

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

Document Signature \_\_\_\_\_

1. File Number: <b>28133</b>	2. Status Change Date: <b>5/4/2017</b>	3. Change Num: <b>C2</b>	4. Field Office: <b>01</b>	5. GMD:
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: <b>02-MAR-2017</b>
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8a. Applicant(s) New to system <input type="checkbox"/>	Person ID <b>29039</b> Add Seq# <b>1</b>
<b>MARK &amp; DEBRA TADDIKEN 2614 HACKBERRY RD CLIFTON KS 66937</b>	

8c. Landowner(s) New to system <input type="checkbox"/>	Person ID <b>18076</b> Add Seq# <b>1</b>
<b>J DOUGLAS &amp; M MAUREEN TOLL PO BOX 186 CLIFTON KS 66937</b>	

8b. Landowner(s) New to system <input type="checkbox"/>	Person ID <b>34072</b> Add Seq# <b>1</b>
<b>TADDIKEN FARM INC MARK W TADDIKEN 2614 HACKBERRY RD CLIFTON KS 66937</b>	

8d. WUC New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____
<b>NO CHANGE</b>	

9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/17</b> <input checked="" type="checkbox"/> N & P Date to Comply: <b>12/31/17</b>	
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" 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: _____	To: _____
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	Date Prepared: <b>05/03/17</b>	By: <b>RAK</b>
	Date Entered: <b>5/8/2017</b>	By: <b>UM</b>

File No. **28133**      11. County: **WS**      Basin: **REPUBLICAN RIVER**      Stream:      Formation Code: **111/115**      Special Use: **034**

12. Points of Diversion											Rate and Quantity				
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files	
										Rate gpm	Quantity AF	Rate gpm	Quantity AF		
MOD	13367	NW¼ SE¼ SE¼	32	5	1E	4	1011	1234	WEST WELL	1015 gpm	200 AF	1015 gpm	200 AF	NO	
MOD	16779	NW¼ SE¼ SW¼	33	5	1E	1	1275	3875	EAST WELL	740 gpm	66 AF	740 gpm	66 AF	NO	

**BETTER DESCRIBING WELLS WITH GPS FEET DISTANCES from 5-22-03 COMPLIANCE INVESTIGATION TFO**

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14 Limitation: \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 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 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					
<b>NO CHANGES to PU</b>																										

Comments:

Kansas Department of Agriculture  
 Division of Water Resources  
**WAIVER REQUEST & WAIVER RULE WORKSHEET**

File Number: 28,133

FO: 1 GMD:

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	03/02/17	57	Statewide	Change Approval	Location of Alluvial Wells
Rule Number	Date Granted	Date Denied	Justification:	Approval of the proposed change for File No. 28,133 will result in no difference in hydrologic effect on the stream channel.	
K.A.R. 5-5-13	5/4/17				

**WAIVER RULE:**

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared 05/02/17 By RAK

Date Entered 5/8/2017 By WM



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer


**WAIVER OF REGULATION**  
**K.A.R. 5-5-13 Relocation of alluvial wells**

Date: 5/4/17

RE: Water Right, File No. 28,133

1. That K.A.R. 5-5-13 states in part: "If an authorized point of diversion is a well that has its source of supply an alluvium in a reach of a basin that is fully appropriated or closed to new appropriations, the approval of a change in point of diversion, and any subsequent approvals of changes in points of diversion, shall not authorize the distance between the well and the centerline of the stream to be decreased by more than 10 percent as measured from the following: (1) The authorized well location when the basin became fully appropriated or was closed to new appropriations; and (2) the centerline of the stream when the change application was filed."
2. Water Right, File No. 28,133, located in the Republican River Basin, is in an area in which the groundwater has been determined to be fully appropriated. File No. 28,133 is authorized irrigation use from two wells with assigned diversion rates and quantities located in Sections 32 and 33, Township 5 South, Range 1 East, Washington County, Kansas. There are no present overlaps in the authorized points of diversion or places of use.
3. That the application to change the point of diversion for Water Right, File No. 28,133 was received in the office of the Chief Engineer on March 2, 2017. The referenced application proposes to transfer 43 acre-feet from the well in Section 33 to the well in Section 32, so that a total of 66 acre-feet will remain on the well in Section 33 and a total of 200 acre-feet will be authorized by the well in Section 32. No transfer of rate is proposed. The proposal does not appear to comply with K.A.R. 5-5-13 *Relocation of alluvial wells* since the proposal appears to decrease the distance between the currently authorized well and the centerline of the stream by more than 10 percent.
4. As indicated in information provided by the Water Commissioner of the Topeka Field Office and by the Chief Engineer in a March 29, 2017 e-mail, the application should be approved with a waiver of K.A.R. 5-5-13 since they determined the proposed move was only a bit closer to the Republican River (12 to 13%), and that there should be no difference in the hydrologic effect on the Republican River.
5. That a waiver of K.A.R. 5-5-13 will neither prejudicially nor unreasonably affect the public interest and it will not impair an existing water right.

Comments:

  
David W. Barfield, P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

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

**TO:** Files  
**DATE:** May 3, 2017  
**FROM:** Richelle A. Krueger  
**RE:** Water Right  
File No. 28,133

J. Douglas and M. Maureen Toll, and Mark and Debra A. Taddiken, filed an application for approval to change the authorized point of diversion for the referenced file number, authorized groundwater for irrigation use in the Republican River Basin in the Effective Alluvial (034) special use area. The referenced application was filed along with a division agreement, applications to change the place of use for File Nos. 17,870; 38,919 and 28,133, and Application, File No. 49,769. The change in place of use and new applications are being processed in the Topeka Field Office. The goal is to separate land and water rights owned by Mark and Debra A. Taddiken from that owned by J. Douglas and M. Maureen Toll.

The water right does not appear to be abandoned as per K.S.A. 82a-718.

The referenced application is authorized two wells with assigned rates and quantities for irrigation of 241 acres located Sections 32 and 33, Township 5 South, Range 1 East, Washington County, Kansas. There are no current overlaps in the authorized points of diversion or place of use. The applicant proposes to transfer 43 acre feet (and no rate) from the "East" well to the "West" well so that a total of 200 acre-feet @ 1,015 gallons per minute will be authorized at the "West" well (1,011 feet North and 1,234 West of the Southeast corner of Section 32) and 66 acre-feet @ 740 gallons per minute will be authorized at the "East" well (1,275 feet North and 3,875 feet West of the Southeast corner of Section 33). The proposed move involves a distance of approximately 2,786 feet between existing wells authorized by the same file number.

The proposed change will not meet the 1,320 feet well spacing requirements of K.A.R. 5-4-4 *Well spacing* since the proposed well location is approximately 1,102 feet from an irrigation well authorized by File Nos. WS 28 and 8,195. However, it appears that the spacing between wells is sufficient to prevent direct impairment between the wells located in a common source of supply or hydraulically connected sources of supply as per K.A.R. 5-4-4(a).

The proposed change in point of diversion does not appear to comply with K.A.R. 5-5-13 *Relocation of alluvial wells*. However, a waiver of the regulation is recommended as described in a series of e-mails and attachments between the Topeka Water Commissioner and the Chief Engineer dated from March 27, 2017 through March 29, 2017. It was determined that the proposed change moves quantity a bit closer to the river (between 12-13%) and that there should be no difference in hydrologic effect to the Republican River.

Nearby well owners were notified of the proposed change by letters dated April 3, 2017; no responses have been received as of today's date.

No well log was submitted with the application. However, it appears that the same local source of supply will not change, which has been previously determined to be Alluvium/Terrace (111) and Terrace (115) of the Republican River. Both wells will be better described with g.p.s. feet distances from a May 22, 2003 compliance investigation by the Topeka Field Office staff.

In an e-mail dated April 24, 2017, Katherine Tietsort, Water Commissioner of the Topeka Field Office, indicated that she has no objections to approval of the referenced application.

Water flow meters are required. Check valves are required if any chemical or foreign substance is injected into the water through the diversion works.

  
Richelle A. Krueger  
Environmental Scientist

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 8, 2017

**FILE COPY**

J DOUGLAS & M MAUREEN TOLL  
PO BOX 186  
CLIFTON KS 66937-0186

RE: Water Right, File No. 28,133

Dear Mr. and Mrs. Toll:

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

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

Since the order for the referenced file number modifies the original document referred to above it 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 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".

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

Enclosures

pc: Topeka Field Office  
Mark and Debra A. Taddiken



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN  
POINT OF DIVERSION  
WATER RIGHT  
FILE NO. 28,133**

**FILE COPY**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of J. Douglas and M. Maureen Toll, P.O. Box 186, Clifton, Kansas, 66937-0186, and Mark and Debra A. Taddiken, 2614 Hackberry Road, Clifton, Kansas, 66937-9218, received in this office on March 2, 2017, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the point of diversion shall be:

one (1) well located in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 32, more particularly described as being near a point 1,011 feet North and 1,234 feet West of the Southeast corner of said section, at a diversion rate not in excess of 1,015 gallons per minute (2.26 c.f.s.) and in a quantity not to exceed 200 acre-feet of water per calendar year, and

one (1) well located in the Northwest Quarter of the Southeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 33, more particularly described as being near a point 1,275 feet North and 3,875 feet West of the Southeast corner of said section, at a diversion rate not in excess of 740 gallons per minute (1.65 c.f.s.) and in a quantity not to exceed 66 acre-feet of water per calendar year,

both in Township 5 South, Range 1 East, Washington County, Kansas,

located substantially as shown on the map accompanying the application to change the point of diversion.

Installation of the works for diversion of water shall be completed on or before December 31, 2017, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

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 Certificate of Appropriation issued pursuant to Approval of Application, File No. 28,133, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 30, 2000.

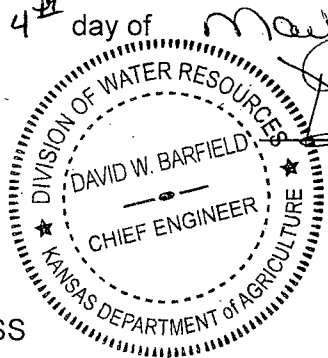
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this 4<sup>th</sup> day of May, 2017, in Topeka, Shawnee County, Kansas.



*David W. Barfield*  
\_\_\_\_\_

David W. Barfield 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 4<sup>th</sup> day of May, 2017, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



*Karen Hunter*  
\_\_\_\_\_ Notary Public



**CERTIFICATE OF SERVICE**

On this *8<sup>th</sup>* day of *May*, *2017*, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 28,133, dated *May 4, 2017* was mailed postage prepaid, first class, US mail to the following:

J DOUGLAS AND M MAUREEN TOLL  
PO BOX 186  
CLIFTON KS 66937-0186

With a true and correct copy to:

MARK & DEBRA A TADDIKEN  
2614 HACKBERRY RD  
CLIFTON KS 66937-9218

With photocopies to:

Topeka Field Office

  
\_\_\_\_\_  
Division of Water Resources

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
http://agriculture.ks.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
- (Check one or more)  Point of Diversion
- Use Made of Water

WATER RESOURCES  
RECEIVED  
MAR 02 2017  
8:29  
KS DEPT OF AGRICULTURE

File No. 28,133

2. Name of applicant: J DOUGLAS & M MAUREEN TOLL MARK & DEBRA TADDIKEN

Address: PO BOX 186 2614 HACKBERRY RD

City, State and Zip: CLIFTON KS 66937-0186 CLIFTON KS 66937-9218

Phone Number: ( ) E-mail address: \_\_\_\_\_

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

Name of water use correspondent: BOTH OWNERS ABOVE. EACH REPORTS ON THEIR OWN WELL.

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): \_\_\_\_\_

The owners are requesting to move quantity from the east well to the west well prior to dividing the water right.

The change(s) (was) (will be) completed by immediately upon approval.

(Date)

For Office Use Only:													
F.O.	<u>1</u>	GMD	<u>0</u>	Meets K.A.R. 5-5-1	(YES/NO) Use	<u>IRL</u>	Source	(G/S) County	<u>WS</u>	By	<u>LI</u>	Date	<u>3/2/17</u>
Code	<u>CGT</u>	Fee \$	<u>200.00</u>	TR #		Receipt Date	<u>3/2/17</u>	Check #	<u>21890 #100</u>				

8749 #100-

PUT IN CCC/LI

APPLICATION COMPLETE  
513,117  
Reviewer RAK

4. The presently authorized place of use is:

Owner of Land — NAME: MARK & DEBRA TADDIKEN

ADDRESS: 2614 HACKBERRY RD CLIFTON KS 66937-9218

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				
33	5S	1E											30				38					68

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

Owner of Land — NAME: J DOUGLAS & M MAUREEN TOLL

ADDRESS: PO BOX 186 CLIFTON KS 66937-0186

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				
32	5S	1E				2								2	35		35	35				109
33	5S	1E											32	32								64

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: NO CHANGE

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. \_\_\_\_\_

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. \_\_\_\_\_

WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

MAR 02 2017

SCANNED

KS DEPT OF AGRICULTURE

6. The presently authorized point(s) of diversion (is) (are) TWO WELLS

(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) TWO WELLS

(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 SE Quarter of the SE Quarter of Section 32, Township 5 South, Range 1 EAST (E/W), in WASHINGTON County, Kansas, 1000 feet North 1280 feet West of Southeast corner of section.

Authorized Rate 1015 GPM Authorized Quantity 157 AF

\* (DWR use only: Computer ID No. 4 GPS 1011 feet North 1234 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 NW Quarter of the SE Quarter of the SE Quarter of Section 32, Township 5 South, Range 1 EAST (E/W), in WASHINGTON County, Kansas, <sup>1011</sup>~~1000~~ feet North <sup>1234</sup>~~1280~~ feet West of Southeast corner of section.

Proposed Rate 1015 GPM Proposed Quantity 200 AF

This point is:  Additional Well  Geo Center List other water rights that will use this point

9. Presently authorized point of diversion:

One in the NW Quarter of the SE Quarter of the SW Quarter of Section 33, Township 5 South, Range 1 EAST (E/W), in WASHINGTON County, Kansas, 1255 feet North 3830 feet West of Southeast corner of section.

Authorized Rate 740 GPM Authorized Quantity 109 AF

(DWR use only: Computer ID No. 1 GPS 1275 feet North 3875 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 NW Quarter of the SE Quarter of the SW Quarter of Section 33, Township 5 South, Range 1 EAST (E/W), in WASHINGTON County, Kansas, <sup>1275</sup>~~1255~~ feet North <sup>3875</sup>~~3830~~ feet West of Southeast corner of section.

Proposed Rate 740 GPM Proposed Quantity 66 AF

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 \_\_\_\_\_ (E/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 \_\_\_\_\_ (E/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. N/A

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES RECEIVED

\* Proposed Feet Distances modified per 5/22/03  
Compliance investigation TFO

\*RAK/DWR 5/3/17 SCANNED

MAR 02 2017

KS DEPT OF AGRICULTURE

12. The presently authorized use of water is for IRRIGATION purposes.

It is proposed that the use be changed to NO CHANGE purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

NOT APPLICABLE.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to NO REDUCTION (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to NO REDUCTION gallons per minute (\_\_\_\_ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 ([www.usgs.gov](http://www.usgs.gov)). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.

2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.

3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

THERE WILL BE NO IMPAIRMENT, THE OWNERS ARE SIMPLY MOVING QUANTITY BETWEEN THE WELLS.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

THE PROPOSAL MEETS ALL APPLICABLE RULES AND REGULATIONS.

WATER RESOURCES  
RECEIVED

MAR 02 2017

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY 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 Clifton, Kansas, this 1<sup>st</sup> day of March, 2017.

Mark Taddiken  
(Owner)

Mark Taddiken  
(Please Print)

J Douglas Toll  
(Owner)

J Douglas Toll  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Please Print)

Debra A Taddiken  
(Spouse)

Debra A Taddiken  
(Please Print)

M. Murren Toll  
(Spouse)

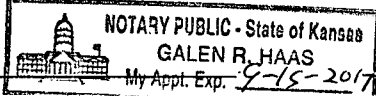
M. Murren Toll  
(Please Print)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

State of Kansas }  
County of Washington } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 1<sup>st</sup> day of March, 2017.

My Commission Expires \_\_\_\_\_  


Galen R. Haas  
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.**

**WATER RESOURCES  
RECEIVED**  
**MAR 02 2017**

**KS DEPT OF AGRICULTURE  
SCANNED**

## Krueger, Richelle

---

**From:** Tietsort, Katie  
**Sent:** Monday, April 24, 2017 9:56 AM  
**To:** Krueger, Richelle  
**Cc:** Bunger, Brett; Schemm, Doug; Turney, Brent  
**Subject:** RE: Request for Recommendation Change in PD File No. 28133 Toll/Taddiken

Hi Richelle,

The TFO agrees with approval of the referenced change. Thanks for working this application. Next we can proceed with processing the division and changes.

Katie

Katie Tietsort

Kansas Department of Agriculture  
6531 SE Forbes Ave Ste B  
Topeka, KS 66619  
[katie.tietsort@ks.gov](mailto:katie.tietsort@ks.gov)  
Phone 785-296-5733

---

**From:** Krueger, Richelle  
**Sent:** Thursday, April 20, 2017 1:15 PM  
**To:** Tietsort, Katie <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Cc:** Bunger, Brett <[Brett.Bunger@ks.gov](mailto:Brett.Bunger@ks.gov)>; Schemm, Doug <[Doug.Schemm@ks.gov](mailto:Doug.Schemm@ks.gov)>; Turney, Brent <[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)>  
**Subject:** Request for Recommendation Change in PD File No. 28133 Toll/Taddiken

Hi Katie,  
Attached is a draft memo for the referenced change in pd, do you recommend approval?  
Thanks,  
Richelle



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

April 3, 2017

ASHLEY PAIGE ELSASSER  
RONALD & TAMBERLYN ELSASSER  
207 BERRY ST  
CLIFTON KS 66937

RE: Water Right  
File No. 28,133

Dear Sir or Madam:

This is to advise you that J. Douglas and M. Maureen Toll, and Mark and Debra Taddiken, have filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced file number. The water right owner proposes to transfer 43 acre-feet of water between their existing authorized wells. The application proposes the following change in the point of diversion.

from: one (1) existing well located in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 32, more particularly described as being near a point 1,000 feet North and 1,280 feet West of the Southeast corner of said section, at a diversion rate not in excess of 1,015 gallons per minute and in a quantity not to exceed **157 acre-feet** of water per calendar year, and

one (1) existing well located in the Northwest Quarter of the Southeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 33, more particularly described as being near a point 1,255 feet North and 3,830 feet West of the Southeast corner of said section, at a diversion rate not in excess of 740 gallons per minute and in a quantity not to exceed **109 acre-feet** of water per calendar year,

both in Township 5 South, Range 1 East, Washington County, Kansas,

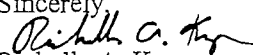
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both in Township 5 South, Range 1 East, Washington County, Kansas.

A map is on the reverse of this letter for your information. You are being notified of this proposed change in the point of diversion so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact me at (785) 564-6635 or Brent Turney, Change Application Unit Supervisor 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.

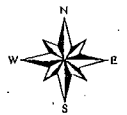
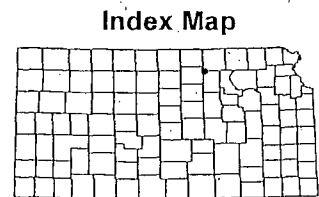
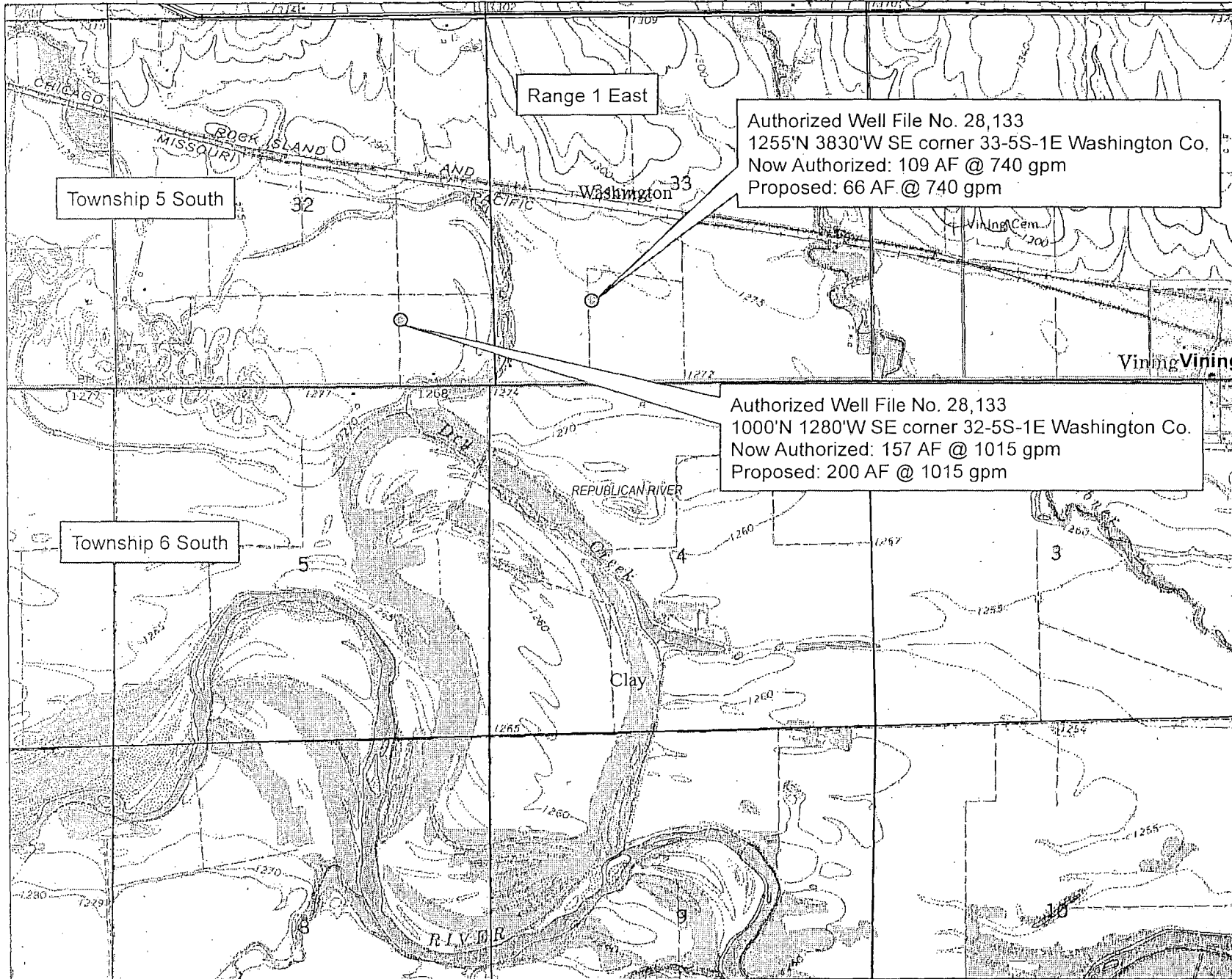
Sincerely,  
  
Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK  
pc: Topeka Field Office  
J. Douglas and M. Maureen Toll  
Mark and Debra A. Taddiken

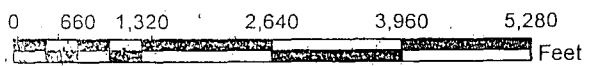
SCANNED



# Application to Change the Point of Diversion File No. 28,133



1:24,000



This map was created by WIMAS on 4/3/2017 8:50:35 AM



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

April 3 2017

JEFFERY M METZ AND JORDAN HELGESON  
342 PARALLEL RD  
CLIFTON KS 66937

RE: Water Right  
File No. 28,133

Dear Sir or Madam:

This is to advise you that J. Douglas and M. Maureen Toll, and Mark and Debra Taddiken, have filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced file number. The water right owner proposes to transfer 43 acre-feet of water between their existing authorized wells. The application proposes the following change in the point of diversion.

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one (1) existing well located in the Northwest Quarter of the Southeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 33, more particularly described as being near a point 1,255 feet North and 3,830 feet West of the Southeast corner of said section, at a diversion rate not in excess of 740 gallons per minute and in a quantity not to exceed **109 acre-feet** of water per calendar year,

both in Township 5 South, Range 1 East, Washington County, Kansas,

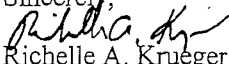
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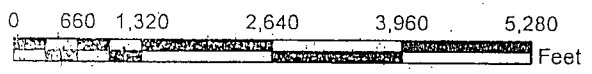
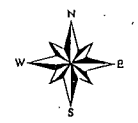
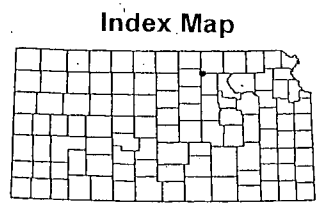
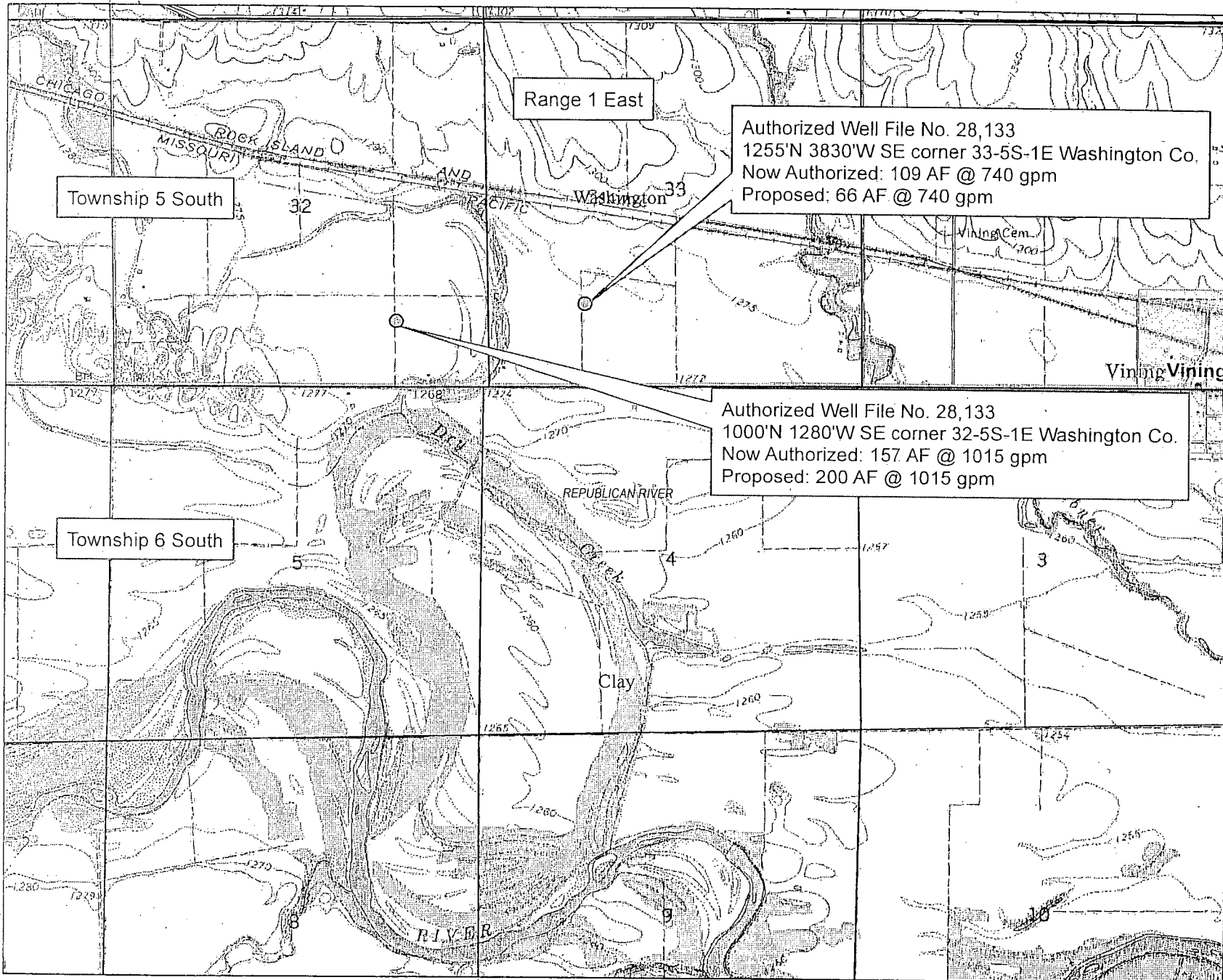
Sincerely,  
  
Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Topeka Field Office  
J. Douglas and M. Maureen Toll  
Mark and Debra A. Taddiken

SCANNED

# Application to Change the Point of Diversion File No. 28,133



1:24,000

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

April 3, 2017

RICHARD H COTT TRUST  
1047 20<sup>TH</sup> RD  
CLAY CENTER KS 67432

RE: Water Right  
File No. 28,133

Dear Sir or Madam:

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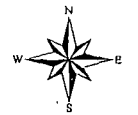
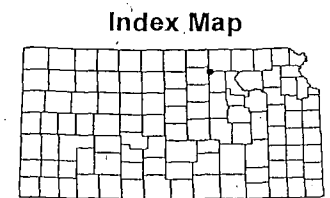
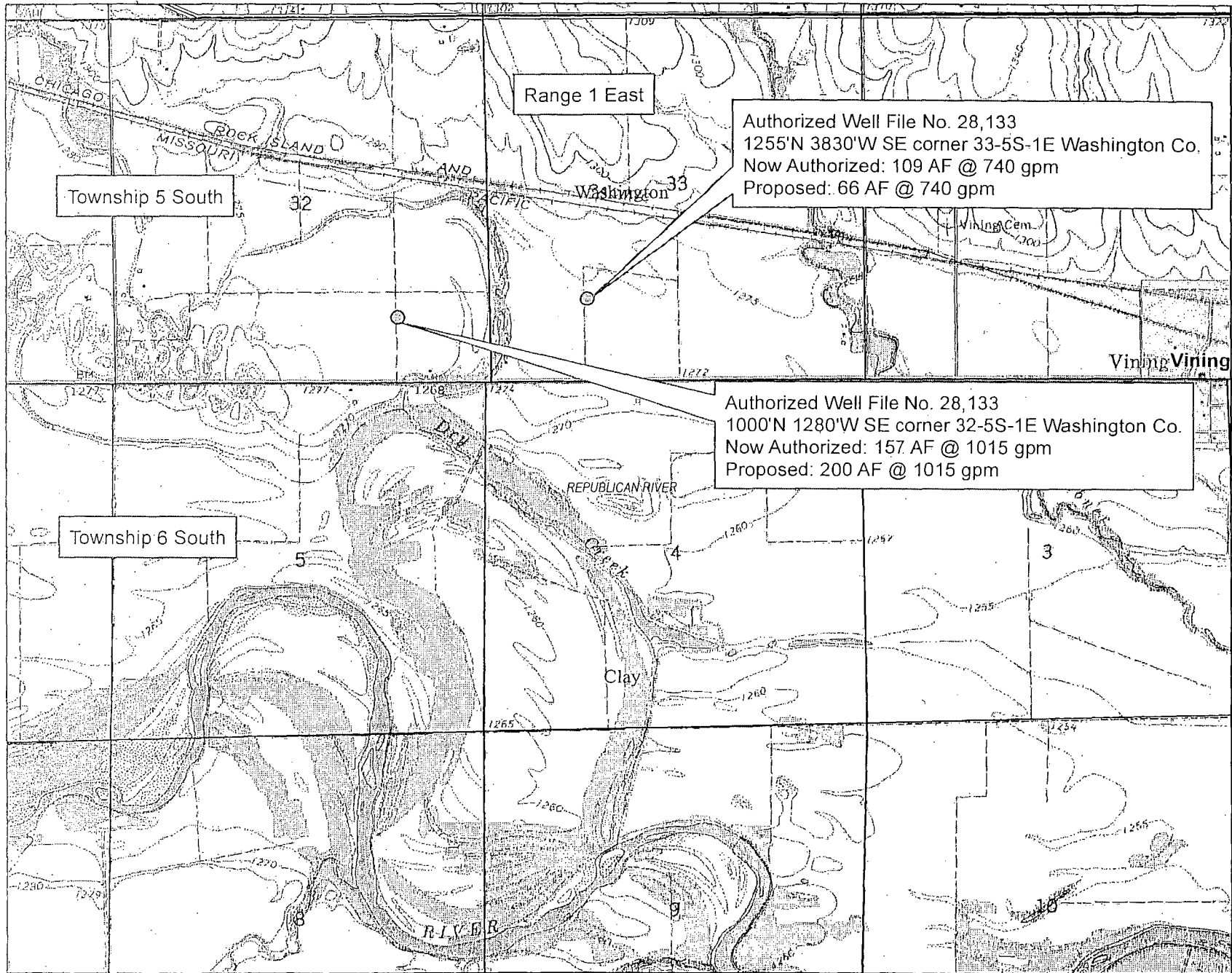
Sincerely,  
  
Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

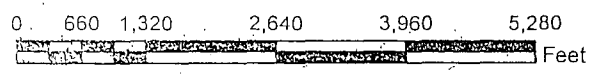
pc: Topeka Field Office  
J. Douglas and M. Maureen Toll  
Mark and Debra A. Taddiken

SCANNED

# Application to Change the Point of Diversion File No. 28,133



1:24,000



This map was created by WIMAS on 4/3/2017 8:50:35 AM

## Krueger, Richelle

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**From:** Schemm, Doug  
**Sent:** Monday, April 3, 2017 11:59 AM  
**To:** Krueger, Richelle  
**Subject:** RE: Change in PD /Division File No. 28133 Toll/Taddiken

Hello Richelle,  
Thanks for the heads up. It's a mess. I know they had 99 highway north of Emporia closed last Friday. Can't wait for some sunshine.

---

**From:** Krueger, Richelle  
**Sent:** Monday, April 3, 2017 11:51 AM  
**To:** Schemm, Doug <Doug.Schemm@ks.gov>  
**Subject:** RE: Change in PD /Division File No. 28133 Toll/Taddiken

Happy Monday Doug!  
Just wanted to let you know that I sent out the nearby letters for the change in pd only for File No. 28,133 today, I did not attempt the new app/chg pu change notification, thought I better keep it simple as possible on this end.

Take care and be careful of those flood waters, its sure a mess at home!

Richelle

---

**From:** Schemm, Doug  
**Sent:** Thursday, March 16, 2017 2:04 PM  
**To:** Krueger, Richelle <Richelle.Krueger@ks.gov>  
**Subject:** RE: Change in PD /Division File No. 28133 Toll/Taddiken

Richelle,  
No I haven't even started on my end on these yet so have at it.  
Thanks for good work,  
Doug

---

**From:** Krueger, Richelle  
**Sent:** Thursday, March 16, 2017 9:45 AM  
**To:** Schemm, Doug <Doug.Schemm@ks.gov>  
**Subject:** FW: Change in PD /Division File No. 28133 Toll/Taddiken

Heya Doug,  
On this Taddiken package, you have not notified nearbys for the pd change on 28133 transferring quantity between the wells, right? I will get rolling on that part if not, just don't want to duplicate letters or anything, thanks!  
Richelle

---

**From:** Krueger, Richelle  
**Sent:** Thursday, March 16, 2017 8:45 AM  
**To:** Tietsort, Katie <Katie.Tietsort@ks.gov>  
**Cc:** Schemm, Doug <Doug.Schemm@ks.gov>  
**Subject:** RE: Change in PD /Division File No. 28133 Toll/Taddiken

Good Morning!

No problem this gets confusing in a hurry! So, to make sure I understand, Doug is really processing a change in pu for 28133 D1 (Toll); all the pu changes and new app will be for a total of 400.6 AF on 342 acres =1.17 af/ac (with dropping Taddikens 66 AF and 68 acres. Does that sound right?

Richelle

---

**From:** Tietsort, Katie  
**Sent:** Thursday, March 16, 2017 8:25 AM  
**To:** Krueger, Richelle <[Richelle.Krueger@ks.gov](mailto:Richelle.Krueger@ks.gov)>  
**Cc:** Schemm, Doug <[Doug.Schemm@ks.gov](mailto:Doug.Schemm@ks.gov)>  
**Subject:** RE: Change in PD /Division File No. 28133 Toll/Taddiken

Sorry Richelle!

Katie Tietsort

Kansas Department of Agriculture  
6531 SE Forbes Ave Ste B  
Topeka, KS 66619  
[katie.tietsort@ks.gov](mailto:katie.tietsort@ks.gov)  
Phone 785-296-5733

---

**From:** Tietsort, Katie  
**Sent:** Thursday, March 16, 2017 8:25 AM  
**To:** Schemm, Doug <[Doug.Schemm@ks.gov](mailto:Doug.Schemm@ks.gov)>  
**Subject:** RE: Change in PD /Division File No. 28133 Toll/Taddiken

Hi Richelle,

They wanted to do a complete overlap, but then ran into problems with the Taddiken land. SO new plan is:

- 1) Change in PD to move Quantity over from the east well to the west well under File No. 28133.
- 2) Next day Division of 28133 into 28133-D1 and D2.
- 3) Sometime after that, modify the PU on the PU changes that were all filed first to eliminate the Taddiken Land under the Divided file and overlap all the remaining.

Does this help?

Katie Tietsort

Kansas Department of Agriculture  
6531 SE Forbes Ave Ste B  
Topeka, KS 66619  
[katie.tietsort@ks.gov](mailto:katie.tietsort@ks.gov)  
Phone 785-296-5733

---

**From:** Schemm, Doug  
**Sent:** Wednesday, March 15, 2017 5:23 PM  
**To:** Tietsort, Katie <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Subject:** FW: Change in PD /Division File No. 28133 Toll/Taddiken

You may be able to help Richelle out. I won't get to these for a bit, probably 2 weeks or so out.

---

**From:** Krueger, Richelle  
**Sent:** Wednesday, March 15, 2017 3:33 PM  
**To:** Schemm, Doug <Doug.Schemm@ks.gov>  
**Subject:** Change in PD /Division File No. 28133 Toll/Taddiken

Hiya Doug,

Brent gave me the referenced change in pd and division, I think you have the new app and pu changes? I have begun looking this over, do you know what their ultimate goal is? At first I thought it was to separate out Taddiken pu from Toll pu, but new app and changes in pu keep them all together? At first I thought:

**Day 1 PD Change** File No. 28,133 transferring quantity only between the files

**Day 2 Division Agreement** File No. 28133, which assumes pd has happened but not the pu change, separates Toll D1 into 200 AF and 173 acres (173 base acres) 1.16 af/ac; Taddiken D2 into 266 AF and 68 acres (66 base acres) 0.97 af/ac. Total base acres was determined 241 ac but they only split 239 base acres?

**Day 3 New App** File No. 49769 requesting 63.6 AF (surface water) Change in PU File Nos. 17870 & 38919 and File No. 28133(not a D1 or D2 filed). All propose to go to 410 acres (picking up new acres and still keeping Taddiken 68 acres) 466.6 AF on 410 acres =1.14 af/ac.

I guess I am wondering either: a second change in pu needs to be filed for either the D1 and D2 since they are separated after division; or Taddikens 68 acres were not intended to be on the new app File No. 49769 and changes in pu for file nos. 17870, 28133 and 38919?

OR, there is a third option here I am missing?

Thanks for any info you have on this one!

Richelle



## Krueger, Richelle

---

**From:** Turney, Brent  
**Sent:** Monday, April 3, 2017 8:02 AM  
**To:** Barfield, David; Tietsort, Katie; Letourneau, Lane  
**Cc:** Krueger, Richelle  
**Subject:** RE: CE Decision Paper File No. 28,133

That's fine David, We will take it from here and draft up a waiver. No need to meet.  
Brent

**Brent A. Turney, P.G.**  
**Kansas Department of Agriculture**  
**Division of Water Resources**  
**1320 Research Park Drive**  
**Manhattan Kansas 66502**  
**(785) 564-6645**  
**[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)**  
**[www.agriculture.ks.gov](http://www.agriculture.ks.gov)**

---

**From:** Barfield, David  
**Sent:** Wednesday, March 29, 2017 2:27 PM  
**To:** Tietsort, Katie <Katie.Tietsort@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>; Letourneau, Lane <Lane.Letourneau@ks.gov>  
**Cc:** Krueger, Richelle <Richelle.Krueger@ks.gov>  
**Subject:** RE: CE Decision Paper File No. 28,133

I took a look. I measured the distances to the Republican River (closed point) from the two PDs as carefully as I could and the difference by my estimate is 12 or 13%. Is that what you all get?

So we are moving 43 AF a bit closer to the River than 5-5-13 allows, not considering the effect of intervening tributaries. I don't see how the Republican River is going to know the difference in hydrologic effect.

If the only thing holding this up is effect on the Republican River, I am willing to approve. We just need to decide if we are going to call it a waiver of 5-5-13, which I am willing to do based on these facts and circumstances.

But if you want to meet, set it up.

David

---

**From:** Tietsort, Katie  
**Sent:** Monday, March 27, 2017 4:16 PM  
**To:** Turney, Brent <[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)>; Barfield, David <[David.Barfield@ks.gov](mailto:David.Barfield@ks.gov)>; Letourneau, Lane <Lane.Letourneau@ks.gov>  
**Cc:** Krueger, Richelle <[Richelle.Krueger@ks.gov](mailto:Richelle.Krueger@ks.gov)>  
**Subject:** RE: CE Decision Paper File No. 28,133

Brent,

I just prepared the paper to start the decision as I was instructed by Lane. I will asking David to consider the "blue line" which is considered when we do jurisdiction determinations to identify that this won't be an issue at all.

David- as I indicated in the recent work I have done using Jim Bagleys 50-well stream depletion calculator for the LRAD determinations for GW, we measured the distances from each well to the nearest "blue-line" stream, which in this case would negate the issue entirely. I don't think it applies at all. We obviously need to talk to you about this.

Katie

Katie Tietsort

Kansas Department of Agriculture  
6531 SE Forbes Ave Ste B  
Topeka, KS 66619  
[katie.tietsort@ks.gov](mailto:katie.tietsort@ks.gov)  
Phone 785-296-5733

---

**From:** Turney, Brent  
**Sent:** Monday, March 27, 2017 4:12 PM  
**To:** Tietsort, Katie <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>; Barfield, David <[David.Barfield@ks.gov](mailto:David.Barfield@ks.gov)>; Letourneau, Lane <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>  
**Cc:** Krueger, Richelle <[Richelle.Krueger@ks.gov](mailto:Richelle.Krueger@ks.gov)>  
**Subject:** RE: CE Decision Paper File No. 28,133

Katie,

I do take exception to item no. 1 where you state that the regulation does not apply because no well will be drilled. We have consistently applied the rule to changes such as this where they will be moving quantity closer to the centerline of the channel. Also, the stream that runs between the two wells does not appear to be a perennial stream and is not subject to the regulation, the application does however, propose to move the greater quantity closer to the Republican River. If we need to discuss this waiver I suggest that we meet to discuss it.

Thanks,  
Brent

**Brent A. Turney, P.G.**  
**Kansas Department of Agriculture**  
**Division of Water Resources**  
**1320 Research Park Drive**  
**Manhattan Kansas 66502**  
**(785) 564-6645**  
**[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)**  
**[www.agriculture.ks.gov](http://www.agriculture.ks.gov)**

---

**From:** Tietsort, Katie  
**Sent:** Monday, March 27, 2017 3:30 PM  
**To:** Barfield, David <[David.Barfield@ks.gov](mailto:David.Barfield@ks.gov)>; Letourneau, Lane <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>  
**Cc:** Turney, Brent <[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)>  
**Subject:** CE Decision Paper File No. 28,133

Good Afternoon,

David, this is a decision paper for your review. I have been contacted by Mark Taddiken and Doug Toll about the processing of this application package, the first of a three step series, so I wanted to get this to you quickly. I know we are all tied up this week. I was hoping you may have some time to talk about it next week. Of course they are trying to get this all set for irrigation season.

Thanks so much,  
Katie

Katie Tietsort

Kansas Department of Agriculture  
6531 SE Forbes Ave Ste B  
Topeka, KS 66619  
[katie.tietsort@ks.gov](mailto:katie.tietsort@ks.gov)  
Phone 785-296-5733

(2) the centerline of the stream when the change application was filed.

(b) Only for the purposes of applying this regulation, the term "stream" shall include the main stem and any tributary to the main stem that was a perennial stream when the basin was closed to new appropriations. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 2007 Supp. 82a-708b; effective Sept. 22, 2000; amended Oct. 31, 2008.)

Justification to this concern:

- 1) There will be NO physical change in wells. There are no wells being drilled in any way. The well being requested is not a relocated or a new well, it is an existing well that has been operating as long as the well in question has. These are both existing wells, so the regulation does not apply. There is no relocation of a well occurring.
- 2) The Basin in question, the Republican River, is not closed to new appropriations. The alluvium is fully appropriated, but in this Basin, according to K.A.R. 5-3-11(d) new surface water applications can and are being approved.
- 3) The net effect of pumping is only moving 43 AF between the two wells. The pumping center for the two wells authorized under the right won't change, since neither well is being relocated.

Decision:

\_\_\_\_\_ The change in point of diversion requesting to move 43 AF from the east well to the west well under File No. 28,133 should be approved. There is no relocation of wells being requested so the regulation does not apply. No waivers are necessary.

\_\_\_\_\_ The change in point of diversion requesting to move 43 AF from the east well to the west well under File No. 28,133 should be approved. The regulation does apply however and a waiver should be prepared.

\_\_\_\_\_ The change in point of diversion requesting to move 43 AF from the east well to the west well under File No. 28,133 should be denied. Mr. Taddiken and Mr. Toll should be notified that the change cannot be approved.

\_\_\_\_\_  
David W. Barfield, P.E.  
Chief Engineer

---

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**Topeka Field Office**

**MEMORANDUM**

**TO:** Files

**DATE:** March 27, 2017

**FROM:** Katherine A. Tietsort  
Water Commissioner

**RE:** Water Right,  
File No. 28,133

**CHIEF ENGINEER DECISION PAPER**  
**File No. 28,133**

Water Right, File No. 28,133, with a priority date December 20, 1976, was certified on June 30, 2000 based on a perfection period that expired December 31, 1983, but was retroactively extended through December 31, 1991 by decision paper under David Pope. It authorizes the diversion of water from 2 wells, the East Well and the West Well. (See attached map). The East well is authorized 109 AF at 740 gpm and the West Well is authorized 157 AF at 1015 gpm. Traditionally, the east well has served the east pivot covering 132 acres and the west well has served the west pivot covering a 3/5 swing of 109 acres. The land covered was original to one owner for only the first 3 or 4 years then sold to multiple parties. The file got caught up under ANUP and then was eventually certified, however there was significant problems certifying the file primarily due to the lack of metering and water use reporting by individual owners operating the separate systems. It is actually very unclear what quantities were pumped from the wells authorized from the point of approval through 1990 when the ownership changed and the quantities were probably greater than those certified. Additionally, by the time Taddiken Farms and Doug Toll got involved, the original systems used had been replaced and it was unknown what the original system operated at in considering rate. Ultimately, recent (1990-1991) tests were used to finally certify the water right.

Currently, the land covered under the east half of the Southwest Quarter in Section 33 is owned by Mark and Debbie Taddiken and the west half is under the Toll family ownership. These neighbors had a pivot agreement that they operated under. The west pivot is owned by Toll family.

Doug Toll is retiring and has contracted with Bob Wietharn to run his farming operation. Doug and Bob contacted me to draft up complete overlaps in the Toll properties to mitigate MDS, as Bob has done under his water rights. I prepared the necessary applications and sent them. Doug Toll contacted this office when Mark Taddiken notified him that the pivot agreement was nullified when Doug set up the new operator on his property (Bob Wietharn). Both Doug and Mark contacted me and asked to formally divide the right to move beyond the current set-up so Doug Toll can proceed with the overlaps.

I prepared the paperwork for the Division after consulting with Brent Turney. They agreed to keep 66 AF on the East well to cover the 68 acres owned by Taddiken Farms, which will be irrigated with the east well that is physically located on Taddiken's property and are requesting to move 43 AF to the West well so that the west well will allow 200 AF on the 173 acres owned by Toll family. This can be accomplished by a change moving the quantity over from the east well to the west well, then diving the water right. They have since filed the paperwork.

In reviewing the requesting change, Brent Turney has indicated the change cannot be approved because it does not meet K.A.R. 5-5-13 **Relocation of alluvial wells**.

**K.A.R. 5-5-13. Relocation of alluvial wells.** (a) If an authorized point of diversion is a well that has as its source of supply an alluvium in a reach of a basin that is fully appropriated or closed to new appropriations, the approval of a change in point of diversion, and any subsequent approvals of changes in points of diversion, shall not authorize the distance between the well and the centerline of the stream to be decreased by more than 10 percent as measured from the following:

(1) The authorized well location when the basin became fully appropriated or was closed to new appropriations; and

## Krueger, Richelle

---

**From:** Tietsort, Katie  
**Sent:** Monday, March 27, 2017 4:16 PM  
**To:** Turney, Brent; Barfield, David; Letourneau, Lane  
**Cc:** Krueger, Richelle  
**Subject:** RE: CE Decision Paper File No. 28,133

Brent,

I just prepared the paper to start the decision as I was instructed by Lane. I will asking David to consider the "blue line" which is considered when we do jurisdiction determinations to identify that this won't be an issue at all.

David- as I indicated in the recent work I have done using Jim Bagleys 50-well stream depletion calculator for the LRAD determinations for GW, we measured the distances from each well to the nearest "blue-line" stream, which in this case would negate the issue entirely. I don't think it applies at all. We obviously need to talk to you about this.

Katie

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**Cc:** Krueger, Richelle <Richelle.Krueger@ks.gov>  
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Thanks,  
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**Brent A. Turney, P.G.**  
**Kansas Department of Agriculture**  
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**(785) 564-6645**

**Brent.Turney@ks.gov**  
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**Sent:** Monday, March 27, 2017 3:30 PM

**To:** Barfield, David <[David.Barfield@ks.gov](mailto:David.Barfield@ks.gov)>; Letourneau, Lane <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>

**Cc:** Turney, Brent <[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)>

**Subject:** CE Decision Paper File No. 28,133

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Thanks so much,  
Katie

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**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**Topeka Field Office**

**MEMORANDUM**

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**DATE:** March 27, 2017

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File No. 28,133

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Decision:

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\_\_\_\_\_  
David W. Barfield, P.E.  
Chief Engineer

---

## Krueger, Richelle

---

**From:** Tietsort, Katie  
**Sent:** Thursday, March 16, 2017 4:33 PM  
**To:** Turney, Brent; Krueger, Richelle  
**Cc:** Schemm, Doug  
**Subject:** RE: Question about the Change in PD File No. 28133 Toll/ Taddiken

OK. I will have Karen set up a meeting with David. Have a good weekend. Thanks.

Katie Tietsort

Kansas Department of Agriculture  
6531 SE Forbes Ave Ste B  
Topeka, KS 66619  
[katie.tietsort@ks.gov](mailto:katie.tietsort@ks.gov)  
Phone 785-296-5733

---

**From:** Turney, Brent  
**Sent:** Thursday, March 16, 2017 3:17 PM  
**To:** Tietsort, Katie <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>; Krueger, Richelle <[Richelle.Krueger@ks.gov](mailto:Richelle.Krueger@ks.gov)>  
**Cc:** Schemm, Doug <[Doug.Schemm@ks.gov](mailto:Doug.Schemm@ks.gov)>  
**Subject:** RE: Question about the Change in PD File No. 28133 Toll/ Taddiken

Katie,

Not sure what you are suggesting, but the change proposes moving quantity approximately 16% closer to the center line of the Republican River, therefore the change does not meet KAR 5-5-13. If you are suggesting that we waive the regulation then we need some evidence that the change will not decrease streamflow in the Republican River. I am open to any suggestions, otherwise we cannot approve this change in point of diversion as proposed.

Brent

**Brent A. Turney, P.G.**  
**Kansas Department of Agriculture**  
**Division of Water Resources**  
**1320 Research Park Drive**  
**Manhattan Kansas 66502**  
**(785) 564-6645**  
**[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)**  
**[www.agriculture.ks.gov](http://www.agriculture.ks.gov)**

---

**From:** Tietsort, Katie  
**Sent:** Thursday, March 16, 2017 2:56 PM  
**To:** Krueger, Richelle <[Richelle.Krueger@ks.gov](mailto:Richelle.Krueger@ks.gov)>  
**Cc:** Schemm, Doug <[Doug.Schemm@ks.gov](mailto:Doug.Schemm@ks.gov)>; Turney, Brent <[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)>  
**Subject:** RE: Question about the Change in PD File No. 28133 Toll/ Taddiken

That will sign anything you need them to or a waiver. It's all good you can proceed.

Katie Tietsort

Kansas Department of Agriculture  
6531 SE Forbes Ave Ste B  
Topeka, KS 66619  
[katie.tietsort@ks.gov](mailto:katie.tietsort@ks.gov)  
Phone 785-296-5733

---

**From:** Krueger, Richelle  
**Sent:** Thursday, March 16, 2017 2:50 PM  
**To:** Tietsort, Katie <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Cc:** Schemm, Doug <[Doug.Schemm@ks.gov](mailto:Doug.Schemm@ks.gov)>; Turney, Brent <[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)>  
**Subject:** Question about the Change in PD File No. 28133 Toll/ Taddiken

Hi Katie,

I have been looking closer at the change in pd for File No. 28133 which is proposing to transfer 43 acre-feet from the well in Section 33-5-1E to the existing well also authorized by File No. 28133 in 32-5-1E. Both wells are in the effective alluvial (034) special use area, the well in Sec. 33 classified as (115) terrace and the well in Sec. 32 classified as (111) alluvium/terrace. From what I can tell in WIMAS, it appears that the proposed move of quantity does not meet K.A.R. 5-5-13 *relocation of alluvial wells* or 1320 feet well spacing requirements to a well not under common ownership authorized by File Nos. WS 028 and 8195.

When you get a chance, would you mind taking a look at it and see what you think? I will hold up on sending nearby letters on this one.

Thanks,

Richelle

## Krueger, Richelle

---

**From:** Schemm, Doug  
**Sent:** Thursday, March 16, 2017 2:04 PM  
**To:** Krueger, Richelle  
**Subject:** RE: Change in PD /Division File No. 28133 Toll/Taddiken

Richelle,  
No I haven't even started on my end on these yet so have at it.  
Thanks for good work,  
Doug

---

**From:** Krueger, Richelle  
**Sent:** Thursday, March 16, 2017 9:45 AM  
**To:** Schemm, Doug <Doug.Schemm@ks.gov>  
**Subject:** FW: Change in PD /Division File No. 28133 Toll/Taddiken

Heya Doug,  
On this Taddiken package, you have not notified nearby for the pd change on 28133 transferring quantity between the wells, right? I will get rolling on that part if not, just don't want to duplicate letters or anything, thanks!  
Richelle

---

**From:** Krueger, Richelle  
**Sent:** Thursday, March 16, 2017 8:45 AM  
**To:** Tietsort, Katie <Katie.Tietsort@ks.gov>  
**Cc:** Schemm, Doug <Doug.Schemm@ks.gov>  
**Subject:** RE: Change in PD /Division File No. 28133 Toll/Taddiken

Good Morning!  
No problem this gets confusing in a hurry! So, to make sure I understand, Doug is really processing a change in pu for 28133 **D1** (Toll); all the pu changes and new app will be for a total of 400.6 AF on 342 acres =1.17 af/ac (with dropping Taddikens 66 AF and 68 acres. Does that sound right?

Richelle

---

**From:** Tietsort, Katie  
**Sent:** Thursday, March 16, 2017 8:25 AM  
**To:** Krueger, Richelle <Richelle.Krueger@ks.gov>  
**Cc:** Schemm, Doug <Doug.Schemm@ks.gov>  
**Subject:** RE: Change in PD /Division File No. 28133 Toll/Taddiken

Sorry Richelle!

Katie Tietsort

Kansas Department of Agriculture  
6531 SE Forbes Ave Ste B  
Topeka, KS 66619  
[katie.tietsort@ks.gov](mailto:katie.tietsort@ks.gov)  
Phone 785-296-5733

---

**From:** Tietsort, Katie  
**Sent:** Thursday, March 16, 2017 8:25 AM  
**To:** Schemm, Doug <[Doug.Schemm@ks.gov](mailto:Doug.Schemm@ks.gov)>  
**Subject:** RE: Change in PD /Division File No. 28133 Toll/Taddiken

Hi Richelle,

They wanted to do a complete overlap, but then ran into problems with the Taddiken land. SO new plan is:

- 1) Change in PD to move Quantity over from the east well to the west well under File No. 28133.
- 2) Next day Division of 28133 into 28133-D1 and D2.
- 3) Sometime after that, modify the PU on the PU changes that were all filed first to eliminate the Taddiken Land under the Divided file and overlap all the remaining.

Does this help?

Katie Tietsort

Kansas Department of Agriculture  
6531 SE Forbes Ave Ste B  
Topeka, KS 66619  
[katie.tietsort@ks.gov](mailto:katie.tietsort@ks.gov)  
Phone 785-296-5733

---

**From:** Schemm, Doug  
**Sent:** Wednesday, March 15, 2017 5:23 PM  
**To:** Tietsort, Katie <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Subject:** FW: Change in PD /Division File No. 28133 Toll/Taddiken

You may be able to help Richelle out. I won't get to these for a bit, probably 2 weeks or so out.

---

**From:** Krueger, Richelle  
**Sent:** Wednesday, March 15, 2017 3:33 PM  
**To:** Schemm, Doug <[Doug.Schemm@ks.gov](mailto:Doug.Schemm@ks.gov)>  
**Subject:** Change in PD /Division File No. 28133 Toll/Taddiken

Hiya Doug,

Brent gave me the referenced change in pd and division, I think you have the new app and pu changes? I have begun looking this over, do you know what their ultimate goal is? At first I thought it was to separate out Taddiken pu from Toll pu, but new app and changes in pu keep them all together? At first I thought:

**Day 1 PD Change** File No. 28,133 transferring quantity only between the files

**Day 2 Division Agreement** File No. 28133, which assumes pd has happened but not the pu change, separates Toll D1 into 200 AF and 173 acres (173 base acres) 1.16 af/ac; Taddiken D2 into 2 66 AF and 68 acres.(66 base acres) 0.97 af/ac. Total base acres was determined 241 ac but they only split 239 base acres?

**Day 3 New App** File No. 49769 requesting 63.6 AF (surface water) Change in PU File Nos. 17870 & 38919 and File No. 28133(not a D1 or D2 filed). All propose to go to 410 acres (picking up new acres and still keeping Taddiken 68 acres) 466.6 AF on 410 acres =1.14 af/ac.

I guess I am wondering either: a second change in pu needs to be filed for either the D1 and D2 since they are separated after division; or Taddikens 68 acres were not intended to be on the new app File No. 49769 and changes in pu for file nos. 17870, 28133 and 38919?

OR, there is a third option here I am missing?

Thanks for any info you have on this one!

Richelle

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

DOUGLAS & MAUREEN TOLL  
PO BOX 186  
CLIFTON, KS 0

**FILE COPY**

March 3, 2017

RE: File No. 28133

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 PD
- 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 A Turney, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT: dlw  
pc: TOPEKA Field Office GMD

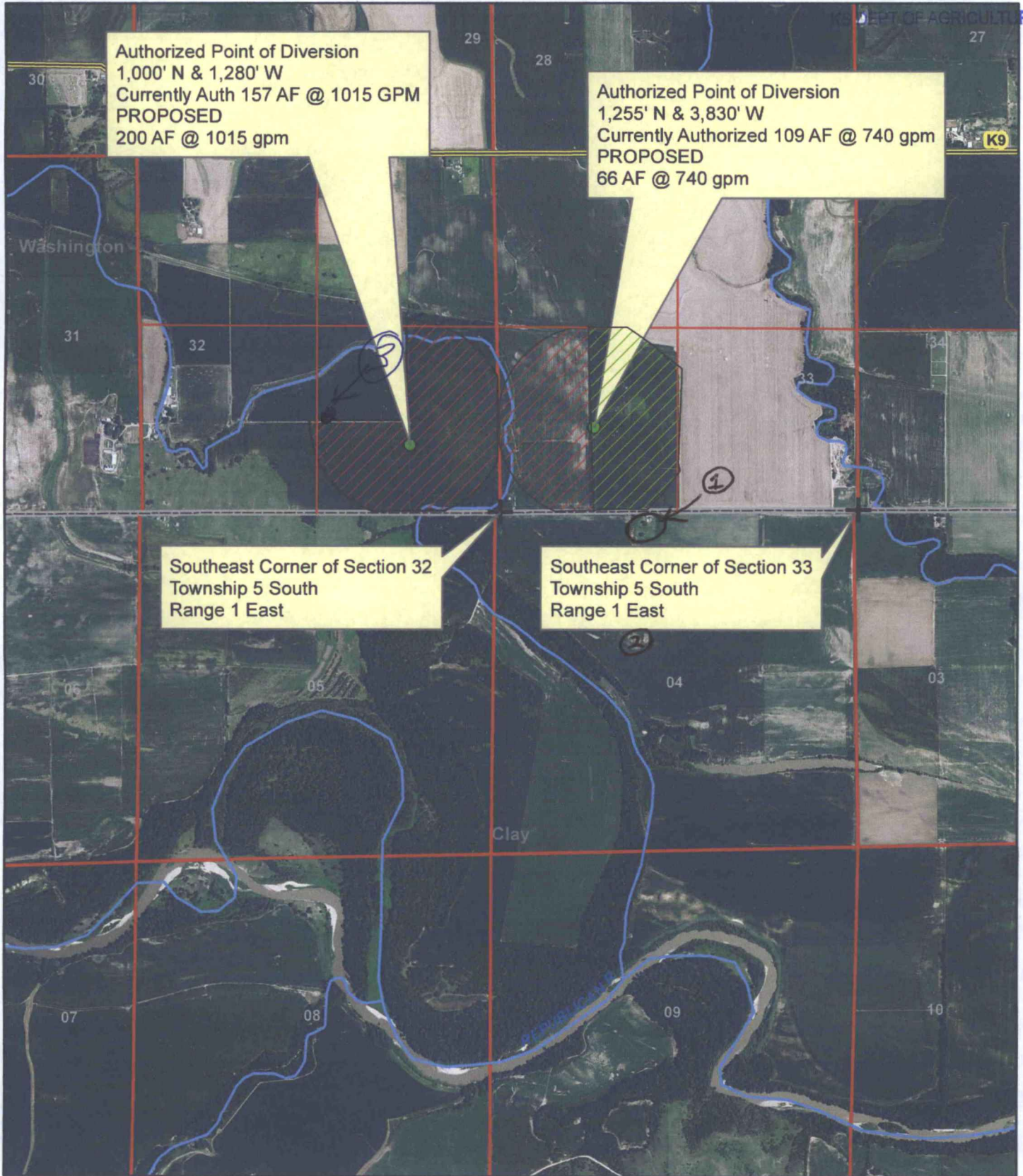


3c Ron Ekasser  
cliffords  
66937

FILE NO. 28,133  
CHANGE APPLICATION MAP  
Sections 32 & 33, Township 5 South, Range 1 East  
Washington County

WATER RESOURCES  
RECEIVED

MAR 02 2017



Authorized Point of Diversion  
1,000' N & 1,280' W  
Currently Auth 157 AF @ 1015 GPM  
PROPOSED  
200 AF @ 1015 gpm

Authorized Point of Diversion  
1,255' N & 3,830' W  
Currently Authorized 109 AF @ 740 gpm  
PROPOSED  
66 AF @ 740 gpm

Southeast Corner of Section 32  
Township 5 South  
Range 1 East

Southeast Corner of Section 33  
Township 5 South  
Range 1 East

 Authorized Place of Use  
 Authorized Point of Diversion

1:24,000

*Douglas Hill*  
By Maub Taddiken

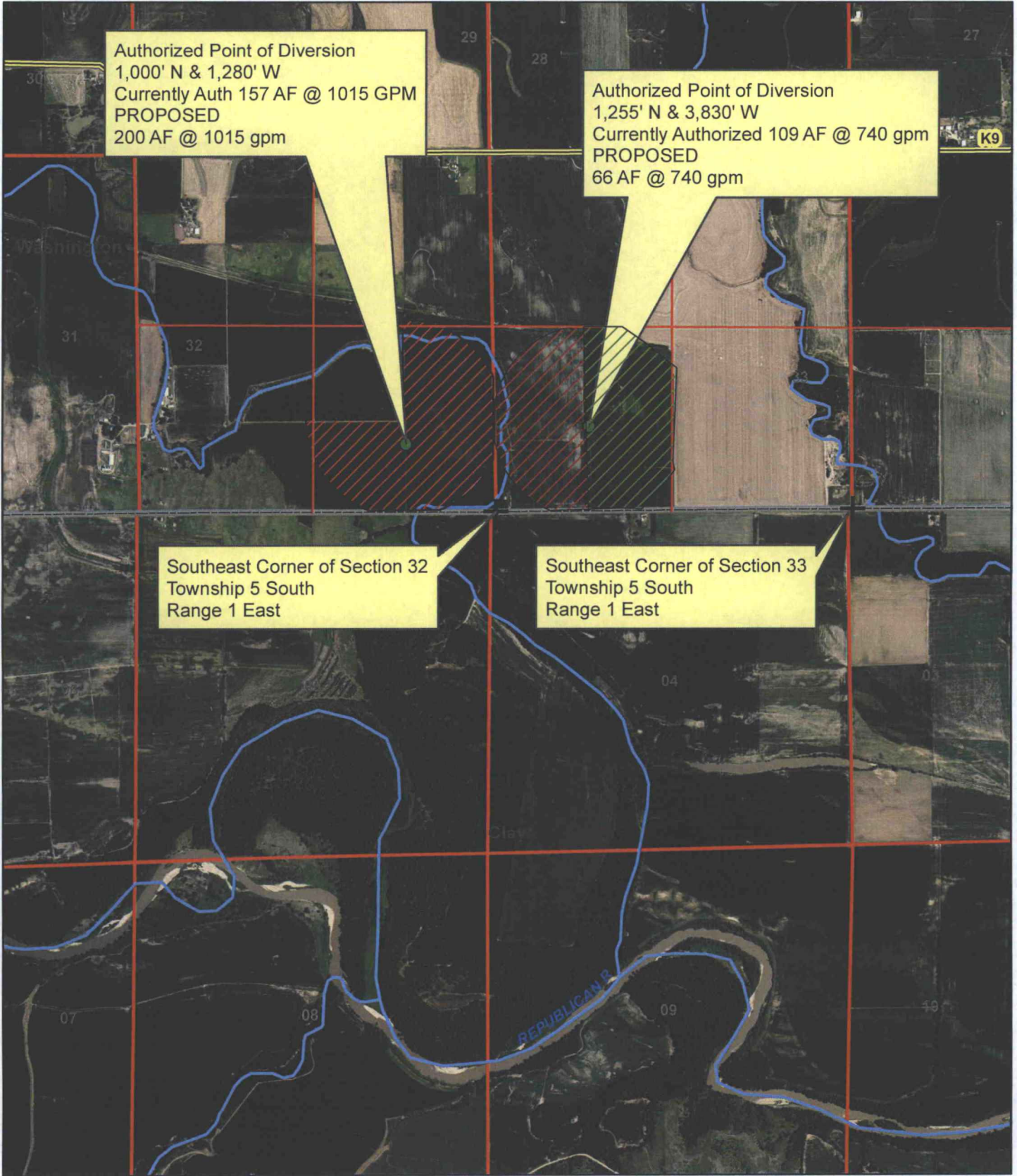
- ① Jeffery M. Metz and Jordan Helgeson  
342 Parallel Rd, Clifton 66937
- ② Richard H. Cott Trust  
1047 20th Rd  
Clay Center, KS 67432

SCANNED





FILE NO. 28,133  
CHANGE APPLICATION MAP  
Sections 32 & 33, Township 5 South, Range 1 East  
Washington County



Authorized Place of Use



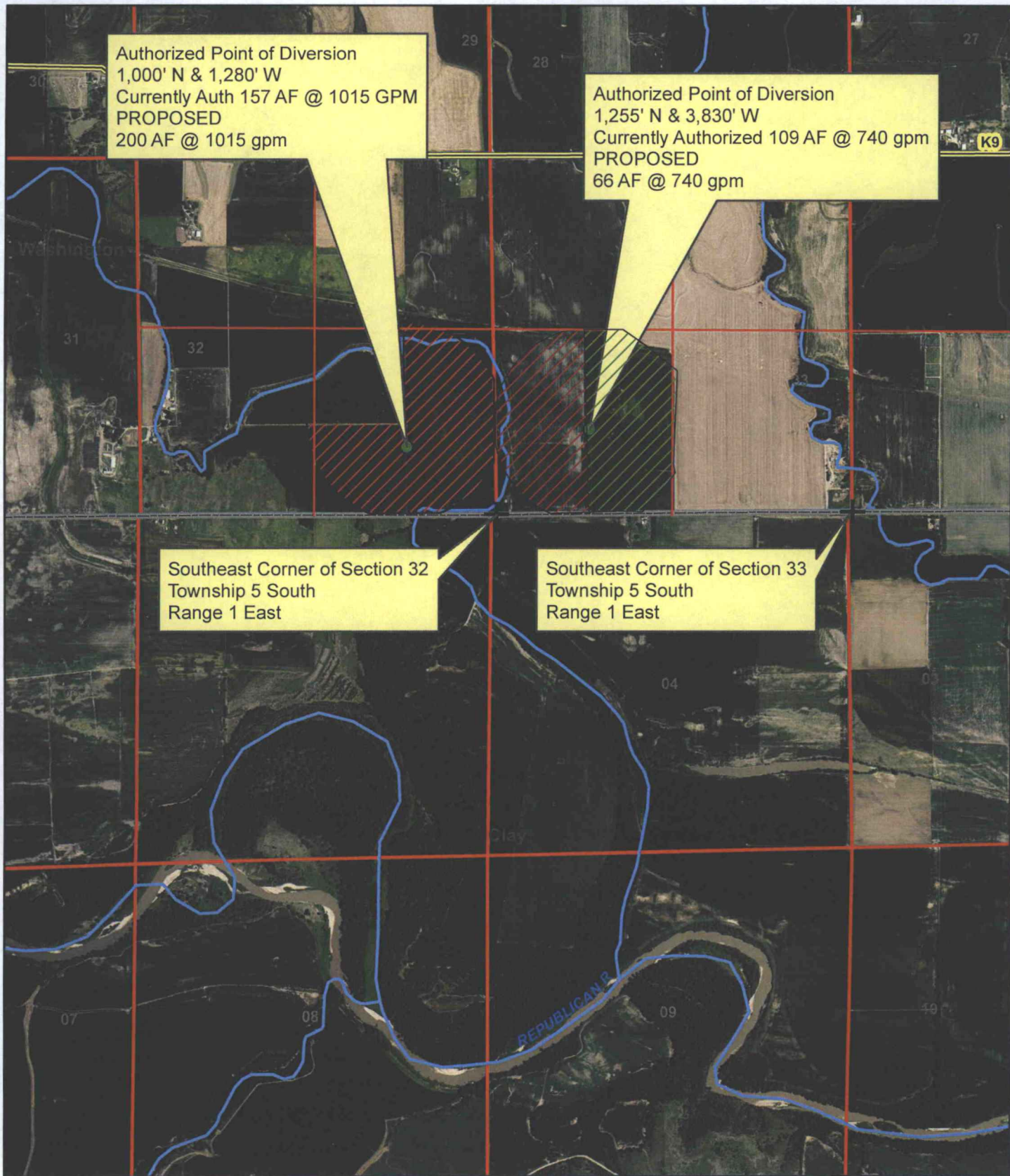
Authorized Point of Diversion

1:24,000





FILE NO. 28,133  
CHANGE APPLICATION MAP  
Sections 32 & 33, Township 5 South, Range 1 East  
Washington County



Authorized Place of Use



Authorized Point of Diversion

1:24,000

