

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

1. File Number: 19,239	2. Status Change Date: 1/8/2021	3. Change Num: C1	4. Field Office: 01	5. GMD:	
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: 27-MAR-2020	
8a. Applicant(s) New to system <input type="checkbox"/> MARJORIE H WAHLE TRUST 11719 BOLLER RD JUNCTION CITY KS 66441-7754		Person ID 18707 Add Seq# —	8b. Landowner(s) New to system <input type="checkbox"/> 8a.		
WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No		Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/>	Person ID _____		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2022 <input type="checkbox"/> N & P Date to Comply: _____					
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> <u>Meter Seal</u> <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____					
10. Use Made of Water From: _____ To: _____					
Date Prepared: 11/19/20 By: DWS Date Entered: 1/11/2021 By: LMoody					

File No. **19,239** 11. County: **GE** Basin: KANSAS RIVER Stream: CLARKS CREEK (KANSAS) Formation Code: Special Use:

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

NO CHANGES

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: _____ gpm (_____ cfs) when combined with file number(s) _____

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

16. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	NO	Overlap Files
CHK										NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
MOD	PUSE	S	T	R	ID	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼			
MOD	37513	26	11	6E	2	39	14	12	19																					

Comments:
 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: November 19, 2020

FROM: Doug Schemm

RE: Change Application, File No. 19,239

Marjorie H Wahle Trust has filed for approval to change the authorized place of use for the above referenced file number, for irrigation use in the Kansas River Basin. The referenced file does not appear abandoned as per K.S.A. 82a-718.

Water Right, File No. 19,239 is authorized 70 acre-feet of surface water from Clarks Creek. The application to change the place of use for File No. 19,239 proposes to increase the place of use of from 70 acres to 84 acres all located in Section 26, in Township 11 South, Range 6 East, Geary County. Application, File No. 50,367 was filed to appropriate 92.4 acre-feet of groundwater to create an exact overlap in place of use with File No. 19,239. The proposed change application complies with K.A.R. 5-5-3, as the additional quantity requested by Application, File No. 50,367 will be sufficient to cover any potential increase in consumptive use.

The total limited quantity that will be available under the referenced file and new application, 92.4 acre-feet, can irrigate the proposed 84 acres with 1.1 acre-foot per acre which appears reasonable since it is the maximum allowable quantity of water per acre in Geary County.

The applicant identified two nearby domestic wells within one-half mile (complying with K.A.R. 5-3-4). These domestic wells are owned by the applicant and a representative of the applicant, both obviously aware of the application. Therefore, no nearby notification letters are required.

The same local source of supply will not change, which is surface water from Clarks Creek.

In an e-mail dated November 19, 2020, Katie Tietsort, Water Commissioner of the Topeka Field Office, indicated that she recommends approval of the change 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.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, no change in the local source of supply will occur, and if Application, File No. 50,367 can be approved, it is recommended that the change application be approved.

Doug Schemm
Environmental Scientist
Topeka Field Office

Schemm, Doug [KDA]

From: Tietsort, Katie [KDA]
Sent: Thursday, November 19, 2020 8:58 AM
To: Schemm, Doug [KDA]
Subject: RE: 19239 PU change Marjorie Wahle Trust

Proceed.

Katie Tietsort
Water Commissioner

Katie.Tietsort@ks.gov

785-296-5733

PLEASE NOTE OUR NEW ADDRESS:

Kansas Department of Agriculture

Topeka Field Office

1131 SW Winding Rd, Suite 400

Topeka, KS 66615

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Thursday, November 19, 2020 7:55 AM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: 19239 PU change Marjorie Wahle Trust

Goes with New app 50,367.
Please review.

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 WATER RIGHT FILE NO. 19,239

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Marjorie H. Wahle Trust, 11719 Boller Road, Junction City, Kansas 66441-7754, received in this office on March 27, 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, 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 irrigation place of use shall be:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
26 11S 6E	39	14	12	19													84

a total of 84 acres in Township 11 South, Range 6 East, Geary County, Kansas,

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

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. 19,239, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated September 3, 1980.

Ordered this 8 day of January, 2021, in Manhattan, Riley 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)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 8 day of January, 2021, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
Notary Public

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.

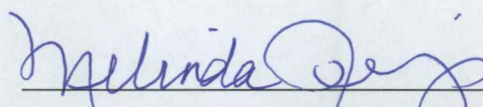
CERTIFICATE OF SERVICE

On this 14 day of January, 2021, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 19,239, dated 8 January, 2021 was mailed postage prepaid, first class, US mail to the following:

MARJORIE H WAHLE TRUST
11719 BOLLER RD
JUNCTION CITY KS 66441-7754

With photocopies to:

Topeka Field Office



Division of Water Resources

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

January 14, 2021

MARJORIE H WAHLE TRUST
11719 BOLLER RD
JUNCTION CITY, KS 66441-7754

RE: Water Right, File No. 19,239

Dear Sir or Madam:

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 diversion works and/or installation of the required meter as soon as these actions are completed.

Since the order 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 cursive script that reads "Kristen A. Baum".

Kristen A. Baum
New Application Unit Supervisor
Division of Water Resources

KAB:dws
Enclosure(s)

pc: Topeka Field Office