## Kansas Department of Agriculture / Division of Water Resources <u>Stockton</u> Field Office

TO: HEADQUARTERS	
RE Vested Right; Water Right; Appropriation	of Water; 🗌 Application
File No(s). 30096 + 34083	County
Enclosed are the following checked items:	
A FIR Full Partial Inspection Proposed Certificate to deliver to Certificate Unit Meter A Compliance Check Inspection on Meter Install New App Chg App Other In Compliance Not in Compliance, why Modify Point of Diversion No Yes, document at Indicate all overlapping p/d files	er Order:  GMD#4  Lower Smoky  Other  tached
<ul> <li>An application and judgment sheet with recommendation.</li> <li>A memorandum dated</li> <li>A request for an extension of time to perfect or complete.</li> <li>A verified report.</li> <li>A closure request.</li> <li>A field investigation report.</li> <li>Notice of Non-Compliance</li> </ul>	
Violation	Date
<ul> <li>An ownership change (name(s) and address(es) below).</li> <li>A water use report for</li> <li>A letter dated</li> </ul>	
Filing Fee attached. Fee Sene 5-24-18 Via o	or point of diversion,
An Advanced <u>copy</u> of a change application and the filing office.	g fee, to be processed at the field
An original field office change <u>application</u> and the filing review and further processing.	g fee needing headquarters office
Other:	
11/107	
hput talli	6-4-18
ASSIGNAT WATER COMMISSIONER	Data

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### Kansas Department of Agriculture Division of Water Resources CHANGE: P/U WORKSHEET

1. File Number: <b>30,096</b>	2. Status Change Date:	3. Change Num: C3	4. Field Office: 03	5. GMD:
6. Status: 🛛 Approved 🗌 D	enied by DWR/GMD	Dismiss by Reques	t/Failure to Return	7. Filing Date of Change: 5/23/18
<ul> <li>8a. Applicant(s) New to system ⊠</li> <li>TYLER TIETJEN PO BOX 116 BYRON, NE 68325</li> </ul>	Person IDAdd Seq#	8c. Landown New to sy		Person ID Add Seq#
8b. Landowner(s) New to system SARAH J DERIENZO L LAURA L TIETJEN TRU PO BOX 6493 LINCOLN, NE 68506-04	JST NO. 1	8d. WUC New to sy	vstem □	Person ID Add Seq#
9. Documents and Enclosure(s):	DWR Meter(s) Date to Comp	ly:	N & P Date t	o Comply:
Anti-Reverse Meter	er Seal 🔲 Check Valve uired: Da	N & P Form		Driller Copy 🗌 H & E Letter
10. Use Made of Water From:		То:		
			Date Prepared: <b>6/4/</b> * Date Entered:	18 By: BILLINGER By:

	96	1.	1. County	y: RP	Basi	in: REF	PUBL	ICAN RIV	ER	-	S	tream:							Fc 14		Code: 112	2 &	Special Use
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#### STATE OF KANSAS

DEPARTMENT OF AGRICULTURE DIVISION OF WATER RESOURCES STOCKTON FIELD OFFICE 820 S. WALNUT STOCKTON, KS 67669-0192

PHONE: (785) 425-6787 FAX: (785) 425-6842 www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D. JACKIE MCCLASKEY, SECRETARY OF AGRICULTURE

June 4, 2018

TIETJEN & SONS ATTN: TYLER TIETJEN PO BOX 116 BYRON NE 68325

Re: Water Rights, File Nos. 30,096 & 34,083

Dear Mr. Tietjen:

Enclosed are two (2) orders executed by David W. Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the terms, conditions, and limitations specified in these approvals for change.

Since these orders modify the original certificates, they should be recorded with the Register of Deeds as other instruments affecting real estate.

These documents are summary orders by this agency regarding these matters. These orders shall become final if requests for hearings are not filed with the Chief Engineer within 15 days of the date of service of these orders.

If you have any questions, please feel free to contact this office. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely but Balling

Mark Billinger Assistant Water Commissioner

MB:rh Enclosures

#### CERTIFICATE OF SERVICE

On this 4<sup>th</sup> day of June, 2018, I hereby certify that the attached <u>SUMMARY ORDERS</u> <u>APPROVING APPLICATIONS FOR CHANGE in PLACE OF USE</u> for water rights, File Nos. 30,096 & 34,083, dated on the 4<sup>th</sup> day of June, 2018, were mailed postage prepaid, first class, U.S. mail, to the following:

TIETJEN & SONS ATTN: TYLER TIETJEN PO BOX 116 BYRON NE 68325

Bobecca Hageman

Submit completed application to: Kansas Department of Agriculture Division of Water Resources Field Office for your area. *Call for address:* 

Topeka -- (785) 296-5733 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787 Garden City -- (620) 276-2901 http://agriculture.ks.gov/dwr

## DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Reviewer\_\_\_

61418

MB

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended. Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

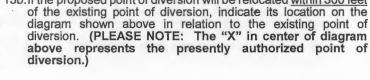
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For Office Use Only: Code \_\_\_\_\_ Fee \$\_\_\_\_\_ TR #\_\_\_\_\_ Receipt Date \_\_\_\_\_ Check #\_\_\_\_\_

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- 11. Groundwater Management District recommendation attached? No No Yes
- 12. Assisted by jkb Stock FO
- 13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines



0 South

100

00 200 30 Scale: 1 hashmark=10 ft

200

300

200

100

200

300

- 14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:
  - (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application? ☐ Yes (If no, all owners must sign this application.) No No
  - (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested? ☐ Yes (If yes, all owners must sign this application.)
    - No No
  - (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety? (If no, all owners must sign this application.) ☐ Yes □ No

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Linceln , Kansas, this	14th day of May , 20 18.
Souto and Isustee	,
Shrah J DeRienzo Living Trust	(Spouse)
Savah J. (Please Print) DelCienzo, Trustel	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print) State of Kansas County of UMLAMEN SS	(Please Print) Nebraska NAAS 10, 2022
I hereby certify that the foregoing application was signed in my of, 20 My Commission Expires (AN), 20	presence and sworn to before me this <u>H</u> da UUUHA Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of t accurate information; maps, if necessary, must be included; signatures of all the appro the appropriate fee must be paid.	ne applicable portions of the application form must be completed priate owners' must be affixed to the application and notarized; a
FEE SCHEDULE	
<ul> <li>Each application to change the place of use or the point of diversion under the forth in the schedule below: Make checks payable to: Kansas Department (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 feet</li></ul>	is section shall be accompanied by the application fee se of Agriculture \$100 \$200
	MAY 23 2018

Stockton Field Office

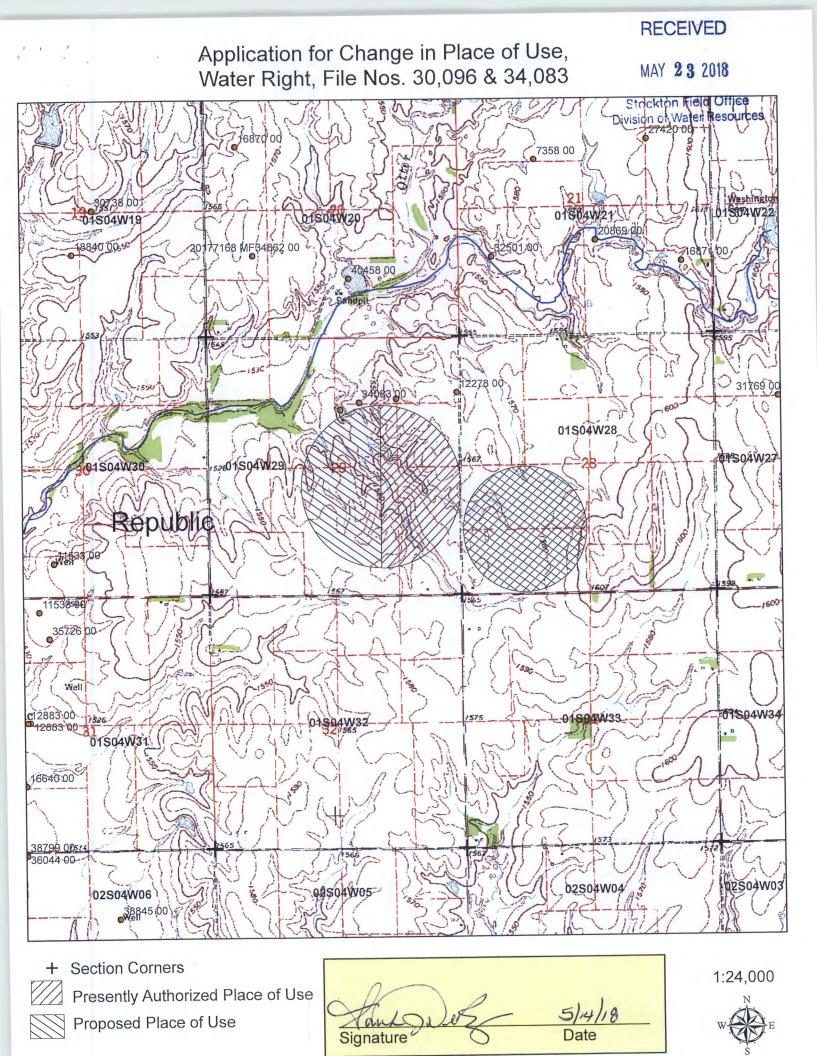
#### SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A.* 82a-701 *et. seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 30096

- 1. A change application was received on <u>5-23-18</u> requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
- 2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use.
- 3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a <u>n/a</u> foot radius of the authorized point(s) of diversion. Applicable
- 4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. 

  Applicable 
  Not Applicable
- 5. The point(s) of diversion authorized herein shall not actually be located more than \_\_\_\_\_\_ feet from the previously authorized point(s) of diversion.
- 7. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20\_\_\_\_\_, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.
- 8. Installation of the works for diversion of water shall be completed on or before December 31, 20\_\_\_\_\_, or within any authorized extension of time. By March 1, 20\_\_\_\_\_ the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e.
- 9. The completed well log shall be submitted with the required notice. 
  Applicable 
  Not Applicable
- 10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable D Not Applicable
- 11. Additional Conditions are attached. 
  Yes No
- 12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the Kansas Water Appropriation Law and the Rules and Regulations promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order UN HEIT	FOR OFFICE USE ONLY
f you are aggrieved by this order, 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. A request for hearing by the Chief Engineer must be iled within 15 days of service of this Order and a request for administrative review by the Secretary must be filed within 30 days pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 56502. Failure to timely request a hearing or review may breclude review under the Kansas Judicial Review Act. For Use by Register of Deeds	APPLICATION APPROVED AND         SUMMARY ORDER ISSUED         By:         Duly Authorized Derignee of the Chief Engineer         (Print Name):         Division of Water Resources - Kansas Department of Agriculture         Date of Issuance:         Government         State of Kansas         State of Kansas
	Acknowledged before me on <u>6-4-18</u> by <u>Mark Billinger</u> Signature: <u>Bbecca F Kagemen</u> Notaly Public My commission expires: <u>REBECCA F. HAGFMAN</u> <u>C-29-19</u> Notaly Superiorment Expires June 29, 2019



# Kansas Department of Agriculture / Division of Water Resources <u>Stockton</u> Field Office

TO: HEADQUARTERS
RE 🗌 Vested Right; 🕅 Water Right; 🗌 Appropriation of Water; 🔲 Application
File No(s). 30,096 + 34,083 County RP
-Enclosed are the following checked items:
AFIR       Full       Partial Inspection       Return to Field Office         Proposed Certificate to deliver to Certificate Unit       Meter Order:       GMD#4         Lower Smoky.       Lower Smoky.         A Compliance Check Inspection on       Other         Meter Install       New App       Chg App         In Compliance       Not in Compliance, why         Modify Point of Diversion       No         Yes, document attached         Indicate all overlapping p/d files
<ul> <li>An application and judgment sheet with recommendation.</li> <li>A memorandum dated</li></ul>
Violation       Date         An ownership change (name(s) and address(es) below).
A copy of an <u>Approval</u> to Change the place of use and/or point of diversion, Filing Fee attached.
An Advanced copy of a change application and the filing fee, to be processed at the fiel office. H9649 Second
review and further processing.         Other:
Kelly 5-2.4-18 Water Commissioner Date

# NOTICE

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