

File No. 50614	13. County: RN - Reno 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	88777	NE SE SE	24	22	7W	9	508	520	GEO CTR - GW PIT	52	52	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										Total		Owner(s)	Chg?	Overlaps													
PUSE ID	S	T	R	ID	NE¼				NW¼						SW¼				SE¼								
					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	70375	24	22	7W	5	GW Pit (E2 SE) 24 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: August 26, 2024

FROM: Elizabeth K Fitch

RE: Change in Use Made of Water
Water Right, File No. 50614

Towanda Land Company, owner of the referenced file authorized for industrial use, submitted an application for approval to change the authorized use made of water for Water Right, File No. 50614. 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. 50614 currently authorizes industrial use at a 24-acre groundwater pit in the East Half of the Southeast Quarter (E½ SE¼) of Section 24, 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 Northeast Quarter of the Southeast Quarter of the Southeast Quarter (NE¼ SE¼ SE¼) of Section 24, more specially described as 805 feet North and 520 feet West of the Southeast corner of said section. File No. 50614 authorizes 19.64 million gallons (52 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 eight (8) 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.

There were two responses with general concerns. A call from Eric Richardson is documented in a separate memo dated 7/9/2024. The second call was from Ralph Elio on July 10, 2024, who was wondering if the groundwater pit had contributed to his well going dry. We discussed having his well checked and that impact would have been more likely to come from nearby wells.

File No. 50614
Change in UMW Memo
August 26, 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 July 9, 2024. A response was received from GMD2 manager Tim Boese on July 30, 2024. In his response, Tim recommended approval for the use made of water change application filed under File No. 50614

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.

A Stipulation for Discontinued Pit or Quarry has also been filed for this water right.

On ~~August~~^{Sept 4}, 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.

*Concur w/ Recommendation
Approve it J.H. W.C.*

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. 50,614**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Richard Schuller, 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 24 acres located in the East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 24, in 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. 50,614 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 10 day of September, 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 10 day of September, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Victoria Belars

Notary Public

DEC 26 2023

THE STATE OF KANSAS



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. 50614

I, Bob Bergkamp Cpnstruction Co., Inc., owner of a sand/gravel pit which is located in the SE SE SE of Section 24, 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 11/22/2022 Date
2. That the surface area of the water in the pit/quarry is 24 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~~ 52.0 acre-feet.
5. That based on the above information, I agree that the annual water use from this pit or quarry will be ~~2166~~ 52.0 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.

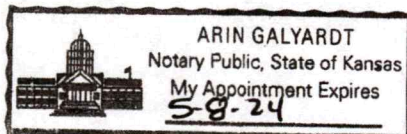
Rick Thome 12/21/2023
Signature Date
RICK THOME

State of Kansas)
County of Sedgwick) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 21st day of December, 2022.

[Signature]
Notary Public

My Commission Expires:



Stipulation Agreement
File No. 50614

WATER RESOURCES
RECEIVED

DEC 26 2023

Page 2 of 2

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.

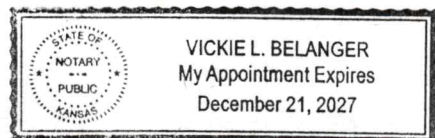


Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 10 day September
of 2024, 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

September 19, 2024

RICHARD J SCHULLER
6912 W 56TH AVE
NICKERSON, KS 67561

RE: Water Right
File No. 50,614

Dear Mr. Schuller:

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 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 Consent Agreement for Discontinued Pit or Quarry, which was signed by Rick Thome on behalf of Bob Bergkamp Construction, on December 26, 2024, indicating the pit would no longer be dredged, mined or otherwise enlarged. This document allows the above referenced file, which is no longer being utilized for industrial use, to be excluded from the required annual water use report. Please contact this office should you wish to modify or rescind this agreement.

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 19 day September, 2024, I hereby certify that the attached Approval of Application, under Water Right, File No. 50,614 dated, September 10, 2024, was mailed postage prepaid, first class, US mail to the following:

RICHARD J SCHULLER
6912 W 56TH AVE
NICKERSON, KS 67561

With photocopies to:

KDA-DWR Stafford Field Office

Equus Beds GMD No. 2



Division of Water Resources