

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

1. File Number: 21179	2. Status Change Date: 11/23/2020	3. Change Num: C2	4. Field Office: 01	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: 20-APRIL-2020
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8a. Applicant(s) New to system <input type="checkbox"/> JOHN & BARBARA LEISZLER 417 DEER RD CLIFTON, KS 66937	8c. Landowner(s) New to system <input type="checkbox"/> Person ID <u>31874</u> Add Seq# <u>1</u>
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8b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	8d. WUC New to system <input type="checkbox"/> JOHN & BARBARA LEISZLER 417 DEER RD CLIFTON, KS 66937 NO CHANGE
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: 12/31/2021 N & P Date to Comply: _____

Anti-Reverse Meter
 Meter Seal
 Check Valve
 N & P Form
 Water Tube
 Driller Copy
 H & E Letter

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

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

Date Prepared: 9/8/20	By: JDK
Date Entered: 12/1/2020	By: LMoody

File No. **21179** 11. County: **WS** Basin: **REPUBLICAN RIVER** Stream: Formation Code: **111** Special Use: **034**

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

MOD 16557 SW¼ SW¼ SE¼ 31 05 01E 2 490 2459 1070 g.p.m. 282 AF 1070 g.p.m. 282AF NO

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

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 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
 Owner Chg? Overlap Files

CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				
CHK 663	30	05	1E	2																	17.00	8A	NO	21179; 25268 & 50384	
MOD 2627	31	05	1E	2		6.00	18.00	40.00	38.00	32.00	38.00		40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	532.00	8A	NO	21179; 25268 & 50384	

Base Acres: Year: Minimum Reasonable Quantity:

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: September 8, 2020

FROM: Justin D. Koehn

RE: Water Right
File Nos. 21,179 and 25,268

John and Barbara Lieszler filed applications for approval to change the authorized place of use for File Nos. 21,179 and 25,268 both authorized groundwater in the Republican River Basin. The referenced change applications were filed in conjunction with Application, File No. 50,384 being processed by Doug Schemm, Environmental Scientist of the Topeka Field Office.

The above referenced files do not appear abandoned as per K.S.A. 82a-718.

File Nos. 21,179 and 25,268 have no overlaps in the authorized points of diversion and are authorized a total of 378 acre-feet of groundwater water for irrigation of the same 469 acres located in Sections 30 and 31, Township 5 South, Range 1 East, Washington County. The referenced change applications propose to create a complete overlap in the place of use with Application, File No. 50,384 (surface water), adding new acreage in for a total of 549 acres to be irrigated.

The total (since no limitations) quantity to be authorized by File Nos. 21,179, 25,268 and 50,384 will provide 474 acre-feet total for 549 acres or 0.90 acre-feet per acre, which appears reasonable. (1.2 acre-feet per acre is the maximum allowed in Washington County)

Doug sent notifications on June 12, 2020 to nearby upstream and downstream landowners one-half (½) mile upstream and downstream of the property boundaries, informing them of the new application and the referenced change applications. Doug received a telephone call from a downstream landowner asking about general questions and concerns.

The authorized wells for File Nos. 21,179 and 25,268 will be better described with g.p.s. feet distances as provided on the referenced change applications.

The same local source of supply will not change.

Katherine Tietsort, Water Commissioner of the Topeka Field Office, recommended approval of the applications in a September 10, 2020 e-mail.

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

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur, and if Application, File No. 50,384 can be approved, it has been recommended that the change applications be approved.

Justin D. Koehn
Environmental Scientist

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE AND ORDER BETTER DESCRIBING THE LOCATION OF THE AUTHORIZED POINT OF DIVERSION WATER RIGHT FILE NO. 21,179

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of John & Barbara Leiszler, Mark Leiszler, Teresa Leiszler, Jim and Therese Leiszler, David Leiszler, Mike and Karen A. Leiszler, and Chris and Kim Leiszler, 417 Deer Rd Clifton, KS 66937, received in this office on April 20, 2020, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated June 29, 2004, approving the application to change the place of 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 place of use shall be:

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	
30	5S	1E										16.00	1.00					17.00	
31	5S	1E	6.00	18.00	40.00	38.00	32.00	38.00		40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	532.00	

a total of 549 acres in Township 5 South, Range 1 East, Washington County, Kansas, located substantially as shown on the map accompanying the application to change the place of use, and the location of the authorized point of diversion is more accurately described as:

one(1) well located in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW¼ SW¼ SE¼) of Section 31, more particularly described as being near a point 490 feet North and 2,459 feet West of the Southeast corner of said section, in Township 5 South, Range 1 East, Washington County, Kansas.

All 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. 21,179, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated July 15, 1982, as modified and amended by the aforementioned order.

Ordered this 23 day of November, 2020, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
County of Riley) SS

The foregoing instrument was acknowledged before me this 23 day of November, 2020, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman

Notary Public



ASHLEE FREEMAN
My Appointment Expires
April 21, 2024

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



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

Mike Beam, Secretary

Laura Kelly, Governor

JOHN & BARBARA LEISZLER ETAL
417 DEER RD
CLIFTON, KS 66937

December 2, 2020

RE: Water Right, File Nos. 21,179 and 25,268

Dear Mr. and Mrs. Leiszler:

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

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

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

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Justin Koehn
Environmental Scientist
Water Appropriation Program

JDK

pc: Topeka Field Office

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 the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

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

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.

CERTIFICATE OF SERVICE

On this 2 day of December, 2020, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 21,179, dated 23 November 2020 was mailed postage prepaid, first class, US mail to the following:

JOHN & BARBARA LEISZLER ETAL
417 DEER RD
CLIFTON, KS 66937

With a photocopy to:

Topeka Field Office


Division of Water Resources