

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

Document Signature LPL

1. File Number: 47786	2. Status Change Date: 10/17/2018	3. Change Num: 2	4. Field Office: 01	5. GMD:
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change:
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8a. Applicant(s) Person ID 26240
 New to system Add Seq# 1

**DENNIS ERKENBRACK
 551 PAWNEE TRAIL
 REPUBLIC KS 66964**

8c. Landowner(s) Person ID 66383
 New to system Add Seq# 1

**KENNETH (DREW) ERKENBRACK
 PO BOX 4
 REPUBLIC KS 66964**

8b. Landowner(s) Person ID 26240
 New to system Add Seq# 1

**DENNIS ERKENBRACK FAMILY TRUST
 551 PAWNEE TRAIL
 REPUBLIC KS 66964**

8d. WUC Person ID 66382
 New to system Add Seq# 1

**DENNIS ERKENBRACK FAMILY TRUST
 551 PAWNEE TRAIL
 REPUBLIC KS 66964**

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: 12/31/18 N & P Date to Comply: _____

Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **8/7/18** By: **BAT**
 Date Entered: **10/18/2018** By: **LCM**

File No. **47786** 11. County: **RP** Basin: Stream: Formation Code: Special Use:

12. Points of Diversion
 T
 MOD
 DEL PDIV
 ENT
 Qualifier S T R ID 'N 'W Comment
 Rate and Quantity
 Authorized Additional
 Rate Quantity Rate Quantity
 gpm/cfs af/mgy gpm/cfs af/mgy Overlap PD Files

MOD 83115 LOT 3 25 2S 5W 10 5261 5112

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

* 14. Limitation: 192 af/yr at _____ gpm (_____ cfs) when combined with file number(s) 38315 and Bostwick IRR district
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	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	NE ¼	NW ¼	SW ¼	SE ¼					
MOD	61972	25	2S	5W	6																	39.5	8c	YES	38,315 50,022	
MOD	58001	26	2S	5W	2	29			28									6	13		20.5	24	120.5	8b	YES	38315 50022

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: August 15, 2018

FROM: Brent A. Turney

RE: Water Right
File No. 38,315
Appropriation of Water
File No. 47,786

Dennis L. and Judith E. Erkenbrack on behalf of the Dennis L. Erkenbrack Family Trust, and Drew and Emily Erkenbrack, owners of the above referenced water rights have filed applications for approval to change the place of use. The applications propose to better define the place of use of the existing 160 acres and also to create a complete overlap in the place of use with new Application, File No. 50,022.

The referenced file number does not appear to be abandoned as per K.S.A. 82a-718.

The change in place of use proposes to create a complete overlap in the place of use with new Application, File No. 50,022, for a total of 160 acres. The quantity of water when combined with new Application, File No. 50,022, appears to be reasonable to irrigate the proposed place of use with 1.2 acre-feet of water per acre as per KAR 5-3-23, assuming that all of the proposed acres can be irrigated.

A total of six landowners adjacent to the Republican River were notified of the proposed changes in place of use, no responses were received.

In an email dated today's date, Kelly Stewart, Water Commissioner, Stockton Field Office recommended approval of the referenced changes.

A check valve will be required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the Stockton Field Office recommends approval, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur and that the new application will account for any increase in the consumptive use, the referenced applications should be approved.


Brent A. Turney, P.G.
Change Application Unit Supervisor

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.

JACKIE MCCLASKEY, SECRETARY OF AGRICULTURE **FILE COPY**

DENNIS ERKENBRACK
551 PAWNEE TRAIL
REPUBLIC KS 66964

October 22, 2018

RE: Water Right
File Nos. 38,315 & 47,786

Dear Mr. Erkenbrack:

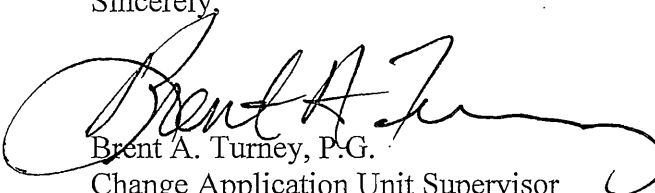
Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced water rights.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is that acceptable water flow meters must be installed on the diversion works authorized under the referenced water rights. Please return the required notification of completion of the diversion works and installation of the required meters as soon as these actions are completed.

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

If you have any questions, please contact this 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
Water Appropriation Program

BAT
Enclosures
pc: Stockton Field Office
Drew and Emily Erkenbrack



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE AND
ORDER BETTER DEFINING THE
LOCATION OF THE POINT OF DIVERSION
APPROPRIATION OF WATER
FILE NO. 47,786**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Dennis L. and Judith E. Erkenbrack on behalf of the Dennis L. Erkenbrack Family Trust, 551 Pawnee Trail, Republic, Kansas 66964, and Drew and Emily Erkenbrack, PO Box 4, Republic, Kansas 66964 received in this office on March 26, 2018, for approval of a change in the location of the place of use under the Approval of Application, File No. 47,786, for permit to appropriate water for beneficial use, as modified and amended by the order of the Chief Engineer, dated March 11, 2014, approving the application to change the authorized point of diversion; 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, the authorized place of use shall be described as:

Sec Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
25 2S 5W										Lot 3 20.5	Lot 6 19.0						39.5
26 2S 5W	29.0			28.0								6.0	13.0		20.5	24.0	120.5

a total of 160 acres in Township 2 South, Range 5 West, Republic County, Kansas,
and the location of the point of diversion shall be better defined as being:

one well located in Lot 3 of Section 25, more particularly located near a point 5,261 feet North and 5,112 feet West, Township 2 South, Range 5 West, Republic County, Kansas,

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

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Approval of Application, File No. 47,786, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated April 9, 2017, as modified and amended by the aforementioned order.

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:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) 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 Section, 1320 Research Park Drive, Manhattan, KS 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 hearing 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, KS 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.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
www.ksda.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

*Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)*

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
 Point of Diversion
 Use Made of Water

(Check one or more)

**Water Resources
Received**
MAR 26 2018
2:25
KS Dept Of Agriculture

File No. 47,786

2. Name of applicant: Dennis Erkenbrack

Address: 551 Pawnee Trail,

City, State and Zip: Republic, KS 66964

Phone Number: (785)2433-6204

E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: Same as above

Address: _____

City, State and Zip: _____

Phone Number: (_____) _____

E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): New owner.

As proposed will authorize actual pivot locations. Corresponding change in PU proposed for File 38.315. Proposed acres will completely overlap in PU with new application for surface water in Southeast Quarter of Section 26-02-05w.

The change(s) (will be) completed by on approval

(Date)

For Office Use Only:

F.O. 3 GMD 0 Meets K.A.R. 5-5-1 YES / NO Use ICR Source G/S County RP By AW Date 3/26/18
Code 005 Fee \$ 200 TR # _____ Receipt Date 3/26/18 Check # 10845

WATER RESOURCES
RECEIVED

SEP 20 2018

KS DEPT OF AGRICULTURE

APPLICATION COMPLETE

8/15/18
Reviewer BM

Assisted by: JKB - Stock FO

SCANNED

4/2/18 DW

4. The presently authorized place of use is:

Owner of Land — NAME: Dennis Erkenbrack

ADDRESS: 551 Pawnee Trail, Republic, KS 66964

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
25	02	05w										19	19						38
26	02	05w	27											10	13		24	21	122

List any other water rights that cover this place of use. 38,315

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: Dennis Erkenbrack

ADDRESS: 551 Pawnee Trail, Republic, KS 66964

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
25	02	05w										Lot 3 20.5	Lot 6 19						39.5
26	02	05w	29											6	13		20.5	24	120.5

List any other water rights that cover this place of use. 38,315 & new application

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 6. The presently authorized point(s) of diversion is one (1) pumpsite
(Provide description and number of points)
- 7. The proposed point(s) of diversion is NO CHANGE
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NW Quarter of the NW Quarter of the NW Quarter of Section 25, Township 02 South, Range 05 W, in Republic County, Kansas, 5210 feet North 5078 feet West of Southeast corner of section. Authorized Rate 1100 gpm Authorized Quantity 192 AF
(DWR use only: Computer ID No. 10 GPS 5261 feet North 5112 feet West)
 This point will not be changed This point will be changed as follows: **BETTER DESCR. BY GPS AS:**
Proposed point of diversion: (Complete only if change is requested)
 One in the NW Quarter of the NW Quarter of the NW Quarter of Section 25, Township 02 South, Range 05 W, in Republic County, Kansas, 5261 feet North 5112 feet West of Southeast corner of section. Proposed Rate 1100 gpm Proposed Quantity 182 AF
 This point is: Additional Well Geo Center List other water rights that will use this point n/a

9. **Presently authorized point of diversion:**
 One in the Quarter of the Quarter of the Quarter of Section , Township South, Range W, in County, Kansas, feet North feet West of Southeast corner of section. Authorized Rate Authorized Quantity
(DWR use only: Computer ID No. GPS feet North feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the Quarter of the Quarter of the Quarter of Section , Township South, Range W, in County, Kansas, feet North feet West of Southeast corner of section. Proposed Rate Proposed Quantity
 This point is: Additional Well Geo Center List other water rights that will use this point

10. **Presently authorized point of diversion:**
 One in the Quarter of the Quarter of the Quarter of Section , Township South, Range W, in County, Kansas, feet North feet West of Southeast corner of section. Authorized Rate Authorized Quantity
(DWR use only: Computer ID No. GPS feet North feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the Quarter of the Quarter of the Quarter of Section , Township South, Range W, in County, Kansas, feet North feet West of Southeast corner of section. Proposed Rate Proposed Quantity
 This point is: Additional Well Geo Center List other water rights that will use this point

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

X Dated at Courtland, Kansas, this 20 day of 3, 2018.

Dennis L. Erkenbrack
(Owner)

Judith E. Erkenbrack
(Spouse)

Dennis L. Erkenbrack
(Please Print)

Judith E. Erkenbrack
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

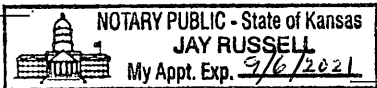
(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Republic } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 20th day of March, 2018.



[Signature]
Notary Public

My Commission Expires 9/6/2021

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

WATER RESOURCES
RECEIVED

SEP 20 2018

KS DEPT OF AGRICULTURE

Water Resources
Received

MAR 26 2018

KS Dept Of Agriculture

SCANNED

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Lawrence, Kansas, this 6 day of September, 2018.

* Drew Erkenbrack
(Owner)

* Gandy Erkenbrack
(Spouse)

Drew Erkenbrack
(Please Print)

Emily Erkenbrack
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

WATER RESOURCES RECEIVED

SEP 20 2018

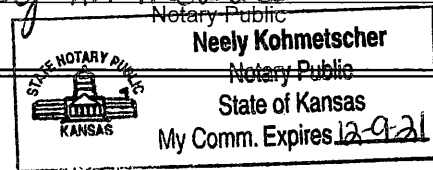
KS DEPT OF AGRICULTURE

State of Kansas }
County of Republic } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 6 day of September, 2018.

My Commission Expires 12-9-21

Neely Kohmetscher
Notary Public



FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

SCANNED

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

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

FILE COPY

August 30, 2018

DENNIS L ERKENBRACK
551 PAWNEE TRAIL
REPUBLIC KS 66964

RE: Water Right, File No. 38,315 and Appropriation of Water, File No. 47,786

Dear Mr. Erkenbrack,

Reference is made to the applications for approval of the Chief Engineer to change the place of use which were received in the office of the Chief Engineer on March 26, 2018. Upon review of the applications, we find that additional information is needed.

K.A.R. 5-5-5 *Signatures required on change applications* requires in part that if the extent of each owner's interest in the water right has not been legally determined, then all landowners holding an undetermined portion of the water right must sign the change application. Therefore, we will need the notarized signatures of all landowners and spouses of the authorized place of use. Information in this office and the Republic County Register of Deeds, indicates that Drew Erkenbrack is an owner of a portion of the authorized place of use.

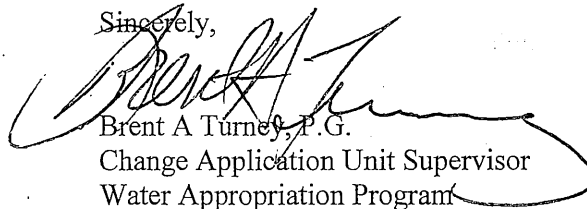
The Kansas Water Appropriation Act states that a "Water right" means any vested right or appropriation right under which a person may lawfully divert and use water. It is a real property right appurtenant to and severable from the land on or in connection with which the water is used and such water right passes as an appurtenance with a conveyance of the land by deed, lease, mortgage, will, or other disposal, or by inheritance.

Based on the above, we must have signatures from Drew Erkinbrack and spouse, if married before we can proceed with the proposed changes under Water Right, File Nos. 38,315 and 47,786. Copies of blank signature pages have been enclosed for your convenience.

Your applications are being returned so that you may supply the requested information. In order for the applications to retain their priority of filing the requested information must be supplied to complete the applications on or before September 29, 2018. According to law, default in supplying the requested information as outlined above within the time allowed or any authorized extension of time, shall cause dismissal of the application for change under the above referenced file number.

If you have any questions, please contact me at (785) 564-6645. 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
Water Appropriation Program

BAT
Enclosures

pc: Stockton Field Office

SCANNED

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

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

DENNIS ERKENBRACK
551 PAWNEE TRAIL
REPUBLIC, KS 66964

April 2, 2018

RE: File No 47786

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU
- point of diversion
- use made of water

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. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. 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) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tourney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: STOCKTON Field Office GMD

SCANNED

Turney, Brent [KDA]

From: Stewart, Kelly [KDA]
Sent: Wednesday, August 15, 2018 4:34 PM
To: Turney, Brent [KDA]
Cc: Billinger, Mark [KDA]; Hageman, Rebecca [KDA]
Subject: RE: Changes in place of use File Nos. 38,315 and 47,786

Brent,

I have no objection to the approval of these two change applications.

Please note the first paragraph of your memo has a typo. The pending new application is referred to as 55,022 instead of 50,022.

Kelly

From: Turney, Brent [KDA]
Sent: Tuesday, August 14, 2018 4:23 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Subject: Changes in place of use File Nos. 38,315 and 47,786

How about a recommendation?

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

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

August 6, 2018

FILE COPY

DARLYNE STANDLEY
1475 HEFTY ROAD
COURTLAND KS 66939

RE: Water Right, File No. 38,315
Appropriation of Water, File No 47,786

Dear Ms. Standley:

This is to advise you that Dennis Erkenfrack has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use under the above referenced file numbers.

Effective July 1, 2016, K.S.A. 82a-1906 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced application for change.

If you have any questions, please contact me at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Brent A. Turney". The signature is written in black ink and has a long, sweeping tail.

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

BAT
pc: Stockton Field Office

SCANNED

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

August 6, 2018

JAMES FAULKNER DART TRUST
11 Z STREET
ST LAKE LOTAWANA MO 64086

RE: Water Right, File No. 38,315
Appropriation of Water, File No 47,786

Dear Sir or Madam:

This is to advise you that Dennis Erkenfrack has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use under the above referenced file numbers.

Effective July 1, 2016, K.S.A. 82a-1906 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced application for change.

If you have any questions, please contact me at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Brent A. Turney".

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

BAT
pc: Stockton Field Office

SCANNED

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

August 6, 2018

CHARLES ROBISON
935 TIMBER ROAD
SCANDIA KS 66966

RE: Water Right, File No. 38,315
Appropriation of Water, File No 47,786

Dear Mr. Robison:

This is to advise you that Dennis Erkenfrack has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use under the above referenced file numbers.

Effective July 1, 2016, K.S.A. 82a-1906 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced application for change.

If you have any questions, please contact me at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent A. Turney", with a large, decorative flourish at the end.

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

BAT
pc: Stockton Field Office

SCANNED

STATE OF KANSAS

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

August 6, 2018

BRIAN ROSENE
3514 CLINTON PKWY
STE A # 154
LAWRENCE KS 66047-2145

RE: Water Right, File No. 38,315
Appropriation of Water, File No 47,786

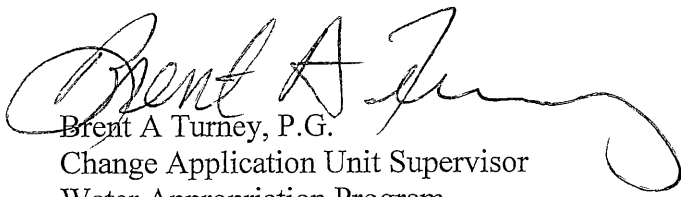
Dear Mr. Rosene:

This is to advise you that Dennis Erkenfrack has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use under the above referenced file numbers.

Effective July 1, 2016, K.S.A. 82a-1906 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced application for change.

If you have any questions, please contact me at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,


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

BAT
pc: Stockton Field Office

SCANNED

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

August 6, 2018

THAYNE LARSON
1325 US HWY 36
BELLEVILLE KS 66935

RE: Water Right, File No. 38,315
Appropriation of Water, File No 47,786

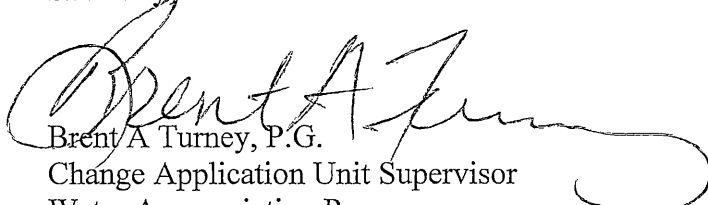
Dear Mr. Larson:

This is to advise you that Dennis Erkenfrack has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use under the above referenced file numbers.

Effective July 1, 2016, K.S.A. 82a-1906 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced application for change.

If you have any questions, please contact me at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,


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

BAT
pc: Stockton Field Office

SCANNED

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

August 6, 2018

ROGER STAFFORD
880 80TH ROAD
SCANDIA KS 66966

RE: Water Right, File No. 38,315
Appropriation of Water, File No 47,786

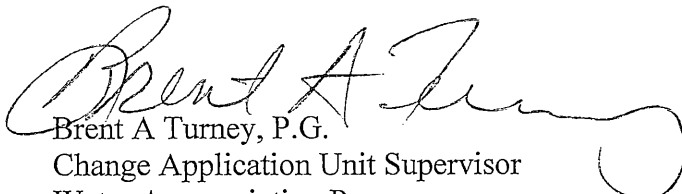
Dear Mr. Stafford:

This is to advise you that Dennis Erkenfrack has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use under the above referenced file numbers.

Effective July 1, 2016, K.S.A. 82a-1906 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced application for change.

If you have any questions, please contact me at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,


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

BAT
pc: Stockton Field Office

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

August 6, 2018

JANET WEIR
560 KING ROAD
COURTLAND KS 66939

RE: Water Right, File No. 38,315
Appropriation of Water, File No 47,786

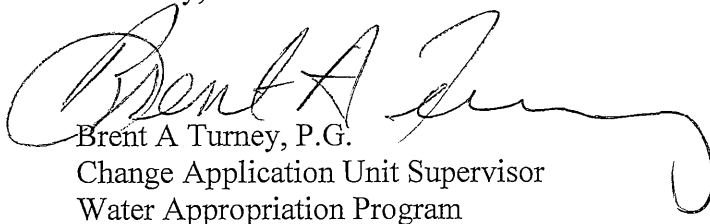
Dear Ms. Weir:

This is to advise you that Dennis Erkenfrack has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use under the above referenced file numbers.

Effective July 1, 2016, K.S.A. 82a-1906 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced application for change.

If you have any questions, please contact me at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,


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

BAT
pc: Stockton Field Office

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

FILE COPY

August 30, 2018

DENNIS L ERKENBRACK
551 PAWNEE TRAL
REPUBLIC KS 66964

RE: Water Right, File No. 38,315 and Appropriation of Water, File No. 47,786

Dear Mr. Erkenbrack,

Reference is made to the applications for approval of the Chief Engineer to change the place of use which were received in the office of the Chief Engineer on March 26, 2018. Upon review of the applications, we find that additional information is needed.

K.A.R. 5-5-5 *Signatures required on change applications* requires in part that if the extent of each owner's interest in the water right has not been legally determined, then all landowners holding an undetermined portion of the water right must sign the change application. Therefore, we will need the notarized signatures of all landowners and spouses of the authorized place of use. Information in this office and the Republic County Register of Deeds, indicates that Drew Erkenbrack is an owner of a portion of the authorized place of use.

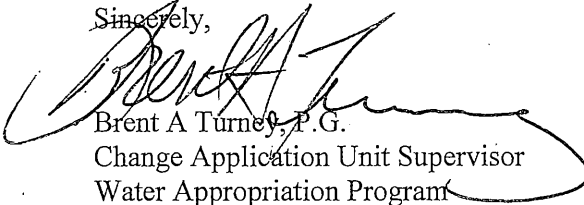
The Kansas Water Appropriation Act states that a "Water right" means any vested right or appropriation right under which a person may lawfully divert and use water. It is a real property right appurtenant to and severable from the land on or in connection with which the water is used and such water right passes as an appurtenance with a conveyance of the land by deed, lease, mortgage, will, or other disposal, or by inheritance.

Based on the above, we must have signatures from Drew Erkinbrack and spouse, if married before we can proceed with the proposed changes under Water Right, File Nos. 38,315 and 47,786. Copies of blank signature pages have been enclosed for your convenience.

Your applications are being returned so that you may supply the requested information. In order for the applications to retain their priority of filing the requested information must be supplied to complete the applications on or before September 29, 2018. According to law, default in supplying the requested information as outlined above within the time allowed or any authorized extension of time, shall cause dismissal of the application for change under the above referenced file number.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

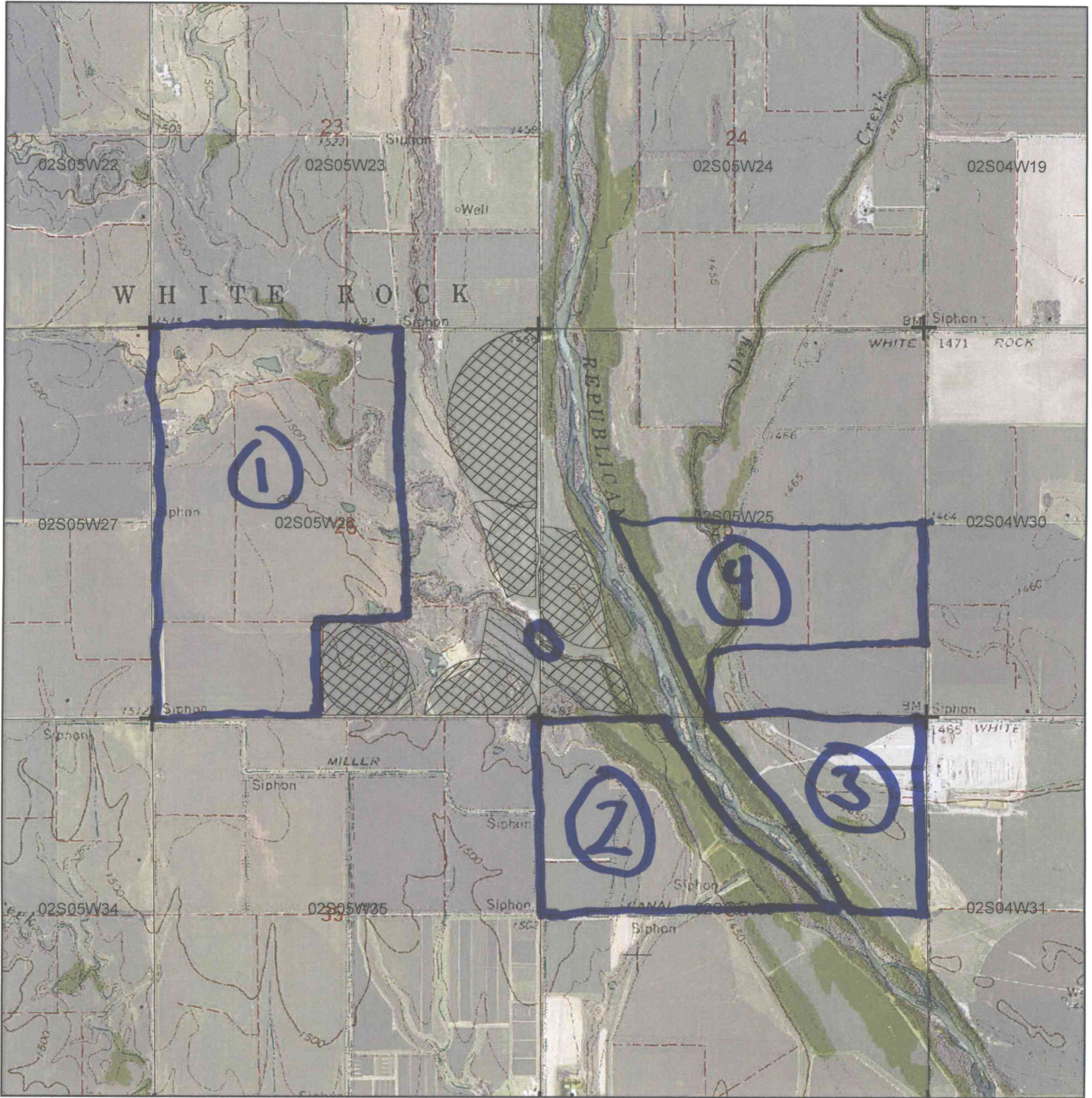

Brent A Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT
Enclosures

pc: Stockton Field Office

SCANNED

Application for Change in Place of Use,
File No. 47,786



Section Corners



Presently Authorized Place of Use



Proposed Place of Use



1:24,000

All known landowners adjacent to the stream within 1/2 mile upstream and downstream of the subject property lines are shown on this map.

SEP 20 2018

MAR 26 2018

Signature

KS DEPT OF AGRICULTURE

KS Dept Of Agriculture

Date

SCANNED