

**Kansas Department of Agriculture**  
**Division of Water Resources**  
 APPROVAL OF CHANGE APPLICATION WORKSHEET

1. File No.: <b>41995</b>	2. Status Change Date: <b>8/1/2024</b>	4. Field Office: <b>02 - Stafford</b> GMD: <b>02 - Equus Beds</b> Structures File No.: --- Filing/Priority Date: <b>12/26/2023</b> Application Complete Date: <b>12/26/2023</b>
3. Package File No(s): <del>20219044 dismissal</del> <b>expired 6/23/2023 status change at end of 2024. kna</b>		
5a. <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID <b>66720</b> Add Seq# <b>1</b>  <b>TOWANDA LAND COMPANY LLC</b> <b>3709 S WEST STREET</b> <b>WICHITA KS 67217</b>	5b. <input type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID <b>40563</b> Add Seq# <b>1</b>  <b>RECREATIONAL FILE</b> <b>GROUNDWATER PIT</b> <b>ALLSTATE, MO 00000</b>	
5c. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	
6. Change No.: <b>2</b> <input type="checkbox"/> PD <input type="checkbox"/> PU <input checked="" type="checkbox"/> UMW Base Acres: --- Year: --- Min Reasonable Q: --- Previous UMW: <b>IND-Industrial</b> MDS Gauge: <b>Arkansas River @ Hutchinson</b> Active Admin? <input type="checkbox"/> Completion/Start Date: <b>12/31/2024</b> Perfection/Expiration Date: ---		7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: <b>REC-Recreational</b> UMW: UMW:
8. Action Trail ---		
9. Special Conditions ---		
10. 5YR Allocation Type: Start Year: --- 5YR Quantity: --- Base Acres: --- Comment: ---		
11. Sand & Gravel Proj ID: --- <input type="checkbox"/> Active <input type="checkbox"/> Dredge <input type="checkbox"/> IND Evap <input type="checkbox"/> Jr Evap <input type="checkbox"/> Other Diversion <input type="checkbox"/> Rpt on Sr		
12. Waiver Rule ID: --- <input type="checkbox"/> New Date Requested: --- Applies: --- Rule No.: --- Rule Type: --- Justification: --- Rule SubType: ---		
Comments <b>Converting IND use to REC use.</b>  <b>A joint stipulation form has been submitted for the WUC to be assigned to the State.</b>	Processed <b>6/ /24 EKF</b>  Reviewed	Entered <b>8/13/2024</b> <b>KAnderson</b>

File No. <b>41995</b>	13. County: <b>RN - Reno</b> Basin: <b>56 - Cow Creek</b> Stream: ---		
Structures File No: ---	Aquifer Code: <b>180 Undifferentiated Kansan / Nebraskan</b>		Special Use Area: ---

14. Points of Diversion, Rates & Quantities										Qty AF		Rate		Storage Qty		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps	
<b>MOD</b>	<b>88729</b>	<b>NC SW SE</b>	<b>3</b>	<b>22S</b>	<b>7W</b>	<b>2</b>	<b>789</b>	<b>2,058</b>	<b>GEO CTR - GW PIT</b>	<b>78.903</b>	<b>78.903</b>	<b>Natural Evaporation</b>				<b>None</b>	

15. Limitations Type: --- Quantity: Rate: combined with file no(s):  
 Type: --- Quantity: Rate: combined with file no(s):

16. Metering  Metering Required  Anti-Reverse Required  Seal Required Compliance Date:

17. Place of Use						NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps	
PUSE ID	S	T	R	ID		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
																										<input type="checkbox"/>
																										<input type="checkbox"/>
																										<input type="checkbox"/>
																										<input type="checkbox"/>
<b>CHK</b>	<b>70415</b>	<b>3</b>	<b>22</b>	<b>7W</b>	<b>4</b>	<b>GW Pit (W2 SE) 36.4 acres</b>																	<b>5b</b>	<input type="checkbox"/>	<b>None</b>	
																								<input type="checkbox"/>		

18. Point of Diversion and Place of Use Overlaps	
* + # ^	** ++ ## ^^

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** June 20, 2024

**FROM:** Elizabeth K Fitch

**RE:** Change in Use Made of Water  
Water Right, File No. 41995

Towanda Land Company, owner of the referenced file authorized for irrigation and industrial use, submitted an application for approval to change the authorized use made of water for Water Right, File No. 41995. An authorized representative of the owner of record signed the application. The applicant has also submitted a "Voluntary Waiver of Hearing & Dismissal of Water Right" form for File No. 20219044, which is for hydraulic dredging, but the file expired on June 23, 2023, so the request will not need to be processed.

The referenced file appears to be in compliance with K.S.A. 82a-732. *Annual water use report required; penalty for violations*. A review of the application found that it complies with K.A.R. 5-5-1, *Filing an application for change*. The referenced file does not appear abandoned as per K.S.A. 82a-718. *Abandonment of water rights; notices; hearing; review of action; exceptions*.

File No. 41995 currently authorizes industrial use at a 36.4-acre groundwater pit in the West Half of the Southeast Quarter (W $\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section 3, Township 22 South, Range 7 West, Reno County. All legal descriptions from here on are in Township 22 South, Range 7 West, Reno County.

The authorized point of diversion is the geographic center of a groundwater pit located near the center of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 3, more specially described as 789 feet North and 2,058 feet West of the Southeast corner of said section. File No. 41995 authorizes 25.71 million gallons (78.903 acre-feet) and the rate of diversion is natural evaporation. The use made of water will be changed to recreation use.

A compliance investigation on May 20, 2024, determined the file is in compliance.

As noted, the referenced change application, received on December 26, 2023, proposes to convert the use made of water from industrial use to recreation use. No actual change in use will occur and therefore there will not be a change to consumptive use. The authorized groundwater pit now qualifies for recreational use instead of the originally permitted industrial use as sand is no longer being mined at this location. There will be no change to the authorized place of use.

There were four (4) domestic wells identified within one-half mile of the authorized point of diversion. A letter was mailed on May 23, 2024, to the well owners identified. A public notice was not required by this office because no change to the point of diversion, place of use or actual use of the water is occurring. The proposed change is administrative in nature.

File No. 41995  
Change in UMW Memo  
June 20, 2024

The referenced water right is not in a special use area.

The file is in Equus Beds Groundwater Management District No. 2 (GMD2), so a recommendation request was sent to the District on May 23, 2024. A response was received from GMD2 manager Tim Boese on June 18, 2024. In his response, Tim recommended approval for the use made of water change application filed under File No. 41995

No structures permit appears to be needed.

As the reference water right is for a groundwater pit, neither a water flowmeter nor a check valve is required.

During an office meeting on June 18, 2024, Jeff Lanterman, Water Commissioner of the Stafford Field Office, recommended approval of the change application.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it has been recommended that the referenced application be approved.

Elizabeth K Fitch  
Environmental Scientist - SFFO

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  
FOR  
CHANGE IN USE MADE OF WATER  
WATER RIGHT,  
FILE NO. 41,995**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Chris Snook, on behalf of Towanda Land Company, 3709 South West Street, Wichita, Kansas 67217, received in this office on December 26, 2023, for approval of a change in the use made of water, under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, issued on September 22, 2008, and as modified and amended on September 13, 2021, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized use made of water shall be:

Recreational use,

at the authorized place of use described as:

a groundwater pit with a surface area of not greater than 36.4 acres located in the West Half of the Southeast Quarter ( $W\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section 3, Township 22 South, Range 7 West, Reno County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the use made of water.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 41,995 for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated September 22, 2008, as modified and amended by the aforementioned order.

Ordered this *1<sup>st</sup>* day of *August*, 2024, 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 *1<sup>st</sup>* day of *August*, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

*Vickie L. Belanger*

Notary Public





THE STATE OF KANSAS



WATER RESOURCES RECEIVED

DEC 26 2023

KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE  
Mike Beam, Secretary of Agriculture

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

**STIPULATION FOR DISCONTINUED PIT OR QUARRY**

This stipulation is filed to provide information regarding annual evaporative loss from the aquifer and to free the owner from having to file annual water use reports otherwise required as a condition of the approval of the permit. This stipulation is only available when the authorized pit or quarry is no longer used for industrial purposes.

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS 66502-5000

Water Right, File No. 41995

I, Bob Bergkamp Construction Co., Inc., owner of a sand/gravel pit which is located in the W1/2 SE1/4 of Section 03, Township 22 South, Range 07 E W, Reno County, Kansas, hereby stipulate as follows:

1. That the pit/quarry is no longer being mined, dredged or otherwise enlarged as of 8/29/2022 Date
2. That the surface area of the water in the pit/quarry is 36.4 acres.
3. That based on the average annual evaporation and precipitation in this area, the net average annual evaporation from the pit is 2.166 acre-feet per acre.
4. That the total average annual evaporation from the pit is ~~2166~~ 78,903 acre-feet.
5. That based on the above information, I agree that the annual water use from this pit or quarry will be ~~2166~~ 78,903 acre-feet per calendar year.
6. This stipulation shall remain in effect until it is rescinded.
7. Either party may rescind this stipulation in writing between March 1 and December 31 of any calendar year.

I declare that I am an owner of the water right, or that I represent such owners and am authorized to enter this agreement on their behalf and declare further that the statements contained herein are true, correct, and complete.

Rick Thome 12/21/2023  
Signature Date

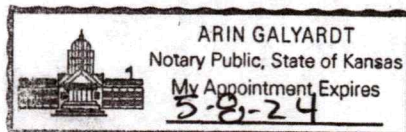
RICK THOME

State of Kansas )  
) SS  
County of Sedgwick )

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 21st day of December, 2023.

[Signature]  
Notary Public

My Commission Expires:



Stipulation Agreement  
File No. 41995

WATER RESOURCES  
RECEIVED

Page 2 of 2

DEC 26 2023

KS DEPT OF AGRICULTURE

The Division of Water Resources hereby agrees to accept the above information as fully satisfying the owner's obligation to annually file a complete and accurate annual water use report, as required by K.S.A. 82a-732, as amended. This stipulation shall remain in effect until it is rescinded. Either party may rescind this stipulation in writing between March 1 and December 31 of any calendar year.

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 1<sup>st</sup> day  
of August, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager,  
Division of Water Resources, Kansas Department of Agriculture.

Vickie L. Belanger  
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

August 15, 2024

TOWANDA LAND COMPANY LLC  
3709 S WEST ST  
WICHITA KS 67217

RE: Water Right  
File No. 41,995

Dear Sir or Madam:

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

Since the enclosed order modifies the original documents issued under the water right referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

Your attention is directed to the enclosure entitled Stipulation for Discontinued Pit or Quarry. This document will allow the above referenced file, which is no longer being utilized for industrial use, to be excluded from the required annual water use report.

Please be reminded that the specific conditions of the permit remain, specifically that the area around the open groundwater exposure shall be graded or beamed so as to exclude overland flow of surface water from entering.

If you have any questions regarding the enclosed documents, please contact our office at (785) 564-6640. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application and Change Unit Supervisor  
Water Appropriation Program

KAB:kak:ekf

Enclosures

pc: Stafford Field Office  
Equus Beds GMD No. 2

## 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 request an evidentiary hearing before the Chief Engineer, or 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 Division, 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 review 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 *15<sup>th</sup>* day *August*, 2024, I hereby certify that the attached Approval of Application, under Water Right, File No. 41,995 dated, *August 1*, 2024, was mailed postage prepaid, first class, US mail to the following:

TOWANDA LAND COMPANY LLC  
3709 S WEST STREET  
WICHITA, KS 67217

With photocopies to:

KDA-DWR Stafford Field Office

Equus Beds GMD No. 2



Division of Water Resources