

File No. **48,988** 15. Formation Code: 100 Drainage Basin: **Ninnescah River** County: **SU** Special Use: Stream:

16. Points of Diversion

T
MOD
DEL
ENT

PDIV
Qualifier

Battery ID #1985

S T R ID 'N 'W

MOD 82784	NWNWNE	14	30S	1W	2	4637	2127	Geo-Cent
ENT 85623	NWNWNE	14	30S	1W		4837	2127	Bat 1 of 4
ENT 85624	SWNWNE	14	30S	1W		4437	2127	Bat 2 of 4
ENT 85625	NWNWNE	14	30S	1W		4637	2327	Bat 3 of 4
ENT 85626	NENWNE	14	30S	1W		4637	1927	Bat 4 of 4

17. Rate and Quantity

Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
800	99	800	99	None

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 **12/31/2017** Date Acceptable Meter Installed _____

21. Place of Use

T
MOD
DEL
ENT

PUSE S T R ID

	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	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						
✓	65643	14	30S	1W	2	40	36												76	7b.	None	

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: September 8, 2016

FROM: Matt Meier

RE: Application, File No. 48,988

Martin Ternes has filed the referenced application to appropriate groundwater for irrigation use, requesting a battery of four (4) wells, a quantity of 99 acre-feet, and a diversion rate of 800 gallons per minute. The Geo-Center is to be located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 14, more particularly described as being near a point 4,637 feet North and 2,127 feet West of the Southeast corner of said section, in Township 30 South, Range 1 West, Sumner County, within the Ninnescah River drainage basin. There are no other water rights overlapping the proposed place of use or point of diversion. The proposed place of use is owned by Leo Hattrup. The applicant has signed the application form stating that he has legal access to the point of diversion.

In 2004 the United States Geological Survey (USGS) completed a hydrologic model of a portion of the Arkansas River and associated drainage basins (Ninnescah River), generally bounded by Ranges 2 West to 3 East and Townships 26 South to 34 South (near state line). The USGS model indicated that the aquifer in this area receives more recharge from precipitation than DWR has historically used in safe yield calculations. The data and analyses are detailed in the USGS Scientific Investigations Report 2004-5204 entitled "Characterization and Simulation of Flow in the Lower Arkansas River Alluvial Aquifer, South-Central Kansas". In order to evaluate the potential impact of this study on our safe yield calculations, DWR suspended processing applications for new appropriations of water in the model area.

DWR recently completed an evaluation of the USGS model and has determined that the precipitation recharge value of 5.4 inches per year that is used in the USGS model is reasonable and appropriate. In order to reserve water in the alluvial aquifers that can contribute to base flow to area streams and for domestic use, it was determined that 75 percent of the 5.4 inches of precipitation recharge shall be available for appropriation. This is consistent with safe yield appropriation in many other basins across the state, and is the current percent available in for all applications in the Ninnescah River drainage basin. Therefore, for all pending applications within the model area, safe yield will be evaluated using the standard methodology in K.A.R. 5-3-11, which is based on the extent of the unconfined aquifer (area of consideration), a Potential Annual Recharge value of 5.4 inches, and a percent of recharge available for appropriation of 75%. Current annual recharge across the model area is approximately 3 inches.

Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile circle radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer, which provided an area of consideration of 6,013 acres. With a potential annual recharge of 5.4 inches, and 75% of recharge available for appropriation, safe yield was determined to be 2,029.39 acre-feet. Existing water rights have appropriated 480 acre-feet, providing a difference of 1,549.39 acre-feet available for appropriation, and the application requesting 99 acre-feet complies with safe yield.

Multiple test hole logs were submitted with the pending application, one which shows top soil from 0 to 3 feet, tan clay from 3 to 23 feet, sand and gravel from 23 to 39 feet, tan clay from 39 to 41 feet, and gray shale from 41 to 43 feet. The static water level was listed at 15feet which provides a saturated thickness of 26 feet.

The requested quantity of water, 99 acre-feet, is to irrigate the proposed 76 acres identified in the application. This is the maximum allowable of 1.3 acre-feet per acre for Sumner County, Kansas. There are multiple pending applications in this general area of the state, and they are being worked in priority order to ensure that senior applications are provided the available water.

The applicant identified 4 domestic wells and no non-domestic wells within one-half mile of the proposed well, which WRIS confirmed. Nearby notification letters were sent out on June 24, 2016. A letter was received from John and Edna Jones and a follow phone call determined that they were actually located further than ½ mile from the proposed wells. According to the WRIS database, the nearest non-domestic point of diversion (File No. 34,238) is located 2,191 feet away. The nearest domestic well is approximately 1,100 feet away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells.

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. A water level measurement tube is required because this is a proposed new well exceeding 100 gpm.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on September 8, 2016. Based on the above discussion, well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

Matthew J. Meier
Environmental Scientist
Water Appropriations Unit

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

September 21, 2016

MARTIN SCOTT TERNES
1068 NORTH WEST ROAD
PECK KS 67120

FILE COPY

RE: Application, File No. 48,988

Dear Mr. Ternes:

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 this permit. A water meter is required 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 this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



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

BAT:mam
Enclosures
pc: Stafford Field Office
Leo Hatrup

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)

FILE COPY

This is to certify that I have examined Application, **File No. 48,988** of the applicant

**MARTIN SCOTT TERNES
1068 NORTH WEST ROAD
PECK KS 67120**

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 **March 3, 2014**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼													
14	30S	1W	40	36															76

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells, the geo-center of which is to located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW¼ NW¼ NE¼) of Section 14, more particularly described as being near a point 4,637 feet North and 2,127 feet West of the Southeast corner of said section, in Township 30 South, Range 1 West, Sumner County, 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 **800 gallons per minute (1.783 c.f.s.)** and to a quantity not to exceed **99 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, 2017** 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, 2021** 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 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).
13. 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.
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 this permit is further limited such that all wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply, and shall supply water to a common distribution system.

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. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) 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 20th day of September, 2016, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, L.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 20th day of September, 2016, by Lane P. Letourneau, L.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Danielle Wilson

Notary Public



CERTIFICATE OF SERVICE

On this 21st day of September, 2016, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 48,988, dated September 20, 2016 was mailed postage prepaid, first class, US mail to the following:

MARTIN SCOTT TERNES
1068 NORTH WEST ROAD
PECK KS 67120

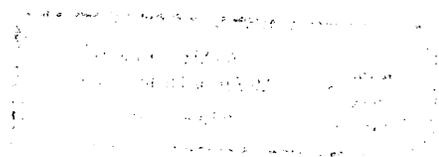
With photocopies to:

LEO HATTRUP
750 LANCERS CT W
MONUMENT CO 80132

Stafford Field Office



Division of Water Resources



APPLICATION COMPLETE

4/30/14
Renewal MJM

THE STATE OF KANSAS



WATER RESOURCES RECEIVED

APR 30 2014

KANSAS DEPARTMENT OF AGRICULTURE
Dale A. Rodman, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 78988

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

WATER RESOURCES RECEIVED

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.)

MAR 03 2014
12:43 pm
KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
109 SW 9th Street, Second Floor, Topeka, KS 66612-1283:

1. Name of Applicant (Please Print): MARTIN SCOTT TERNE
Address: 1068 N. WEST RD
City: PECK State KS Zip Code 67120
Telephone Number: (316) 5241351

2. The source of water is: surface water in _____ (stream)
OR groundwater in NINNESCAH (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 99 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 1000 gallons per minute OR 800 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. 2 GMD _____ Meets K.A.R. 5-3-1 (YES/NO) Use ILL Source (G)S County SU By AGL Date 3-3-14
Code LEG Fee \$ 200 TR # 14030166 Receipt Date 3-3-14 Check # 7902

AGL

SCANNED

* ~~WFO~~/SFFO verified new Geo-center location & well footages via email with applicant on 8/19/16
 Geo-Center NW NWNE 4,637' 10 4 2,127' W File No. 48988

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. PLEASE ALLOW us time to locate

bat 1 of 4

(A) One in the ~~NE~~^{NW} quarter of the ~~NE~~^{NW} quarter of the ~~NE~~^{NW} quarter of Section 14, more particularly described as being near a point ~~5200~~⁴⁸³⁷ feet North and ~~160~~^{2400'} feet West of the Southeast corner of said section, in Township 30 South, Range 1 East West (circle one), SUMNER County, Kansas.

bat 2 of 4

(B) One in the ~~NE~~^{NW} quarter of the ~~NE~~^{NW} quarter of the ~~NE~~^{NW} quarter of Section 14, more particularly described as being near a point ~~5200~~⁴⁴³⁷ feet North and ~~420~~^{2400'} feet West of the Southeast corner of said section, in Township 30 South, Range 1 East West (circle one), SUMNER County, Kansas.

bat 3 of 4

(C) One in the ~~NE~~^{NW} quarter of the ~~NE~~^{NW} quarter of the ~~NE~~^{NW} quarter of Section 14, more particularly described as being near a point ~~4800~~⁴⁶³⁷ feet North and ~~80~~^{1200'} feet West of the Southeast corner of said section, in Township 30 South, Range 1 East West (circle one), SUMNER County, Kansas.

bat 4 of 4

(D) One in the ~~NE~~^{NW} quarter of the ~~NE~~^{NW} quarter of the ~~NE~~^{NW} quarter of Section 14, more particularly described as being near a point ~~4800~~⁴⁶³⁷ feet North and ~~600~~^{1927'} feet West of the Southeast corner of said section, in Township 30 South, Range 1 East West (circle one), SUMNER 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):

LEO HATHROP 750 LANCERS CT W MONUMENT, CO 80132 719-559-3896
 (name, address and telephone number)

(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 2/20/2014, Martin Scott Leiner
 Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of WELL + IRRIGATION SYSTEM (4 wells) and (was)(will be) completed (by) ASAP
 (number of wells, pumps or dams, etc.)
 (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 ASAP
 (Mo/Day/Year)

WATER RESOURCES RECEIVED
 MAR 03 2014 SCANNED
 KS DEPT OF AGRICULTURE

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 _____

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.

NONE

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

TENANT
(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):

LEO. HATRUP 750 LANCERS CT W MONUMENT CO. 80132 719-559-3896
(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 Peck, Kansas, this 20 day of 2, 14.
(month) (year)

(Applicant Signature)

By Matt Scott Lane
(Agent or Officer Signature)

APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

513-60-4945
and/or
APPLICANT(S) TAXPAYER I.D. NO.(S)

(Agent or Officer - Please Print)

Assisted by _____ Date: _____
(office/title)

WATER RESOURCES RECEIVED

MAR 03 2014

KS DEPT OF AGRICULTURE

SCANNED

FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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SCANNED

MAR 03 2014

KS DEPT OF AGRICULTURE

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 49988

Name of Applicant (Please Print): MARTIN SCOTT TERNES

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record

NAME: LEO HARRUP

ADDRESS: 750 LANCERS CT W. MONUMENT, CO. 80132

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE													
14	30	1W	40	36															76

Landowner of Record

NAME: _____

ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE													

Landowner of Record

NAME: _____

ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE													

MAR 03 2014

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
<u>6238</u>	<u>.63</u>	_____	_____
<u>6246</u>	<u>28.68</u>	_____	_____
<u>6236</u>	<u>36.74</u>	_____	_____
Total:	100 %	_____	_____

b. Estimate the average land slope in the field(s): 0 %

Estimate the maximum land slope in the field(s): 0 %

c. Type of irrigation system you propose to use (check one):

- Center pivot ___ Center pivot - LEPA ___ "Big gun" sprinkler
 ___ Gravity system (furrows) ___ Gravity system (borders) ___ Sideroll sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

NA

ii. For sprinkler systems:

- (1) Estimate the operating pressure at the distribution system: 35 psi
- (2) What is the sprinkler package design rate? 500 gpm
- (3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? 77 feet
- (4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

CORN, soybeans, wheat

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

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

APR 30 2014

IRRIGATION TEST WELL

KS DEPT OF AGRICULTURE

Driller & Assistant: Logan and Tyler P Date: 1/29/2013

CUSTOMER: Marty Ternes, 1068 N. West Road, Peck, KS 67120 316-772-1023 or 620-524-1351

LOCATION: Sumner Co - 8 different sites

- | | | | |
|--|---------------------------------------|--|---|
| <input type="checkbox"/> Screen 2-1/2" | <input type="checkbox"/> Holeplug | <input type="checkbox"/> Gas & Oil - W.T. | <input type="checkbox"/> 6" or 5" Liner if needed |
| <input type="checkbox"/> Casing 2-1/2" | <input type="checkbox"/> Quarters | <input type="checkbox"/> 3/4" Polyethylene | <input type="checkbox"/> Solvent & Glue |
| <input type="checkbox"/> Couplings, 2-1/2" | <input type="checkbox"/> Water | <input type="checkbox"/> 2-1/2" PVC Tee | <input type="checkbox"/> Water Sample Bottle |
| <input type="checkbox"/> End Caps, 2-1/2" | <input type="checkbox"/> Lime | <input type="checkbox"/> 5" & 6" Bits | <input type="checkbox"/> Inspection Sheet |
| <input type="checkbox"/> Gravel Pack | <input type="checkbox"/> Drilling Mud | <input type="checkbox"/> Packing | |

Depth:	Formation:	Well Information:
2-3'	top soil	Static Water Level: <u>15' approx</u>
2-23'	clay tan	Est. production: <u>150-250 gpm</u>
3'-39'	sand/gravel	Casing depth: <u>—</u>
9-41'	clay tan	Screen depth: <u>—</u>
1-43'	shale grey hard	Grouting depth: <u>1-43'</u>
		Number of bags: <u>2</u>
		Nearest Contamination: <u>house</u>
		<u>SE corner 1/2 mile</u>
		Maintenance & Safety:
		Notes: <u>T. would</u>
		<u>drill this first</u>
		<u>to test pump</u>

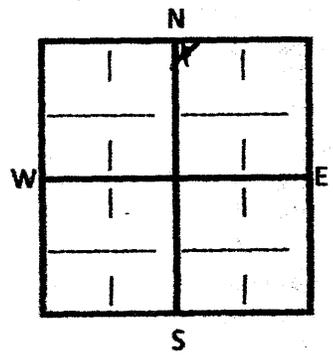
Directions:

Latitude: 37.44853 N decimal degrees (ex. 38.881796)

Longitude: 97.39463 W decimal degrees (ex. 95.373889)

datum: NAD27 NAD83 WGS84

VW 1/4	NW 1/4	NE 1/4	
Sec. 14	T 30	R 1	E/W
County: <u>Sumner</u>			



\$ 6⁰⁰ x 43' /ft. Well

\$ 50⁰⁰ /Grout

\$ N/A /Test Pumping

\$ N/A /Water Sample

Contract Received: 2/13/13

Invoice #: 18308

Date Mailed: 2/4/14

Well Data: Logged:

SCANNED

WATER RESOURCES
RECEIVED

APR 30 2014

KS DEPT. OF AGRICULTURE

IRRIGATION TEST WELL

Driller & Assistant: Logan AND Tyler P

Date: 1/29/2014

CUSTOMER: Marty Ternes, 1068 N. West Road, Peck, KS 67120 316-772-1023 or 620-524-1351

LOCATION: Sumner Co - 8 different sites

- | | | | |
|--|---------------------------------------|--|---|
| <input type="checkbox"/> Screen 2-1/2" | <input type="checkbox"/> Holeplug | <input type="checkbox"/> Gas & Oil - W.T. | <input type="checkbox"/> 6" or 5" Liner if needed |
| <input type="checkbox"/> Casing 2-1/2" | <input type="checkbox"/> Quarters | <input type="checkbox"/> 3/4" Polyethylene | <input type="checkbox"/> Solvent & Glue |
| <input type="checkbox"/> Couplings, 2-1/2" | <input type="checkbox"/> Water | <input type="checkbox"/> 2-1/2" PVC Tee | <input type="checkbox"/> Water Sample Bottle |
| <input type="checkbox"/> End Caps, 2-1/2" | <input type="checkbox"/> Lime | <input type="checkbox"/> 5" & 6" Bits | <input type="checkbox"/> Inspection Sheet |
| <input type="checkbox"/> Gravel Pack | <input type="checkbox"/> Drilling Mud | <input type="checkbox"/> Packing | |

Depth: Formation:

Well Information:

5-3'	top soil	Static Water Level: <u>15' approx</u>
3-24'	clay top	Est. production: <u>100-150 gpm</u>
4'-35'	sand med-conese w/ small clay layers	Casing depth: <u> </u>
35-40'	shale grey	Screen depth: <u> </u>
		Grouting depth: <u>0-40'</u>
		Number of bags: <u>1</u>
		Nearest Contamination:
		Maintenance & Safety:
		Notes:

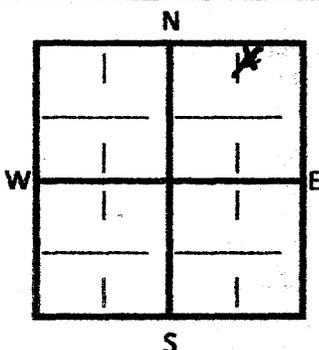
Directions:

Latitude: 37.44856 N decimal degrees (ex. 38.881796)

Longitude: 97.39139 W decimal degrees (ex. 95.373889)

datum: NAD27 NAD83 WGS84

NW 1/4	NE 1/4	NE 1/4	
sec. 14	T 30	R 1	E/W
county <u>Sumner</u>			



\$ <u>6⁰⁰</u> x <u>40'</u>	/ft. Well
\$ <u>58⁰⁰</u>	/Grout
\$ <u>N/A</u>	/Test Pumping
\$ <u>none</u>	/Water Sample
Contract Received: <u>2/13/13</u>	

Invoice #: 18308

Date Mailed: 2/4/14

Well Data: Logged:

SCANNED

WATER RESOURCES
RECEIVED

APR 30 2014

KS DEPT OF AGRICULTURE

IRRIGATION TEST WELL

Driller & Assistant: Logan & Tyler P

Date: 1/29/2014

CUSTOMER: Marty Ternes, 1068 N. West Road, Peck, KS 67120 316-772-1023 or 620-524-1351

LOCATION: Sumner Co - 8 different sites

- Screen 2-1/2" Holeplug Gas & Oil - W.T. 6" or 5" Liner if needed
- Casing 2-1/2" Quarters 3/4" Polyethylene Solvent & Glue
- Couplings, 2-1/2" Water 2-1/2" PVC Tee Water Sample Bottle
- End Caps, 2-1/2" Lime 5" & 6" Bits Inspection Sheet
- Gravel Pack Drilling Mud Packing

Depth:	Formation:	Well Information:
0-2'	top soil	Static Water Level: <u>15' approx</u>
2-22'	clay tan	Est. production: <u>150-250 gpm</u>
22-36'	sand med	Casing depth: <u>—</u>
36-44'	clay tan	Screen depth: <u>—</u>
44-48'	sand / gravel	Grouting depth: <u>0-48'</u>
48-48'	shale grey	Number of bags: <u>1</u>
		Nearest Contamination: <u>house</u>
		<u>septic south over</u>
		<u>1/2 mile</u>
		Maintenance & Safety:
		Notes: <u>clay layer</u>
		<u>MAY CAUSE NOTICEABLE</u>
		<u>production loss</u>

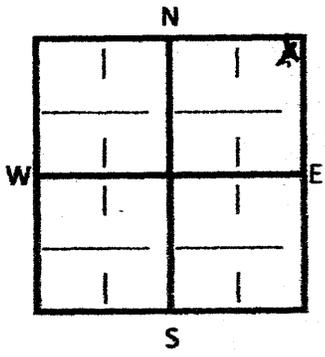
Directions:

Latitude: 37.44739 N decimal degrees (ex. 38.881796)

Longitude: 97.38879 W decimal degrees (ex. 95.373889)

Datum: NAD27 NAD83 WGS84

<u>NE 1/4</u>	<u>NE 1/4</u>	<u>NE 1/4</u>	
<u>Sec. 14</u>	<u>T 30</u>	<u>R 1</u>	<u>E 1/4</u>
County <u>Sumner</u>			



\$6⁰⁰ x 48' /ft. Well

\$ 50⁰⁰ /Grout

\$ N/A /Test Pumping

\$ NONE /Water Sample

Contract Received: 2/13/13

Invoice #: 18308

Date Mailed: 2/4/14

Well Data: Logged:

SCANNED

APR 30 2014

KS DEPT OF AGRICULTURE

IRRIGATION TEST WELL

Driller & Assistant: Logan & Tyler P

Date: 1/29/2014

CUSTOMER: Marty Ternes, 1068 N. West Road, Peck, KS 67120 316-772-1023 or 620-524-1351

LOCATION: Sumner Co - 8 different sites

- Screen 2-1/2" Holeplug Gas & Oil - W.T. 6" or 5" Liner if needed
- Casing 2-1/2" Quarters 3/4" Polyethylene Solvent & Glue
- Couplings, 2-1/2" Water 2-1/2" PVC Tee Water Sample Bottle
- End Caps, 2-1/2" Lime 5" & 6" Bits Inspection Sheet
- Gravel Pack Drilling Mud Packing

Depth:	Formation:	Well Information:
0-3'	top soil	Static Water Level: <u>15' approx</u>
3'-22'	clay tan	Est. production: 150 <u>150-250 gpm</u>
22'-34'	SAND coarse	Casing depth: <u>—</u>
34'-36'	clay	Screen depth: <u>—</u>
36'-40.5'	SAND AND Gravel	Grouting depth: <u>0-44'</u>
40.5'-44'	shale GRAY	Number of bags: <u>1'</u>
		Nearest Contamination: <u>house</u>
		<u>over 1/8 mile East</u>
		Maintenance & Safety:
		Notes:

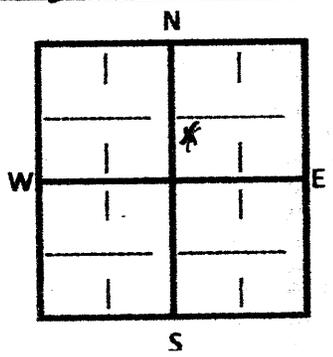
Directions:

Latitude: 37.44495 N decimal degrees (ex. 38.881796)

Longitude 97.39422 W decimal degrees (ex. 95.373889)

Datum: NAD27 NAD83 WGS84

NW 1/4	SW 1/4	NE 1/4	
Sec. 14	T 30	R 1	E 10
County <u>Sumner</u>			



\$ 6⁰⁰ < 44' /ft. Well

\$ 50⁰⁰ /Grout

\$ NONE /Test Pumping

\$ NONE /Water Sample

Contract Received: 2/13/13

Invoice #: 18308

Date Mailed: 2/4/14

Well Data: Logged:

SCANNED

(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

Re: Application File No. 48988

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

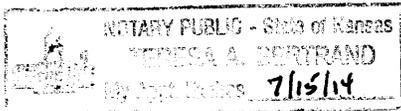
I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Martin Scott Ternes
Signature of Applicant

State of Kansas)
County of Sumner) ss

MARTIN SCOTT TERNES
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 28th day of February, 20 14.



Teresa A. Bertrand
Notary Public

My Commission Expires: 7/15/14

WATER RESOURCES
RECEIVED
MAR 03 2014
KS DEPT OF AGRICULTURE
SCANNED



109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

Department of Agriculture
Division of Water Resources

phone: (785) 296-3717
fax: (785) 296-1176
<http://agriculture.ks.gov/dwr>

Jackie McClaskey, Acting Secretary
David W. Barfield, Chief Engineer

Sam Brownback, Governor

March 3, 2014

MARTIN SCOTT TERNES
1068 N WEST RD
PECK KS 67120

RE: Application
File No. 48,988

Dear Sir or Madam:

Your application for permit to appropriate water in 14-30S-1W, Sumner 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 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,

Douglas W. Schemm
New Application Unit Supervisor
Water Appropriation Program

DWS: al
pc: Stafford Field Office

SCANNED


Kansas
Department of Agriculture
Division of Water Resources

109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1280

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer

Phone: (785) 296-3717
Fax: (785) 296-1176
www.agriculture.ks.gov

Sam Brownback, Governor

MARTIN SCOTT TERNES
1068 NORTH WEST ROAD
PECK KS 67120

WATER RESOURCES
RECEIVED

March 7, 2014

APR 30 2014

RE: Pending Application, File No. 48,988

KS DEPT OF AGRICULTURE

Dear Mr. Ternes:

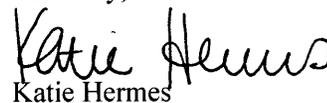
After reviewing your above referenced application for a permit to appropriate water for beneficial use, the file is being returned to you for additional information. As specified in K.A.R. 5-3-1, an application acceptable for filing shall show the source of water supply and either shall show a description of the location of the proposed point of diversion or shall request a 60-day period of time in which to establish the location of the proposed point of diversion within a limited area. In your original application, received in this office on March 3, 2014, you had requested a 60-day period of time in which to locate the specific point of diversion within a specified quarter section tract of land described as the Northeast Quarter of Section 14, in Township 30 South, Range 1 West, Sumner County, Kansas.

In Paragraph No. 5 of the application please provide the description of the location of the proposed geographic center of the well battery, and the location for **each of the individual wells comprising the battery** of wells. The feet distances North and West from the Southeast corner of the section must be listed for each well in the battery. The location of the point of diversion for the file (i.e. the geographic center of the proposed well battery) must be plotted on the enclosed site map. Per K.A.R. 5-3-4, the location of all water wells of every kind within one-half (1/2) mile of the point of diversion covered by the proposed appropriation must be plotted on the topographic map, identified as to its use, and **include the name and mailing address of the well owner**. Please provide this information once you have established your point of diversion for this file, and sign the map where indicated.

Paragraph No. 13 of the application requests well information so the source of supply of the proposed wells may be determined. Pursuant to K.A.R. 5-3-4d, this office requires a stratigraphic log of a well or test hole within 300 feet of the proposed point of diversion, unless the chief engineer has sufficient information to understand the lithology and determine the groundwater source formation. Please supply the indicated information and a test hole log or a driller's log with the returned application.

In order for the application to retain its priority of filing, the original application and attachments must be returned, with the requested information to this office on or before May 3, 2014, or within any authorized extension of time thereof. According to the law, default in the refile of the completed application and attachments, within the time allowed, shall constitute forfeiture of the priority date and dismissal of the application. If you have any questions, please contact me at (785) 296-3619. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Katie Hermes
Environmental Scientist
Water Appropriation Program

Enclosure
pc: Stafford Field Office

SCANNED



109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1280

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer

Phone: (785) 296-3717
Fax: (785) 296-1176
www.agriculture.ks.gov
Sam Brownback, Governor

April 3, 2014

MARTIN SCOTT TERNES
1068 NORTH WEST ROAD
PECK KS 67120

RE: Pending Application, File No. 48,988

Dear Mr. Ternes:

The application referred to above was returned to you for additional information on March 7, 2014, and with your current extension of time the required response date is May 3, 2014. The purpose of this letter is to provide a reminder that in order for you to retain your priority of filing, the original application, and requested information, needs to be returned to this office on or before **May 3, 2014**, or within any authorized extension of time thereof. According to the law, default in the refiling of the completed application and attachments, within the time allowed, shall constitute forfeiture of priority date and dismissal of the application.

If an extension of time is necessary to supply the requested information, please request the extension of time, in writing, before **May 3, 2014**. Provide information on why the additional time is needed and how much additional time is requested. Since there are instances when the Chief Engineer may deny your request for an extension of time, there is no guarantee that future requests for more time will be granted.

If you have any questions, please contact me at (785) 296-3619. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Katie Hermes
Environmental Scientist
Water Appropriation Program

pc: Stafford Field Office



109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1280

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer

Phone: (785) 296-3717
Fax: (785) 296-1176
www.agriculture.ks.gov
Sam Brownback, Governor

March 7, 2014

MARTIN SCOTT TERNES
1068 NORTH WEST ROAD
PECK KS 67120

RE: Pending Application, File No. 48,988

Dear Mr. Ternes:

After reviewing your above referenced application for a permit to appropriate water for beneficial use, the file is being returned to you for additional information. As specified in K.A.R. 5-3-1, an application acceptable for filing shall show the source of water supply and either shall show a description of the location of the proposed point of diversion or shall request a 60-day period of time in which to establish the location of the proposed point of diversion within a limited area. In your original application, received in this office on March 3, 2014, you had requested a 60-day period of time in which to locate the specific point of diversion within a specified quarter section tract of land described as the Northeast Quarter of Section 14, in Township 30 South, Range 1 West, Sumner County, Kansas.

In Paragraph No. 5 of the application please provide the description of the location of the proposed geographic center of the well battery, and the location for **each of the individual wells comprising the battery** of wells. The feet distances North and West from the Southeast corner of the section must be listed for each well in the battery. The location of the point of diversion for the file (i.e. the geographic center of the proposed well battery) must be plotted on the enclosed site map. Per K.A.R. 5-3-4, the location of all water wells of every kind within one-half (½) mile of the point of diversion covered by the proposed appropriation must be plotted on the topographic map, identified as to its use, and **include the name and mailing address of the well owner**. Please provide this information once you have established your point of diversion for this file, and sign the map where indicated.

Paragraph No. 13 of the application requests well information so the source of supply of the proposed wells may be determined. Pursuant to K.A.R. 5-3-4d, this office requires a stratigraphic log of a well or test hole within 300 feet of the proposed point of diversion, unless the chief engineer has sufficient information to understand the lithology and determine the groundwater source formation. Please supply the indicated information and a test hole log or a driller's log with the returned application.

In order for the application to retain its priority of filing, the original application and attachments must be returned, with the requested information to this office on or before May 3, 2014, or within any authorized extension of time thereof. According to the law, default in the refiling of the completed application and attachments, within the time allowed, shall constitute forfeiture of the priority date and dismissal of the application. If you have any questions, please contact me at (785) 296-3619. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Katie Hermes".

Katie Hermes
Environmental Scientist
Water Appropriation Program

Enclosure
pc: Stafford Field Office

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

"4637 ft N and 2127 ft W of the SE Corner of Section 14, T 30S, R 1W

Located at: 97.393618 West Longitude and 37.447107 North Latitude

GROUNDWATER ONLY

#48,988

meets
spacing

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 34238	00	IRR	NK	G	10148	--	--	NC	NW	3985	3960	7	30	1E	3	225.00	225.00	AF
A__ 42040	00	IRR	NK	G	10210	--	SE	SE	NW	2844	2826	18	30	1E	2 G 2	60.00	60.00	AF
Same					10243	--	SE	SE	NW	2689	2817	18	30	1E	3 B 2			
Same					10179	--	SE	SE	NW	2999	2835	18	30	1E	4 B 2			
A__ 48988	00	IRR	AY	G	1053	--	--	NE		3960	1320	14	30	1W	2	99.00	99.00	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	99.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	285.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	384.00	.00

An * after the source of supply indicates a pending application for change for the file number.
 An * after the ID indicates a 15 AF exemption was granted for 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:

97.393618 West Longitude and 37.447107 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

- File Number Use ST SR
- A__ 34238 00 IRR NK G
- > REBECCA MARIE OTT REV TRUST
- >
- > 11621 S HILLSIDE
- > MULVANE KS 67110
- >-----
- A__ 42040 00 IRR NK G
- > KYLE J & MICHELLE S MCADAM
- >
- > 1255 N LONDON RD
- > BELLE PLAINE KS 67013
- >-----
- A__ 48988 00 IRR AY G
- > LEO HATTRUP
- > 750 LANCERS CT W
- >
- > MONUMENT CO 80132
- >-----

48,988
meets
S.V.

Analysis Results

The selected PD is in an area to new appropriations.
 The safe yield, based on the variables listed below is 2,029.39 AF. $-480 = 1549.39$ AF Available
 Total prior appropriation in the circle is 579.00 AF.
 Total quantity of water available for appropriation is 1,450.39 AF.

Safe Yield Variables

The area used for the analysis is set at 6013 acres.
 Potential annual recharge of the area is estimated to be 5.4 inches.
 The percent of recharge available for appropriation is 75%.

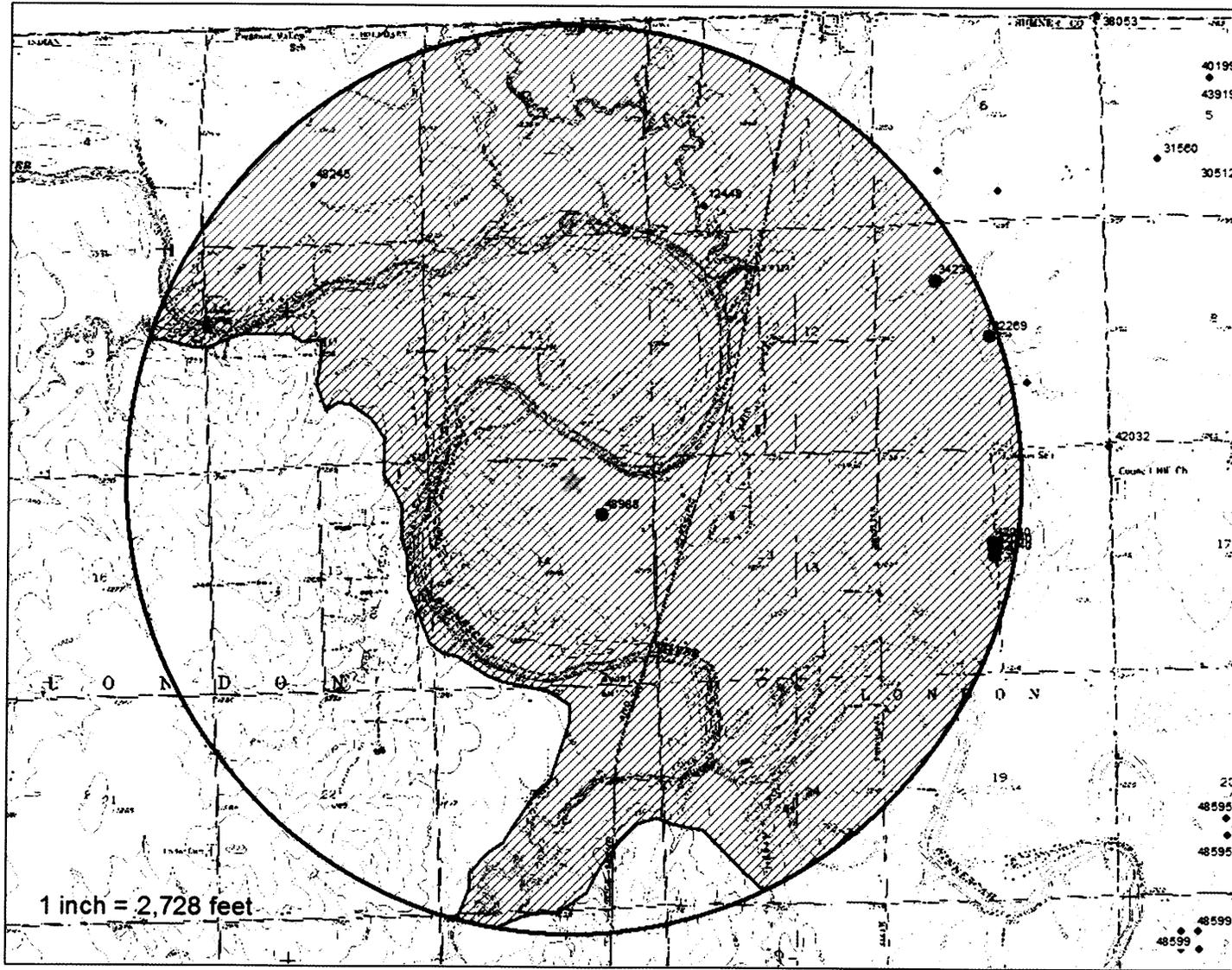
Authorized Quantity values are as of 10-AUG-2016 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 4 water right(s) and 6 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 32269 00	IRR	NK	G			NE	NE	SW	2620	2680	07	30	01E	2	WR	195.00	195.00	162.40	162.40
A 34238 00	IRR	NK	G			NC	NW		3985	3960	07	30	01E	3	WR	225.00	225.00	156.00	156.00
A 42040 00	IRR	NK	G			SE	SE	NW	2844	2826	18	30	01E	2	WR	60.00	60.00	71.00	71.00
Same	IRR	NK	G			SE	SE	NW	2689	2817	18	30	01E	3	WR				
Same	IRR	NK	G			SE	SE	NW	2999	2835	18	30	01E	4	WR				
A 48988 00	IRR	AY	G			NE			3960	1320	14	30	01W	2	WR	99.00	99.00	76.00	76.00

480 approved

Safe Yield Report Sheet
Proposed Water Right Application
Point of Diversion in SWNENWNE 14-30S-01W



Meier, Matt

From: Martin Ternes <martyternes@yahoo.com>
Sent: Tuesday, May 24, 2016 7:57 PM
To: Meier, Matt
Subject: Fw: Application Map
Attachments: 001.jpg

Matt attached is the proposed geo center and battery location. I have listed the domestic wells and owners. If you have any questions don't hesitate to contact me.

Marty Ternes

James Smith
543 E 130th Ave N
Peck, KS 67120

Terry Rasmussen
1287 N West Rd
Peck, KS 67120

C. Aimes
514 E 130th Ave N
Peck, KS 67120

John Jones
751 E 130th Ave N
Peck, KS 67120

RECEIVED

MAY 25 2016

STAFF
DAILY OFFICE HOURS

• **Meier, Matt**

From: Meier, Matt
Sent: Monday, June 13, 2016 1:36 PM
To: 'Marty Ternes'
Subject: RE: Application Map

Will do.

Matt Meier, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
Stafford Field Office
(620) 234-5311
Matt.Meier@kda.ks.gov
www.ksda.gov/dwr

From: Marty Ternes [<mailto:martyternes@yahoo.com>]
Sent: Monday, June 13, 2016 1:31 PM
To: Meier, Matt
Subject: Re: Application Map

Matt, please go with the original application and we will reapply for the rest at a later time.
Thanks Marty

Sent from my iPhone

On May 27, 2016, at 4:29 PM, Meier, Matt <Matt.Meier@KDA.KS.GOV> wrote:

Marty,

In regards to our phone conversation yesterday I looked into it more and for Sumner County the minimum reasonable quantity for irrigation is 1 AF/Acre. As you requested 99 AF in the original application you could increase your place of use up to 99 Acres. This would be 23 more acres than you have currently requested. You cannot increase your requested rate of diversion or quantity without filling another new application. Let me know if you have any questions or want to modify you place of use.

Matt Meier, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
Stafford Field Office
(620) 234-5311
Matt.Meier@kda.ks.gov
www.ksda.gov/dwr

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Sent: Tuesday, May 24, 2016 7:57 PM

To: Meier, Matt

Subject: Fw: Application Map

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Peck, KS 67120

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Kansas

Department of Agriculture
Division of Water Resources

Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311
Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor

June 24, 2016

Terry Rasmussen
1287 N. West Rd
Peck, KS 67120

Re: Pending Application, File No. 48,988

Dear Sir or Madam:

This is to advise you that the Martin Ternes has filed the application referred to above for a permit to appropriate 99 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 800 gallons per minute. The proposed point of diversion for 48,988 is a battery of four (4) wells located as follows:

Northwest Quarter of the Northwest Quarter of the Northeast Quarter of Section 14, Township 30 South, Range 1 West, Sumner County, Kansas.

A map is enclosed indicating the location of the proposed wells. Records in this office indicate that you may have a well or wells in this vicinity and you are 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.

If you have any questions or comments, you may also contact me at (620) 234-5311. If you call, please reference the file number so I can help you more efficiently. Mailed comments can be sent to the Stafford Field Office at 300 S. Main St. Stafford, KS 67578-1521.

Sincerely,



Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

SCANNED

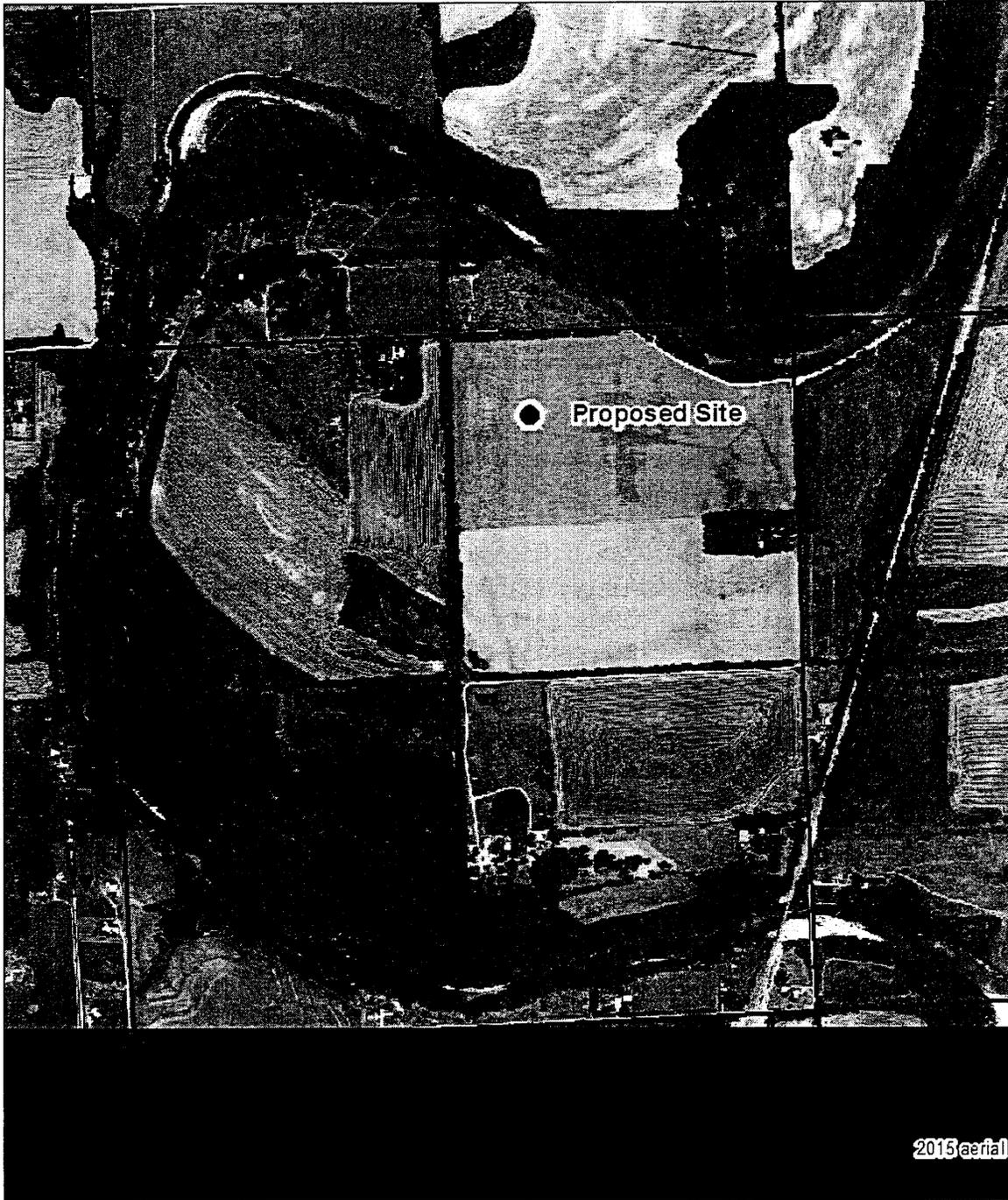
Kansas

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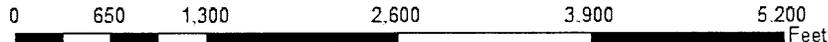


2015 aerial

Legend

-  Section Corners
-  Section Lines

MJM-DWR 6/23/16
1:12,000



Proposed Water Appropriation, File No. 48,988
14-30S-1W
Sumner County



Kansas

Department of Agriculture
Division of Water Resources

Stafford Field Office
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Stafford, Kansas 67578-1521

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Sam Brownback, Governor

June 24, 2016

C. Aimes
514 E 130th Ave N.
Peck, KS 67120

Re: Pending Application, File No. 48,988

Dear Sir or Madam:

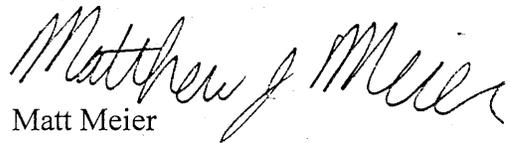
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Sincerely,



Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

SCANNED

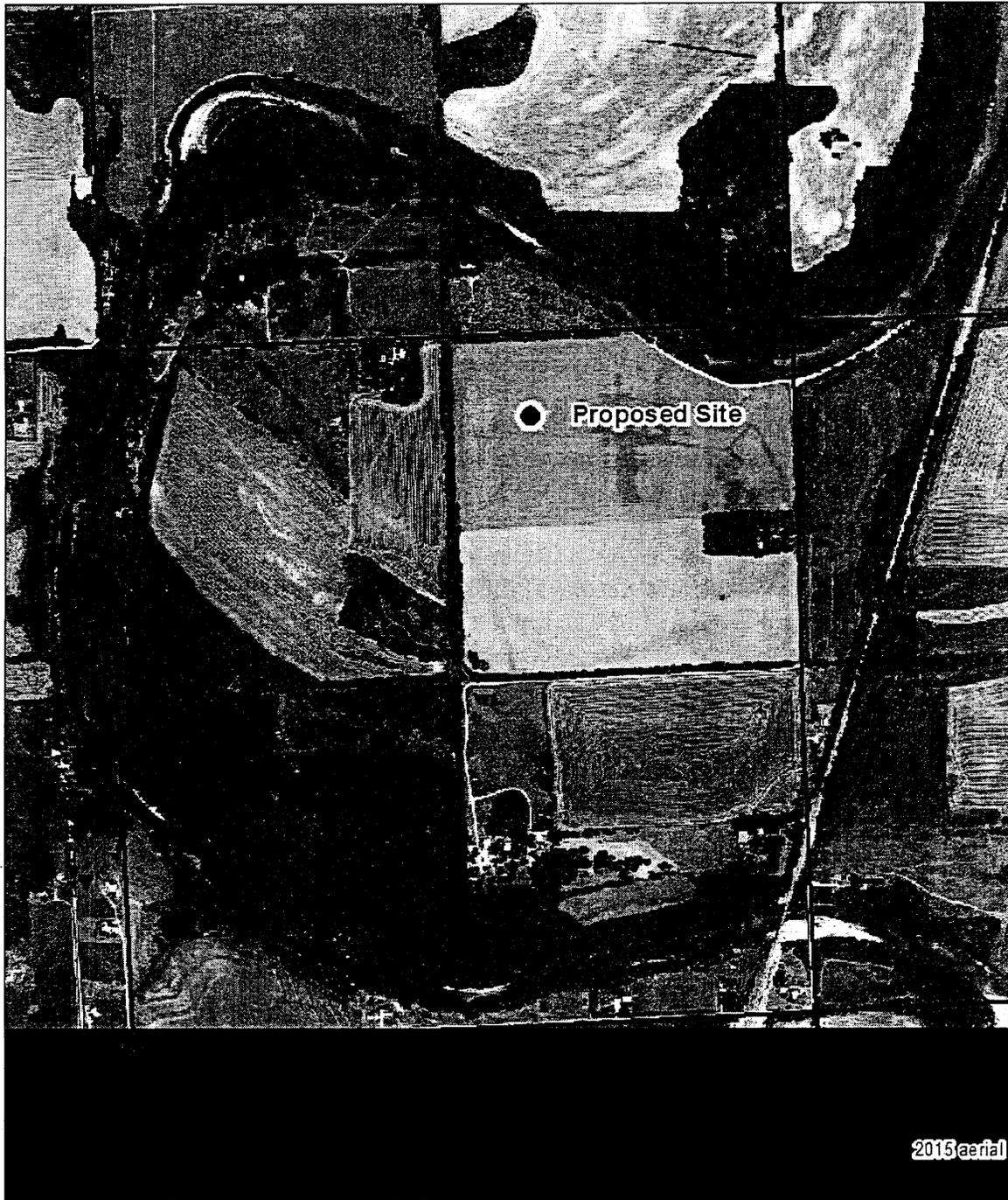
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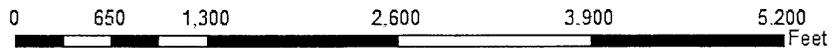
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Sam Brownback, Governor



Legend

-  Section Corners
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MJM-DWR 6/23/16
1:12,000



Proposed Water Appropriation, File No. 48,988
14-30S-1W
Sumner County



Kansas

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Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor

June 24, 2016

James Smith
543 E. 130th Ave N
Peck, KS 67120

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Sincerely,



Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

SCANNED

Kansas

Department of Agriculture
Division of Water Resources

Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521

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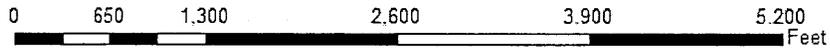


2015 aerial

Legend

-  Section Corners
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MJM-DWR 6/23/16
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Proposed Water Appropriation, File No. 48,988
14-30S-1W
Sumner County



Kansas

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Phone: (620) 234-5311
Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor

June 24, 2016

John Jones
751 E. 130th Ave N
Peck, KS 67120

Re: Pending Application, File No. 48,988

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Sincerely,



Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

SCANNED

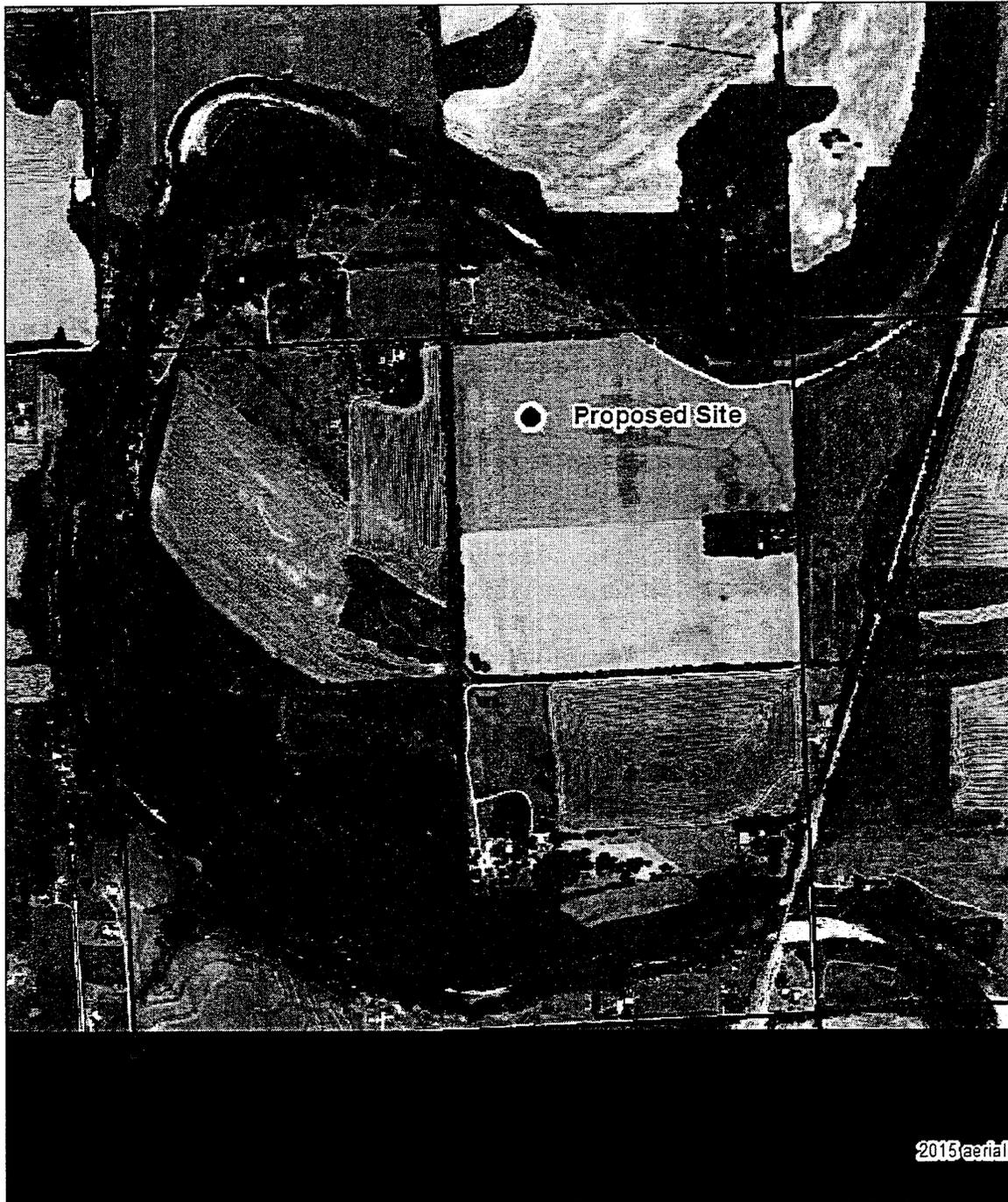
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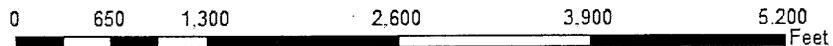


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MJM-DWR 6/23/16
1:12,000



Proposed Water Appropriation, File No. 48,988
14-30S-1W
Sumner County



7-5-16

Mrs. Meier,

We received the notification (FILE NO 48,988) in the mail recently and have tried to contact you by phone but wasn't successful so will send this response to you through the mail.

We live on an acre of ground with 4 irrigation systems up against our property. I have lived here for almost 50 years and at that time had excellent soft water. We live on Social Security. My husband, John, is 90 and I will be 84 this month. We live on Social Security and have just recently had to get a new water well drilled deeper because we'd run out of water. It cost us over \$6,000.00 to have it drilled. My concern is how long will it be before we need another one drilled deeper?

I thank you for your consideration in this matter.

Sincerely,
John + Edna Jones

RECEIVED

JUL 07 2016

Stafford Field Office
DIVISION OF WATER RESOURCES


Kansas
Department of Agriculture
Division of Water Resources

Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311
Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor

August 10, 2016

John & Edna Jones
751 E. 130th Ave N
Peck, KS 67120

Re: Pending Application, File No. 48,988

Dear John & Edna:

This will acknowledge receipt of your letter, received in this office on July 7, 2016 in which you expressed concerns regarding the proposed appropriation of groundwater by Martin Ternes under the above referenced application. Specifically, you mentioned concerns with the applicant's wells possibly impacting your domestic well. The application is proposing to appropriate groundwater for irrigation use.

We are in the process of thoroughly reviewing this pending application to ensure that it complies with the Kansas Water Appropriation Act and applicable rules and regulations. The Chief Engineer is required to approve applications for water appropriation unless the proposed appropriation will impair existing water rights or prejudicially and unreasonably affect the public interest. Impairment is indicated if existing water rights will experience an unreasonable lowering of the static water level.

The applicable rules and regulations (K.A.R. 5-4-4) require that new non-domestic wells must meet specific spacing guidelines based on the source of water supply in order to minimize the potential that existing water wells of any kind would be impaired. The source of water (aquifer) for this pending application appears to be Quaternary System deposits (likely Alluvium), based on the test hole log that was submitted and geologic maps/cross sections. This source of water requires a minimum well spacing of 660 feet from any existing domestic well. Based on the locations of the domestic wells in the area, the nearest domestic well appears to be approximately 1,100 feet from the proposed well battery, and the application complies with minimum well spacing criterion.

Additionally, the rules and regulations (K.A.R. 5-4-1) require the Chief Engineer to investigate any complaint that a prior right to the use of water is being impaired. If such impairment is found, the Chief Engineer must secure water to satisfy prior water rights. Therefore, if this permit application is approved by the Chief Engineer and you believe the diversion of water is impairing your water right, you should notify Jeff Lanterman, Water Commissioner, Stafford Field Office, as follows, so that an investigation can be made.

Division of Water Resources
Stafford Field Office
300 S Main Street
Stafford, Kansas 67578-1342
Telephone: 620-234-5311

If an applicant without cause fails to comply with the provisions of the permit and its terms, conditions and limitations, it could result in the forfeiture of the priority date, revocation of the permit and dismissal of the application. If you have any further questions, please contact me at 620-234-5311. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Matt Meier
New Application Unit
Water Appropriation Program

pc:

SCANNED

Meier, Matt

From: Meier, Matt
Sent: Friday, August 19, 2016 9:47 AM
To: 'Martin Ternes'
Subject: RE: Application Map

Marty,

Thanks for the reply and I'll work on finishing up processing it.

Matt Meier, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
Stafford Field Office
(620) 234-5311
Matt.Meier@kda.ks.gov
www.ksda.gov/dwr

From: Martin Ternes [<mailto:martyternes@yahoo.com>]
Sent: Thursday, August 18, 2016 9:29 AM
To: Meier, Matt
Subject: Re: Application Map

Matt, The proposed geo center is correct on attached map. Please proceed with application.

Thanks
Marty Ternes

On Wednesday, August 10, 2016 1:04 PM, "Meier, Matt" <Matt.Meier@ks.gov> wrote:

Hello Marty,

Attached is a larger scale map with what I think you proposed geo-center location and footages are based off the map you submitted. If you could look it over and let me know if it works I'd appreciate it. I will also modify the individual well locations to use place holders with a well located 200' N, S, E, & W of the geo-center as we discussed over the phone. Let me know if you have any questions or need further assistance.

Matt Meier, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
Stafford Field Office
(620) 234-5311
Matt.Meier@kda.ks.gov
www.ksda.gov/dwr

From: Meier, Matt
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Subject: RE: Application Map

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Matt Meier, Environmental Scientist
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Sent: Monday, June 13, 2016 1:31 PM
To: Meier, Matt
Subject: Re: Application Map

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Thanks Marty

Sent from my iPhone

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Matt Meier, Environmental Scientist
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Subject: Fw: Application Map

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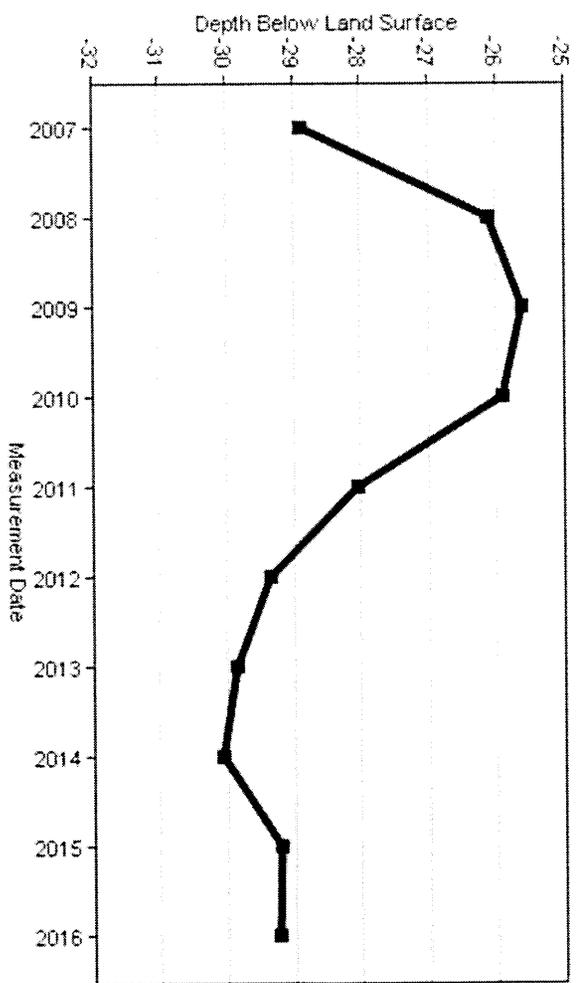
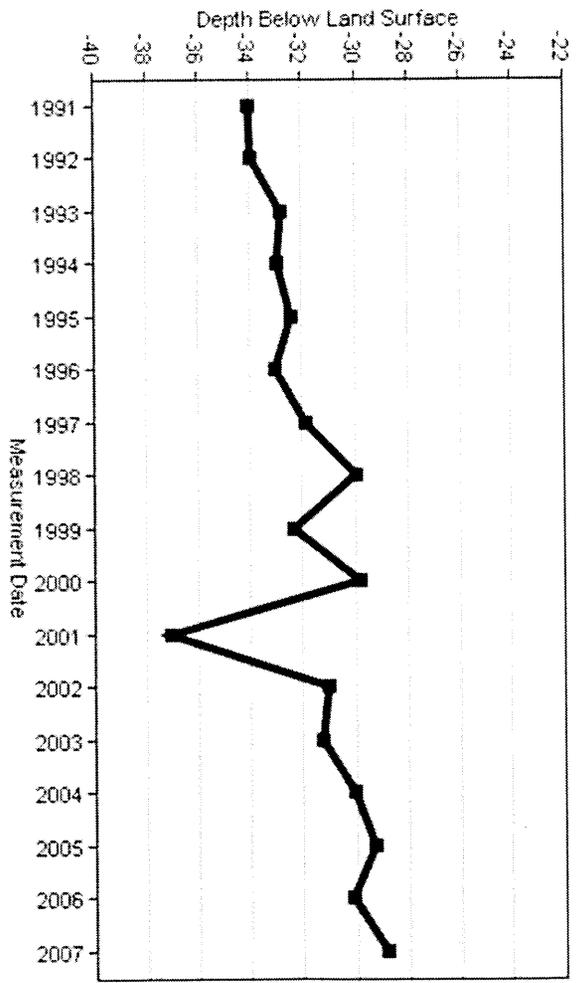
Marty Ternes

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1287 N West Rd
Peck, KS 67120

C. Aimes
514 E 130th Ave N
Peck, KS 67120

John Jones
751 E 130th Ave N
Peck, KS 67120



Approximately 4 miles NE Proposed well site

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

Draft

TO: Files

DATE: September 8, 2016

FROM: Matt Meier

RE: Application, File No. 48,988

Martin Ternes has filed the referenced application to appropriate groundwater for irrigation use, requesting a battery of four (4) wells, a quantity of 99 acre-feet, and a diversion rate of 800 gallons per minute. The Geo-Center is to be located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 14, more particularly described as being near a point 4,637 feet North and 2,127 feet West of the Southeast corner of said section, in Township 30 South, Range 1 West, Sumner County, within the Ninnescah River drainage basin. There are no other water rights overlapping the proposed place of use or point of diversion. The proposed place of use is owned by Leo Hattrup. The applicant has signed the application form stating that he has legal access to the point of diversion.

In 2004 the United States Geological Survey (USGS) completed a hydrologic model of a portion of the Arkansas River and associated drainage basins (Ninnescah River), generally bounded by Ranges 2 West to 3 East and Townships 26 South to 34 South (near state line). The USGS model indicated that the aquifer in this area receives more recharge from precipitation than DWR has historically used in safe yield calculations. The data and analyses are detailed in the USGS Scientific Investigations Report 2004-5204 entitled "Characterization and Simulation of Flow in the Lower Arkansas River Alluvial Aquifer, South-Central Kansas". In order to evaluate the potential impact of this study on our safe yield calculations, DWR suspended processing applications for new appropriations of water in the model area.

DWR recently completed an evaluation of the USGS model and has determined that the precipitation recharge value of 5.4 inches per year that is used in the USGS model is reasonable and appropriate. In order to reserve water in the alluvial aquifers that can contribute to base flow to area streams and for domestic use, it was determined that 75 percent of the 5.4 inches of precipitation recharge shall be available for appropriation. This is consistent with safe yield appropriation in many other basins across the state, and is the current percent available in for all applications in the Ninnescah River drainage basin. Therefore, for all pending applications within the model area, safe yield will be evaluated using the standard methodology in K.A.R. 5-3-11, which is based on the extent of the unconfined aquifer (area of consideration), a Potential Annual Recharge value of 5.4 inches, and a percent of recharge available for appropriation of 75%. Current annual recharge across the model area is approximately 3 inches.

Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile circle radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer, which provided an area of consideration of 6,013 acres. With a potential annual recharge of 5.4 inches, and 75% of recharge available for appropriation, safe yield was determined to be 2,029.39 acre-feet. Existing water rights have appropriated 480 acre-feet, providing a difference of 1,549.39 acre-feet available for appropriation, and the application requesting 99 acre-feet complies with safe yield.

Multiple test hole logs were submitted with the pending application, one which shows top soil from 0 to 3 feet, tan clay from 3 to 23 feet, sand and gravel from 23 to 39 feet, tan clay from 39 to 41 feet, and gray shale from 41 to 43 feet. The static water level was listed at 15feet which provides a saturated thickness of 26 feet.

The requested quantity of water, 99 acre-feet, is to irrigate the proposed 76 acres identified in the application. This is the maximum allowable of 1.3 acre-feet per acre for Sumner County, Kansas. There are multiple pending applications in this general area of the state, and they are being worked in priority order to ensure that senior applications are provided the available water.

The applicant identified 4 domestic wells and no non-domestic wells within one-half mile of the proposed well, which WRIS confirmed. Nearby notification letters were sent out on June 24, 2016. A letter was received from John and Edna Jones and a follow phone call determined that they were actually located further than ½ mile from the proposed wells. According to the WRIS database, the nearest non-domestic point of diversion (File No. 34,238) is located 2,191 feet away. The nearest domestic well is approximately 1,100 feet away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells.

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. A water level measurement tube is required because this is a proposed new well exceeding 100 gpm.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office.

Based on the above discussion, well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

7/8/2016
Concur w/ Matt's Recommendation
Approve - JHR W.C.

Matthew J. Meier
Environmental Scientist
Water Appropriations Unit

AD ASTRA PER ASPERA
Kansas
Department of Agriculture
Division of Water Resources

109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

Jackie McClaskey, Acting Secretary
David W. Barfield, Chief Engineer

phone: (785) 296-3717
fax: (785) 296-1176
<http://agriculture.ks.gov/dwr>

Sam Brownback, Governor

March 3, 2014

MARTIN SCOTT TERNES
1068 N WEST RD
PECK KS 67120

RE: Application
File No. 48,988

Dear Sir or Madam:

Your application for permit to appropriate water in 14-30S-1W, Sumner 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 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,

Douglas W. Schemm

Douglas W. Schemm
New Application Unit Supervisor
Water Appropriation Program

DWS: al
pc: Stafford Field Office

SCANNED



Department of Agriculture
Division of Water Resources

109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1280

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer

Phone: (785) 296-3717

Fax: (785) 296-1176

www.agriculture.ks.gov

Sam Brownback, Governor

March 7, 2014

WATER RESOURCES
RECEIVED

MARTIN SCOTT TERNES
1068 NORTH WEST ROAD
PECK KS 67120

APR 30 2014

RE: Pending Application, File No. 48,988

KS DEPT OF AGRICULTURE

Dear Mr. Ternes:

After reviewing your above referenced application for a permit to appropriate water for beneficial use, the file is being returned to you for additional information. As specified in K.A.R. 5-3-1, an application acceptable for filing shall show the source of water supply and either shall show a description of the location of the proposed point of diversion or shall request a 60-day period of time in which to establish the location of the proposed point of diversion within a limited area. In your original application, received in this office on March 3, 2014, you had requested a 60-day period of time in which to locate the specific point of diversion within a specified quarter section tract of land described as the Northeast Quarter of Section 14, in Township 30 South, Range 1 West, Sumner County, Kansas.

In Paragraph No. 5 of the application please provide the description of the location of the proposed geographic center of the well battery, and the location for **each of the individual wells comprising the battery** of wells. The feet distances North and West from the Southeast corner of the section must be listed for each well in the battery. The location of the point of diversion for the file (i.e. the geographic center of the proposed well battery) must be plotted on the enclosed site map. Per K.A.R. 5-3-4, the location of all water wells of every kind within one-half (½) mile of the point of diversion covered by the proposed appropriation must be plotted on the topographic map, identified as to its use, and **include the name and mailing address of the well owner**. Please provide this information once you have established your point of diversion for this file, and sign the map where indicated.

Paragraph No. 13 of the application requests well information so the source of supply of the proposed wells may be determined. Pursuant to K.A.R. 5-3-4d, this office requires a stratigraphic log of a well or test hole within 300 feet of the proposed point of diversion, unless the chief engineer has sufficient information to understand the lithology and determine the groundwater source formation. Please supply the indicated information and a test hole log or a driller's log with the returned application.

In order for the application to retain its priority of filing, the original application and attachments must be returned, with the requested information to this office on or before May 3, 2014, or within any authorized extension of time thereof. According to the law, default in the refiling of the completed application and attachments, within the time allowed, shall constitute forfeiture of the priority date and dismissal of the application. If you have any questions, please contact me at (785) 296-3619. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Katie Hermes

Environmental Scientist

Water Appropriation Program

Enclosure

pc: Stafford Field Office

SCANNED



Department of Agriculture
Division of Water Resources

109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1280

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer

Phone: (785) 296-3717
Fax: (785) 296-1176
www.agriculture.ks.gov
Sam Brownback, Governor

April 3, 2014

MARTIN SCOTT TERNES
1068 NORTH WEST ROAD
PECK KS 67120

RE: Pending Application, File No. 48,988

Dear Mr. Ternes:

The application referred to above was returned to you for additional information on March 7, 2014, and with your current extension of time the required response date is May 3, 2014. The purpose of this letter is to provide a reminder that in order for you to retain your priority of filing, the original application, and requested information, needs to be returned to this office on or before **May 3, 2014**, or within any authorized extension of time thereof. According to the law, default in the refiling of the completed application and attachments, within the time allowed, shall constitute forfeiture of priority date and dismissal of the application.

If an extension of time is necessary to supply the requested information, please request the extension of time, in writing, before **May 3, 2014**. Provide information on why the additional time is needed and how much additional time is requested. Since there are instances when the Chief Engineer may deny your request for an extension of time, there is no guarantee that future requests for more time will be granted.

If you have any questions, please contact me at (785) 296-3619. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Katie Hermes
Environmental Scientist
Water Appropriation Program

pc: Stafford Field Office


Kansas
Department of Agriculture
Division of Water Resources

109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1280

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer

Phone: (785) 296-3717
Fax: (785) 296-1176
www.agriculture.ks.gov
Sam Brownback, Governor

March 7, 2014

MARTIN SCOTT TERNES
1068 NORTH WEST ROAD
PECK KS 67120

RE: Pending Application, File No. 48,988

Dear Mr. Ternes:

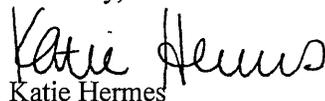
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Sincerely,



Katie Hermes
Environmental Scientist
Water Appropriation Program

Enclosure

pc: Stafford Field Office

FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

WATER RESOURCES
RECEIVED

SCANNED

MAR 03 2014

KS DEPT OF AGRICULTURE



109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

Jackie McClaskey, Acting Secretary
David W. Barfield, Chief Engineer

phone: (785) 296-3717
fax: (785) 296-1176
<http://agriculture.ks.gov/dwr>

Sam Brownback, Governor

March 3, 2014

MARTIN SCOTT TERNES
1068 N WEST RD
PECK KS 67120

RE: Application
File No. 48,988

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Sincerely,

Douglas W. Schemm
New Application Unit Supervisor
Water Appropriation Program

DWS: al
pc: Stafford Field Office

SCANNED

File No. _____

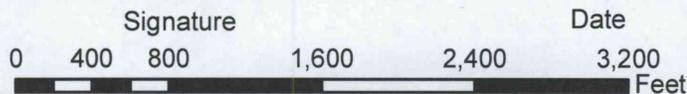
Final maps



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

- ★ Domestic Wells
- ⊕ ProposedPD
- ▲ Water Rights
- ⊕ SFFOsec_corners

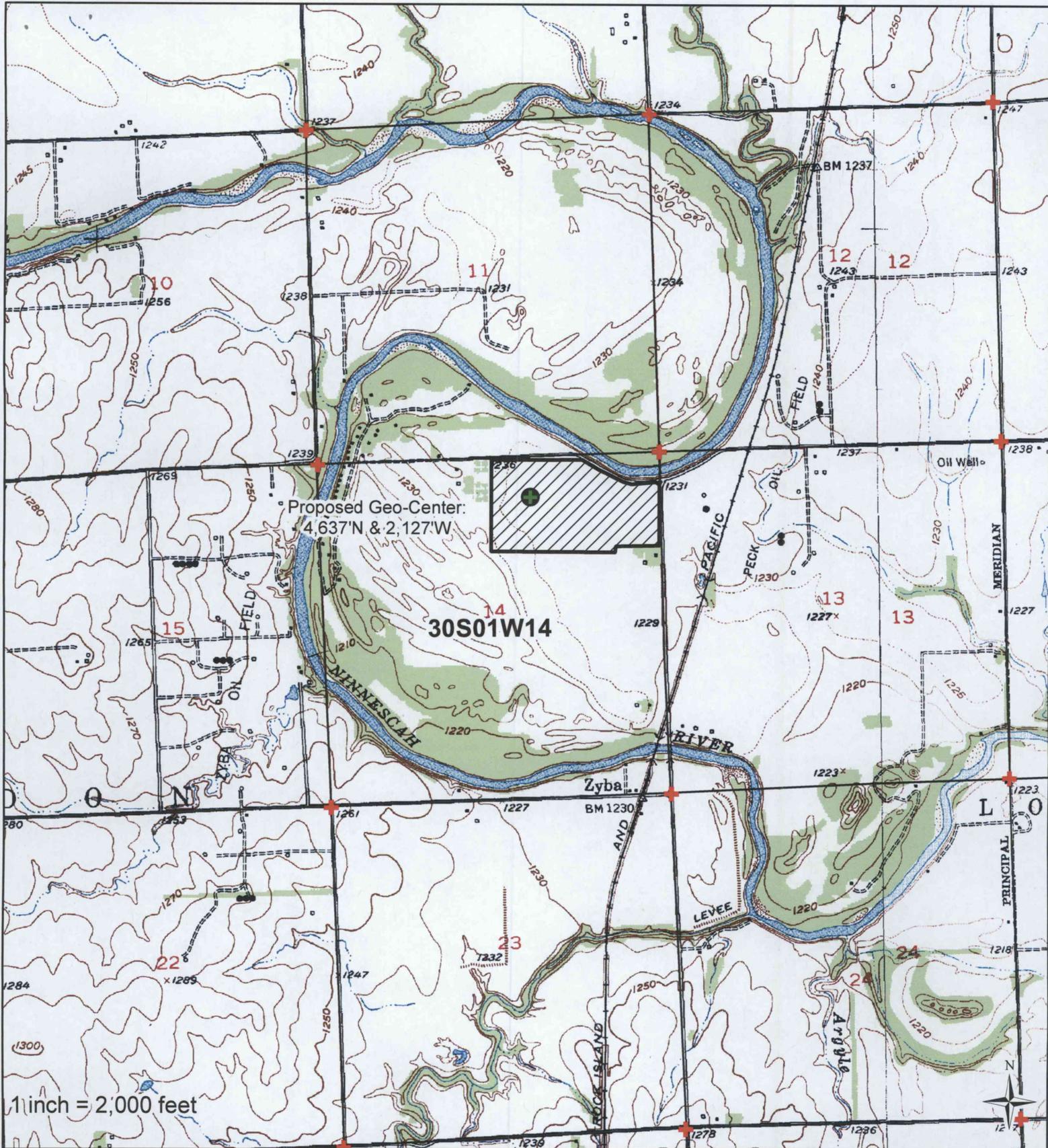
 ProposedPlaceOfUse



Created By: Matt Meier
F.O. 2
Date: 8/10/2016

File No. _____

Final Maps



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★ Domestic Wells

● Proposed PD

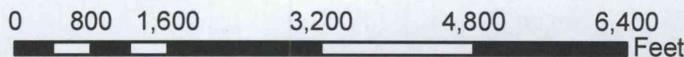
▲ Water Rights

⊕ SFFOsec_corners

▨ Proposed Place of Use

Signature _____

Date _____



Created By: Matt Meier
F.O. 2
Date: 8/10/2016

48988

	Current Map	Crop Year:
	Ternes Farms Inc	Acres: 76.69
	Farm: Ternes Farms	
	Field: 130 and west	
	Crop Zone:	



Location: County: Sumner, KS
Twp Rng Sec: 30S R1W S24

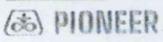
Directions:

WATER RESOURCES RECEIVED

Powered by MapShots AgStudio® SEE NOTES AND EXPLANATIONS FOR ADDITIONAL INFORMATION

Page 1
Feb 20, 2014 10:49 PM

Martin Scott Turner

MAR 03 2014
 PIONEER
 KS DEPT OF AGRICULTURE
 SCANNED

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MAY 25 2016

Stafford Field Office
Division of Water Resources

VSD

48988



PIONEER.
FIELD360™

Current Map

Ternes Farms Inc

Farm: Ternes Farms

Field: 130 and west

Crop Zone:

Crop Year:

Acres: 76.69



Location:

County: Sumner, KS
Twp Rng Sec: 30S R1W S2C14

Directions:

WATER RESOURCES
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SEE NOTES AND EXPLANATIONS FOR ADDITIONAL INFORMATION

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Feb 20, 2014 10:49 PM

Martin Scott Ternes

MAR 03 2014



KS DEPT OF AGRICULTURE

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48988



Termes Farms Inc
Farm: Termes Farms
Field: 130 and west
Crop Zone:

Crop year:
Acres: 76.69



Location:
County: Sumner, KS
Twp Rng Sec: 30S R1W S14

Directions:

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SEE NOTES AND EXPLANATIONS FOR ADDITIONAL INFORMATION

Page 1
Feb 20, 2014, 10:49 PM

SOIL TYPES

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KS DEPT OF AGRICULTURE