



File No. **49,952**      15. Formation Code: 113      Drainage Basin: KANSAS RIVER      County: RL      Special Use:      Stream:

16. Points of Diversion										17. Rate and Quantity					
T										Authorized		Additional			
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
MOD	2368	SW	NW	NW	29	10	9E	1	3962	4634	1400	12	1400	12	20170284*

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

19. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

20. Meter Required? \* **Yes**    No      To be installed by **12/31/2019**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	NO	Overlap Files											
T	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													
MOD	68654	29	10	9E	3	WILDLIFE POND (W2 NW)																	7a.	NO	20170284*								
																							7b										

Comments: Temporary Permit 20170284 was required to allow for pumping for 2017 hunting season, and it expired on March 31, 2018.

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

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

**TO:** Files

**DATE:** April 9, 2018

**FROM:** Doug Schemm

**RE:** Application, File No. 49,952

Daniel Palenske has filed the above-referenced application requesting to appropriate 12 acre-feet of groundwater at a diversion rate of 1,400 gallons per minute, from an existing well located in the Northwest Quarter of Section 29, Township 10 South, Range 9 East, Riley County. The application has been signed by the applicant stating he has access to the point of diversion. This application was filed to authorize groundwater to fill and maintain a small wildlife pond (marsh). This existing well was authorized under Water Right, File No. 5,562, but this senior file was dismissed on May 19, 1992. The point of diversion and place of use overlap with Temporary Permit, File No. 20170284, which was filed to cover pumping during the 2017 fall season, and it was dismissed on March 31, 2018.

The requested quantity of water under the new application was determined by inundating the 2-acre pond with 2 feet of water for an initial fill (4 AF) and then 2 subsequent re-fills to maintain water level of 8 additional acre-feet, for a total of 12 acre-feet). Typically, these types of wildlife ponds are filled in October prior to waterfowl migration, and emptied by end of January each year. The applicant is merely filling an existing low area in the field with water, no structures of any kind are being built, so no structures permitting is required.

The applicant identified one domestic well and one non-domestic well within one-half mile of the proposed point of diversion. Notification letters were sent out on March 26, 2018. No responses of any kind were received. The proposed point of diversion meets minimum well spacing criteria to all domestic wells, with the nearest being almost one-half mile away. The well is not located within ¼ mile of the Kansas River, so notification of the KRWAD is not required.

However, the application does not meet well spacing criteria to the irrigation well authorized under File No. 49,546 (Downey Ranch), which is located 1,014 feet away. The applicant was informed by DWR staff during initial assistance with this application, that the well failed to meet spacing, and additional information would likely be required to show no impairment would occur. After further review and discussion, it is clear that this well will only be pumped in the fall season ("irrigation off-season"), so no other wells in this area will be operating at the same time. The small quantity and short amount of time this well will be pumping will not create any significant drawdown. The quantity of 12 acre-feet would be pumped in less than two days with the pump running continuously. In addition, the majority of the water will seep back into the ground and ultimately recharge the aquifer. No senior files will be impacted in any way. Therefore, as discussed above, per K.A.R. 5-4-4, the proposed well spacing is sufficient to prevent direct impairment and to protect the public interest. The permit will be conditioned to limit pumping between the period of October 1 to January 31. The applicant was contacted by telephone on April 9, 2018 and he agreed to this limited pumping time.

The point of diversion consists of a single well completed in the Kansas River alluvium. K.A.R. 5-3-11 states that calculated recharge in the Kansas River alluvium shall be determined by taking 25% of the average annual rainfall in the area of consideration. For this application, the calculated recharge was determined to be 8.3 inches. The extent of the alluvium (per topographic data) for the area of consideration provides a total of 5,383 acres. Based on a potential recharge of 8.3 inches, with 75% available for appropriation, safe yield was determined to be 2,792.4 acre-feet. Existing water rights have appropriated 2,170.5 acre-feet within the area of consideration, leaving 621.9 acre-feet available, and the application complies with safe yield.

Memorandum  
Application, File No. 49,952  
Page 2

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

In an April 6, 2018 e-mail, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced application, with a condition to limit pumping to fall season only.

Based on the above discussion, the area is open to new applications, it complies with safe yield criteria, and because it is an "off-season" use there is no indication that reduced spacing will impair existing water rights, it is recommended that the referenced application be approved.

Doug Schemm  
Environmental Scientist  
Topeka Field Office

# STATE OF KANSAS



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

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

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

April 20, 2018

DANIEL PALENSKE  
32873 HWY K-18  
MANHATTAN KS 66502

**FILE COPY**

RE: Appropriation of Water, File No. 49,952

Dear Mr. Palenske:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approval documents. A water meter is required on the proposed diversion works and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00. There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB:dws  
Enclosures

pc: Topeka Field Office  
James Mertz



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
and  
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 49,952** of the applicant

**DANIEL PALENSKE  
32873 HWY K-18  
MANHATTAN KS 66502**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **December 11, 2017**.
2. That the water sought to be appropriated shall be used for recreational use in a waterfowl pond located in the West Half of the Northwest Quarter ( $W\frac{1}{2}$  NW $\frac{1}{4}$ ) of Section 29, in Township 10 South, Range 9 East, Riley County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Southwest Quarter of the Northwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 29, more particularly described as being near a point 3,962 feet North and 4,634 feet West of the Southeast corner of said section, in Township 10 South, Range 9 East, Riley County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **1,400 gallons per minute (3.12 c.f.s.)** and to a quantity not to exceed **12 acre-feet** of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2019** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2023** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit 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.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

18. That the diversion of water authorized under this permit is limited to the period of October 1 through January 31, for recreational use as described herein.

**RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW**

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.


Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, 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 hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, 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.

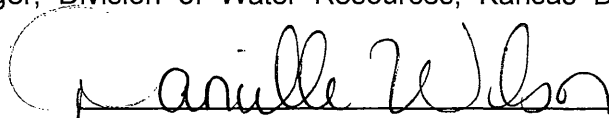
Ordered this 18<sup>th</sup> day of April, 2018, in Topeka, Shawnee County, Kansas.

  
 Lane P. Letourneau, P.G.  
 Program Manager  
 Water Appropriation Program  
 Division of Water Resources  
 Kansas Department of Agriculture

State of Kansas )  
 ) SS  
 County of Riley )

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of April, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



  
 \_\_\_\_\_  
 Notary Public



**CERTIFICATE OF SERVICE**

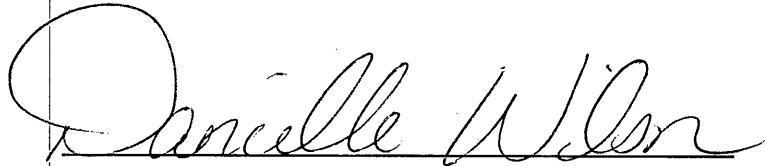
On this *20<sup>th</sup>* day of *April*, 2018, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,952, dated *April 18<sup>th</sup>, 2018* was mailed postage prepaid, first class, US mail to the following:

DANIEL PALENSKE  
32873 HWY K-18  
MANHATTAN KS 66502

With photocopies to:

JAMES MERTZ  
65 ROYAL WOOD CT  
CHESHIRE CT 06410-2242

Topeka Field Office



Division of Water Resources

*[Faint, illegible text]*

THE STATE OF KANSAS



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

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

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DEC 11 2017

3:01

KS DEPT OF AGRICULTURE

File Number 49,952

This item to be completed by the Division of Water Resources.

APPLICATION COMPLETE  
4/10/18  
Reviewer: KAB for DWS

**APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE**

Filing Fee Must Accompany the Application  
(Please refer to Fee Schedule attached to this application form.)

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

1. Name of Applicant (Please Print): DANIEL PALENSKE  
Address: 32873 HWY #K18  
City: MANHATTAN State: KS Zip Code 66502  
Telephone Number: (785) 556-0886

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in KANSAS RIVER (drainage basin)

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

3. The maximum quantity of water desired is 12 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 1400 gallons per minute OR \_\_\_\_\_ cubic feet per second.

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

4. The water is intended to be appropriated for (Check use intended):

- (a)  Artificial Recharge
- (b)  Irrigation
- (c)  Recreational
- (d)  Water Power
- (e)  Industrial
- (f)  Municipal
- (g)  Stockwatering
- (h)  Sediment Control
- (i)  Domestic
- (j)  Dewatering
- (k)  Hydraulic Dredging
- (l)  Fire Protection
- (m)  Thermal Exchange
- (n)  Contamination Remediation

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

For Office Use Only:							
F.O. Code	<u>1</u> GMD	Meets K.A.R. 5-3-1	<u>(YES/NO)</u>	Use <u>REC</u>	Source <u>G/S</u>	County <u>RL</u>	By <u>AW</u>
	REG	Fee \$ <u>200</u>	TR #	Receipt Date <u>12/11/17</u>	Check # <u>4854</u>	Date <u>12/11/17</u>	

SCANNED  
12/13/2017 ULM

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

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

- (A) One in the SW quarter of the NW quarter of the NW quarter of Section 29, more particularly described as being near a point 3,962 feet North and 4,634 feet West of the Southeast corner of said section, in Township 10 South, Range 9 EAST, RILEY County, Kansas.
- (B) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.
- (C) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.
- (D) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

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

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

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

JAMES MERTZ, 65 ROYAL WOOD CT, CHESHIRE CT 06410-2242  
(name, address and telephone number)

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

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

Executed on 12/08, 2017.

  
Applicant's Signature

7. The proposed project for diversion of water will consist of ONE WELL  
(number of wells, pumps or dams, etc.)  
and (was)(will be) completed (by) FALL 2017  
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be FALL 2017  
(Mo/Day/Year)

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9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?

Yes  No If "yes", a check valve shall be required.

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

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

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

• If yes, show the Water Structures permit number here \_\_\_\_\_

• If no, explain here why a Water Structures permit is not required \_\_\_\_\_

GROUNDWATER WELL

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

(a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.

(b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.

(c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

(d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.

(e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

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

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

TEMPORARY TO OVERLAP IN POINT OF DIVERSION AND PLACE OF USE.

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SCANNED

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

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

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

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

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

JAMES MERTZ, 65 ROYAL WOOD CT, CHESHIRE CT 06410-2242  
(name, address and telephone number)  
\_\_\_\_\_  
(name, address and telephone number)

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

Dated at 12/08/2017, Kansas, this 8 day of December, 2017.  
(month) (year)

  
(Applicant Signature)

513-88-7290  
APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

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

\_\_\_\_\_ and/or  
APPLICANT(S) TAXPAYER I.D. NO.(S)

\_\_\_\_\_  
(Agent or Officer - Please Print)

Assisted by DWS TOPEKA FO Date: 12/7/2017  
(office/title)

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KS DEPT OF REVENUE **SCANNED**

**RECREATIONAL USE  
SUPPLEMENTAL SHEET**

File No. 49,952

Name of Applicant (Please Print): DANIEL PALENSKE

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): \_\_\_\_\_  
HUNTING

2. Please summarize how the water will be used and justify the quantity of water requested: \_\_\_\_\_  
2 ACRES X 2 FEET DEEP X 3 FILLINGS = 12 ACRE-FEET

3. Please complete the following table showing estimated future water requirements:

<b>ESTIMATED FUTURE WATER DIVERTED/STORED</b>	
NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)
Year 1	12 AF
Year 2	12 AF
Year 3	12 AF
Year 4	12 AF
Year 5	12 AF

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used by providing the fractional part of the Section, Township and Range.

WEST HALF OF NW 1/4 OF SECTION 29, T10S, R9E

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

## Schemm, Doug [KDA]

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**Subject:** Dan Palenske 49,952

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**From:** Tietsort, Katie [KDA]  
**Sent:** Friday, April 6, 2018 1:46 PM  
**To:** Schemm, Doug [KDA] <Doug.Schemm@ks.gov>  
**Cc:** Baum, Kristen <Kristen.Baum@ks.gov>  
**Subject:** RE: Dan Palenske 49,952

Hi Doug,

Since we are justifying the spacing due to that the existing irrigation use file and this request for recreational use wouldn't typically pump at the same time, why don't we include a permit condition requiring that. Then it actually would be strictly off season pumping. With that addition, the TFO would agree with approval of the pending application.

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

*Achiever~Responsibility~Input~Relator~Arranger*

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**From:** Schemm, Doug [KDA]  
**Sent:** Thursday, April 5, 2018 10:13 AM  
**To:** Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Subject:** Dan Palenske 49,952

This is strictly fall pumping, no other wells will be running, the water will seep back into ground recharging aquifer, Limited quantity. He can pump the entire quantity in 2 days, will not create any significant drawdown.

File # 49,952  
meets safe yield

**Analysis Results**

The selected PD is in an area to new appropriations.  
 The safe yield, based on the variables listed below is 2,792.43 AF.  
 Total prior appropriation in the circle is 2,352.50 AF.  $-12-170 = 2,170.5$   
 Total quantity of water available for appropriation is ~~430.93~~ AF.

621.93 AF

**Safe Yield Variables**

The area used for the analysis is set at 5383 acres.  
 Potential annual recharge of the area is estimated to be 8.3 inches.  
 The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 11-JAN-2018 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded. There are 21 water right(s) and 23 point(s) of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth_Quant	Add_Quant	Tacres	Nacres
A 3017 00	IRR	NK	G		NW	SW	NE	3955	2630	19	10	09E	4	WR	160.00	160.00 ✓	160.00	160.00
A 12142 00	IRR	NK	G		SW	SW	SW	0	0	17	10	09E	2	WR	80.00	80.00 ✓	155.00	155.00
A 12684 00	IRR	NK	G					5288	1933	24	10	08E	6	WR	100.00	100.00 ✓	638.00	638.00
A 13172 00	IRR	NK	G		SW	NE	SW	0	0	19	10	09E	2	WR	124.00	124.00	162.00	162.00
A 27122 00	IRR	NK	G		NW	NW	NE	5241	2052	19	10	09E	3	WR	160.00	0.00 ✓	160.00	0.00
Same	IRR	NK	G		NW	SW	NE	3955	2630	19	10	09E	4	WR				
A 28665 00	IRR	NK	G					520	3400	24	10	08E	1	WR	72.00	72.00	176.00	176.00
A 28786 00	IRR	NK	G	NC	E2	SW	NE	3340	1750	25	10	08E	3	PD	111.00	111.00	280.00	280.00
Same	IRR	NK	G		SE	NW	NE	4050	1700	25	10	08E	1	PD	153.00	153.00		
A 38793 00	IRR	NK	G					4800	1600	24	10	08E	3	WR	117.00	103.00 ✓	638.00	0.00
A 41577 00	IRR	NK	G			NC	NE	3960	1320	21	10	09E	2	WR	48.00	48.00	129.00	0.00
A 42810 00	IRR	NK	G		SW	NW	NW	3972	4789	20	10	09E	2	WR	90.00	90.00 ✓	184.00	184.00
A 42811 00	IRR	NK	G		SW	SW	NW	2683	4786	20	10	09E	3	WR	80.00	80.00 ✓	184.00	0.00
A 44262 00	IRR	NK	G		NE	SE	NW	3925	2725	30	10	09E	1	WR	125.00	125.00	134.00	134.00
A 45436 00	IRR	KK	G		NE	SW	SW	1112	4250	17	10	09E	4	WR	171.00	91.00 ✓	155.00	0.00
Same	IRR	KK	G		NE	SW	SW	1200	4525	17	10	09E	5	WR				
Same	IRR	KK	G		NE	SW	SW	1112	4250	17	10	09E	6	WR				
Same	IRR	KK	G		NE	SW	SW	1025	3975	17	10	09E	7	WR				
A 46355 00	IRR	NK	G		SE	SW	NE	2668	1761	20	10	09E	5	WR	107.00	107.00 ✓	254.00	251.50
A 46542 00	IRR	NK	G			NC	NW	3966	3937	21	10	09E	3	WR	101.00	101.00	124.00	124.00
A 47959 00	IRR	LR	G		SE	SW	NE	2668	1761	20	10	09E	5	WR	279.40	172.40	254.00	0.00
A 48327 00	IRR	KE	G		NE	SE	SE	1250	350	21	10	09E	4	WR	100.00	100.00	95.00	95.00
A 49546 00	IRR	KE	G		NW	SE	NW	3950	3620	29	10	09E	3	WR	265.00	265.00	60.00	60.00
A 49939 00	IRR	AY	G		SE	SE	NW	2682	3280	20	10	09E	6	WR	177.10	177.10	161.00	0.00
A 49952 00	REC	AY	G			W2	NW	3962	4634	29	10	09E	1	WR	12.80	12.00		
V RL 6 00	IRR	AA	G			NC	NE	3960	1320	21	10	09E	2	WR	81.00	81.00	129.00	129.00

o/L 3017

o/L 12,684  
Limit 203AF

o/L 12,142

o/L 42,810,  
42,814  
46,355

senior pending

90+80+107 = 277  
 47,959: 279.4 Limited to 279.4 AF (2.4 AF add'l qty) -170 AF from prior



Safe Yield Report Sheet  
Water Right- A4995200  
Point of Diversion in NWW2 29-10S-9E 1 (2368)

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A

49952 00

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49952 00 REC

DOES NOT meet spacing of 1,320' to nearest NON-Domestic well.

Water Right and Points of Diversion Within 2.00 miles of point defined as:

3962 Feet North and 4634 Feet West of the Southeast Corner of Section 29 T 10S R 9E

GROUNDWATER ONLY

Table with columns: File Number, Use, ST, SR, Dist (ft), Q4, Q3, Q2, Q1, FeetN, FeetW, Sec, Twp, Rng, ID, Batt, Auth\_Quan, Add\_Quan, Unit. Rows include various file numbers and their corresponding diversion statistics.

Summary table with columns: Total Net Quantities Authorized, Direct, Storage. Rows show Total Requested Amount (AF) = 189.10, Total Permitted Amount (AF) = 468.28, Total Inspected Amount (AF) = 172.40, Total Pro\_Cert Amount (AF) = .00, Total Certified Amount (AF) = 1454.00, Total Vested Amount (AF) = 81.00, TOTAL AMOUNT (AF) = 2364.78.

An \* after the source of supply indicates a pending application for change under the file number. An \* after the ID indicates a 15 AF exemption was granted under the file number. A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery. The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

3962 Feet North and 4634 Feet West of the Southeast Corner of Section 29 T 10S R 9E

GROUNDWATER ONLY

STATE OF KANSAS



DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
TOPEKA FIELD OFFICE  
6531 SE FORBES AVE., SUITE B  
TOPEKA, KS 66619

PHONE: (785) 296-5733  
FAX: (785) 296-8298  
www.agriculture.ks.gov

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

March 26, 2018

SUE ANN DUROCHE TRUST  
2140 E 153 TERR  
OLATHE, KS 66062-2915

Re: Pending New Application, File No. 49,952

Dear Sir or Madam:

This is to advise you that Daniel Palenske filed the application referred to above for a permit to appropriate 12 acre-feet of groundwater per calendar year for recreational use to be diverted at a maximum rate of 1,400 gallons per minute. The proposed point of diversion is a well, located as follows:

In the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 29, in Township 10 South, Range 9 East, Riley County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

You can find the application and site map posted by the file number referenced above at:  
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Daniel Palenske

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
TOPEKA FIELD OFFICE  
6531 SE FORBES AVE., SUITE B  
TOPEKA, KS 66619



PHONE: (785) 296-5733  
FAX: (785) 296-8298  
www.agriculture.ks.gov

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

March 26, 2018

DOWNEY RANCH INC  
37929 WABAUNSEE RD  
WAMEGO KS 66547-1859

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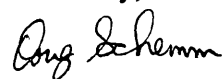
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Sincerely,

  
Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Daniel Palenske



1320 Research Park Drive  
Manhattan, Kansas 66502

Jackie McClaskey, Secretary

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

December 20, 2017

DANIEL PALENSKE  
32873 HWY K 18  
MANHATTAN KS 66502

**FILE COPY**

RE: Application  
File No. 49952

Dear Sir or Madam:

Your application for permit to appropriate water in 29-10S-9E in Riley County, was received and has been assigned the file number noted above.

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

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

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

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

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

If you have any questions, please contact me at (785) 564-6637. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

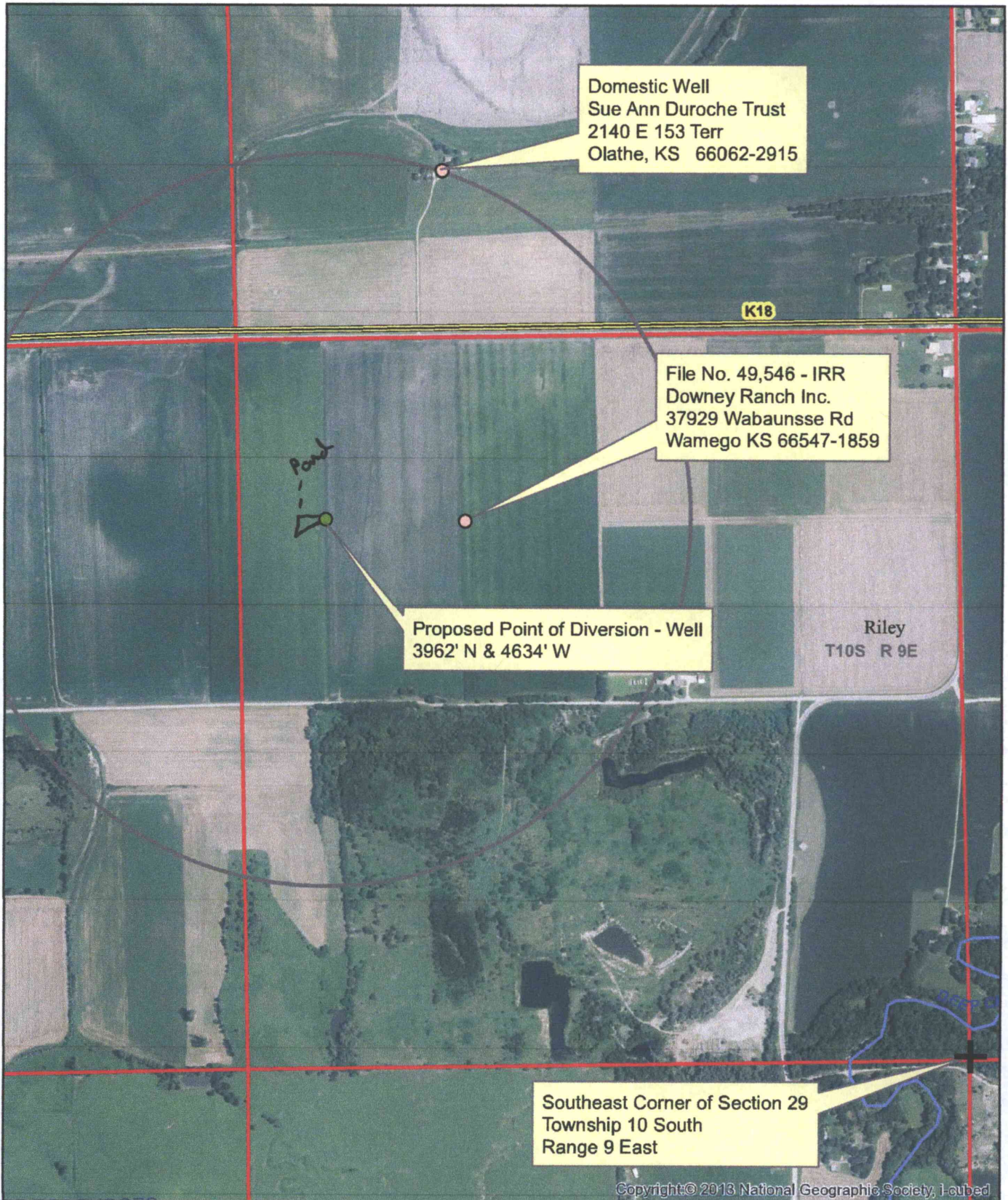
Kristen A. Baum  
New Applications Unit Supervisor  
Water Appropriation Program

BAT: dlw  
pc: TOPEKA Field Office  
GMD



SCANNED

49,952

# PALENSKE SITE MAP NEW APPLICATION SEC. 29, T10S, R9E



WATER RESOURCES  
RECEIVED  
1:12,000  
DEC 11 2017

-  Proposed Point of Diversion
-  Proposed Place of Use

All known wells within 1/2 mile of the proposed point of diversion are shown on this map.