

Kansas Department of Agriculture
 Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: <p style="text-align: center;">50,398</p>	2. Status Change Date: <p style="text-align: center;">1/29/2021</p>	3. Field Office: <p style="text-align: center;">2</p>	4. GMD:
---	---	---	---------

5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

6. Enclosures: Check Valve N of C Form Water Tube Driller Copy Meter

7a. Applicant(s)
 New to system Person ID **63653**
 Add Seq# _____

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

7c. Landowner(s)
 New to system Person ID _____
 Add Seq# _____

7d. Misc.
 New to system Person ID _____
 Add Seq# _____

7b. Landowner(s)
 New to system Person ID **62598**
 Add Seq# _____

JAN & BRUCE HOPSON
8604 S 135TH ST W
CLEARWATER, KS 67026

8. WUR Correspondent
 New to system Person ID _____
 Overlap File (s) WUC Add Seq# _____
 Agree Yes No Notarized WUC Form

7a.

9. Use of Water: Changing? Yes No

Groundwater Surface Water

IRR REC DEW MUN

STK SED DOM CON

HYD DRG WTR PWR ART RECHRG

IND SIC: _____ OTHER: _____

10. Completion Date: **12/31/2022** 11. Perfection Date: **12/31/2026** 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? Yes No Date to Comply: _____ Date WLMD Installed: _____

Date Prepared: ~~12/28/2020~~ By: **KJN**
 Date Entered: 2/1/2021 By: **LMoody**

File No. 50,398	15. Formation Code:	Drainage Basin: Ninnescah River	County: SU	Special Use:	Stream:																	
16. Points of Diversion			17. Rate and Quantity																			
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized	Additional	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files							
MOD 88313	NW NE SW	3	30S	1W	2	2373	3740	800	151.71	800	151.71	none										
DEL 88230									MOD		MOD											
ENT 88590	NW NE SW	3	30S	1W		2373	3715															
ENT 88591	NW NE SW	3	30S	1W		2373	3765															
ENT 88592	NW NE SW	3	30S	1W		2348	3740			BATTERY #2217												
ENT 88593	NW NE SW	3	30S	1W		2398	3740															
18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																						
19. Limitation: _____ MG/yr at _____ gpm (_____ cfs) when combined with file number(s) _____ Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____																						
20. Meter Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No To be installed by _____ Date Acceptable Meter Installed _____																						
21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files	
T 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 63506	3	30S	1W	1						1	0.8	30.8	31.9	24.8	27.4				116.7	7b	no	none
Comments:																						
1/22/2021 KAB																						

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: December 8, 2020

FROM: Kris Neuhauser

RE: New Application,
File No. 50,398

Martin Ternes has filed an application to appropriate groundwater for irrigation use, requesting a battery of four (4) wells, with a quantity of 151.71 acre-feet of water per calendar year, at a diversion rate of 800 gallons per minute. The proposed battery of wells has a geographical center located in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 3, more particularly described as being near a point 2,373 feet North and 3,740 feet West of the Southeast corner of said section, in Township 30 South, Range 1 West, Sumner County, Kansas, within the Ninnescah River drainage basin.

There are no other water rights overlapping the proposed point of diversion or place of use. The place of use is owned by W. Bruce and Janice M Hopson. The applicant has signed the application form stating that he has legal access to the point of diversion.

In 2004 the United States Geological Survey (USGS) completed a hydrologic model of a portion of the Arkansas River and associated drainage basins (Ninnescah River), generally bounded by Ranges 2 West to 3 East and Townships 26 South to 34 South (near state line). The USGS model indicated that the aquifer in this area receives more recharge from precipitation than DWR has historically used in safe yield calculations. The data and analyses are detailed in the USGS Scientific Investigations Report 2004—2005 entitled “Characterization and Simulation of Flow in the Lower Arkansas River Alluvial Aquifer, South-Central Kansas”. In order to evaluate the potential impact of this study on our safe yield calculations, DWR suspended processing applications for new appropriations of water in the model area.

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 Ninnescah 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 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 6,656 acres. With a potential annual recharge of 5.4 inches, and 75% of recharge available for appropriation, safe yield was determined to be 2,246.29 acre-feet. Existing water rights have appropriated 161.40 acre-feet, providing a difference of 2,079.89 acre-feet available for appropriation, and the application requesting 151.71 acre-feet complies with safe yield.

The test hole log that was submitted with the pending application, shows top soil from 0-3 feet, clay from 3-22 feet, fine sand from 22-32 feet, clay/sand from 32-36 feet, medium sand from 36-42 feet, clay from 42-50 feet, and shale from 50-52 feet. The static water level was listed at 15 feet, which provides a saturated thickness of 35 feet.

The place of use is 116.7 acres in the Northwest Quarter (NW¹/₄) and the Southwest Quarter (SW¹/₄) of Section 3, Township 30, Range 1 West, Sumner County, Kansas. The proposed quantity of 151.71 acre-feet per calendar year provides 1.3 acre-feet per acre, making it the maximum reasonable quantity for Sumner County (1.3 x 116.7 acres = 151.71 acre-feet).

Originally, the application requested a quantity of 195 acre-feet and showed a place of use covering 150 acres. Over multiple email/phone conversations with Jarrod Springer, (who is working with the applicant Martin Ternes) new maps were provided, showing an updated place of use. The pivot circle was re-measured and determined to be 116.7 acres. This new place of use and reduced quantity of 151.71 acre-feet was approved by Jarrod in an email dated November 16, 2020.

Nine domestic wells within one-half mile of the point of diversion were identified. Nearby letters were sent out on November 17, 2020, notifying of the diversion works proposed. Curtis Hampton called in on November 23, 2020, wondering where exactly the wells would be drilled. A map was sent to Mr. Hampton via email on the same day, encouraging him to submit a letter outlining any concerns he may have. No letter has been received to date. Paul Schmeissner called on November 24, 2020, with similar questions as to the location of the proposed wells. A letter and map were mailed to Mr. Schmeissner on the same day, encouraging him to submit a letter if he too had concerns. No letter has been received to date.

The closest water right is over 7,000 feet away, (File No. 47,257) and a pending application that was submitted by Mr. Ternes (File No. 50,420) is also over 7,000 feet away. The closest domestic well is over 1,000 feet away. Therefore, according to K.A.R. 5-4-4, the required well spacing is met.

In an e-mail conversation on December 23, 2020 Jeff Lanterman, Water Commissioner of the Stafford Field Office, and Cameron Conant, Assistant Water Commissioner of the Stafford Field Office, recommended approval of the application.

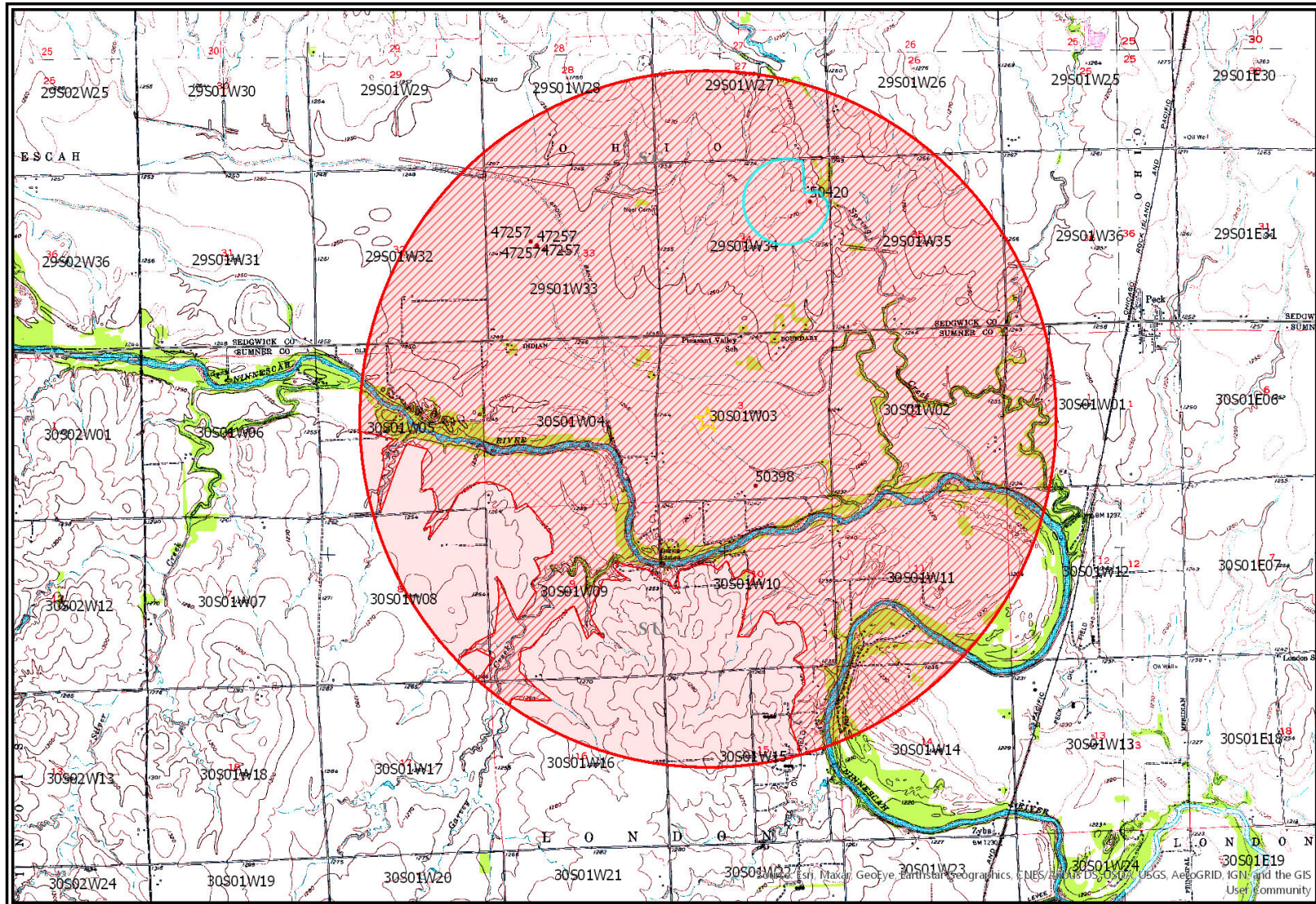
In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 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, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.

A handwritten signature in black ink, appearing to read "Kris Neuhauser". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kris Neuhauser
Environmental Scientist
Water Appropriation Program

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 03-30S-01W
Footages from SE corner- 2,373 feet North 3,740 feet West



Analysis Results

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 2,246.29 AF.

Total prior appropriations in the circle is ~~736.40 AF~~ **166.40 AF**

Total quantity of water available for appropriation is ~~1,509.89 AF~~ **2,079.89 AF**

Safe Yield Variables

The area used for the analysis is set at 6,656 acres.

The potential annual recharge at the circle center is estimated to be 5.4 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 17-NOV-2020 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

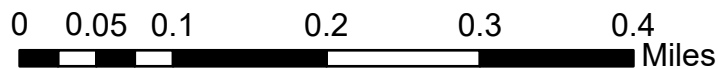
There are 3 water rights and 6 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 47257 00	IRR	NK	G		SW	SE	NW	2799	3715	33	29	01W	1	WR	166.40	166.40	128.50	128.50
Same	IRR	NK	G		SW	SE	NW	2804	3718	33	29	01W	2	WR				
Same	IRR	NK	G		SW	SE	NW	2921	3924	33	29	01W	3	WR				
Same	IRR	NK	G		SW	SE	NW	2673	3503	33	29	01W	4	WR				
A 50398 00	IRR	AY	G		SE	SE	SW	330	2310	03	30	01W	2	WR	195.00	195.00 151.71 AF	150.00	150.00
A 50420 00	IRR	AY	G		E2	NE		3960	660	34	29	01W	6	WR	375.00	375.00	288.00	288.00

New App, File No. 50,398



KJN
10/29/2020
DWR HQ MHK



YELLOW STAR = PD*



From: Lanterman, Jeff [KDA]
Sent: Wed 12/23/2020 8:56 AM
To: Conant, Cameron [KDA];Neuhauser, Kris [KDA]
Subject: RE: New App 50398 recommendation request

Good work on this one. Man nothing is ever easy anymore is it!

Kris I think this one can be approved.

Thanks and Merry Christmas!

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Tuesday, December 22, 2020 2:14 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: New App 50398 recommendation request

Jeff, this is an irrigation file requesting a battery of wells to irrigate 116.7 acres with 151.71 AF at 800 GPM. The current contact on this file, Jarrod Springer, signed off on the reduced place of use and reduced quantity and also worked with Kris to locate this well in a new location (as shown on the map in the NW corner of the property) to meet any and all spacing issues at the original location.

This is the second file in this 2 mile circle so there is plenty of water available from a safe-yield standpoint. Spacing is met by a wide margin at the new location. This appears to be 2000' from the nearest domestic well and over 7200' from the nearest permitted well. I think we notified 9 nearby wells based on the original location of the proposed wells. The location was revised later and spacing to most of the notified wells increased. In fact the new location may only have about 3 wells within ½ mile of the proposed project. Kris said some folks had called in when they received the letter, but just had general questions and didn't send in written comments.

The 2 hydrographs below exhibit short term stable water levels with similar DTW as shown in this applications log. They are not overly helpful as they are both quite a distance away and don't have very long records at this time.

https://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=372522097170701 (2015-2019 hydrograph from 3.5 miles SE of this project)

https://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=374951097273601 (2009-2019 hydrograph from 2.9 miles NW of this project)

The test hole shows a saturated thickness of 35' with the SWL at 15' and shale at 50' (the main water producing formation is about 10' of fine sand and 10' of medium sand). This was a log completed in 2020, not a lot of good material shown in the log, but the driller estimated 100-150 GPM production so a pretty reasonable project if they get 4 wells like that.

I think we can recommend approval of this application. Spacing is met by a wide margin and safe-yield shows water is available. Please pass on to Kris if you agree.

-
FYI-Kris noted 50420 in his previous email. We have been working with Technical Services on that one to get information on a 20% 50 year study due to a more poor well log and due to proximity of 50420 to a number of domestic wells that had written concern when notifications were sent out on that file. Preliminary results do not look good, but we have requested a little more information from Technical Services on that one. I know you had wanted to work this one and 50420 at the same time, but I'd just as soon get this moved along because I'm not sure how long we will be waiting on 50420. Thanks and let me know if you have any questions.

Cameron

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Tuesday, December 8, 2020 3:40 PM

To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: New App 50398 recommendation request

Afternoon guys,

Attached is my draft memo for New App 50,398, an updated PU map (yellow star is correct PD location), and the SY report. This one is yet another IRR app submitted by Marty Ternes. I'll be sending you another from him (50420) fairly soon.

Let me know if you need any extra information on this one. Thanks!

Kris Neuhauser

Environmental Scientist

Water Appropriations Program – Kansas Dept of Agriculture

(785) 564-6643

From: Springer, Jarrod
Sent: Fri 12/11/2020 9:01 AM
To: Neuhauser, Kris [KDA]
Subject: RE: New App 50420

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Looks good to me

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Friday, December 11, 2020 9:01 AM
To: Springer, Jarrod <Jarrod.Springer@HollyFrontier.com>
Subject: New App 50420

CAUTION: This email originated from outside of the HollyFrontier organization. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Nothing on the Section 3 app yet, 50398. But they know your concerns for it and Section 34, 50420.

If you're good with that PD location I just sent you for 50420, I'll definitely get my review to them today.

Kris Neuhauser

Environmental Scientist
Water Appropriations Program – Kansas Dept of Agriculture
(785) 564-6643

From: Springer, Jarrod <Jarrod.Springer@HollyFrontier.com>
Sent: Friday, December 11, 2020 8:55 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: New App 50420

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Nothing on 53988? The one in section 3?

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Friday, December 11, 2020 8:54 AM
To: Springer, Jarrod <Jarrod.Springer@HollyFrontier.com>
Subject: New App 50420

Morning Jarrod,

Attached is an aerial view of the NE Quarter of 34-29S-1W. I know you mentioned you were good with me moving the point of diversion south for this one, just wanted you show you exactly where I moved it (went a little SW). It's roughly 900 feet to where Earl Epps described his domestic well is at the house in the NE corner; so we now meet spacing regulations. Pushed it plenty south so we are for sure over the minimum 660 feet away.

I updated the feet distances on your app. **Let me know if this spot is good for you.**

(P.S. Heard you got ahold of Cameron in Stafford. Him and Jeff actually provided their recommendation of approval for New App 50058 yesterday (25-30S-1W). The approval process is now on track here in Manhattan, so good news there!)

Kris Neuhauser

Environmental Scientist

Water Appropriations Program – Kansas Dept of Agriculture

(785) 564-6643

CONFIDENTIALITY NOTICE: This e-mail, and any attachments, may contain information that is privileged and confidential. If you received this message in error, please advise the sender immediately by reply e-mail and do not retain any paper or electronic copies of this message or any attachments. Unless expressly stated, nothing contained in this message should be construed as a digital or electronic signature or a commitment to a binding agreement.

CONFIDENTIALITY NOTICE: This e-mail, and any attachments, may contain information that is privileged and confidential. If you received this message in error, please advise the sender immediately by reply e-mail and do not retain any paper or electronic copies of this message or any attachments. Unless expressly stated, nothing contained in this message should be construed as a digital or electronic signature or a commitment to a binding agreement.

From: Springer, Jarrod
Sent: Mon 11/16/2020 9:27 AM
To: Neuhauser, Kris [KDA]
Subject: RE: Updated PD, PU, quantity

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Yes our place of use will be on both ¼'s. Thank you

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Monday, November 16, 2020 9:26 AM
To: Springer, Jarrod <Jarrod.Springer@HollyFrontier.com>
Subject: Updated PD, PU, quantity

CAUTION: This email originated from outside of the HollyFrontier organization. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Jarrold, sounds great. Did you mean your place of use will be both in the NE and NW Quarters of the Section? I noticed this was indicated on the original application.

I went ahead and attached a map of 50420 for you, that would be great if you could draw circle(s) on it and send it back to me. Want to make sure I'm on the same page!

Thanks,

Kris Neuhauser
Environmental Scientist
Water Appropriations Program – Kansas Dept of Agriculture
(785) 564-6643

From: Springer, Jarrod <Jarrod.Springer@HollyFrontier.com>
Sent: Monday, November 16, 2020 8:29 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: Updated PD, PU, quantity

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Kris, I approve the maps that are attached but for the Sedgwick County farm I would like both sides on the half section included on the same POD... let me know what we need to do if you want to send me the map of the whole half section I will draw the circle on it and send it back.

Thanks Jarrod

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Tuesday, November 3, 2020 4:17 PM
To: Springer, Jarrod <Jarrod.Springer@HollyFrontier.com>
Subject: Updated PD, PU, quantity

Jarrold,

Here are updated maps for the new circular places of use you drew in. File No. 50398 shows your new point of diversion (yellow star) you indicated in your drawing. Since you didn't change the point of diversion for File No. 50420 in your drawing, I left it in its current location.

Listed below are the most up to date point of diversion and place of use descriptions. With your updated places of use, the following quantities are the maximum approvable for each app:

File No. 50398:

Point of Diversion- NW ¼ NE ¼ SW ¼, 2373 feet North, 3740 feet West of the SE corner of Section 3, T30S, R1W, Sumner County, KS

Place of Use- 116.7 acres

New Quantity- (1.3 AF per acre – max for Sumner County) = 151.71 AF

File No. 50420:

Point of Diversion- E ½, NE ¼, 3960 feet North, 660 feet West of the SE corner of Section 34, T29S, R1W, Sedgwick County, KS

Place of Use- 110.7 acres

New Quantity- (1.3 AF per acre – max for Sedgwick County) = 143.91 AF

I can adjust each application with this info if you are in agreement. Just let me know.

Thanks!

Kris Neuhauser

Environmental Scientist

Water Appropriations Program – Kansas Dept of Agriculture

(785) 564-6643

From: Neuhauser, Kris [KDA]

Sent: Thursday, October 29, 2020 11:49 AM

To: Springer, Jarrod <Jarrod.Springer@HollyFrontier.com>

Subject: Message from P-ELD346

Thanks Jarrod,

I'll come up with a new legal description for that updated geocenter battery location you drew in for 50398. Looks like the location for 50420 is good to go as is then?

I'll also measure the area of those place of use circles you drew, I can then revise your irrigation supplemental sheets to match. Looking at them, it looks like it will reduce the irrigated acres that are currently listed on each application. This would in turn reduce your water quantity we are allowed to approve (max quantity for Sedgwick and Sumner County = 1.3 acre-feet per acre for irrigation use).

I'll get those numbers and run them by you.

Kris Neuhauser

Environmental Scientist

Water Appropriations Program – Kansas Dept of Agriculture

(785) 564-6643

From: Springer, Jarrod <Jarrod.Springer@HollyFrontier.com>
Sent: Thursday, October 29, 2020 9:13 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: Message from P-ELD346

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Maps with circles and new Geo Centers

Jarrold

From: P-ELD346@hollyfrontier.com <P-ELD346@hollyfrontier.com>
Sent: Thursday, October 29, 2020 9:12 AM
To: Springer, Jarrod <Jarrod.Springer@HollyFrontier.com>
Subject: Message from P-ELD346

CONFIDENTIALITY NOTICE: This e-mail, and any attachments, may contain information that is privileged and confidential. If you received this message in error, please advise the sender immediately by reply e-mail and do not retain any paper or electronic copies of this message or any attachments. Unless expressly stated, nothing contained in this message should be construed as a digital or electronic signature or a commitment to a binding agreement.

CONFIDENTIALITY NOTICE: This e-mail, and any attachments, may contain information that is privileged and confidential. If you received this message in error, please advise the sender immediately by reply e-mail and do not retain any paper or electronic copies of this message or any attachments. Unless expressly stated, nothing contained in this message should be construed as a digital or electronic signature or a commitment to a binding agreement.

CONFIDENTIALITY NOTICE: This e-mail, and any attachments, may contain information that is privileged and confidential. If you received this message in error, please advise the sender immediately by reply e-mail and do not retain any paper or electronic copies of this message or any attachments. Unless expressly stated, nothing contained in this message should be construed as a digital or electronic signature or a commitment to a binding agreement.

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

APPROVAL OF APPLICATION PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,398** 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 27, 2020**.
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	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				TOTAL
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
3	30S	1W						1	0.8	30.8	31.9	24.8	27.4					116.7	

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, with a geographical center located in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW¹/₄ NE¹/₄ SW¹/₄) of Section 3, more particularly described as being near a point 2,373 feet North and 3,740 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 **151.71 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, 2022** 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, 2026** 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 acceptable water flow meters shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. These water flow meters 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.

Ordered this 29 day of January, 2021, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 29 day of January, 2021, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
Notary Public

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

February 2, 2021

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

RE: Appropriation of Water, File No. 50,398

Dear Mr. & Mrs. Ternes:

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 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.kswateruserreport.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 Applications and Changes Supervisor
Division of Water Resources

KAB: kjn
Enclosure(s)

pc: Stafford Field Office
JAN & BRUCE HOPSON, 8604 S 135TH ST W, CLEARWATER, KS 67026

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, Kansas 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, Kansas 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

CERTIFICATE OF SERVICE

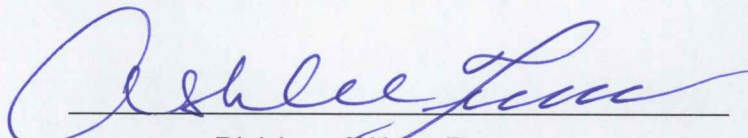
On this 2 day of February, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,398, dated 29 January, 2021, was mailed postage prepaid, first class, US mail to the following:

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

With photocopies to:

JAN & BRUCE HOPSON
8604 S 135TH ST W
CLEARWATER, KS 67026

Stafford Field Office


Division of Water Resources