



File No.49360	15. Formation Code:	Drainage Basin:	County: <b>Mitchell</b>	Special Use:	Stream:												
16. Points of Diversion T MOD DEL PDIV ENT Qualifier S T R ID 'N 'W			17. Rate and Quantity Authorized Additional Rate gpm/cfs Quantity af/mgy Rate gpm/cfs Quantity af/mgy Overlap PD Files														
<b>DEL 47132</b>			<b>8548</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? <input type="checkbox"/> Yes <input type="checkbox"/> No To be installed by <b>na</b> Date Acceptable Meter Installed _____																	
21. Place of Use T MOD DEL ENT PUSE S T R ID		NE¼		NW¼		SW¼		SE¼		Total	Owner	Chg? NO	Overlap Files				
		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>DEL 66819</b>															<b>7A</b>	<b>none</b>	
<b>DEL 66820</b>															<b>7A</b>	<b>none</b>	
Comments:																	

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

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

**TO:** Files

**DATE:** October 12, 2016

**FROM:** Erin McGrogan

**RE:** Application, File No. 49,360

Tom Thiessen submitted a new application proposing 208 acre-feet of surface water from the Solomon River for irrigation on 160 acres in Mitchell County. The applicant also is a member of the Glenn Elder Irrigation District and has an allotment contract with the District to receive available flows of surface water. The applicant was unable to obtain a required easement to the proposed place of use and requested to withdraw the application. On October 7, 2016 DWR received a Voluntary Dismissal of an Application for Permit to Appropriate Water DWR form 1-500.6 from the applicant requesting to dismiss the referenced application. Therefore, a Findings and Order has been drafted to dismiss the application per request of the applicant.

*Erin McGrogan*

Erin McGrogan  
Environmental Scientist  
Permits Unit

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

October 24, 2016

TOM THIESSEN  
820 MEADOWLARK LANE  
WICHITA KS 67420

**FILE COPY**

RE: Application, File No. 49,360

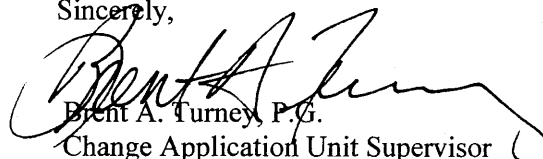
Dear Mr. Thiessen:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 49,360, based on the applicant's submission of a Voluntary Dismissal of an Application for Permit to Appropriate Water form DWR 1-500.6 received on October 7, 2016.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Brent A. Turney, P.G.  
Change Application Unit Supervisor  
Division of Water Resources

BAT: emc  
Enclosures  
pc: Stockton Field Office



**KANSAS DEPARTMENT OF AGRICULTURE**  
Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER  
IN THE MATTER OF THE  
DISMISSAL OF APPLICATION  
FILE NO. 49,360**

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

**FINDINGS**

1. That on April 1, 2015, the Chief Engineer received an application permit to appropriate groundwater for beneficial use, assigned File No. 49,360. The application proposed the appropriation of 208 acre-feet) of surface water, at a rate of 2,000 gallons per minute from the Solomon River for irrigation use. That the proposed place of use is also within the boundaries of the Glen Elder Irrigation District.
2. That a DWR correspondence dated May 3, 2016 was sent to the applicant requesting additional information to include; the contractual agreement from the Glen Elder Irrigation District for the allotment of surface water, for the boundary inclusion from the Irrigation District and Bureau of Reclamation, and an easement agreement for the property access to the place of use.
3. That the applicant provided all requested information based on the May 3, 2016 DWR correspondence but was unable to obtain the easement from property owners to the place of use. That the applicant requested and received numerous extensions in order to obtain the stated easement with the final deadline of October 10, 2016.
4. That the applicant stated that he was unable to find alternative easements in order to access the place of use by the deadline of October 10, 2016. That the applicant stated that the application will be withdrawn and resubmitted at a later date.
5. That the applicant submitted a Voluntary Dismissal of an Application for Permit to Appropriate which was received in DWR on October 7, 2016. Therefore, the application will be dismissed as requested by the applicant.

**ORDER**

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with the law, Application, File No. 49,360, is herewith dismissed and the priority assigned to it is considered to be forfeited.



**Voluntary Dismissal of an Application for Permit to Appropriate Water**

10-7-16  
(Date)

Kansas Department of Agriculture  
Division of Water Resources  
ATT: New Applications  
1320 Research Park Drive  
Manhattan, Kansas 66502

RE: Application File No. 49,360

Chief Engineer:

I am submitting this statement in regard to Application for Permit to Appropriate Water, File No. 49,360. We are the applicant(s) who filed this application. We now wish to voluntarily withdraw that application. I realize such withdrawal means the application will be dismissed and whatever priority it may have had will be forfeited. Please withdraw New Application File No. 49,360.

Sincerely,

Thomas E Thiessen  
(Applicant)

820 Meadowlark Lane  
(Mailing Address)

Berlin Ks 67420  
(City, State, Zip)

WATER RESOURCES  
RECEIVED

OCT 07 2016

**COPY**

**KANSAS DEPARTMENT OF AGRICULTURE**  
Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

WATER RESOURCES RECEIVED  
MAY 31 2016  
12:59  
KS DEPT OF AGRICULTURE

File Number 49,360  
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED  
APR 01 2015  
12:31  
KS DEPT OF AGRICULTURE

**APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE**  
Filing Fee Must Accompany the Application  
(Please refer to Fee Schedule attached to this application form.)

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,  
1320 Research Park Drive, Manhattan, Kansas 66502:

- Name of Applicant (Please Print): Tom Thiessen  
Address: 820 Meadowlark Lane  
City: Beloit State KS Zip Code 67420  
Telephone Number: (785) 738-7720
- The source of water is:  surface water in Solomon River (stream)  
OR  groundwater in \_\_\_\_\_ (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

- The maximum quantity of water desired is 208 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 2000 gallons per minute OR 4.45 cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

- The water is intended to be appropriated for (Check use intended):  
 (a)  Artificial Recharge (b)  Irrigation (c)  Recreational (d)  Water Power  
 (e)  Industrial (f)  Municipal (g)  Stockwatering (h)  Sediment Control  
 (i)  Domestic (j)  Dewatering (k)  Hydraulic Dredging (l)  Fire Protection  
 (m)  Thermal Exchange (n)  Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:  
 F.O. 3 GMD 0 Meets K.A.R. 5-3-1 (YES / NO) Use IRR Source G County MC By VAS Date 4-1-15  
 Code RE 2 Fee \$ 300 TR # 15072153 Receipt Date 4-1-15 Check # 7030

SCANNED  
11/01/2015 11M



5. The location of the proposed wells, pump sites or other works for diversion of water is:

**Note:** For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the SE quarter of the NW quarter of the SE quarter of Section 2, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township 7 South, Range 8W, Mitchell (~~Overlap w/ WR # 8548~~) \_\_\_\_\_ County, Kansas.
- (B) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.
- (C) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.
- (D) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

Owned by Tom Thiessen 820 Meadowlark Lane Beloit, KS  
(name, address and telephone number)

\_\_\_\_\_  
(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 30, 2015. *Jan E. Hillen*  
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of one pump site w/ pump motor and pipe  
(number of wells, pumps or dams, etc.)

and was completed (by) 1962 under WR # 8548  
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be June 2015  
(Mo/Day/Year)

**COPY**

- 9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?  
 Yes  No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

- 10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources?  Yes  No

- If yes, show the Water Structures permit number here NA
- If no, explain here why a Water Structures permit is not required No water structure is anticipated

- 11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

- 12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

Point of Diversion under 18,104 ?  
\_\_\_\_\_  
\_\_\_\_\_

WATER RESOURCES  
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WATER RESOURCES  
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MAY 31 2016

APR 01 2015

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from:  Test holes  Well as completed  Drillers log attached

Well location as shown in paragraph No. (A) (B) (C) (D)

Date Drilled SURFACE WATER DIVERSION

Total depth of well \_\_\_\_\_

Depth to water bearing formation \_\_\_\_\_

Depth to static water level \_\_\_\_\_

Depth to bottom of pump intake pipe \_\_\_\_\_

14. The relationship of the applicant to the proposed place where the water will be used is that of tenant  
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):  
Karen Thiessen 6615 East Crayford ST; Burke, VA 22015  
(name, address and telephone number)

Barbara Thiessen 4906 Wedd Merriam, KS. 66203  
(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Beloit, Kansas, this 30 day of March, 2015.  
(month) (year)

*Thomas E. Thiessen*  
(Applicant Signature)

By \_\_\_\_\_  
(Agent or Officer Signature)

Thomas E. Thiessen  
(Agent or Officer - Please Print)

Assisted by Scott E. Ross Consultant \_\_\_\_\_ Date: 3/18/2015  
(office/title)

COPY

IRRIGATION USE  
SUPPLEMENTAL SHEET

File No. 49360

Name of Applicant (Please Print): TOM THIESSEN

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: KAREN THIESSEN  
ADDRESS: 6615 E. Crayford St Burke VA 22015

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35	6	B					40	40											80 AC

Landowner of Record NAME: BARBARA THIESSEN  
ADDRESS: 4906 Wedd MERRIAM, KS 66203

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35	6	B					40	40											80 AC

Landowner of Record NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

WATER RESOURCES  
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WATER RESOURCES  
RECEIVED

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
<u>Roxbury Silt Loam</u>	<u>6%</u>	<u>0.6-2.0</u>	<u>5</u>
<u>Harvey Silt Loam</u>	<u>49%</u>	<u>0.6-2.0</u>	<u>3</u>
<u>HARVEY-Mento Complex</u>	<u>18%</u>	<u>0.6-2.0</u>	<u>3</u>
<u>HARVEY-Mento Clay Loam</u>	<u>33%</u>	<u>0.6-2.0</u>	<u>3</u>
Total:	100%		

b. Estimate the average land slope in the field(s): 2 %

Estimate the maximum land slope in the field(s): 5 %

c. Type of irrigation system you propose to use (check one):

Center pivot       Center pivot - LEPA       "Big gun" sprinkler

Gravity system (furrows)       Gravity system (borders)       Sideroll sprinkler

Other, please describe: \_\_\_\_\_

d. System design features:

i. Describe how you will control tailwater: Soil Moisture Monitor

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: NA psi

(2) What is the sprinkler package design rate? NA gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? NA feet

(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

Corn, soybeans, alfalfa, wheat, milo, sunflowers.

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

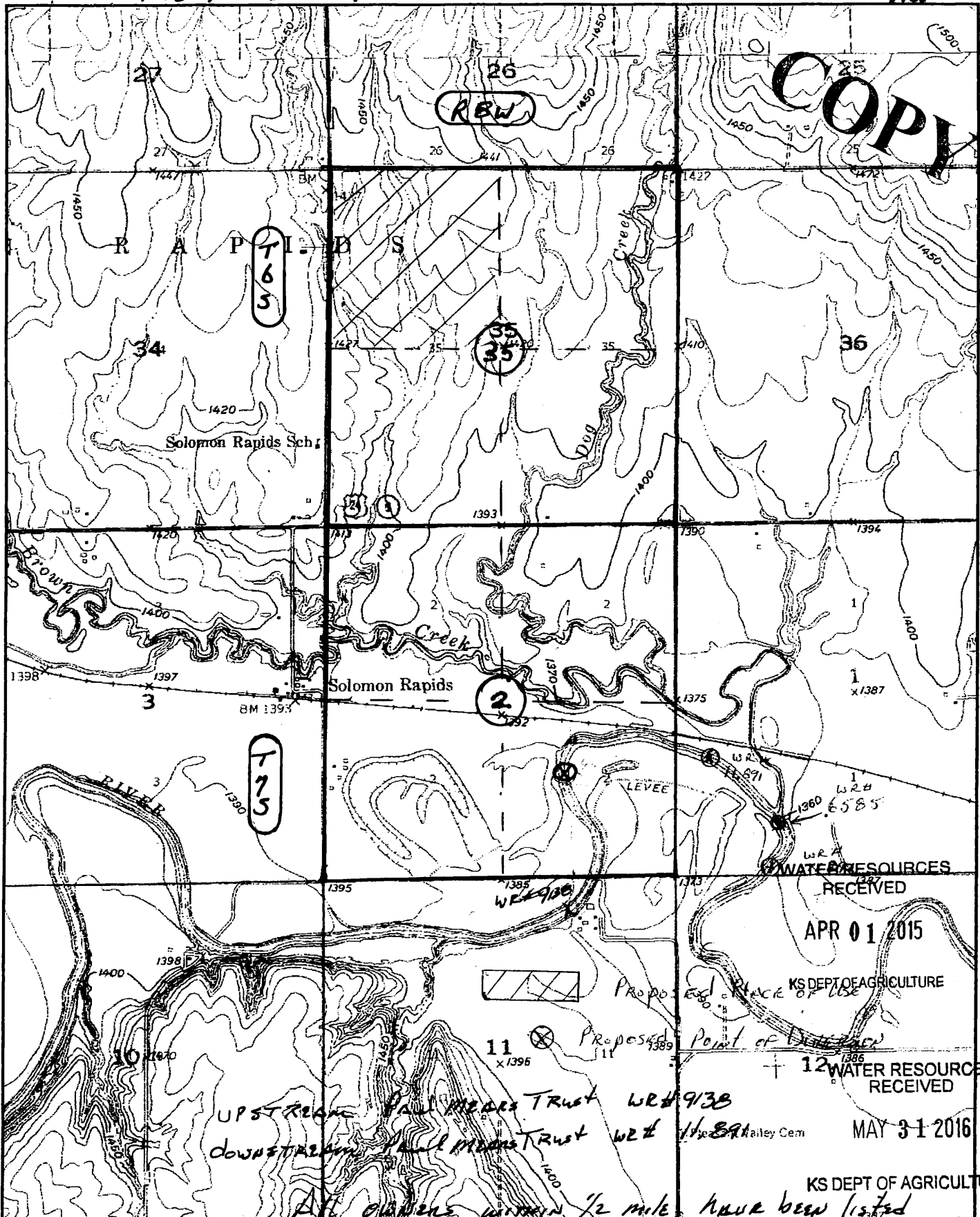
Soil Moisture Monitor.

You may attach any additional information you believe will assist in informing the Division of the need for your request.

Application for PERMIT to APPROPRIATE WATER

FILE NO. 49,360

49360



COPY

WATER RESOURCES RECEIVED  
 APR 01 2015  
 KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED  
 MAY 31 2016  
 KS DEPT OF AGRICULTURE

UPSTREAM PAUL MEARS TRUST WR# 9138  
 DOWNSTREAM PAUL MEARS TRUST WR# 11 x 891 Mailey Cem

ALL OWNERS WITHIN 1/2 MILE HAVE BEEN LISTED

*[Signature]*  
 SIGNATURE DATE

1:24000 scale



1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 9, 2016

TOM THIESSEN  
820 MEADOWLARK LANE  
BELOIT KS 67420

FILE COPY

RE: Application File No. 49,360

Dear Mr. Thiessen:

We have reviewed your application where you propose the quantity of 208 acre-feet of surface water from the Solomon River to be diverted at a rate of 2,000 gallons per minute for irrigation use on 160 acres in the Northwest Quarter of Section 35, Township 6 South, Range 8 West, of Mitchell County. The proposed pumpsite is located in the Southeast Quarter of Section 2, Township 7 South, Range 8 West, Mitchell County. The following remaining information is necessary in order to complete the review and processing of your application:

- Please provide a description of the water transfer system from the source of water to the place of use, which should include any necessary easements if crossing land that is not owned by you.

We are advising you of these requirements in order to allow you an opportunity to supply the requested information. In order for the application to retain its priority of filing, the original application with the requested information, must be submitted to this office within an additional 60 days or before **October 10, 2016**. Please note this will be your 3<sup>rd</sup> and final extension for this file. Failure to provide the requested information within the time allowed shall constitute forfeiture of your priority date and dismissal of the application. If you have any questions, please contact me at (785) 564-6639. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Erin McGrogan".

Erin McGrogan  
Environmental Scientist  
Water Rights Section

Encl: EMC

pc: Stockton Field Office  
Water Rights Investigative Services LLC  
Glen Elder Irrigation District PO Box 471 Beloit, Ks. 67420

SCANNED



1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700

900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

June 29, 2016

TOM THIESSEN  
820 MEADOWLARK LANE  
BELOIT KS 67420

**FILE COPY**

RE: Application File No. 49,360

Dear Mr. Thiessen:

We have reviewed your application where you propose the quantity of 208 acre-feet of surface water from the Solomon River to be diverted at a rate of 2,000 gallons per minute for irrigation use on 160 acres in the Northwest Quarter of Section 35, Township 6 South, Range 8 West, of Mitchell County. The proposed pumpsite is located in the Southeast Quarter of Section 2, Township 7 South, Range 8 West, Mitchell County. The following remaining information is necessary in order to complete the review and processing of your application:

- Please provide a description of the water transfer system from the source of water to the place of use, which should include any necessary easements if crossing land that is not owned by you.

We are advising you of these requirements in order to allow you an opportunity to supply the requested information. In order for the application to retain its priority of filing, the original application with the requested information, must be submitted to this office within an additional 60 days or before **August 30, 2016**, or within any authorized extension of time thereof. Failure to provide the requested information within the time allowed shall constitute forfeiture of your priority date and dismissal of the application. If you have any questions, please contact me at (785) 564-6639. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Erin McGrogan  
Environmental Scientist  
Water Rights Section

Encl: EMC

pc: Stockton Field Office  
Water Rights Investigative Services LLC  
Glen Elder Irrigation District PO Box 471 Beloit, Ks. 67420

**SCANNED**



Erin -

I hope to have the easement back from Porters and the State of Kansas to cross 24 highway in the next week or two.

Thank You

Tom Shearer

785-738-7720

e-mail: tom@carricoimplement.com

WATER RESOURCES  
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MAY 31 2016

KS DEPT OF AGRICULTURE

## Solomon Rapids Quarter: Proposed Easement Questions and Negotiation Points

These are some questions and concerns we have regarding your proposed easement:

1. **Environmental Laws:** As you will be transporting sewage, will you be liable for all damages caused to and on all the property caused by the Pipeline operations, employees, and any County, State, or Federal environmental regulations?
  - a. **Runoff:** Will there be any runoff? There will be no runoff as the line is enclosed. The line will run effluent water once to twice a year and the other times of use will be fresh water.
    - i. Will there be a collecting pond? There will be no collection pond on your property.
2. **Easement:** Will this be a perpetual easements or used for a set period of time? We would like a terminations clause if and when the pipeline ceases to be used for more than 2 years. I would like the easement to be perpetual and would agree to the termination if not used for more than 2 consecutive years.
  - A. **Construction:** What is the width of the Permanent Easement & Temporary Construction Easement? The width of the permanent easement would be for 12' just enough to get a back hoe in case we would ever need to repair the line. and 20' for the temporary easement during construction.
    - a. **Ditch Construction:** Will you be double-ditching so topsoil is returned to the surface? We can double ditch it if that is what you would prefer.
      - i. As discussed the pipeline will not exceed 48" in depth.
      - ii. The pipe will be made of 10" PVC
        1. Do you have thickness of the PVC? It will be .249" PIP
        2. Do you know the pressure rating? 100#
        3. There will be only one pipeline in the easement. Yes
    - b. **Surface Facilities:** Will there be (or can there be) any above-ground surface facilities on the land (like valve sites, compressors, etc.)? Nothing above ground on your property. There will only be 10"-100# PVC pipe on your property.
    - c. **Timetable:** Do you have a timetable of construction and installation? This fall after the crops are off the field.
    - d. **Access:** Right of access is limited to construction only. Agreed
      - i. **If access is required in case of breakage the landowner/manager will be notified immediately.** Agreed
      - ii. We retain the right in the Easement Agreement to farming, hunting, build parking lots, driveways, seasonal landscaping, authority of other crossing utility lines, etc. Agreed
  - B. **Easement Stake:** Permission from landowner would be needed before an easement can be transferred, sold or assigned to another entity. Agreed
3. **Property Taxes:** The landowner (Porter Farms) is typically responsible for the taxes on the land covered by the easement. If there is any tax liability due to this easement the company (Tom Thiessen) will pay these taxes in a timely manner as to accrue no encumbrances to the property. Agreed
4. **Insurance liabilities:** The company (Tom Thiessen) will be held liable and have a non-cancellable insurance policy in place to insure against all risks including property

## Solomon Rapids Quarter: Proposed Easement Questions and Negotiation Points

- damage, harm to livestock and crops, and personal injury from the construction and operation of the pipeline. Agreed
5. **Fees:** Legal fees will be paid by Tom Thiessen. Rittenhouse Trust has requested that Curt Fraiser represent Porter Farms in creating any agreement. Agreed
    - a. Any survey fees, legal fees, legal review fees, recording fees, and taxes will be paid by the company (Tom Thiessen). Agreed As so far as I am made aware of any fees in advance of services being rendered.
  6. **Property values:** It is our concern that granting an easement may hurt the value of our property, impair our ability to develop the property, and make marketing the property difficult if Porter Farms wishes to sell it in the future.
    - a. As of this date the property has been appraised by Reiter Land Company, Zimmer Real Estate, and Hansen Real Estate. The values are as follows:
      - i. Reiter Appraised value: \$4,000
      - ii. Zimmer Appraised Value: \$5,000
      - iii. Hansen Appraised Value: \$4,650
  7. **Compensation:** What type of compensation are you offering? What are you asking for? An under ground water line should not affect any values.
    - a. We must consider specifying payment details on the impact to land value for such things as property value, in addition to the easement including: damage to crops, duration of the easement, property taxes, and any compensation tax.

I am the authorized agent for Rittenhouse Trust and the Carol Mae Porter Trust. Please feel free to contact me, David Porter at 785.534.9590 for further discussion.

Sorry to take so long getting back but I spent 25 years doing analysis so it takes some time for me to do my due diligence just out of habit. As you stated you wanted to get this matter resolved before June 1<sup>st</sup>, 2016. I will be available most of this week. However we may have to discuss this matter in various venues and times when I can be available.

My schedule this week consists of times I **will not** be available:

Monday: 3-9pm

Tuesday: 3-9pm

Wednesday: 9-5pm

Saturday: 3-9pm

Any other time I can be available to meet with you.

Thanks,

David Porter  
785.534.9590

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

May 3, 2016

**FILE COPY**

TOM THIESSEN  
820 MEADOWLARK LANE  
BELOIT KS 67420

RE: Application File No. 49,360

Dear Mr. Thiessen:

We have reviewed your application where you propose the quantity of 208 acre-feet of surface water from the Solomon River to be diverted at a rate of 2,000 gallons per minute for irrigation use on 160 acres in the Northwest Quarter of Section 35, Township 6 South, Range 8 West, of Mitchell County. The proposed pumpsite is located in the Southeast Quarter of Section 2, Township 7 South, Range 8 West, Mitchell County. The following information is necessary in order to complete the review and processing of your application:

- Please provide the inclusion document for the place of use from the Bureau of Reclamation stating that the proposed place of use referenced above is within the boundaries of the Glen Elder Irrigation District and therefore is able to receive allotted releases from the Glen Elder reservoir.
- We also need a copy of the contractual agreement for purchasing water with the Glen Elder Irrigation District. The agreement should include the amount of water purchased, availability, and place of use for this water. Typically the contractual agreements for purchased water are issued in April each year with the Glen Elder Irrigation District therefore we are returning your original application in order for you to supply this information. This document may be submitted as a copy for this application.
- Finally, please provide a description of the water transfer system from the source of water to the place of use, which should include any necessary easements if crossing land that is not owned by you.

We are advising you of these requirements in order to allow you an opportunity to supply the requested information. In order for the application to retain its priority of filing, the original application with the requested information, must be submitted to this office within 60 days or before **July 5, 2016**, or within any authorized extension of time thereof. Failure to provide the requested information within the time allowed shall constitute forfeiture of your priority date and dismissal of the application. If you have any questions, please contact me at (785) 564-6639. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Erin McGrogan  
Environmental Scientist  
Water Rights Section

**SCANNED**

Encl: EMC  
pc: Stockton Field Office  
Water Rights Investigative Services LLC  
Glen Elder Irrigation District PO Box 471 Beloit, Ks. 67420

WATER RIGHTS INVESTIGATIVE SERVICE  
209 SOUTH ASH ST. STOCKTON, KANSAS 67669-1921 (785) 543-8254

**COPY**

February 4, 2016

Tom Thiessen  
820 Meadowlark Lane  
Beloit, KS. 67420

Dear Tom:

Enclosed with this correspondence is a completed Petition for Change of Boundaries to the Glen Elder Irrigation District. Please review of make sure that I have accurately reflected the lands that you wish to have in included in the Glen Elder Irrigation District. Further, make sure that I have accurately listed the lands that are held by your sisters, Karen and Barbara. When you are assured that the ownership and description of the land is accurate, the Petition will need to be signed by your sisters.

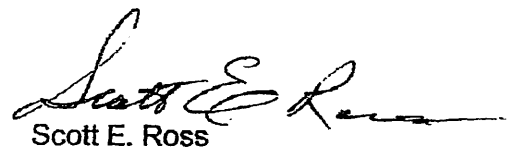
I have constructed the Petition in such a way that they do not have to be together for two independent notaries can attest to their signatures. However, if both of them are at the same notary at the same time, one notary stamp will attest to their wishes.

Upon signing, the appropriately notarized Petition can be submitted to the Glen Elder Irrigation District Board for their approval. Upon approval the Petition will be forwarded to the United States Bureau of Reclamation for processing.

A number of other documents and a questionnaire will be needed to complete the package to be submitted to the United States Bureau of Reclamation. However, I can work on them while the Petition is being circulated for signatures.

I will begin the construction of these documents and contact you when I'm ready to complete the documents for signature.

Sincerely;



Scott E. Ross

General Manager

Water Rights Investigative Services

WATER RESOURCES  
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MAY 31 2016

KS DEPT OF AGRICULTURE

**GLEN ELDER IRRIGATION DISTRICT # 8  
INDIVIDUAL MEMBER WATER CONTRACT**

**COPY**

CONTRACT NO: 11-16  
DATE: 4/15/16

**DISTRICT MEMBER:**

**WHEREAS**, Glen Elder Irrigation District #8 hereinafter referred to as the "District" has entered into a contract with the United States Department of the Interior, Bureau of Reclamation, Great Plains Region, for the purchase of up to 18,000 acre-feet of water from the Waconda Lake for sale to its members and,

**WHEREAS**, Tom Thussen, hereinafter referred to as "Member," is a member of the District and entitled to purchase water, the parties agree as follows:

**PURPOSE:** District shall furnish irrigation water service to supplement the Member's natural flow water rights.

**TERM:** This contract becomes effective on the date first-above written and will continue in force through December 31, 2016.

**WATER ENTITLEMENT:** Subject to the terms and conditions herein stated, the District shall make available the maximum acre-feet of water to the Member allowable under State and Federal Law.

**PAYMENTS:** The rate for water made available pursuant to this contract shall be \$32.00 per acre foot. A minimum payment of \$150.00 or the number of acres to be irrigated x 3/12 \$32.00 whichever is greater, must accompany the signed contract. All payments for additional water must be made in advance of use. Any contract not signed and minimum paid by July 15, 2016, is subject to an 18% penalty on minimum payment.

**DELINQUENT PAYMENTS:** The District shall have the absolute right to refuse to provide water to any member who owes the District any funds whether it be for assessments or water charges or any other obligation whatsoever.

**SPECIAL CONDITIONS AND STANDARD PROVISIONS:** Special conditions are specified in Exhibit A.

The parties have executed this contract the day and year written above and agree to the terms, provisions, special conditions, and standard provisions expressed or referenced herein.

**GLEN ELDER IRRIGATION DISTRICT #8**

**MEMBER**

By [Signature]  
Title District Supervisor

By [Signature]  
Title farmer

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MAY 31 2016

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**COPY**

United States Bureau of Reclamation

C/O Aaron Thompson

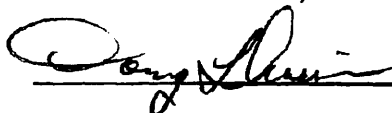
Nebraska/Kansas Area Office

April 20, 2016

Dear Mr. Thompson

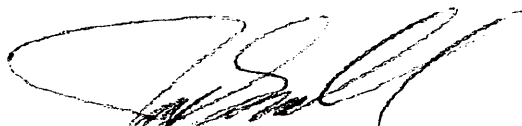
Enclosed with this correspondence is a petition from Thomas Thiessen requesting inclusion of 160 acres of land into the Glen Elder Irrigation District.

The petition has been considered by the Board of Directors of the Glen Elder Irrigation District and at a meeting held on April 20, 2016. Said petition is being forwarded to you for action based on a unanimous decision by the undersigned recommending the action as requested.



---

Doug Thiessen, President



---

Jerry Sorell, Sec.



---

Kirby Kisslinger, Vice President

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MAY 31 2016

KS DEPT OF AGRICULTURE

**PETITION FOR CHANGE OF BOUNDARIES**

**Glen Elder Irrigation District**

**To the Board of Directors of the Glen Elder Irrigation District:**

**COPY**

We the undersigned, petition the Board of Directors of the Glen Elder Irrigation District to change and extend the present boundaries of the Glen Elder Irrigation District to include those lands within the Northwest Quarter of Section 35, Township 6 South, Range 8 West of the Sixth Principle Meridian; (NW1/4) of Section 35, T6S, R8W; in Mitchell County, Kansas described as:

40 acres in the Northeast Quarter of the Northwest Quarter;

40 acres in the Northwest Quarter of the Northwest Quarter;

Owned by Karen Thiessen and;

40 acres in the Southwest Quarter of the Northwest Quarter;

40 acres in the Southeast Quarter of the Northwest Quarter;

Owned by Barbara Thiessen;

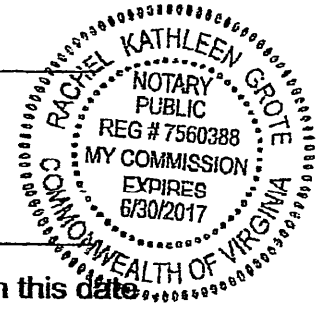
All in Section 35, Township 7 South, Range 7 West in Mitchell County, Kansas

Karen Thiessen  
Karen Thiessen

owner  
TITLE

State Virginia  
County Stafford, SS

Rachel Kathleen Grote  
Witness my hand and official seal on this date



Before me the undersigned Notary Public in and for the said county, those persons whose names are affixed to the foregoing instrument did personally appear and acknowledge the execution hereof to be their voluntary act and deed.

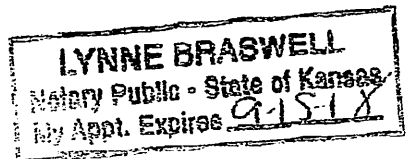
Barbara Thiessen  
Barbara Thiessen

owner  
TITLE

State Kansas  
County Johnson, SS

Lynne Braswell  
Witness my hand and official seal on this date

Before me the undersigned Notary Public in and for the said county, those persons whose names are affixed to the foregoing instrument did personally appear and acknowledge the execution hereof to be their voluntary act and deed.



WATER RESOURCES RECEIVED

MAY 31 2016

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**COPY**

	A	B	C	D	E	F	G	H	I
1				<b>WATER</b>	<b>SUMMARY</b>	<b>SHEET</b>			
2									
3									
4									
5									
6	Contract.	No.	11			Date	4/15/2016		
7									
8									
9	Water	permit's							
10									
11									
12	Name of	Purchaser		Tom	Thiessen				
13									
14									
15	Name(s)	of	Owner(s)	of Irrigated	land				
16	Acres	Irr			130				
17									
18				Barb Thiessen and Karen Thiessen					
19	Point of	Diversion							
20	legal desc.			NW 4 35-6-8					
21									
22	Appr.	Quantity							
23	Acre- Feet								
24									
25									
26	Appr.	Rate							
27	(CFS)								
28									
29									
30	Estimated	Pumping	Rate						
31				gpm					
32	Meter	units							
33									
34	Beginning	meter	reading						
35									
36	Initial	Purchase		32.5					
37	Acre-Feet								
38	(cell DFH)								
39									
40									
41	Total	Initial	Purchase	32.5		Payment amount	1040	Tom	
42									
43									
44	Assmt.	80	2		Karen Thiessen		160		
45		80	2		Barb Thiessen		160		
46									
47									
48						total	1360		

**WATER RESOURCES RECEIVED**

**MAY 31 2016**

**KS DEPT OF AGRICULTURE**

## FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

### MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

#### ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

#### CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

WATER RESOURCES  
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APR 01 2015

KS DEPT OF AGRICULTURE

SCANNED

1320 Research Park Drive  
Manhattan, Kansas 66502

Jackie McClaskey, Secretary



Phone: (785) 564-6700  
Fax: (785) 564-6777  
Email: ksag@kda.ks.gov  
www.agriculture.ks.gov  
Sam Brownback, Governor

April 3, 2015

TOM THIESSEN  
820 MEADOWLARK LANE  
BELOIT KS 67420

RE: Application  
File No. 49360

Dear Sir or Madam:

Your application for permit to appropriate water in 2-7-8W in Mitchel County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

**Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.**

**(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .**

**A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

If you have any questions, please contact me at (785) 564-6643. 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 cursive script that reads "Brent A. Turney".

Brent Turney, L.G.  
Change Application Unit Supervisor  
Water Appropriation Program

BAT: dlw  
pc: STOCKTON Field Office  
GMD

SCANNED

**proposed water lines.**

Write a description for your map.

**Legend**

- 2580' existing line from river bed to Hog lot.
- Solomon Rapids

NW 1/4 35

now pipe

Proposed  
water  
line

Porter  
Easement

COPA

existing  
water  
line and easement

Solomon Rapids

Proposed

point of  
diversion

SW 1/4  
2-7-8

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MAY 31 2016  
KS DEPT. OF AGRICULTURE

Google earth

© 2016 Google

4000 ft

