

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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

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



State of Kansas

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

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

1. Application is hereby made for approval of the Chief Engineer to change the _____
- (Check one or more) Place of Use
 Point of Diversion
 Use Made of Water

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 Division of Water Resources

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 1:03
 KS DEPT OF AGRICULTURE

File No. 30812

2. Name of applicant: Patrick M Janssen

Address: PO Box 207

City, State and Zip: Kinsley, KS 67547

Phone Number: () (620) 546-4463 E-mail address: patmilanjanssen@gmail.com

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

Name of water use correspondent: Same as owner

Address: _____

City, State and Zip: _____

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

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

Please see attached sheets for explanation, and maps.

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

2/8/2023
 LMoody

For Office Use Only:															
F.O. Code	<u>2</u>	GMD	<u>5</u>	Meets K.A.R. 5-5-1	(YES / NO)	Use	<u>IRR</u>	Source	<u>G/S</u>	County	<u>KW</u>	By	<u>ALB</u>	Date	<u>2/6/23</u>
Fee \$	<u>100</u>	TR #		Receipt Date	<u>2/6/23</u>	Check #	<u>4211</u>								

4. The presently authorized place of use is:

Owner of Land — NAME: Patrick M Janssen

ADDRESS: PO Box 207, Kinsley, KS 67547

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
36	27S	20W	27.6	28.3	32.4	31.7												120	

List any other water rights that cover this place of use. 14145

Owner of Land — NAME: _____

ADDRESS: _____

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

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

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

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

Owner of Land — NAME: NO CHANGE

ADDRESS: NO CHANGE

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

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

Owner of Land — NAME: _____

ADDRESS: _____

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

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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 Division of Natural Resources

- 6. The presently authorized point(s) of diversion (is) (are) 1 well
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) 2 wells in battery
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the Quarter of the NC Quarter of the NE Quarter
 of Section 36, Township 27S South, Range 20W (E/W),
 in Kiowa County, Kansas, 3900 feet North 1315 feet West of Southeast corner of section.
 Authorized Rate 770 gpm Authorized Quantity 195 (84 addtnl)
 (DWR use only: Computer ID No. 1 GPS N/A feet North N/A feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the Quarter of the NC Quarter of the NE Quarter
 of Section 36, Township 27S South, Range 20W (E/W),
 in Kiowa County, Kansas, 3900 feet North 1315 feet West of Southeast corner of section.
 Proposed Rate 400 gpm Proposed Quantity see geo
 This point is: Additional Well Geo Center List other water rights that will use this point

9. **Presently authorized point of diversion:**
 One in the Quarter of the Quarter of the Quarter
 of Section , Township South, Range (E/W),
 in County, Kansas, feet North feet West of Southeast corner of section.
 Authorized Rate Authorized Quantity
 (DWR use only: Computer ID No. GPS feet North feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the SE Quarter of the NW Quarter of the NE Quarter
 of Section 36, Township 27S South, Range 20W (E/W),
 in Kiowa County, Kansas, 4105 feet North 1460 feet West of Southeast corner of section.
 Proposed Rate 770 gpm* Proposed Quantity 195 (84 addtnl)
 This point is: Additional Well Geo Center List other water rights that will use this point

*770gpm is pending a rate test, app is currently filled out for max possible rate. -TMA 2/2/23

10. **Presently authorized point of diversion:**
 One in the Quarter of the Quarter of the Quarter
 of Section , Township South, Range (E/W),
 in County, Kansas, feet North feet West of Southeast corner of section.
 Authorized Rate Authorized Quantity
 (DWR use only: Computer ID No. GPS feet North feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the SE Quarter of the NW Quarter of the NE Quarter
 of Section 36, Township 27S South, Range 20W (E/W),
 in Kiowa County, Kansas, 4310 feet North 1605 feet West of Southeast corner of section.
 Proposed Rate 385 400 gpm Proposed Quantity see geo
 This point is: Additional Well Geo Center List other water rights that will use this point

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

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

It is proposed that the use be changed to No change purposes.

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

No change in the place of use or use-made-of-water.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to No reduction (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to No reduction gallons per minute (- c.f.s.).

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

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

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

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

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

This application will utilize K.A.R 5-25-14⁽³⁾ to change to battery of wells following GMD 5 regulation. The well will be tested in rate to fulfill this requirement. The additional well will be drilled to the same source of supply. Applicant can supply test hole. There will be no increase in rate with this application, nor quantity.

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

The change appears to meet all criteria of 5-25-14 (3) needed. No waiver is requested.

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

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

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

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

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


Dated at Stafford, Kansas, this 2 day of February, 2023.

<u>Patrick M Janssen</u> (Owner)	_____	(Spouse)
<u>Patrick M Janssen</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Kansas }
County of Stafford } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 2nd day of February, 2023.

Jessica Engelbrecht
Notary Public

My Commission Expires 

FEE SCHEDULE

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

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

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

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3. The changes proposed herein are desired for the following reasons:

When the original well was drilled the perforations in the casing were cut for the static water level in 1976. As the water level in the area has lowered the perforations in the casing are now at a level that is causing cascading water if the well is produced at near approved rate of diversion. This is resulting in air being trapped in the water negatively effecting the uniform application of water through the pivot.

To resolve this we are proposing to drill a second well in a battery, and produce both wells at a total rate lower than the approved rate of diversion to spread the load on the local aquifer. We believe that this is a much better long term solution than trying to produce one new well at a higher rate moving forward.

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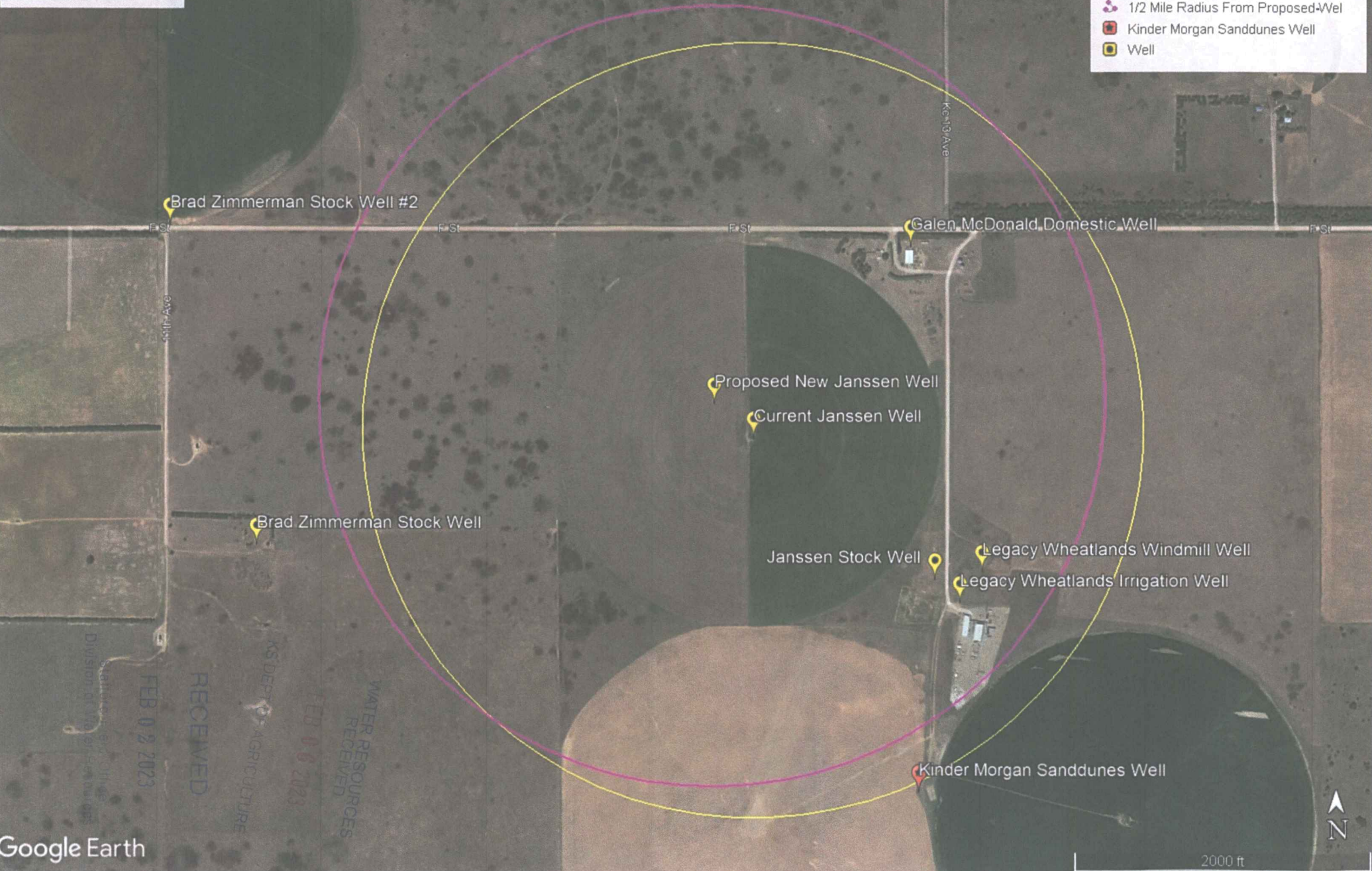
KS DEPT OF AGRICULTURE

Battery Project

Well Locations NE 36-27-20

Legend

-  1/2 Mile Radius Current Janssen Well
-  1/2 Mile Radius From Proposed Well
-  Kinder Morgan Sanddunes Well
-  Well



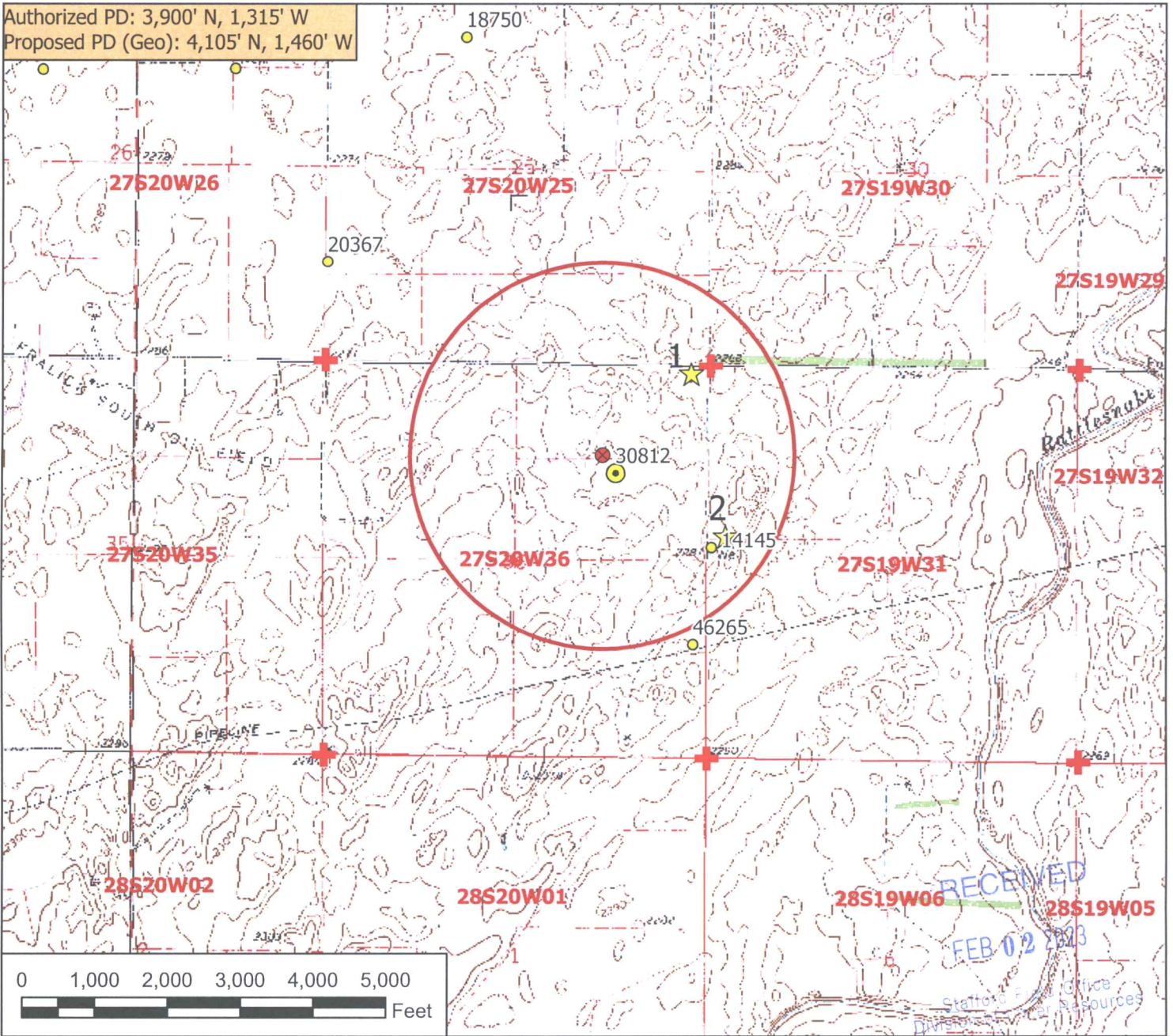
Google Earth

2000 ft



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Authorized PD: 3,900' N, 1,315' W
 Proposed PD (Geo): 4,105' N, 1,460' W



Legend

- Water Appropriation
- Proposed Point of Diversion
- Authorized Point of Diversion
- ★ Domestic Well
- ⊕ Section Corner
- ▭ Section Line
- ▭ Half Mile Circle

Water Right, File No. 30812

**Change in Point of Diversion Map
 36-27-20W // Kiowa County**

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To the best of my knowledge, all points of diversion within one-half mile of the proposed point of diversion have been shown.

KS DEPT OF AGRICULTURE

Patrick M. Jussen 2/2/23

Signature / Date

2/2/2023 TMA/SFFO 1:24,000 scale

Neighboring wells within half mile radius:

#1 Galen McDonald

5515 F Street

Mullinville KS 67109

#2 Legacy Wheatlands LLC.

Attn: Kristi Dow

14313 W 48th St

Shawnee KS 66216

Kinder Morgan is not within the radius, but its close

Kinder Morgan

Attn: Denise Toney

2 N Nevada Ave

Colorado Springs CO 80903

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