

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

1. File Number: 26883	2. Status Change Date: 7/14/2022	3. Change Num: C1	4. Field Office: 01	5. GMD:
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 5/4/22
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8a. Applicant(s) New to system <input type="checkbox"/>	Person ID 26928 Add Seq# 1
ROBERT D & REBECCA A TIMMONS 9194 2100 RD FREDONIA, KS 66736	
& LANDOWNER	

8c. Landowner(s) New to system <input type="checkbox"/>	Person ID 26929 Add Seq# 1
MICHAEL P & PATTI J TIMMONS Attn: ROBERT D TIMMONS 9194 2100 RD FREDONIA, KS 66736	

8b. Landowner(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____
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8d. WUC New to system <input type="checkbox"/>	Person ID 24314 Add Seq# _____
TIMMONS BROTHERS 9194 2100 RD FREDONIA, KS 66736-2358	

9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/22 <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/22	
<input type="checkbox"/> Anti-Reverse Meter <input checked="" type="checkbox"/> Meter <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: _____

14 <div style="border: 1px solid red; padding: 2px; display: inline-block; color: red;"> 7/15/2022 Lireland </div>	Date Prepared: 7/12/22 By: LI Date Entered: 7/14/2022 By: LMoody
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File No. **26883** 11. County: **WL** Basin: **40 FALL RIVER** Stream: **40 - FALL RIVER (FALL RIVER)** Formation Code: **NA** Special Use: **NA**

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
DEL		49447		NE SW NE	18	29	14E	3	3845	1496		965	146	695	146	6953
ENT		89697		NW SE NW	18	29	14E		3751	2882	3682	965	146	695	146	6953

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

14. Limitation: _____ af/yr at **965** gpm (_____ cfs) when combined with file number(s) **6953 NO CHANGE**
 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																		Total	Owner	Chg?	Overlap Files								
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID		NE¼				NW¼								SW¼				SE¼			
										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				
CHK		24308		18 29 14E	1																					160	8a & 8c	NO	28553

Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____
 Comments: **PUSE ID 24308 Comment L-1 (NW NW)**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: July 14, 2022

FROM: Leslie Ireland

RE: Water Right
File Nos. 6953 & 26,883

Robert & Rebecca Timmons along with Michael and Patti Timmons with the small additional place of use owners Deanna and Patrick R. Wilson under File No. 6952, but all as owners of the referenced files submitted signatures for the applications for approval to change the point of diversion authorized surface water on the Fall River just West of Fredonia, Kansas for irrigation use. The applications were received on May 4, 2022.

The water right does not appear abandoned as per K.S.A. 82a-718. The required K.S.A. 82a-1906, notice of the changes to nearby landowners located one-half (½) mile upstream and downstream from land owned or controlled by the applicant was completed by letters dated June 29, 2022. The notice did not result in any comments.

File No. 6953 is authorized 14 acre-feet (AF) at a rate of 270 gallons per minute (gpm) from two(2) pumpsites in Section 18 to irrigate noncontiguous 160 acres in the Northeast Quarter (NE¼) and (NW¼) of Section 18, Township 29 South, Range 14 East, Wilson County (18-29-14E). The pumpsite located in the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE¼SW¼NE¼) approximately 3,710 feet North and 1,328 feet West will remain as authorized. The second pumpsite authorized by File Nos. 3953 & 26,883, also located in the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE¼SW¼NE¼) is approximately 3,845 feet North and 1,496 feet West 18-29-14E.

File No. 26,883 is authorized 146 acre-feet at a limited rate of 965 gpm from the shared pumpsite with File No. 6953 to irrigate the same acres as File No. 6953 and limited to 965 gpm with File No. 6953. The signature of the Wilsons was obtained for this change even though they are not technically an owner as the small place of use under File No. 6953 does not overlap with any of the acres under File No. 26,883.

The change will move the shared pumpsite approximately 2,185 feet to the West side of the irrigated place of use which is upstream. The proposed pumpsite is described as being located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE¼NW¼NW¼) approximately 3,751 feet North and 3,682 feet West in 18-29-14E.

The official survey map for this location did not indicate the proposed point of diversion is a river or correction lot. There is an inlet stream across and slightly upstream from the proposed pumpsite. There are no pumpsites authorized between the presently authorized and proposed pumpsite location. It appears that the local source of supply will remain as developed.

In a July 14, 2022, email, Katie Tietsort, Water Commissioner, Topeka Field Office, indicated that he has no objections to approval of the applications.

A water flow meter is required. A check valve is 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, and that no change in the local source of supply will occur, it has been recommended that the referenced applications be approved.



Leslie Ireland
Environmental Scientist

From: Tietsort, Katie [KDA]
Sent: Thu 7/14/2022 7:24 AM
To: Ireland, Leslie [KDA]
Subject: RE: Review and Recommendation File Nos. 6953 & 26,883

Leslie,

Thanks so much for working the changes for Bob. He does have a century farm, I believe.

Katie Tietsort

Water Commissioner

Katie.Tietsort@ks.gov

Ph. 785-296-5733 Cell 785-213-9188

Kansas Department of Agriculture

Topeka Field Office

1131 SW Winding Rd, Suite 400

Topeka, KS 66615

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Wednesday, July 13, 2022 3:24 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: Review and Recommendation File Nos. 6953 & 26,883

Katie,

Please let me know if you'd recommend the changes. The change to 26883 probably didn't need the Wilson's signature,, but got so added to the record.

As always comments and concerns are welcome.

Interesting enough the 1866 survey shows this field was being farmed at that time!!!. One of the oldest farmed property I've worked.

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

**APPROVAL OF APPLICATION
FOR
CHANGE IN POINT OF DIVERSION,
WATER RIGHT
FILE NO. 26,883**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Robert D. and Rebecca A. Timmons, along with Michael P. and Patti J. Timmons, all at 9194 2100 Road, Fredonia, Kansas 66736, and Patrick R. and Deanna J. Wilson, PO Box 556, Fredonia, Kansas 66736, received in this office on May 4, 2022, 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, as modified and amended by the Findings and Order of the Chief Engineer dated September 29, 2011, to better describe the authorized points of diversion, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

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

one(1) pumpsite located in the Northwest Quarter of the Southeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 18, more particularly described as being near a point located 3,751 feet North and 3,682 feet West of the Southeast corner of said section, in Township 29 South, Range 14 East, Wilson County, Kansas,

located substantially as shown on the aerial 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, 2022, or within any authorized extension of time. The applicant 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.

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.

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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 26,883, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated September 2, 1997, as modified and amended by the aforementioned order.

Ordered this 14 day of July, 2022, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 14 day of July, 2022, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

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

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

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

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

CERTIFICATE OF SERVICE

On this day of , 2022, I hereby certify that the attached Approval of Application for the Change in Point of Diversion for Water Right, File No. 26,883, dated was mailed postage prepaid, first class, US mail to the following:

ROBERT D & REBECCA A TIMMONS
MICHAEL P & PATTI J TIMMONS
9194 2100 RD
FREDONIA, KS 66736

With a True and Correct Copy to:

PATRICK R & DEANNA J WILSON
PO BOX 556
FREDONIA, KS 66736

With a Photocopy 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

ROBERT D & REBECCA A TIMMONS
MICHAEL P & PATTI J TIMMONS
9194 2100 RD
FREDONIA, KS 66736

July 15, 2022

RE: Water Right, File Nos. 6953 & 26,883

Dear Mr. & Mrs. Timmons:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the referenced files.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals. A condition of the approvals is that an acceptable water flowmeter must be installed on the diversion works authorized. Please complete and return the required enclosed form for the *Notification of the Completion of the Diversion Works and/or Report of Flowmeter Installation* prior to December 31, 2022.

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

If you have any questions, please contact our office at (785) 564-6640, or our staff at the Topeka Field Office, (785) 296-5733. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum
New Application and Change Unit Supervisor
Water Appropriation Program

KAB:LI:li

Enclosures

pc: Topeka Field Office
Patrick R. & Deanna J. Wilson

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

CERTIFICATE OF SERVICE

On this 15 day of July, 2022, I hereby certify that the attached Approval of Application for the Change in Point of Diversion for Water Right, File No. 26,883, dated 14 July 2022 was mailed postage prepaid, first class, US mail to the following:

ROBERT D & REBECCA A TIMMONS
MICHAEL P & PATTI J TIMMONS
9194 2100 RD
FREDONIA, KS 66736

With a True and Correct Copy to:

PATRICK R & DEANNA J WILSON
PO BOX 556
FREDONIA, KS 66736

With a Photocopy to:

Topeka Field Office


Division of Water Resources