

File No. **50060** 15. Formation Code: **100** Drainage Basin: **NINNESCAH RIVER** County: **SU** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
CHK			82784	NW NW NE	14	30S	1W	2	4637	2127	800	81.38	0	81.38	48988
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															

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

19. Limitation: _____ af/yr at **800** gpm (**1.78** cfs) when combined with file number(s) **48988**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by _____ Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
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	NE ¼	NW ¼	SW ¼	SE ¼						
MOD			68920	14	30S	1W	3			40	35														75	7c		48988	
ENT			65643	14	30S	1W	2	36	40																76	7b		48988	

Comments:

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

June 27, 2019

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

FILE COPY

RE: Appropriation of Water, File No. 50,060

Dear Sir or Madam:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An acceptable water flowmeter must be installed on the diversion works authorized by this permit prior to using water. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Division of Water Resources

KAB:am

Enclosure(s)

pc: Leo Hatstrup
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 and PERMIT TO PROCEED (This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, File No. **50,060** of the applicant

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

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **May 22, 2018**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14	30S	1W	36	40	40	35													151

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells, the geo-center of which is located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW¼ NW¼ NE¼) 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 located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **81.38 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2020** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2024** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.
8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.
11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.
12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.
13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).
14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.
15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.
17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

18. That this permit is further limited such that all four (4) wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply and be limited to a total maximum diversion rate not in excess of 800 gallons per minute (1.78 c.f.s.).

19. That the rate of diversion of water approved under this permit is further limited to the rate which combined with Appropriation of Water, File No. 48,988, will provide a total **not to exceed 800 gallons per minute** (1.78 c.f.s.) from the authorized point of diversion.

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 17, 2019 was mailed postage prepaid, first class, US mail to the following:

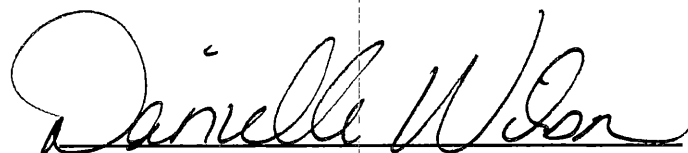
MARTIN S & PEGGY A TERNES
1068 N WEST ROAD
PECK KS 67120

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



THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

APPLICATION COMPLETE
5/15/18
Reviewer: KAB

File Number 50060
This item to be completed by the Division of Water Resources.

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE
Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

Water Resources Received
MAY 22 2018
10:58
KS Dept of Agriculture

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): Martin Ternus
Address: 1068 W West RD
City: Peoa State KS Zip Code 67120
Telephone Number: (316) 524-1351 772-1023

2. The source of water is: [] surface water in (stream)
OR [x] groundwater in well (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 8138 acre-feet OR gallons per calendar year,
* to be diverted at a maximum rate of 800 gallons per minute OR cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can NOT be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) [] Artificial Recharge (b) [x] Irrigation (c) [] Recreational (d) [] Water Power
(e) [] Industrial (f) [] Municipal (g) [] Stockwatering (h) [] Sediment Control
(i) [] Domestic (j) [] Dewatering (k) [] Hydraulic Dredging (l) [] Fire Protection
(m) [] Thermal Exchange (n) [] Contamination Remediation

YOU MUST COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:
F.O. 2 GMD Meets K.A.R. 5-3-1 (YES/NO) Use FFR Source G/S County 50 By MW Date 5/24/18
Code LEG Fee \$ 200 TR # Receipt Date 5/22/18 Check # 81020

* 5/24/18 phone conversation

SCANNED
6/7/18 DAW

Geo center

14-30S-1W Sumner Co
4637N 2127W NW NW NE

File No. 50060

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the ~~NE~~ ^{NW} quarter of the ~~NE~~ ^{NW} quarter of the NE quarter of Section 14, more particularly described as being near a point ~~5200~~ ⁴⁸³⁷ feet North and ~~240~~ ²¹²⁷ feet West of the Southeast corner of said section, in Township 30 South, Range 1 East/West (circle one), Sumner County, Kansas.
- (B) One in the ~~NE~~ ^{SW} quarter of the ~~NE~~ ^{NW} quarter of the NE quarter of Section 14, more particularly described as being near a point ~~5200~~ ⁴⁴³⁷ feet North and ~~240~~ ²¹²⁷ feet West of the Southeast corner of said section, in Township 30 South, Range 1 East/West (circle one), Sumner County, Kansas.
- (C) One in the ~~NE~~ ^{NW} quarter of the ~~NE~~ ^{NW} quarter of the NE quarter of Section 14, more particularly described as being near a point ~~4700~~ ⁴⁶³⁷ feet North and ~~120~~ ²³²⁷ feet West of the Southeast corner of said section, in Township 30 South, Range 1 East/West (circle one), Sumner County, Kansas.
- (D) One in the ~~NE~~ ^{NW} quarter of the ~~NE~~ ^{NW} quarter of the NE quarter of Section 14, more particularly described as being near a point ~~4800~~ ⁴⁶³⁷ feet North and ~~190~~ ¹⁹²⁷ feet West of the Southeast corner of said section, in Township 30 South, Range 1 East/West (circle one), Sumner County, Kansas.

AS per wells
48,988
KAB/DWR

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

LEO Hattenp 750 Lancers Ct W monument, CO 80132
(name, address and telephone number)
719-559-3894
(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.
Executed on May 3, 2018. Martin Scott Zan
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of 4
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) 5/15/17
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be _____
(Mo/Day/Year)

Water Resources
Received

MAY 22 2018

KS Dept Of Agriculture

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required _____

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

48988 Shares Same Well's + Center pivot

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	<u>10/19/16</u>	<u>10/18/16</u>	<u>10/20/16</u>	<u>10/24/16</u>
Total depth of well	<u>43</u>	<u>43</u>	<u>42</u>	<u>44</u>
Depth to water bearing formation	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>
Depth to static water level	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>
Depth to bottom of pump intake pipe	<u>23'</u>	<u>23</u>	<u>22</u>	<u>24</u>

14. The relationship of the applicant to the proposed place where the water will be used is that of

Tenant
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

Wayne Rose 24918 Granite Bluff Ln Katy TX 77494
(name, address and telephone number)

713-705-2079
(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Peck, Kansas, this 3 day of may, 2018.
(month) (year)

Mark Scott
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by _____ Date: _____
(office/title)

Water Resources
Received

MAY 22 2018

KS Dept Of Agriculture
SCANNED

IRRIGATION USE SUPPLEMENTAL SHEET

File No. 50,060

Name of Applicant (Please Print): Martin Ternes

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: LEO HATTRUP

ADDRESS: 6559 SPRING VALLEY DR ALEXANDRIA VA 22312

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14	30S	1W	36	40															76

Landowner of Record NAME: WAYNE ROSE

ADDRESS: 24918 GRANITE BLUFF LN KATY KS 77494

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14	30S	1W			40	35													75

Landowner of Record NAME: _____

ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

SCANNED

Baum, Kristen [KDA]

From: Lanterman, Jeff [KDA]
Sent: Wednesday, May 15, 2019 11:06 AM
To: Conant, Cameron [KDA]; McColloch, Austin [KDA]
Subject: RE: Recommendation New App File No. 50060 and Change App File No. 48988

Austin;

This app and change looks like it can be approved. See Camerons notes to you below.

Thanks
Jeff

From: Conant, Cameron [KDA]
Sent: Wednesday, May 15, 2019 10:27 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Recommendation New App File No. 50060 and Change App File No. 48988

Jeff, we approved a new application a couple years ago for a battery of wells on a partial pivot. They want to expand the pivot and have filed a p/u change and a new application to cover this expansion. The new app requests an additional The quantity is reasonable, the p/d is a complete overlap on the existing battery, the p/u will be a complete overlap if the new app and change are approved. I should note the new app has an "odd" quantity requested at 81.38 AF so the total that can be applied here is $81.38 \text{ AF} + 99 \text{ AF} = 180.38 \text{ AF}$ on 151 acres...1.19 AF/acre but the acres will get reduced come cert time b/c they will likely only do the pivot so there should be plenty of water to perfect 1.3 AF/acre on the actual place of use.

The original file only had about 26' of saturated thickness, we didn't require any type of study as it didn't meet the LST threshold. The same nearby owners were notified of the new app and there were no responses for this new application (there were no responses of concern for the original application either). The nearest permitted well is over 1.5 miles away and the nearest domestic wells meet spacing as shown on the map.

http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=372522097170701 (this is one of the new tri-annual wells we started measuring back in 2015 and is located about 1.5 miles south of the proposed wells across the river, not so helpful right now but gonna be nice in the future I'm sure!)

I think this increase in quantity and the p/u change can be recommended for approval. Please pass on to Austin if you agree that this change and new can be approved.

Austin-----please make sure the change application has an appropriate map showing the exact place of use overlap with the new application. I currently don't see a map with the p/u change and a map is required and necessary. Also, your attached revised new app seems to correctly show the acreage being a complete overlap so that is good (WRIS is wrong now but that is no surprise b/c there was a revision from original).
Cameron

From: McColloch, Austin [KDA]
Sent: Wednesday, March 27, 2019 10:59 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Recommendation New App File No. 50060 and Change App File No. 48988

Jeff,

Attached is my draft memo for the above referenced application submitted by Martin Ternes. The new app is to add some ground and the change is to form a complete overlap. I used the SY that was done for the senior appropriation. No other appropriations have been added in the area since then. Also attached is the revised new application to include the complete overlap. Let me know if you have any questions.

Thanks,

Austin McColloch
Ph: (620) 276-2901

Baum, Kristen [KDA]

From: McColloch, Austin [KDA]
Sent: Wednesday, October 10, 2018 8:47 AM
To: martyternes@yahoo.com
Subject: KDA-DWR New Application File No. 50,060
Attachments: 48988 change app.pdf; 50060 PDP Map.pdf; 50060 PU Supplemental Sheet.pdf; 50060.pdf

Mr. Ternes,

Below are the items for each application that needs to be completed before I can move on with processing your applications. For items such as changing the requested quantity or the requested rate, I will make the changes on the applications, all I need is your approval in writing via a response to this email. For items that need your signature I will need you to print out the attachments and sign/ date them. I will request you mail these back into our Manhattan HQ so they can stay with the original file.

File No. 50,060 (14-30S-1W) (Overlapping WR #48,988)

1. Attached is a PDF labeled 50060 PDP Map, I need you to review and sign/ date if you agree to the maps depiction of the project.
2. Attached is a PDF labeled 50060 PU Supplemental Sheet. This creates a complete overlap with WR #48,988. Please initial/ date next to the total if you agree with the changes.
3. Due to the nature of the irrigation project running through one center pivot system, we need to create a complete overlap with these two files. There would be no way to accurately determine where the water was going under each file if they were separate. Attached is a PDF labeled 48988 Change App. Please review the application to make sure everything is correct. You may sign the application to make it acceptable for filing, however Mr. Leo Hattrup must also sign the application before it can be approved. There is a \$200.00 filing fee associated with this change application and must be included with the application to be acceptable.

As always please don't hesitate to give me a call if you have any questions or need more information.

Thanks,

Austin McColloch
Environmental Scientist
Kansas Department of Agriculture
Garden City Field Office
<http://agriculture.ks.gov/>
Ph: (620) 276-2901

5/4/18

(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application
File No. 50060

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Martin Scott Ternes

Signature of Applicant

State of Kansas)
County of Sumner) ss

MARTIN SCOTT TERNES
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 4 day of May, 2018.

Ashton Springer

Notary Public

My Commission Expires:



Water Resources
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MAY 22 2018

5000

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

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50060

Wayne Rose S14-T30-1W			
Soil Type	Acres	Percent	Intake Rate
Canadian Sandy Loam	3.9	6%	9in/Hr
Dale and Reinach Silt Loam	38.2	61%	3in/Hr
Dale Silt Loam	5.1	8%	5in/Hr
Elando Silty Clay Loam	15.4	25%	3in/Hr

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KS Dept Of Agriculture

50060

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
<u>See Attached</u>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s):

0.2 %

Estimate the maximum land slope in the field(s):

1.4 %

c. Type of irrigation system you propose to use (check one):

Center pivot

Center pivot - LEPA

"Big gun" sprinkler

Gravity system (furrows)

Gravity system (borders)

Sideroll sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: 40 psi

(2) What is the sprinkler package design rate? 340 gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? 100 feet

(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

Wheat, Corn, Soybean

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

You may attach any additional information you believe will assist in informing the Division of the need for your request.

Water Resources
Received

Page 2 of 2

MAY 22 2018

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FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

Water Resources
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STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

June 6, 2018

MARTIN TERNES
1068 W WEST RD
PECU KS 67120

RE: Application
File No. 50060

Dear Sir or Madam:

Your application for permit to appropriate water in 14-30S-1W in Sumner County, was received and has been assigned the file number noted above.

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. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. 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) 564-6637. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum".

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STAFFORD Field Office
GMD

SCANNED

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 50260

Name of Applicant (Please Print): Martin TERNES

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof.

Landowner of Record NAME: Wayne Rose
ADDRESS: 24918 Granite Bluff Ln. Katy Tx 77494

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14	30	1W			20	20												40	

Landowner of Record NAME: _____
ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Landowner of Record NAME: _____
ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

С. 100

1900

1900

1900

1900

1900

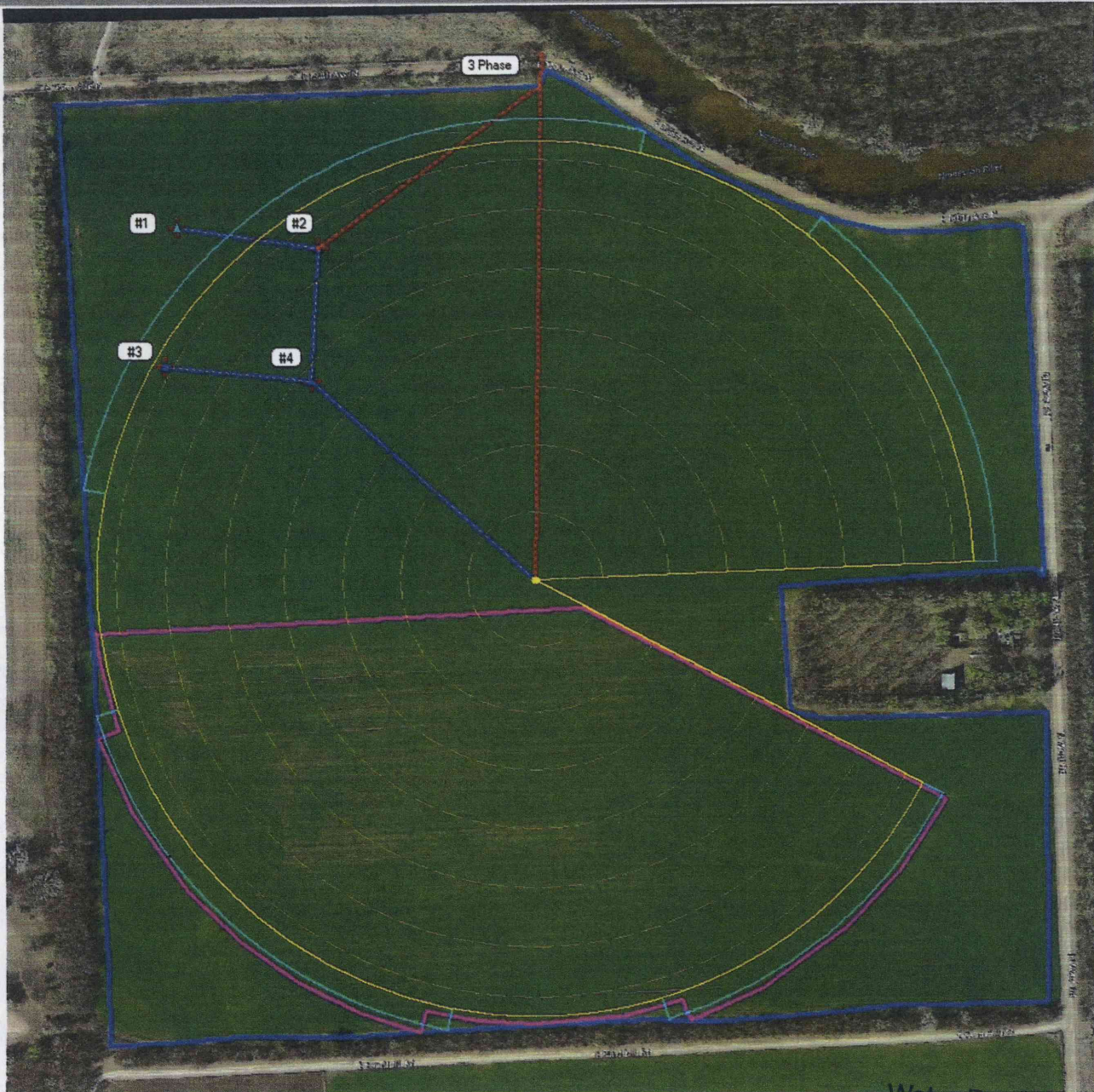
50060



96 Agri Sales, Inc.
10400 N. 247th St West
Mount Hope, KS 67108
Office: 316-661-2281; (2): 620-338-2088
gbuller@gmail.com

NE 14

New Design (1)

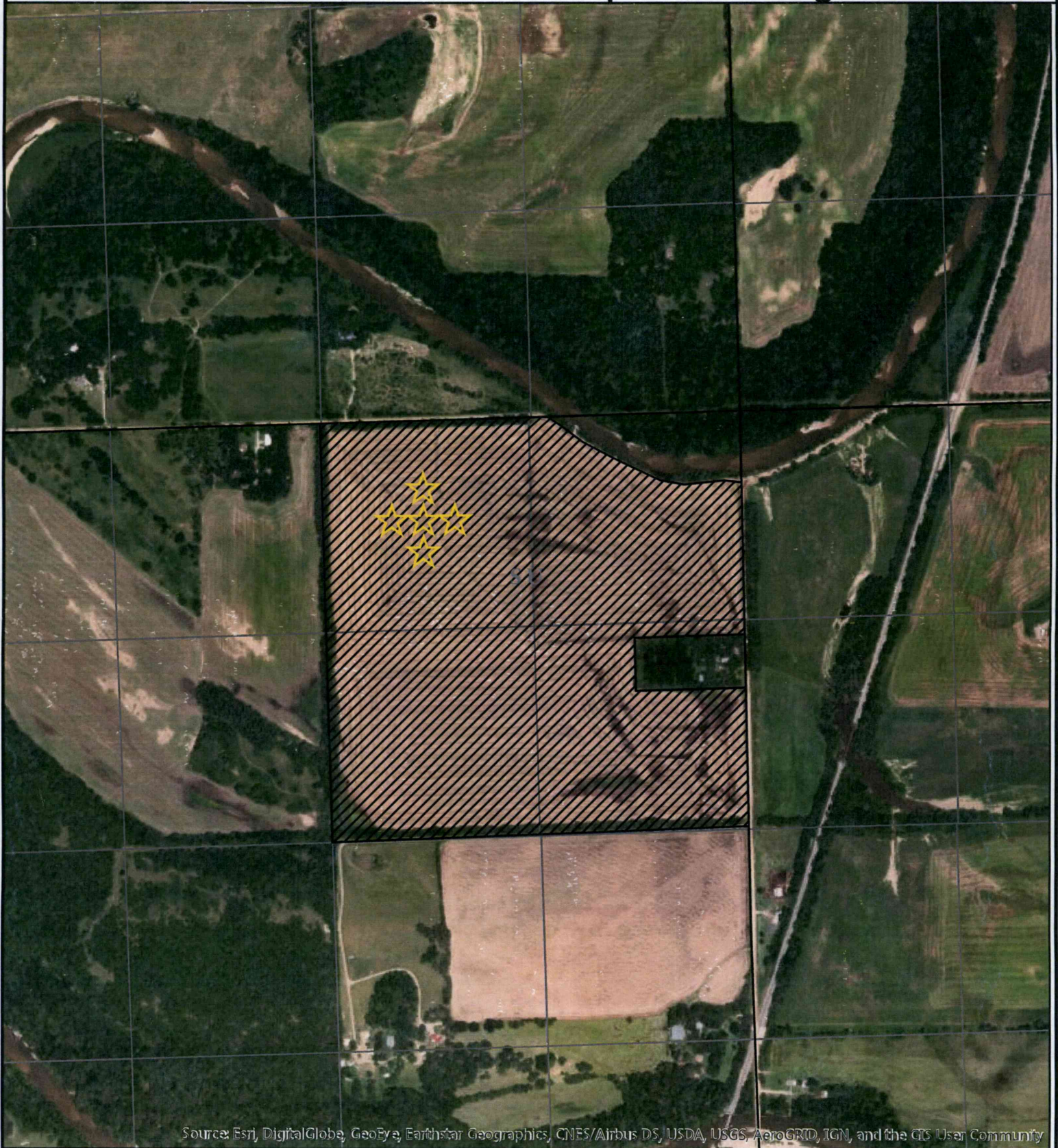


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File No. 50,060 Township 30S Range 1W



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



 Proposed Point of Diversion

 Proposed Place of Use

Signature: _____

Water Resources
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JAN 14 2019

KS Dept Of Agriculture



Kansas Department of Agriculture
Division of Water Resources
18 Sep 2018

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