

Kansas Department of Agriculture
Division of Water Resources
CHANGE: PU PD UMW WORKSHEET

1. File Number: 12896	2. Status Change Date: 6/5/2023	3. Change Num: C1	4. Field Office: 03	5. GMD:	
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: 9/6/2022	
8a. Applicant(s) New to system <input type="checkbox"/> PIERCE INC STEVEN PIERCE 2083 NW OHIO ST RD TOWANDA, KS 67144-9139		Person ID 64700 Add Seq# 1	8c. Landowner(s) New to system <input checked="" type="checkbox"/> JOEL A & AMBER M YOUNGER 1514 200TH AVE HAYS, KS 67601		
8b. Landowner(s) New to system <input checked="" type="checkbox"/> M H PROPERTIES LLC 12301 W 163 ST OVERLAND PARK, KS 66221		Person ID 61560 Add Seq# _____	8cc. WUC MUN USE New to system <input checked="" type="checkbox"/> JOEL A & AMBER M YOUNGER 1514 200TH AVE HAYS, KS 67601		
8d. WUC IRR USE New to system <input type="checkbox"/> PIERCE INC STEVEN PIERCE 2083 NW OHIO ST RD TOWANDA, KS 67144-9139		Person ID 64700 Add Seq# 1	8c. WUC MUN USE New to system <input type="checkbox"/> JOEL A & AMBER M YOUNGER 1514 200TH AVE HAYS, KS 67601		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2023 <input checked="" type="checkbox"/> N&P Date to Comply: 12/31/2023					
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____					
10. Use Made of Water From: IRR & STK To: IRR & MUN					
Date Prepared: 5/17/2023 By: LI Date Reviewed: 5/31/2023 By: KAK Date Entered: 6/5/2023 By: LMoody					

File No. **12896** 11. County: **TR** Basin: **SMOKY HILL RIVER** Stream: **NA** Formation Code: 113 Special Use: **SMOKY HILL INTENSIVE USE**

12. Points of Diversion											Rate and Quantity						
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af/mgy	Rate gpm	Quantity af/mgy	Overlap PD Files
MOD	9149				SW SW NW	31	14	21W	10	2997	4871	(IRR)	710	101.9 AF	710	101.9	NONE
MOD	30384				SW SE NW	31	14	21W	14	3125	3729	GEO CTR (MUN) ID 223	150	1.955 MGY	150	1.955	NONE gps update
MOD	53031				SW SE NW	31	14	21W	15	3125	3747	BATT 1 OF 2 WELLS (MUN) ID 223					NONE gps update
MOD	26745				SW SE NW	31	14	21W	15	3125	3710	BATT 1 OF 2 WELLS (MUN) ID 223					NONE gps update
DEL	60555				SW SW NW	31	14	21W	18	3043	5013						NONE

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

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **REMOVE STANDBY COMMENT**
 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					NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files				
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID	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				
DEL	10936				31	14	21W	4	FEEDLOT LOCATED IN THE (E2 W2)																	8b	NO	NONE
ENT	71412				24	15	22W		MUNICIPAL IN (SW)																	8c	YES	NONE
CHK	26893				31	14	21W	1		9			38	28	40	8	5	38	16						182	8a	NO	1706 & 1706B
MOD	16934				30	14	21W	1												13			6		19	8cc	YES	1706 & 1706B

Base Acres: Year: Minimum Reasonable Quantity:
 Comments: UPDATE ACTION TRAIL TO MAINTAIN SHOW WR IS WITHHELD FROM IRR PUSE 16934

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: May 30, 2023

FROM: Leslie Ireland

RE: Water Right
File No. 12,896

Steven Pierce on behalf of Pierce Inc., owner of the referenced water right has filed an application for approval to change the point of diversion, use made of water and place of use. The application was received on September 6, 2022. This file is authorized for the diversion of groundwater for irrigation and stockwatering uses in the Smoky Hill River Basin in a special use area identified as Smoky Hill Intensive Use. This file is located below the dam of the Cedar Creek Reservoir.

The referenced file appears to be in good standing, as per K.S.A. 82a-718 and 82a-732. The May 2022 Non-Compliance appears to have been minor and will be remedied with the proposed changes. Review of the application per K.S.A. 82a-1906 indicates there are no wells not owned by the applicant with the notification area. Other files within one-half (½) mile are surface water diversions that do not appear to require notification by the statute.

The proposal will eliminate stockwater use by changing a portion to municipal use at a new residential area and with the remainder portion of the quantity to supplement the existing irrigation use. No new wells will be authorized just a shift of quantity to the irrigation well and a stockwater use well will be eliminated and plugged. The well to be plugged is located in the SW¼ SW¼ NW¼ of Section 31, approximately 3,043 feet North and 5,013 feet West of the Southeast corner of said section in Township 14 South, Range 21 West, Trego County. The change in point of diversion will move quantity away from the main stem alluvium (Code 113) of the Smoky Hill River. As both wells are authorized by the referenced file there is no change in the source of supply.

File No. 12,896 is authorized 10.42 million gallons (32 acre-feet (AF)) for stockwater use from a battery of two (2) wells with a rate of 20 gallons per minute, and single well listed above at a rate of 300 gpm (the well to be plugged). This file is also authorized one (1) irrigation well determined to be located in the SW¼ SW¼ NW¼ of Section 31, approximately 2,997 feet North and 4,871 feet West in Township 14 South, Range 21 West, Trego County to operate at 540 gallons per minute to divert 75.9 AF to irrigate 201 acres in Section 30 (the owner of the 19 acres in the South portion of this place of use have been severed from the water right) and the Western portions of Section 31 owned by the applicant. All as detailed in the September 1997 approval to change the referenced file. In summary the referenced file currently authorizes a total of 107.9 AF and 860 gpm under stockwater, and irrigation uses.

This requested change in use made of water proposes to change the 10.42 mgy authorized for stockwater use to municipal and irrigation use and shift rate to the battery of wells. The change will be processed by K.A.R. 5-5-8, *Standards for approval of an application for change in the place of use and a change in the use made of water*. The stockwater use is considered to be totally consumptive by the nature of the use, it would be considered to be similar to municipal use with irrigation being less consumptive. It appears the full quantity of 10.42 million gallons (31.98 AF) can be authorized for other uses without any increase in consumptive use, thus meeting K.A.R. 5-5-3, *Change in consumptive use*.

The municipal use requests 1.955 million gallons (6 AF) per year at a rate of 150 gallons per minute to be authorized by the battery and 26.0 AF (8.472mg) per year for irrigation use combined with the 79.5 AF currently authorized for a total of 101.5 AF per year for irrigation use at 710 gpm.

The submitted justification for the municipal use in found the proposed projection over the next 20 years is to have 30 homes with approximately 100 people that will utilize a total of 1.3 mgy. As determined by the Kansas water use records approximately 81 gallons per person per day is used which is below the national average of 98 gallons. The Kansas average use would afford 2.956 mgy. The owner of the proposed housing develop indicated the properties are seasonal homes for the nearby lake and the requested quantity would be sufficient for the municipal use needs.

The 101.5 AF of irrigation water when combined with the surface water authorized by File Nos. 1706 and 1706-B will result in a total of 407.7 AF and an irrigation ratio of 2.03 AF. It appears very reasonable due to the majority of the quantity being surface water appears to comply with K.A.R. 5-3-23, *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right*. The addition of water to the irrigation well located approximately 2,997 feet North and 4,871 feet West (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31 should not result in impairment as the closest well will be plugged and the municipal battery of wells is under the same priority and is approximately 1,350 feet away meeting the spacing per K.A.R. 5-4-4, *Well spacing*. There are no other nondomestic wells located within one-half ($\frac{1}{2}$) mile of the proposed existing irrigation well. It appears there are no domestic wells located in this area as indicated by the applicant.

The wells of the battery will be updated to the GPS determined locations resulting in the geographic center to be 3,125 feet North and 3,729 feet West. The qualifiers of the battery remain as authorized in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 14 South, Range 21 West, Trego County.

The feedlot located in located in the East Half of the West Half (E $\frac{1}{2}$ W $\frac{1}{2}$) of Section 31, Township 14 South, Range 21 West, Trego County, Kansas, will no longer be authorized as a place of use under the referenced file, but the nearby feedlot owned by MH Properties LLC, under File Nos. 1706-B & 36,071 will remain as authorized.

The new municipal place of use located in the Southwest Quarter (SW $\frac{1}{4}$) of Section 24 Township 14 South, Range 22 West Trego County will be served by a pipeline. Review of the ownership found the listed owners and their LLC, however as municipal use is listed as the owner of the infrastructure for a water use supplier it will remain. The place of use ownership will remain Joel & Amber Younger as stated on the application with them listed as the water use correspondent.

Kelly Stewart, Water Commissioner of the Stockton City Field Office indicated by E-mail on May 30, 2023, that he has no objection to the approval of the proposed change.

Water flowmeters per use and point of diversion will be required for the approved. A check valve is required if chemigating. A water level measurement tube and WWC-5 are not applicable, as the proposed wells are existing and completed. **The transmittal will note plugging of the abandoned well and KDHE should be contacted for requirements for municipal use li/DWR 6/2/2023**

Based on the above discussion, that the change is reasonable, consumptive use should not increase, that impairment to existing water rights is unlikely and that no change in the local source of supply will occur, it is recommended that the referenced application be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

Ireland, Leslie [KDA]

From: Stewart, Kelly [KDA]
Sent: Tuesday, May 30, 2023 3:02 PM
To: Ireland, Leslie [KDA]
Subject: RE: Review and Recommendation Change in PU UMW File No. 12896

Just put Joel and Amber. They can notify us later if they want it changed.

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Tuesday, May 30, 2023 2:58 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Subject: RE: Review and Recommendation Change in PU UMW File No. 12896

Kelly,

Will update WUC and state in transmittal letter... MUN use will be Younger...


It looks flipped in ORKA... just strange about the ownership.. the portion designed to have lots subdivided for the housing development is shown in ORKA to be held by them.. and the portion not subdivided for the development is held by the LLC.. he said it is where they keep their boat stuff... Anyway.. going to list Joel and Amber as owner and WUC.. per ORKA. That and I get the impression he does the field work and she does the paperwork.

Oh sorry another question (or two).. do I reference the name " Cedar Bluffs Escapes First Addition" (per ORKA) as a comment in WRIS? On the approval?

Also looks like I need to pc KDHE on new municipal uses??? Cuz they have more than 25 and more than 60 days.. I was going to call them..... wonder if Kristen knows.... will ask her first..

12896 MUN PU 30 lots platted all approximately 3 acres

JOEL A & AMBER M YOUNGER, 1514 200TH AVE, HAYS, KS 67601



Parcel Summary (For [Full Report](#) click here)

[Add to Multi-Parcel Report](#)

Parcel ID : 098196240000003130

Owner Name : YOUNGER, JOEL A & AMBER M

Location : 147 HWY, , KS.

Boundary Desc : CEDAR BLUFF ESCAPES FIRST ADDITION, S24, T14, R22, Lot 13, ACRES 3.

Owner Information

Owner : YOUNGER, JOEL A & AMBER M


Mailing Address : 1514 200TH AVE HAYS, KS 67601

Property Details

Property Type : Agricultural Use

[Zoom to](#) [Full Report](#)

J.A.Y. REAL ESTATE LLC 1514 200th Ave Hays, KS 67601



[Add to Multi-Parcel Report](#)

Parcel ID : 098196240000003310

Owner Name : J.A.Y. REAL ESTATE LLC

Location : 147 HWY, , KS.

Boundary Desc : CEDAR BLUFF ESCAPES FIRST ADDITION, S24, T14, R22, Lot Lot - 31, ACRES 16.5.

Owner Information

Owner : J.A.Y. REAL ESTATE LLC

Mailing Address : 1514 200th Ave Hays, KS 67601

Property Details

Property Type : Agricultural Use

[Zoom to](#) [Full Report](#)

Thanks again,
Leslie

From: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Sent: Tuesday, May 30, 2023 2:36 PM
To: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Subject: RE: Review and Recommendation Change in PU UMW File No. 12896

Leslie,

The WUC for the municipal portion needs to be Joel Younger (or his company name if he has one). If you want to show his spouse too, that's fine, I think. If he has a corporation, she wouldn't need to be listed.

K.A.R. 5-5-14. Duties of owners of approvals of applications and water rights. (a) All of the owners of an approval of application or a water right shall be responsible for taking all legally required actions necessary to maintain the validity of the approval of application or water right, including the filing of statutorily required fees, reports, and applications. (b)(1) Unless the approval of application or the water right has been severed from the authorized place of use and unless the requirements specified in either paragraph (b)(2) or (b)(3) have been met, all of the owners of the authorized place of use shall be considered to be the owners of the approval of application or the water right. (2) Unless the chief engineer has documentation to the contrary, an approval of application or water right for municipal use shall be considered to be owned by the entity owning and operating the water distribution system. A water right for an irrigation district shall be considered to be owned by the irrigation district. (3) Unless the chief engineer has documentation to the contrary, an approval of application or water right that authorizes water to be used for either of the following shall be considered to be owned by the watershed district: (A) Sediment control in a reservoir; or (B) recreation in a reservoir constructed, maintained, and operated by a watershed district. (Authorized by and implementing K.S.A. 82a-706a; effective Sept. 22, 2000; amended Oct. 31, 2008.)

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Tuesday, May 30, 2023 2:26 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Subject: RE: Review and Recommendation Change in PU UMW File No. 12896

Kelly,

WUC ??? the app has Pierce as WUC for the file.. is that OK? I don't know this rule for MUN... if there is one..

And on Younger as MUN owner do we have to list Amber.. spouse too? or not?? She is listed on the app...and in ORKA..

Smokey is the cat.... thank you..

Leslie

From: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Sent: Tuesday, May 30, 2023 1:16 PM
To: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Cc: Hageman, Nancy [KDA] <Nancy.Hageman@ks.gov>
Subject: RE: Review and Recommendation Change in PU UMW File No. 12896

Leslie,

If there are no other wells within ½ mile other than the owner's, I would think we could skip the nearby notification letters.

I disagree on the two owners. Our regulations clearly state the owner of the water right is the owner of the infrastructure for a municipal water supplier. It doesn't matter who owns the individual tracks of land where the water is going. The owner of the municipal portion of this water right should be Joel Younger.

Otherwise, I recommend approval of the change application.

Kelly

p.s. Its Smoky not Smokey.

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>

Sent: Tuesday, May 30, 2023 11:51 AM

To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>

Subject: Review and Recommendation Change in PU UMW File No. 12896

Kelly,

This is different.. I've been looking at the history, saw your name a few times.

So.. would you agree not notice of nearbys is needed as they are surface water or wells owned by the applicant?
If you agree, the summary memo for the UMW PD PU is attached for your recommendation.

The municipal place of use was left as stated in the application. It should show the two owners ... them and their LLC. I guess leaving the description as the SW/4 is OK??? The battery wells will be updated to the GPS determinations completed in May of 2022.

Please let me know on the ?? and as always comments and concerns are welcome.
Thanks.

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN USE MADE OF WATER, POINT OF DIVERSION AND PLACE OF USE WATER RIGHT, FILE NO. 12,896

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Steven Pierce on behalf of Pierce Incorporated, 2083 Northwest Ohio Street Road, Towanda, Kansas 67144-9139, received in this office on September 6, 2022, for approval of a change in the use made of water, location of the point of diversion, and place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer, dated May 30, 1984, approving the application to change the place of use, point of diversion and use made of water, the Order of the Chief Engineer dated June 30, 1988, approving the application to change the use made of water, and the Orders of the Chief Engineer dated August 16, 1995; February 19, 1997 and September 8, 1997, approving the applications to change the point of diversion, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized point of diversion and place of use for irrigation use shall be as follows:

one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, more particularly described as being near a point 2,997 feet North and 4,871 feet West of the Southeast corner of said section, in Township 14 South, Range 21 West, Trego County, Kansas, to be diverted at a rate not in excess of 710 gallons per minute (1.58 c.f.s.) and to a quantity not to exceed 101.9 acre-feet per calendar year, for irrigation use on the following described property:

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 $\frac{1}{4}$	
30 - 14S - 21W												13.0			6.0		19.0
31 - 14S - 21W		9.0			38.0	28.0	40.0	8.0	5.0	38.0	16.0						182.0

a total of 201 acres in Township 14 South, Range 21 West, Trego County, Kansas, located substantially as shown on the map accompanying the application to change the place of use, point of diversion and use made of water.

And the authorized point of diversion and place of use for municipal use shall be as follows:

a battery of two (2) wells with a geographic center located in the Southwest Quarter of the Southeast Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$), of Section 31, more particularly described as being near a point 3,125 feet North and 3,729 feet West of the Southeast corner of said section, in Township 14 South, Range 21 West, Trego County, Kansas, to be diverted at a rate not in excess of 150 gallons per minute (0.33 c.f.s.), and to a quantity not to exceed 1.955 million gallons per calendar year, for municipal use at a housing development located in the Southwest Quarter (SW $\frac{1}{4}$) of Section 24, Township 14 South, Range 22 West, Trego County, Kansas, located substantially as shown on the map accompanying the application to change the place of use, point of diversion and use made of water.

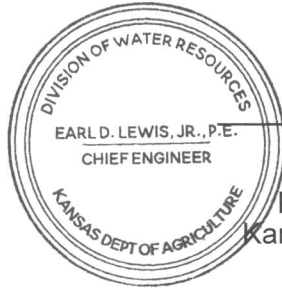
All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed 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 for each approved use of water, 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.

Installation of the works for diversion of water shall be completed on or before December 31, 2023, or within any authorized extension of time.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 12,896, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated December 7, 1971, as modified and amended by the aforementioned orders.

Ordered this 5th day of June, 2023, in Manhattan, Riley County, Kansas.



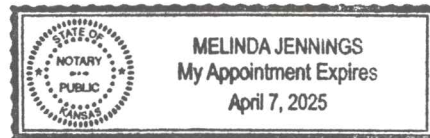
Earl D. Lewis Jr.

Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 5th day of June 2023, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings
Notary Public



1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

June 6, 2023

STEVEN PIERCE
PIERCE INC
2083 NW OHIO ST RD
TOWANDA KS 67144-9139

RE: Water Right
File No. 12,896

Dear Mr. Pierce:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approval is that a water flowmeter meeting 5-1-4 through 5-1-12 must be installed on the diversion works authorized. Please complete and return the enclosed form, *Notification of Completion of the Diversion Works and/or Installation of Flowmeter Instillation* for each use authorized. This form and other information may be found at our web site <http://agriculture.ks.gov/dwr>.

As detailed in K.A.R. 5-5-14, municipal use shall be considered to be owned by the entity owning and operating the water distribution system, thus Joel A. and Amber M. Younger, will be designated as the water use correspondent for the annual water use reporting for the municipal use. The water use correspondent for the irrigation use will remain your corporation.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed or a right may be suspended or both. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

Any abandoned water wells must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment (KDHE).

Additionally, if you have not already done so, the KDHE Public Water Supply Section should be contacted at 785-296-5514, regarding permitting requirements for public water supply systems that have at least 10 service connections or regularly serve at least 25 individuals daily for at least 60 days out of the year.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

STEVEN PIERCE

File No. 12,896

Page 2 of 2

If you have any questions, please contact our staff at the Stockton Field Office, their phone number is 785-425-6787. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Kristen A. Baum

New Application and Change Unit Supervisor

Water Appropriation Program

KAB:li

Enclosures

pc: Stockton Field Office

Joel A. & Amber M. Younger

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Division, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX 785-564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX 785-564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

CERTIFICATE OF SERVICE

On this 6 day of June, 2023, I hereby certify that the attached Approval of Application for Change in Use Made of Water, Place of Use and Point of Diversion under Water Right, File No. 12,896 dated June 5, 2023, was mailed postage prepaid, first class, US mail to the following:

STEVEN PIERCE
PIERCE INC
2083 NW OHIO ST RD
TOWANDA KS 67144-9139

With a True & Correct Copy to:

JOEL A. & AMBER M. YOUNGER
1514 200TH AVE
HAYS KS 67601

With a Photocopy to:

KDA-DWR Stockton Field Office



Division of Water Resources