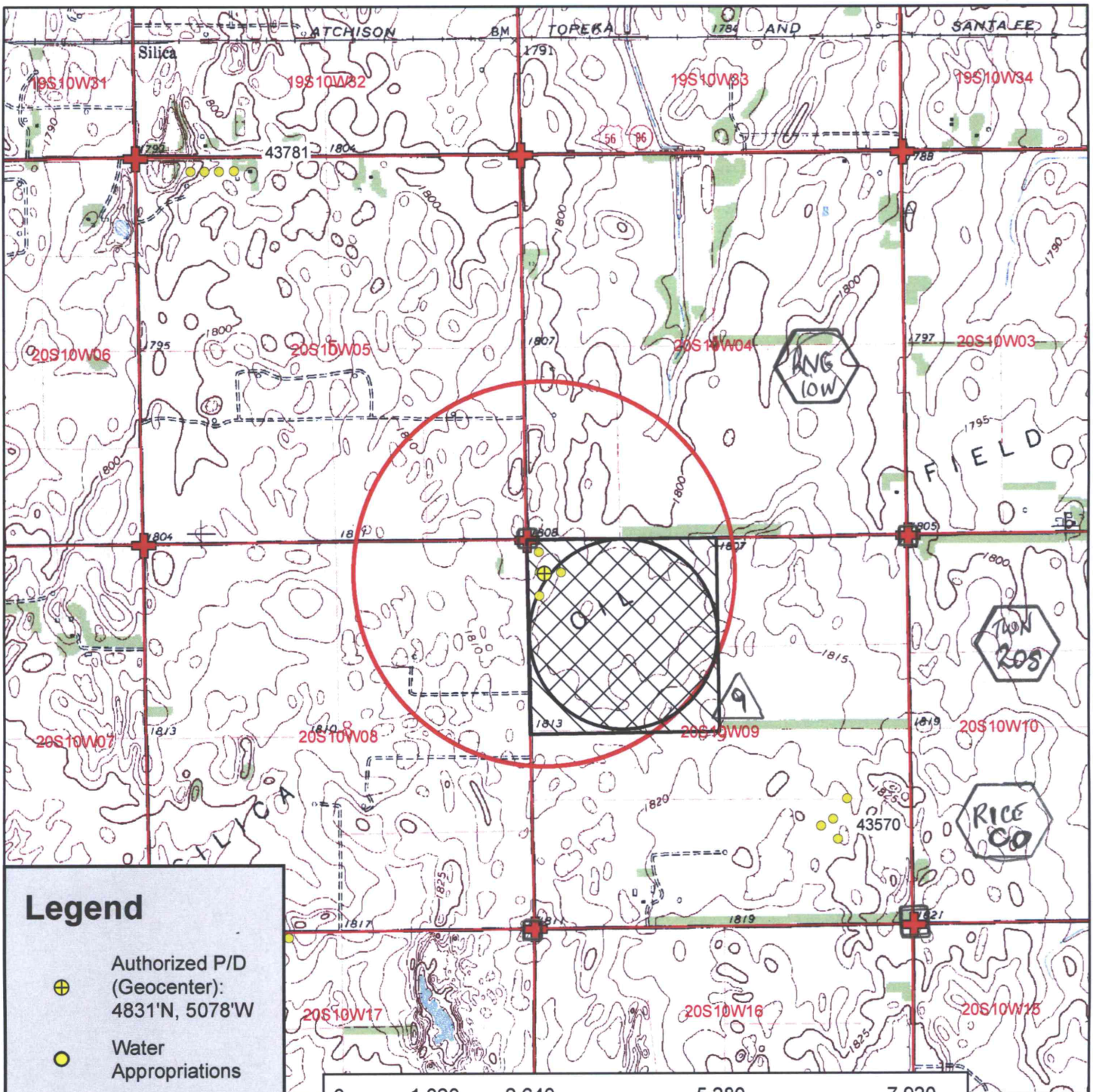
A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tourney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: STAFFORD Field Office GMD

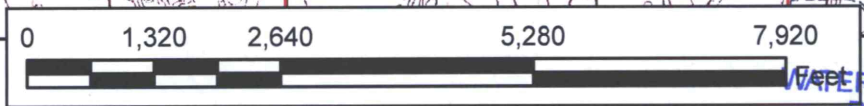


Legend

- Authorized P/D (Geocenter): 4831'N, 5078'W
- Water Appropriations
- Section Corner
- Section Line
- Domestic Well
- 1/2 Mile Buffer

Place of Use

- Authorized
- Proposed



Water Right, File No. 45,835

Change in Place of Use, Application Map
 9-20S-10W // Rice County

I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the authorized point of diversion have been shown.

John Guttersen 8-31-17

Signature

8/2/2017 TJS-SFFO 1:24,000 scale

WATER RESOURCES RECEIVED

SEP 05 2017



SCANNED