

File No. **50546** 13. County: **RC- Rice** Basin: **56 - Cow Creek** Stream: ---
 Structures File No: --- Aquifer Code: **190 Equus Beds** 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
CHK	88693	SW	SW	NW	32	21	7W	3	3206	4770	GEO CTR - GW PIT	78.903	78.903	Natural Evaporation		None

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"/>
CHK	70314	32	21	7W	4	GW Pit (SW NW) 22.87 acres																	5b	<input type="checkbox"/>	None	
																								<input type="checkbox"/>		

18. Point of Diversion and Place of Use Overlaps

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KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: July 9, 2024

FROM: Elizabeth K Fitch

RE: Change in Use Made of Water
Water Right, File No. 50546

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. 50546. An authorized representative of the owner of record signed the application.

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. 50546 currently authorizes industrial use at a 22.87-acre groundwater pit in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 32, Township 21 South, Range 7 West, Rice County. All legal descriptions from here on are in Township 21 South, Range 7 West, Rice County.

The authorized point of diversion is the geographic center of a groundwater pit located near the center of the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 32, more specially described as 3,206 feet North and 4,470 feet West of the Southeast corner of said section. File No. 50546 authorizes 16.13 million gallons (49.50 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 2, 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 three (3) domestic wells identified within one-half mile of the authorized point of diversion. A letter was mailed on July 1, 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. 50546
Change in UMW Memo
July 9, 2024

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

The file is in Big Bend Groundwater Management District No. 5 (GMD5), so a recommendation request was sent to the District on July 1, 2024. A response was received from GMD5 manager Orrin Feril on July 8, 2024. In his response, Orrin recommended approval for the use made of water change application filed under File No. 50546

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.

On July 16, 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

*Concur w/ Recommendation
Jeff Lanterman D.C.*

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. 50,546**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Chris Snook, filed 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 June 28, 2024, 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 22.87 acres located in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 32, Township 21 South, Range 7 West, Rice 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. 50,546, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation, dated June 28, 2024.

Ordered this 25th day of July, 2024, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

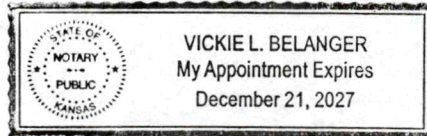
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 25th day of July, 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

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

KS DEPT 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. 50546

I, Bob Bergkamp Construction Co., Inc., owner of a sand/gravel pit which is located in the SW SW NW of Section 32, Township 21 South, Range 07 W, Rice County, Kansas, hereby stipulate as follows:

- 1. That the pit/quarry is no longer being mined, dredged or otherwise enlarged as of 7/26/2022 Date
2. That the surface area of the water in the pit/quarry is 22.8 acres.
3. That based on the average annual evaporation and precipitation in this area, the net average annual evaporation from the pit is 2.17 acre-feet per acre.
4. That the total average annual evaporation from the pit is 49.5 acre-feet.
5. That based on the above information, I agree that the annual water use from this pit or quarry will be 49.5 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. 50546

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 25th day July
of _____, 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 2, 2024

CHRIS SNOOK
TOWANDA LAND COMPANY LLC
3709 S WEST ST
WICHITA KS 67217

RE: Water Right
File No. 50,546

Dear Mr. Snook:

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

Since the enclosed order modifies the certificate of appropriation for the above referenced water right, 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.

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,

A handwritten signature in blue ink that reads "Kristen A. Baum". The signature is written in a cursive style.

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

KAB:kak:ekf

Enclosures

pc: Stafford Field Office
Big Bend GMD No. 5

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 2 day August, 2024, I hereby certify that the attached Approval of Application for Change in Use Made of Water, and Stipulation for Discontinued Pit or Quarry, under Water Right, File No. 50,546 dated, July 25, 2024, were 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

Big Bend Groundwater Management District No. 5



Division of Water Resources