

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

1. File Number: 48988	2. Status Change Date: 6/17/2019	3. Change Num: C1	4. Field Office: 2	5. GMD:
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 2/20/2019
8a. Applicant(s) New to system <input type="checkbox"/> MARTIN S & PEGGY A TERNES 1068 N WEST ROAD PECK KS 67120		8c. Landowner(s) New to system <input type="checkbox"/> WAYNE ROSE 24918 GRANITE BLUFF LN KATY KS 77494		Person ID 63653 Add Seq# _____
8b. Landowner(s) New to system <input type="checkbox"/> LEO HATTRUP 6559 SPRING VALLEY DR ALEXANDRIA VA 22312		8d. WUC New to system <input type="checkbox"/> 8A		Person ID 63653 Add Seq# _____
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/2020</u> <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: 5/16/2019 By: AM/ LI Date Entered: 6/18/2019 By: LLM				

File No. **48988** 11. County: **SU** Basin: **NINNESCAH RIVER** Stream: Formation Code: **100** Special Use:

12. Points of Diversion										Rate and Quantity				
CHK MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files
										Rate gpm	Quantity af	Rate gpm	Quantity af	
CHK	82784	NW NW NE	14	30S	1W	2	4637	2127	GEO-CENTER	800	99	800	99	50060
CHK	85623	NW NW NE	14	30S	1W	2	4837	2127	BATT 1 OF 4 WELLS					
CHK	85624	SW NW NE	14	30S	1W	2	4437	2127	BATT 1 OF 4 WELLS					
CHK	85625	NW NW NE	14	30S	1W	2	4637	2327	BATT 1 OF 4 WELLS					
CHK	85626	NE NW NE	14	30S	1W	2	4637	1927	BATT 1 OF 4 WELLS					

BATT ID 1985

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
CHK MOD DEL ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
MOD	65643	14	30S	1W	2	36	40												76	8b	N	50060
ENT	68920	14	30S	1W	3			40	35										75	8c	N	50060

Base Acres: Year: Minimum Reasonable Quantity:
 Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files **DATE:** March 27, 2019
FROM: Austin McColloch **RE:** Appropriation,
File No. 48,988
New Application,
File No. 50,060

Martin Ternés, tenant of File No. 48,988 has filed an application for approval to change the place of use and a new application to appropriate water for beneficial use, File No. 50,060 for irrigation use. The applications were received on February 21, 2019.

Change Application File No. 48,988

The referenced file number do not appear to be abandoned as per K.S.A. 82a-718. The landowner, Leo Hatstrup, has signed the application.

File No. 48,988 is currently authorized 99 acre-feet of groundwater to be diverted at a maximum rate of 800 gallons per minute from a battery of wells with a geographic center located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 14, more particularly described as being near a point 4,637 feet North and 2,127 feet West of the Southeast corner of said section, in Township 30 South, Range 1 West, Sumner County, Kansas. New Application, File No. 50,060 will create a complete overlap in point of diversion and place of use.

The place of use is currently 76 acres in the Northeast Quarter (NE $\frac{1}{4}$) of Section 14. This application for change in place of use proposes to add 75 acres located in the Northeast Quarter (NE $\frac{1}{4}$) of Section 14. This will create an overlap in place of use with New Application, File No. 50,060. The additional acres will be covered by the quantity appropriated under File No. 50,060 thus there is no increase in consumptive use with the proposed change in place of use.

The applicant identified four (4) nearby wells not owned by the applicant located within one-half mile of this existing well. Nearby well owner letters were sent out on February 27, 2019, referencing the proposed change application and new application. No response of any kind has been received.

Based on the above discussion, the change is reasonable, the application complies with consumptive use criteria, approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. It is recommended that the referenced application be approved to create a complete overlap with New Application, File No. 50,060.

New Application, File No. 50,060.

The filed new application is proposing to appropriate 81.38 acre-feet of groundwater at a diversion rate of 800 gallons per minute for irrigation use in the Ninescah River Basin. The applicant proposes to withdraw from an existing battery of wells with a geographic center located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 14, more particularly described as being near a point 4,637 feet North and 2,127 feet West of the Southeast corner of said section, in Township 30 South, Range 1 West, Sumner County, Kansas. This is a complete overlap with Appropriation of Water, File No. 48,988.

The proposed place of use is 151 acres located in the Northeast (NE $\frac{1}{4}$) of Section 14. This will create an overlap in place of use with Appropriation of Water, File No. 48,988. The proposed quantity of 81.38 acre-feet per calendar year combined with the appropriated quantity of 99 acre-feet under File No. 48,988 provides 1.19 acre-feet per acre, making it within the reasonable quantity for Sumner County (1.3).

The test hole log is the same log used for the senior file. The static water level was 15 feet below ground surface with a saturated thickness of 26 feet. Other test hole logs provided by the applicant during the senior files investigation showed similar or less saturated thickness within the overall area. A saturated thickness of 25 feet has been the cutoff requirement used to determine if additional information, i.e. an aquifer pumping test, was required. Additional was not required for either application.

DWR completed an evaluation of a USGS model and has determined that the precipitation recharge value of 5.4 inches per year that is used in the USGS model is reasonable and appropriate. In order to reserve water in the alluvial aquifers that can contribute to base flow to area streams and for domestic use, it was determined that 75 percent of the 5.4 inches of precipitation recharge shall be available for appropriation. This is consistent with safe yield appropriation in many other basins across the state and is the current percent available for applications in the Arkansas River basin in the area. Therefore, for pending applications within the model area, safe yield will be valued using the standard methodology in K.A.R. 5-3-11, which is based on the extent of the unconfined aquifer (area of consideration), a potential annual recharge value of 5.4 inches, and a percent of recharge available for appropriation of 75 percent.

Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile circle radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer, which provided an area of consideration of 6,013 acres. With a potential annual recharge of 5.4 inches, and 75% of recharge available for appropriation, safe yield was determined to be 2,029.39 acre-feet. Existing water rights have appropriated 579 acre-feet, providing a difference of 1,450.39 acre-feet available for appropriation, and the application requesting 81.38 acre-feet complies with safe yield.

According to the WRIS database, the nearest non-domestic point of diversion (File No. 34,238) is located over 2,191 feet away. The applicant identified three (3) nearby wells not owned by the applicant located within one-half mile of this existing well. There does not appear to be any domestic well within 660 feet. Nearby well owner letters were sent out on February 27, 2019, referencing the proposed change application and new application. No response of any kind has been received. Per the requirements of K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells, therefore the proposed point of diversion meets minimum well spacing criteria.

In a May 15, 2019 e-mail, Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the application.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

Based on the above discussion, the area is open to new appropriations, the application complies with safe yield and well spacing criteria, approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. It is recommended that the referenced application be approved and create a complete overlap with Appropriation of Water, File No. 48,988.

Austin McColloch
Environmental Scientist

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

MARTIN S & PEGGY A TERNES
1068 N WEST ROAD
PECK KS 67120

June 27, 2019

FILE COPY

RE: Appropriation of Water, File No. 48,988

Dear Sir or Madam:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. 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.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

If you have any questions, please contact me at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Brent A. Turney, P.G.
Change Application Unit Supervisor
Division of Water Resources

BAT:am:li

Enclosures(s)

pc: Leo Hattrup
Wayne Rose
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 APPROPRIATION OF WATER FILE NO. 48,988

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Martin S. & Peggy A. Ternes, 1068 N West Road, Peck, Kansas 67120, on behalf of Leo Hatrup, 6559 Spring Valley Dr., Alexandria, Virginia 22312, received in the office of the Chief Engineer on February 20, 2019, for approval of a change in the location of the place of use, under Approval of Application, File No. 48,988, approving the application to change the authorized place of use, for 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	
14 30S 1W	36.00	40.00	40.00	35.00													151.00

a total of 151.00 acres in Section 14, Township 30 South, Range 1 West, Sumner 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 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 Approval of Application, File No. 48,988, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated September 20, 2016.

Ordered this 17th day of June, 2019, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 17th day of June, 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.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 – 6777.

CERTIFICATE OF SERVICE

On this 27th day of June, 2019, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,060, dated June 17th, 2019 was mailed postage prepaid, first class, US mail to the following:


MARTIN S & PEGGY A TERNES
1068 N WEST ROAD
PECK KS 67120

With photocopies to:

LEO HATTRUP
6559 SPRING VALLEY DR
ALEXANDRIA VA 22312

WAYNE ROSE
24918 GRANITE BLUFF LN
KATY KS 77494

Stafford Field Office


Division of Water Resources

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**



State of Kansas

*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)

Water Resources
Received
FEB 21 2019
1:20
KS Dept Of Agriculture

File No. 48.988

2. Name of applicant: MARTIN S & PEGGY A TERNES

Address: 1068 N WEST ROAD

City, State and Zip: PECK KS 67120

Phone Number: () _____ E-mail address: _____

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

Name of water use correspondent: MARTIN S & PEGGY A TERNES

Address: 1068 N WEST ROAD

City, State and Zip: PECK KS 67120

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): to create a complete point of diversion and place of use overlap with pending new application File No. 50.060.

The change(s) will be completed by with the approval of pending new application
(Date)

For Office Use Only:		F.O. <u>2</u> GMD <input checked="" type="checkbox"/> Meets K.A.R. 5-5-1 (YES / NO) Use <u>1RR</u> Source <u>G</u> S County <u>SU</u> By <u>DAW</u> Date <u>2/21/19</u>	
Code <u>CPU</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>2/21/19</u> Check # <u>887e8</u>

APPLICATION COMPLETE
5/15/19
Reviewer LI FOR AM

Water Resources
Received
UNACCEPTABLE FOR PRIORITY
14 2019
12:31
2/25/2019
LLM
SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: LEO HATTRUP

ADDRESS: 6559 SPRING VALLEY DR ALEXANDRIA VA 22312

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	
14	30S	1W	40	36															76

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

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: LEO HATTRUP

ADDRESS: 6559 SPRING VALLEY DR ALEXANDRIA VA 22312

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	
14	30S	1W	40	36															76

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

Owner of Land — NAME: WAYNE ROSE

ADDRESS: 24918 GRANITE BLUFF LN KATY KS 77494

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	
14	30S	1W			40	35													75

List any other water rights that cover this place of use. Pending new application File No. 50,060

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

It is proposed that the use be changed to --- purposes.

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

New Application 50,060 will cover the increase in quantity for the place of use

(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.

No impairment anticipated

Water Resources
Received

FEB 21 2019

KS Dept Of Agriculture

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.

No waivers anticipated

Water Resources
Received

JAN 1 2019
UNACCEPTABLE FOR PRIORITY
KS Dept Of Agriculture

SCANNED

6. The presently authorized point(s) of diversion (is) (are) no change
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) no change
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **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 _____

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

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 Monument, ^{Colorado} Kansas, this 27th day of December, 2018.

Leo M Hattrup
(Owner)

Leo M Hattrup
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

Leo M Hattrup
(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

El Paso } SS
 State of Colorado
 County of El Paso

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 27th day of December, 2018.

DEBORAH SULLIVAN
 NOTARY PUBLIC
 STATE OF COLORADO
 NOTARY ID# 20184013332
 MY COMMISSION EXPIRES 03/22/2022

Deborah Sullivan
 Notary Public

My Commission Expires _____

Water Resources
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FEE SCHEDULE

FEB 21 2019

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.

Water Resources
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UNACCEPTABLE FOR PRIORITY
 FEB 21 2019
 KS Dept Of Agriculture

SCANNED

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)

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JAN 14 2019
10:30
UNACCEPTABLE FOR PRIORITY
KS Dept Of Agriculture

File No. 48.988

2. Name of applicant: MARTIN S & PEGGY A TERNES

Address: 1068 N WEST ROAD

City, State and Zip: PECK KS 67120

Phone Number: () _____ E-mail address: _____

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

Name of water use correspondent: MARTIN S & PEGGY A TERNES

Address: 1068 N WEST ROAD

City, State and Zip: PECK KS 67120

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): to create a complete point of diversion and place of use overlap with pending new application File No. 50.060

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The change(s) will be completed by with the approval of pending new application _____
(Date) KS Dept Of Agriculture

For Office Use Only:

F.O. Code _____ GMD _____ Meets K.A.R. 5-5-1 (YES / NO) Use _____ Source G / S County _____ By _____ Date _____
Fee \$ _____ TR # _____ Receipt Date _____ Check # _____

SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: LEO HATTRUP

ADDRESS: 6559 SPRING VALLEY DR ALEXANDRIA VA 22312

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	
14	30S	1W	40	36															76

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

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: LEO HATTRUP

ADDRESS: 6559 SPRING VALLEY DR ALEXANDRIA VA 22312

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	
14	30S	1W	40	36															76

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

Owner of Land — NAME: WAYNE ROSE

ADDRESS: 24918 GRANITE BLUFF LN KATY KS 77494

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	
14	30S	1W			40	35													75

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

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KS Dept Of Agriculture
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- 6. The presently authorized point(s) of diversion (is) (are) no change
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) no change
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **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 _____

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 the water resources which resources be used N/A
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 JAN 14 2019
 KS Dept Of Agriculture
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12. The presently authorized use of water is for irrigation purposes.

It is proposed that the use be changed to --- purposes.

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

New Application 50,060 will cover the increase in quantity for the place of use

(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.

No impairment anticipated

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.

No waivers anticipated

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JAN 14 2019

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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 _____, Kansas, this _____ day of _____, 20_____.

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas)
County of _____) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this _____ day of _____, 20_____.

Notary Public

My Commission Expires _____.

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:

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- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

Water Resources Received
FEB 21 2019
 KS Dept Of Agriculture

Water Resources Received
JAN 14 2019
 KS Dept Of Agriculture

SCANNED

Ireland, Leslie [KDA]

From: Turney, Brent [KDA]
Sent: Monday, May 20, 2019 9:56 AM
To: Ireland, Leslie [KDA]
Subject: FW: New App 50060 & Change App 48988 Approval Docs
Attachments: 48988 Approval.docx; 48988 PU MAP.pdf; 48988 TRANSMITTAL.doc; 48988 Worksheet.doc; 50060 - TERNES, REVISED.pdf; 50060 Approval.docx; 50060 Worksheet.doc; 50060_48988_Memo.doc; 50060_TRANSMITTAL.docx; KDA-DWR New Application File No. 50,060; RE Recommendation New App File No. 50060 and Change App File No. 48988.msg

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@ks.gov
www.agriculture.ks.gov

From: McColloch, Austin [KDA]
Sent: Thursday, May 16, 2019 1:54 PM
To: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>
Subject: New App 50060 & Change App 48988 Approval Docs

Kristen and Brent,

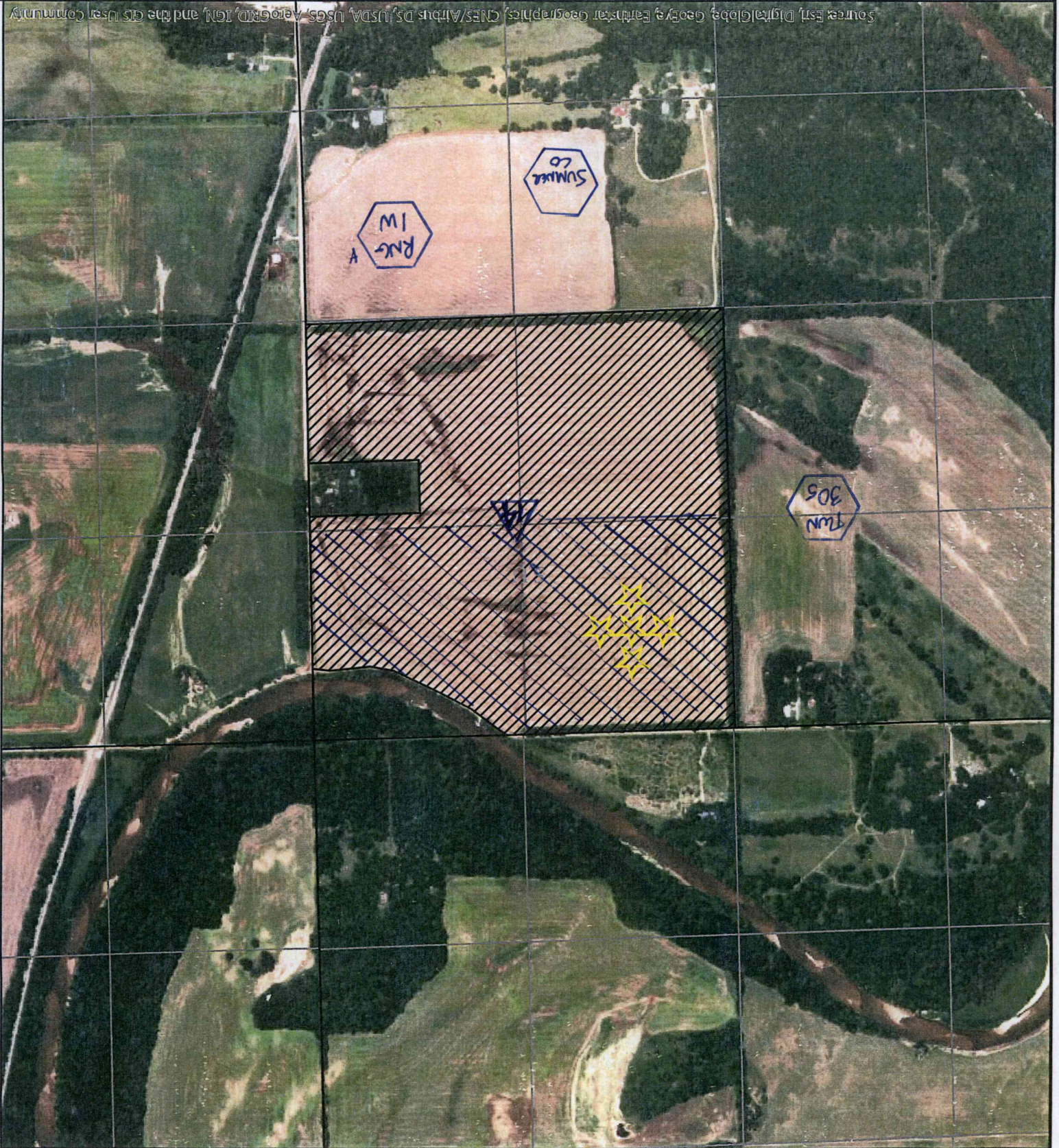
Here are the approval documents for the above files. Notice: there have been some changes on the place of use. I believe when 48988 was approved the NE and NW qtrs. were switched. NE should have been 36 and NW should have been 40. This is based off the maps and the river running through the NE qtr. Let me know if you guys need anything corrected or clarification on anything.

Thanks,


Austin McColloch
Ph: (620) 276-2901


File No. 48988 Township 30S Range 1W

CHANGE IN PLACE OF USE



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Proposed Place of Use 

Proposed Point of Diversion 

Signature:

1:10,000
0.5 Miles
0 0.13 0.25

Water Resources Received

JAN 14 2019

-proposed

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Kansas Department of Agriculture
Division of Water Resources
18 Sep 2018

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PLATE NUMBER MAP