

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

1. File Number: <b>50333</b>	2. Status Change Date: <b>1/18/2022</b>	3. Field Office: <b>02</b>	4. GMD:
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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 **67140**  
Add Seq# \_\_\_\_\_

**DENNIS & MELINDA TENCLEVE**  
**553 S MAYFIELD RD**  
**WELLINGTON, KS 67152**

7b. Landowner(s)  New to system    Person ID ~~New~~ **4996**  
Add Seq# \_\_\_\_\_

**JOHN EVANS**  
**PO BOX 67**  
**LEBO, KS 66856**

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

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

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~~ **23**    11. Perfection Date: ~~12/31/2026~~ **27**    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: **12/29/20** By: **BMM**  
Date Entered: **1/18/2022** By: **LMoody**

File No. **50333**      15. Formation Code: **100**      Drainage Basin: **Chikaskia River** <sup>48</sup>      County: **SU**      Special Use:      Stream:

16. Points of Diversion										
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W		
<del>ENT</del> <b>MOD 87862</b>		<b>SE SE NW</b>	<b>5</b>	<b>33S</b>	<b>2W</b>	<b>1</b>	<b>2964</b>	<b>2851</b>	<b>GEO</b>	
<b>ENT 89235</b>		<b>SE SE NW</b>	<b>5</b>	<b>33S</b>	<b>2W</b>		<b>2767</b>	<b>2657</b>	<b>SE</b>	
<b>ENT 89236</b>		<b>SE SE NW</b>	<b>5</b>	<b>33S</b>	<b>2W</b>		<b>3169</b>	<b>2684</b>	<b>NE</b>	
<b>ENT 89237</b>		<b>SE SE NW</b>	<b>5</b>	<b>33S</b>	<b>2W</b>		<b>2755</b>	<b>3060</b>	<b>SW</b>	
<b>ENT 89238</b>		<b>SE SE NW</b>	<b>5</b>	<b>33S</b>	<b>2W</b>		<b>3157</b>	<b>3068</b>	<b>NW</b>	
<b>BATTERY ID # 2275</b>										

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>800</b>	<b>102</b>	<b>800</b>	<b>102</b>	<b>NA</b>

18. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

19. Limitation: \_\_\_\_\_ af/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?  Yes  No      To be installed by **12/31/2022** <sup>23</sup>      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use																			Total	Owner	Chg? <b>NO</b>	Overlap Files				
T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼								
						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					
<b>ENT 69797</b>	<b>5</b>	<b>33S</b>	<b>2W</b>	<b>1</b>						<b>19.5</b>	<b>19.5</b>	<b>19.5</b>	<b>19.5</b>									<b>78</b>	<b>7b</b>	<b>N</b>	<b>NONE</b>	

Comments: 1/13/2022  
KJN



**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**M E M O R A N D U M**

**TO:** Files

**DATE:** January 6, 2021

**FROM:** Brandon Milner

**RE:** Application, File Nos. 50,333

Dennis and Melinda Tencleve have filed the referenced new application to appropriate 102 acre-feet at 800 gallons per minute of groundwater from a battery of four wells with a geographical center located 2964 feet North, 2851 feet West in Section 5, Township 33 South, Range 1 West in Sumner County. The place of use is owned by the applicant and the applicant has signed the application form stating they have access to the point of diversion.

This application has been filed for irrigation use as the place of use will be 78 acres located in Section 5, Township 33 South, Range 1 West.

Please note that the application was initially filed requesting 832 acre-feet at a diversion rate of 800 gpm. Based on the Designated Unit Area evaluation of CHK-6 (discussed below), the applicant subsequently agreed to a reduction in quantity to 102 Acre-feet on their application on December 16, 2020.

The point of diversion is located within South Central Kansas Designated Unit Area CHK-6. 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. However, for points of diversion located within a Designated Unit Area (DUA), safe yield evaluation is a two-step approach. The first step is to determine that water is available in the specific Designated Unit Area, and then the 2-mile area of consideration is reviewed. Based on a recent review and determination Designated Unit Area CHK-6 still has 102 acre-feet available for appropriation which is less than the original 832 acre-feet of additional water the applicant had requested. A show-cause letter was sent out to the applicant on November 20, 2020 informing the applicant of the lack of water available in the area. The applicant re-sent their application on December 16, 2020 requesting 102 acre-feet of water. The amount of 102-acre feet per 78 acres is 1.3 acre-feet per acre which is the maximum allowed in Sumner County.

Therefore, for this safe yield for this application was determined to be the full two-mile circle or 8,042 acres. Based on a potential recharge of 2.5 inches, with 50% available for appropriation, safe yield was determined to be 837 acre-feet. Existing appropriations total only 263 acre-feet, leaving 574 acre-feet available for appropriation, and the application complies with safe yield criteria. However, DUA unit CHK-6 only has 102 acre-feet available.

As per K.A.R. 5-4-4 spacing has been met for this application. The closest nondomestic well is roughly one-half mile away while the closest domestic well is owned by the applicant and roughly one half mile away.

The well proposed under this application shows sand and gravel was encountered at roughly 20 to 40 feet and 50 feet to 60 feet. Static water level was marked at 30 feet.

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.

In a November 9, 2021 discussion, Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced new application.

1/13/2022  
KJN

Brandon Milner  
Environmental Scientist  
Manhattan Office

**From:** Lanterman, Jeff [KDA]  
**Sent:** Tue 11/9/2021 4:11 PM  
**To:** Milner, Brandon [KDA]  
**Cc:** Conant, Cameron [KDA]  
**Subject:** FW: Status of 50,333  
**Attachments:** 50333 UPdated Map 2.pdf, 50333 Memo To File.docx, SafeYieldReport.docx

Brandon;

I think this one can be approved. See Cameron's notes on our procedures for running safe yields down in this area. We believe that some area could/ should be truncated from the safe yield circle. In this case it doesn't matter since it is limited to the rest of the DUA water so we think it can be approved.

Please get with Matt or Jessica if you want to learn what our SY circle procedure should be down in this area.

Please fix your memo regarding safe yield "Based on a potential recharge of 2.5 inches, with 50% available for appropriation, safe yield was determined to be 837 acre-feet. Existing appropriations total only 263 acre-feet, leaving 832(shouldn't this be 574?) acre-feet available for appropriation"

Thanks  
Jeff

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**From:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Sent:** Tuesday, November 9, 2021 2:21 PM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Subject:** FW: Status of 50,333

Jeff, to give you a bead on the area, I will point out that this is located about 3.5 miles NW of the Triad applications (it does not have the issues encountered with the Triad applications).

This file has been modified a great deal since it was filed. Originally the applicant requested 832 AF to irrigate pretty much the entire section. Brandon determined and John M confirmed that there was only 102 AF remaining to be appropriated in this DUA. So, the application was reduced down to 78 acres and 102 AF which is reasonable for Sumner County. In the 2 mile SY Brandon gave a full 2 mile circle with 8042 acres (2.5" @ 50% so it's pretty limited). I think 8042 acres works on this application since the DUA is now closed, but I would guess that additional evaluation of any and all nearby domestic logs would show that acreage could be truncated from this circle, reducing the acres and reducing the allowed 2 mile SY. But, in this case, where the DUA is closed after this file is approved and since there is only 1 other file authorizing 263 AF in this 2 mile circle-this would likely meet 2 mile SY even if we did a ton of extra work to truncate out area of limited or non-productive bedrock aquifer. So, I'm comfortable not doing the additional are well log review on this file for the above reasons, but want it noted that on any possible nearby future SY evaluations it will be necessary to do a more thorough review to determine what should be truncated out as some of this area is likely shale with no aquifer available.

The 4 battery logs show SWL at 30' on each test log and shale at 55', 61, 61', and 40'. These logs will meet our LST guideline (3 out of 4 anyway). The nearest permitted well is right at ½ mile to the west. Based on the logs and the limited development in the area, impairment should not be a concern. The nearby well owned by the city of Wellington was notified and no response was received.

There are no hydrographs remotely close to this location to provide meaningful water level trends. This area as a whole has remained fairly undeveloped until recently.

Spacing is met by a wide margin, 2 mile SY is ok, the DUA is now closed, I think this application can be approved. Please pass on to Brandon if you agree with approval of this application.

Brandon-side note, on the memo please correct paragraph 5 to show 574 AF available in the 2 mile circle, not 832 AF.

Thanks, Cameron

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**From:** Milner, Brandon [KDA] <[Brandon.M.Milner@ks.gov](mailto:Brandon.M.Milner@ks.gov)>  
**Sent:** Friday, September 17, 2021 2:04 PM  
**To:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** RE: Status of 50,333

Hey Cameron,

Just wanted to let you know that I did not hear any feedback from nearby water right owners on 50,333 so this one should be good to review when you get a chance but no rush on my end! I have also attached an updated map for the application.

Brandon

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**From:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Sent:** Monday, July 26, 2021 9:55 AM  
**To:** Milner, Brandon [KDA] <[Brandon.M.Milner@ks.gov](mailto:Brandon.M.Milner@ks.gov)>  
**Subject:** RE: Status of 50,333

No problem, I'm sorry I didn't get it looked at till now!

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**From:** Milner, Brandon [KDA] <[Brandon.M.Milner@ks.gov](mailto:Brandon.M.Milner@ks.gov)>  
**Sent:** Monday, July 26, 2021 9:54 AM  
**To:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** RE: Status of 50,333

Well shoot, it looks I missed one. I can send that letter out today and in the meanwhile get the map completed and over to you. Sorry to jump the gun on this one!

Brandon

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**From:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Sent:** Monday, July 26, 2021 9:47 AM  
**To:** Milner, Brandon [KDA] <[Brandon.M.Milner@ks.gov](mailto:Brandon.M.Milner@ks.gov)>  
**Subject:** RE: Status of 50,333

Yeah, I just saw that map. I'd like you to make a new one if it isn't too much trouble. Down the road as the water right is developed, we often need to go back to the original filed place of use map to determine the beginning place of use for certification purposes and that hand-drawn one is not going to help us down the line. If you can re-create the map using our standard template showing the 78 acres that would be super. Don't need anything from the applicant because we are simply fixing and properly showing what he said was good with his revised 78 acre pivot.

Did we have to notify nearby wells on this one? Can't tell for sure but it looks like the Muni well to the west is within ½ mile.

Cameron

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**From:** Milner, Brandon [KDA] <[Brandon.M.Milner@ks.gov](mailto:Brandon.M.Milner@ks.gov)>  
**Sent:** Monday, July 26, 2021 9:38 AM  
**To:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** RE: Status of 50,333

Yes no problem. Although not a great map, I do have a new map from the applicant with well locations sent in December 2020. There is a battery of wells that would irrigate 78 acres. If you would like a new map, I can make one.

Brandon

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**From:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Sent:** Monday, July 26, 2021 9:21 AM  
**To:** Milner, Brandon [KDA] <[Brandon.M.Milner@ks.gov](mailto:Brandon.M.Milner@ks.gov)>  
**Subject:** RE: Status of 50,333

Can you please send me the revised p/u map with well locations since this has been severely modified since it was filed?

Cameron

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**From:** Milner, Brandon [KDA] <[Brandon.M.Milner@ks.gov](mailto:Brandon.M.Milner@ks.gov)>  
**Sent:** Monday, July 26, 2021 9:14 AM  
**To:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** RE: Status of 50,333

It's not a big deal. Since it's a DUA app, it had a couple behind it waiting on whatever is decided on this one.

Brandon

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**From:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Sent:** Monday, July 26, 2021 9:14 AM  
**To:** Milner, Brandon [KDA] <[Brandon.M.Milner@ks.gov](mailto:Brandon.M.Milner@ks.gov)>  
**Subject:** RE: Status of 50,333

It was not. Sorry, had no idea it had been sitting for 6 months. I'll try to have Jeff get it to you today!

Cameron

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**From:** Milner, Brandon [KDA] <[Brandon.M.Milner@ks.gov](mailto:Brandon.M.Milner@ks.gov)>  
**Sent:** Monday, July 26, 2021 9:10 AM  
**To:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** Status of 50,333

Hey Cameron,

I've had the applicant for 50,333 call in and ask the status on his application and the last thing I saw in email was that it was being reviewed by your office. Is it in your queue to be reviewed along with Jeff?

Brandon Milner  
Environmental Scientist  
Water Appropriation Program

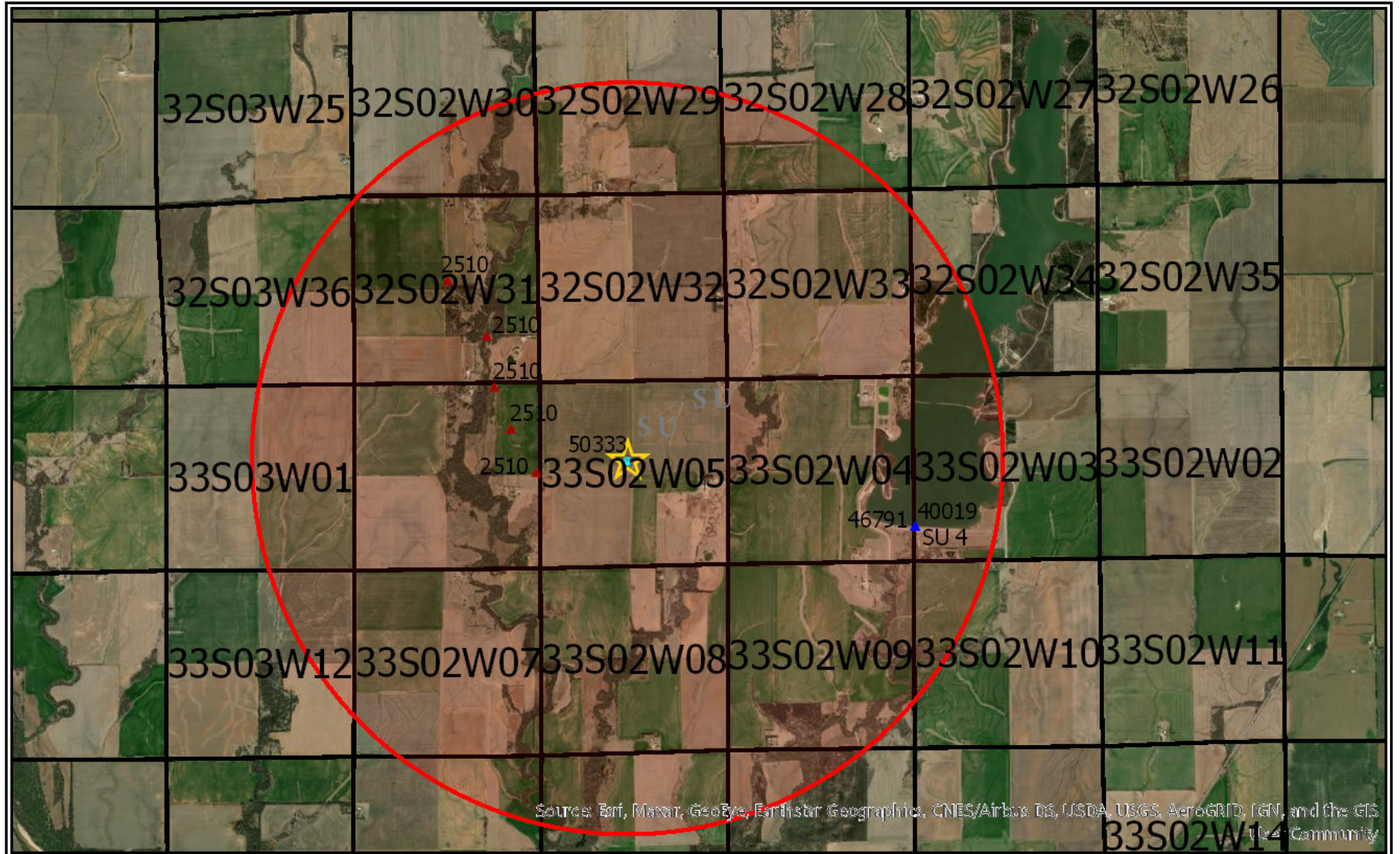


# Safe Yield Report Sheet

Water Right- A5033300

Point of Diversion in 05-33S-02W

Footages from SE corner- 2,964 feet North 2,851 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 837.76 AF.

Total prior appropriations in the circle is 1,095.56 AF. **- 832 AF = 263.56 AF**

Total quantity of water available for appropriation is 0.00 AF. **574.2 AF available**

## Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 2.5 inches.

The percent of recharge available for appropriation is 50%.

Authorized Quantity values are as of 06-JAN-2021 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 2 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 2510 00	MUN	NK	G		SE	NW	SE	1322	1562	31	32	02W	9	PD	48.15	48.15		
Same	MUN	NK	G			NE	NE	5180	1308	06	33	02W	2	PD	48.00	48.00		
Same	MUN	NK	G		SW	SW	NE	2893	2598	31	32	02W	8	PD	54.60	54.60		
Same	MUN	NK	G		SE	SE	NE	2759	100	06	33	02W	3	PD	36.09	36.09		
Same	MUN	NK	G		NC	E2	NE	3900	780	06	33	02W	4	PD	76.72	76.72		
A 50333 00	IRR	AY	G				SE	2964	2851	05	33	02W	1	WR	<del>832.00</del>	<del>832.00</del>	640.00	640.00

## Limitations

File Number	Seq Num	Limitations
A 2510 00	1	95.557MGY(293.25AF)AT A TOTAL RATE NOT IN EXCESS OF 695GPM

1/13/2022  
KJN

# 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 and PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,333** of the applicant

**DENNIS & MELINDA TENCLEVE**  
**553 S MAYFIELD RD**  
**WELLINGTON, KS 67152**

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 January 9, 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	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5	33S	2W					19.5	19.5	19.5	19.5									78

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by a battery of four (4) wells with a geographical center located in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE¼ SE¼ NW¼) of Section 5, more particularly described as being near a point 2,964 feet North and 2,851 feet West of the Southeast corner of said section, in Township 33 South, Range 2 West, Sumner County, Kansas, located substantially as shown on the 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 **102 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, 2023**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$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 accompanied by the required statutory fee, which is currently \$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, 2027**, 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, which is currently \$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 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. 82a703c for the source of supply to which this water right applies.

18. That this permit is further limited such that all wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply, and shall supply water to a common distribution system.

Ordered this 18 day of January, 2022, in Manhattan, Riley County, Kansas.



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 18 day of January, 2022, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



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

DENNIS & MELINDA TENCLEVE  
553 S MAYFIELD RD  
WELLINGTON, KS 67152

January 20, 2022

RE: Appropriation of Water, File No. 50,333

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](http://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](http://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:bmm  
Enclosure(s)

pc: John Evans  
StaffordField Office

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 further judicial review under the Kansas Judicial Review Act.

## CERTIFICATE OF SERVICE

On this 20 day of January, 2022, I hereby certify that the foregoing Approval of Application, File No. 50,333, dated 18 January, 2022, was mailed postage prepaid, first class, US mail to the following:

DENNIS & MELINDA TENCLEVE  
553 S MAYFIELD RD  
WELLINGTON, KS 67152

JOHN EVANS  
PO BOX 67  
LEBO KS 66856

With photocopies to:

Stafford Field Office

  
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Division of Water Resources