

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: PU WORKSHEET**

Document Signature \_\_\_\_\_

1. File Number: <b>44,649</b>	2. Status Change Date: <i>4/2/2018</i>	3. Change Num: <b>1</b>	4. Field Office: <b>2</b>	5. GMD: <b>5</b>
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: <b>3/8/11</b>
--	--

8a. Applicant(s) New to system <input type="checkbox"/>  Person ID <b>17249</b> Add Seq# _____  STERLING COLLEGE ATTN VP & CFO 125 W COOPER ST STERLING KS 67579-1533	8c. Landowner(s) New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____  <b>8a.</b>	8d. Landowners New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____
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9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: \_\_\_\_\_  N & P Date to Comply: 12/31/2019 \_\_\_\_\_

Check Valve     N & P Form     Water Tube     Driller Copy     H & E Letter  
 Conservation Plan    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

10. Use Made of Water    From: **No Change** \_\_\_\_\_    To: \_\_\_\_\_

Date Prepared: **3/14/2018**    By: **DWS**  
 Date Entered: *4/3/2018*    By: *UM*

File No. **44,649**      11. County: **RC**      Basin: **COW CREEK**      Stream:      Formation Code: **100**      Special Use:

12. Points of Diversion T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate and Quantity				Overlap PD Files
										Authorized		Additional		
										Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	
√	<b>66101</b>	<b>SE SE SW</b>	<b>16</b>	<b>21</b>	<b>8W</b>	<b>1</b>	<b>71</b>	<b>3215</b>					<b>47,029 &amp; 49,855</b>	

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

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

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

16. Place of Use T MOD DEL ENT ID	PUSE	S	T	R	NE¼				NW¼				SW¼				SE¼				Total	Owner Files	Chg? NO	Overlap			
					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							
<b>MOD</b>	<b>54158</b>	<b>16</b>	<b>21</b>	<b>8W</b>	<b>1</b>									<b>9</b>					<b>27</b>					<b>36</b>	<b>8a.</b>	<b>NO</b>	<b>44,649; 47,029; AND 49,855</b>

Comments:

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

**TO:** Files

**DATE:** March 14, 2018

**FROM:** Doug Schemm

**RE:** New Applications File Nos. 47,727; 47,732; 47,735;  
47,736; 49,855 and 49,953; and  
Water Right File Nos. 33,291; 44,649; and 47,029

Sterling College has filed the above referenced new applications, and related change applications on existing water rights. This is a complex project involving multiple wells, numerous nearby wells, and offset water from a nearby irrigation well. The new applications were proposing to authorize several existing wells, which have been in use for many years for irrigation of the college campus and athletic fields. The wells are at various locations on the Sterling College property, all within the Southwest Quarter (SW¼) of Section 16, Township 21 South, Range 8 West, Rice County, Kansas. A representative of the college has signed all of the application forms stating they have access to the points of diversion. The wells are all located within the boundaries of Big Bend Groundwater Management District No. 5. A summary of the individual files is provided below.

**Application, File Nos. 47,727; 47,732; 47,735; and 47,736 – Voluntary Dismissals**

These applications have been pending for many years (since March 2011) and they were all filed for irrigation use from existing wells. The applications were recommended for denial by Big Bend Groundwater Management District No. 5 in a letter received on January 30, 2012. More specifically, K.A.R. 5-25-4 states, in part, that the entire district shall be closed to further new surface water and groundwater appropriations. The applicant was informed of the District's decision in a February 6, 2012 letter. The applications have been held since that time to allow the college to evaluate potential options for additional water. Based upon more recent discussions with the applicant, they have agreed to voluntarily dismiss each of these files. Voluntary dismissal forms for these files were received on June 12, 2017, and Findings and Orders will be prepared to dismiss these four applications.

**Application, File No. 49,855 – 15 Acre-feet Exemption**

In previous correspondence, Big Bend Groundwater Management District No. 5 had agreed to consider allowing a new application under K.A.R. 5-25-15 (15 acre-feet exemption). Application, File No. 49,855 was filed under this exemption. It is requesting 11.5 acre-feet of water and will overlap in point of diversion with Water Right, File Nos. 44,649 and 47,029, which authorized for irrigation of the football field at the south end of the campus. The two senior files combined are authorized 3.5 acre-feet. Therefore, the new application (File No. 49,855) was filed for the difference (15 AF – 3.5 AF) of 11.5 acre-feet.

**Application, File No. 49,953 – 18 Acre-feet Off-Set (Water Right, File No. 33,291)**

As noted above, the District is closed to new applications, unless they meet specific criteria. File No. 49,953 is requesting 18 acre-feet of water from a well designated as the Kelsey Hall Well. Per K.A.R. 5-25-4. Sustainable yield. (a) Except as set forth in subsections (b) and (c), the district has been determined to be appropriated to the sustainable yield level, and therefore the entire district shall be closed to further new surface water and groundwater appropriations filed on or after December 17, 1998. Exceptions to this closure include K.A.R. 5-25-4(b)(9) an application that proposes to use water in a manner so that there is no significant consumptive use of the local source of supply either in quantity or availability of water for use by other appropriators. The approval of File No. 49,953 is based on off-set water from Water Right, File No. 33,291. A "Request to Reduce a Portion of an Existing Water Right" form was received for Water Right, File No. 33,291 on June 6, 2017, signed by William and Betty Calderwood as Trustees. They have requested to reduce the quantity of water from 102 acre-feet to 84 acre-feet (a difference of 18 AF), and reduce the place of use from 68 acres to 56 acres.

The reduction request form also states that "This reduction request is contingent upon approval of pending water appropriations for Sterling College. The pending appropriations are in 16-21-8W, Rice County. This reduction request is part of the offset(s) for the pending files." A Findings and Order will be prepared for this reduction request.

The well authorized under Water Right, File No. 33,291 is located less than a mile (5,123 feet) from the proposed well under Application, File No. 49,953. Well logs appear similar, with a shallow sand and gravel layer, underlain by several feet of clay, then a deeper sand and gravel layer. Static water levels are also nearly the same. KGS Bulletin #206 "Geology and Hydrology of Rice County, Central Kansas" indicates the thickness of unconsolidated deposits for these wells ranges from 100 feet to 140 feet. The source of water appears to be alluvium and terrace deposits (undifferentiated fluvial deposits) of Quaternary Age. With these wells less than a mile apart, in the same source of supply, and relatively small quantity of water being offset, this new application is approvable under K.A.R. 5-25-4(b)(9) because it is proposing to use water in a manner so that there is no significant consumptive use of the local source of supply either in quantity or availability of water for use by other appropriators.

#### **Water Right, File Nos. 44,649 and 47,029 – Place of Use Changes**

Water Right, File Nos. 44,649 and 47,029 currently authorize 3.5 acre-feet of water for irrigation use of the football field. Change applications have been filed for both these files to create a complete overlap in place of use with File Nos. 49,855 and 49,953. The proposed place of use encompasses a total of 36 acres, which includes the football and baseball fields, and most of the green space area on the east portion of the campus. This ensures that no matter what well is being used, the water will be applied to authorized acreage. The new applications and change applications will be processed and signed as a package.

The applicant identified 27 domestic well owners whose wells are located less than 660 feet from the wells under File Nos. 49,855 and 49,953. The applicant has provided 26 signed "Domestic Well Spacing Consent Forms" from these nearby well owners. In addition, one of the domestic well owners wrote on his cover letter that he had no well, so no consent form was needed. The applicant also provided a list of nearly 100 domestic well owners within 1,000 feet, and notification letters were sent directly to these nearby well owners during the week of January 8, 2018. A couple of telephone calls were received with general questions, but no one expressed any concerns, and one caller expressed their support for the college. Finally, the applicant also published a public notice in the local newspaper "The Sterling Kansas Bulletin", and no responses of any kind were received regarding this public notice.

The proposed point of diversion for File No. 49,855 does not meet spacing to City of Sterling municipal supply wells, authorized under File Nos. VRC-03; 36,446 and 36,448, per K.A.R. 5-25-2. The applicant's senior file on this same well (File No. 47,029) was approved with a waiver of well spacing criteria. In addition, File No. 49,953 does not meet spacing to the applicant's existing irrigation well and thermal exchange wells. However, it does meet spacing to all other wells not owned by the applicant.

Sterling College- Memorandum

File Nos. 47,727; 47,732; 47,735; 47,736; 49,855; 49,953; 33,291; 44,649 and 47,029

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Copies of both the new and change applications were submitted to Big Bend Groundwater Management District No. 5 for their review on February 7, 2018. In a March 9, 2018 letter, GMD #5 recommended approval of both the new applications with waivers of spacing (K.A.R. 5-25-2) to domestic and non-domestic wells. In addition, Application, File No. 49,953 requires a waiver of K.A.R. 5-25-4 – sustainable yield (but the quantity is being offset as discussed above).

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.

The proposed changes under File Nos. 44,649 and 47,029 comply with K.A.R. 5-5-11, as the changes are only proposing to create a complete overlap in the place of use with the new applications. Application, File Nos. 49,855 and 49,953 are sufficient to cover any increase in the consumptive use. Based on Water Use records, there have been no years of non-use. The referenced files are not abandoned pursuant to K.S.A. 82a-718, as determined by Jeff Lanterman, Water Commissioner, Stafford Field Office, and he provided a recommendation that the referenced new and change applications be approved in a March 13, 2018 e-mail.

Based on the above discussion, the quantity of water requested under File No. 49,953 is being offset by a senior file reduction (File No. 33,291), both approvals require a waiver of well spacing criteria; however the approvals of these applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest. It is recommended that the referenced new applications be approved in conjunction with the change in place of use under File Nos. 44,649 and 47,029. The changes are reasonable, impairment of existing water rights is unlikely, and the additional quantity requested under Applications, File Nos. 49,855 and 49,953, is sufficient to cover any increase in the consumptive use, it is recommended that the referenced change applications also be approved.

Doug Schemm  
Environmental Scientist  
Topeka Field Office

# STATE OF KANSAS

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



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

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

**FILE COPY**

April 5, 2018

STERLING COLLEGE  
% DAVID LANDIS  
125 W COOPER ST  
STERLING KS 67579-1533

Re: Appropriation of Water, File Nos. 49,855 and 49,953; Water Right, File Nos. 44,649 and 47,029; and Applications, File Nos. 47,727; 47,732; 47,735; and 47,736

Dear Mr. Landis:

There are enclosed permits (File Nos. 49,855 and 49,953) 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 locations specified in these permits, and to use it for the purpose and at the location described in the permits.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these permits. Water meters are required and you must install them prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meters should be used to provide the information required on the annual water use reports. 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 these permits. Enclosed are forms which may be used to notify the Chief Engineer that the proposed diversion works have been completed for each file.

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 these permits 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 these permits. Failure to comply with this regulation will result in the dismissal of your permits or your water rights. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00 per file number. There is also enclosed an information sheet setting forth the procedure to obtain Certificates of Appropriation which will establish the extent of your water rights.

In addition, enclosed are Orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the Applications for Change in the Place of Use under Water Right, File Nos. 44,649 and 47,029. Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. The Water Appropriation Act requires that the Certificate of Appropriation shall be recorded with the Register of Deeds in the county or counties wherein the point of diversion is located as other instruments affecting real estate. Since the enclosed Orders for File Nos. 44,649 and 47,029, by the Chief Engineer modify said Certificates of Appropriation, they should also be recorded with the Register of Deeds.

Sterling College

File Nos. 49,855; 49,953; 44,649; 47,029; 47,727; 47,732; 47,735; and 47,736

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Finally, enclosed are the Findings and Orders by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Applications, File Nos. 47,727; 47,732; 47,735; and 47,736, as you requested in the "Voluntary Dismissal of an Application for Permit to Appropriate Water" forms received in our office on June 12, 2017.

If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB:dws

Enclosures

pc: Stafford Field Office  
GMD 5





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

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

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

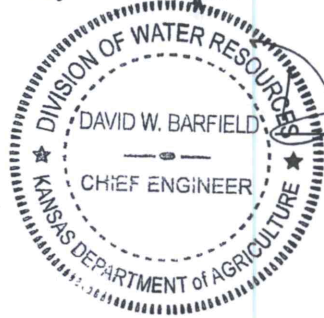
Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

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

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

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

Ordered this 2nd day of April, 2018, in Topeka, Shawnee County, Kansas.



David W. Barfield  
 David W. Barfield, P.E.  
 Chief Engineer  
 Division of Water Resources  
 Kansas Department of Agriculture

State of Kansas     )  
                                   ) SS  
 County of Riley     )

The foregoing instrument was acknowledged before me this 2nd day of April, 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter  
 Notary Public

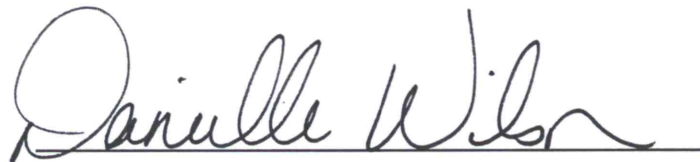
### CERTIFICATE OF SERVICE

On this 5<sup>th</sup> day of April, 2018, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Water Right, File No. 44,649, dated April 2<sup>nd</sup>, 2018 was mailed postage prepaid, first class, US mail to the following:

STERLING COLLEGE  
% SCOTT RICH PRESIDENT  
125 W COOPER ST  
STERLING KS 67579-1533

With photocopies to:

Stafford Field Office  
Groundwater Management District No. 5

A handwritten signature in black ink that reads "Danielle Wilson". The signature is written in a cursive style and is positioned above a horizontal line.

Division of Water Resources

# 44,649

Darrell Wood - Edwards (Pres.)  
Fred Grunder - Pratt (V Pres.)  
John Janssen - Kiowa (Treas.)  
Jerry Cullop - Rice (Sec.)  
Justin Gatz - Reno  
Kent Lamb - Stafford  
Phil Martin - Barton  
Kerry Froetschner - Pawnee  
Tom Taylor - At-Large



Orrin Feril, Manager  
125 South Main Street  
Stafford, Kansas 67578  
ph: (620) 234-5352  
fx: (620) 234-5718  
gmd5@gmd5.org  
www.gmd5.org

March 9, 2018

Douglas Schemm  
Division of Water Resources  
Kansas Department of Agriculture  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

RE: Water Right File No. 33291 –Voluntary Reduction  
Water Right File No. 44649 –Change in Place of Use  
Water Right File No. 47029 –Change in Point of Diversion and Place of Use (only)  
Application File Nos. 49855 & 49953

Dear Mr. Schemm,

The Big Bend Groundwater Management District #5 reviewed the above referenced applications at the March regular board meeting. Based upon information received in the District office and provided at the board meeting, the applications do not meet K.A.R. 5-25-2 for the minimum spacing to nearby domestic and non-domestic wells. Additionally, the application for permit for File No. 49953 does not meet the requirements for K.A.R. 5-25-4(a). It is apparent that the applicant has been proactive in acquiring the voluntary spacing waivers from the nearby well owners, publishing the public notice requesting public responses, and working with nearby water rights to acquire an offset for application no. 49953.

Following discussion, the Board voted to recommend a waiver of K.A.R. 5-25-2 and K.A.R. 5-25-4 and recommend approval of the applications as presented.

The applications are subject to the District's well equipment regulation K.A.R. 5-25-5 for required flow meters.

Please feel free to give me a call if you have any questions.

Sincerely,

Orrin Feril  
Manager

RECEIVED

MAR 12 2018

Topeka Field Office  
DIVISION OF WATER RESOURCES

SCANNED

#44,649

**Schemm, Doug [KDA]**

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**Subject:** Sterling College

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**From:** Lanterman, Jeff [KDA]  
**Sent:** Tuesday, March 13, 2018 12:02 PM  
**To:** Schemm, Doug [KDA] <Doug.Schemm@ks.gov>  
**Cc:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Subject:** RE: Sterling College

They are still looking for more water but with these apps and changes as the groundwork it will be easier in the future. I am not too worried about the waivers to spacing because of the low flow rates. And if there is a problem these files will be way JR to everything.

Anyway. I recommend new applications under 49855, 49953 and changes under 44469 and 47029 be approved with the concurrent dismissals on 47727, 47732, 47735 and 47736 and reduction on 33291.

Bill Calderwood and David Landis both were at the GMD #5 meeting when this was discussed and approved. Really there was hardly any discussion and the GMD board thanked Bill and David for their forward thinking work on this issue. They had heard the issues there at the campus at several meetings over the years. Jerry Cullop their Rice County board member will farm what is left under 33291 after the reduction and was also present at the meeting. It's an odd parcel which is being broken up by the new highway through there. They had no place else to go with the water.

Jeff

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**From:** Schemm, Doug [KDA]  
**Sent:** Monday, March 12, 2018 4:22 PM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Cc:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Subject:** Sterling College

Finally,  
As you know GMD 5 is on board.  
So if you will please provide your review, we can finally call this over.  
Thanks, Doug

APPLICATION COMPLETE

3 / 12 / 2018

Reviewer DWS

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
109 SW 9<sup>th</sup> Street, 2nd Floor  
Topeka, KS 66612-1283  
[www.ksda.gov/dwr](http://www.ksda.gov/dwr)

APPLICATION FOR APPROVAL TO  
CHANGE THE PLACE OF USE, THE  
POINT OF DIVERSION OR THE USE  
MADE OF THE WATER UNDER AN  
EXISTING WATER RIGHT



State of Kansas

Filing Fee Must Accompany the Application  
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more)  Point of Diversion
- Use Made of Water

WATER RESOURCES  
RECEIVED  
MAR 08 2011  
12:54 PM  
KS DEPT OF AGRICULTURE

File No. 44,649

2. Name of applicant: STERLING COLLEGE

Address: 125 W. COOPER ST.

City, State and Zip: STERLING KS 67579-1533

Phone Number: (420) 728-2173 E-mail address: \_\_\_\_\_

What is your relationship to the water right;  owner  tenant  agent  other? If other, please explain. \_\_\_\_\_

Name of water use correspondent: SAME

Address: \_\_\_\_\_

City, State and Zip: \_\_\_\_\_

Phone Number: ( ) \_\_\_\_\_ E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific):

CHANGE THE PLACE OF USE TO OVERLAP  
WITH NEW APPLICATIONS FOR IRRIGATION USE.

The change(s) (was) (will be) completed by SUMMER 2012  
(Date)

For Office Use Only:															
F.O.	<u>2</u>	GMD	<u>5</u>	Meets K.A.R. 5-5-1	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Use	<u>IRR</u>	Source	<u>GDS</u>	County	<u>PC</u>	By	<u>emc</u>	Date	<u>3-8-2011</u>
Code				<u>CGF</u>	Fee \$	<u>200</u>	TR #		Receipt Date	<u>3-8-11</u>	Check #	<u>146846</u>			

3-15-11  
BJO

Assisted by: BAT/DWR

6. The presently authorized point(s) of diversion (is) (are) ONE (1) WELL  
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) NO CHANGE  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (EW),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed     This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (EW),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point \_\_\_\_\_

9. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (EW),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed     This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (EW),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point \_\_\_\_\_

10. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (EW),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed     This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (EW),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point \_\_\_\_\_

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11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. \_\_\_\_\_

12. The presently authorized use of water is for IRRIGATION purposes.  
It is proposed that the use be changed to NO CHANGE purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

NEW APPLICATION WILL ACCOUNT FOR ANY INCREASE IN THE CONSUMPTIVE USE!

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to \_\_\_\_\_ (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to \_\_\_\_\_ gallons per minute (\_\_\_\_\_ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 ([www.usgs.gov](http://www.usgs.gov)). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

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18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

**The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse.** If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

**I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.**

Dated at STERLING, Kansas, this 4 day of MARCH, 2011.

<u>STERLING CONE</u> (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)

State of Kansas }  
County of Rice } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 4<sup>th</sup> day of March, 2011.

Notary Public State of Kansas  
Michelle D. Hall  
My Commission Expires My Appt Exp 6/01/2014

Michelle D Hall  
Notary Public

**FEE SCHEDULE**

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less ..... \$100
- (2) Application to change a point of diversion more than 300 feet ..... \$200
- (3) Application to change the place of use ..... \$200 ✓
- (4) Application to change the use made of the water ..... \$300

Make check payable to **Kansas Department of Agriculture.**

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4. The presently authorized place of use is:

Owner of Land — NAME: STERLING COLLEGE  
 ADDRESS: 125 W COOPER ST. STERLING KS 67579

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
<u>16</u>	<u>21</u>	<u>8W</u>																	<u>2.5</u>

List any other water rights that cover this place of use. \_\_\_\_\_

Owner of Land — NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. \_\_\_\_\_

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: STERLING COLLEGE  
 ADDRESS: 125 W. COOPER ST. STERLING KS 67579

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
<del>16</del>	<del>21</del>	<del>8W</del>									<del>25</del>	<del>10</del>	<del>18</del>	<del>40</del>					<del>93</del>
<u>*</u>	<u>16</u>	<u>21</u>									<u>9</u>		<u>27</u>						<u>36</u>

List any other water rights that cover this place of use. \_\_\_\_\_

Owner of Land — NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

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Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

KS DEPT OF AGRICULTURE

List any other water rights that cover this place of use. \_\_\_\_\_

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

\* Revised place of use to overlap with new application File # 49,855 & 49,953  
 DWS/DWR 2/12/18

Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619



Phone: 785-296-5733  
Fax: 785-296-8298  
www.agriculture.ks.gov  
Governor Jeff Colyer, M.D.

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner

February 12, 2018

BIG BEND GROUNDWATER MANAGEMENT DISTRICT NO 5  
% ORRIN FERIL  
125 SOUTH MAIN ST  
PO BOX 7  
STAFFORD KS 67578

Re: Pending New Applications, File Nos. 49,855 and 49,953  
Change Applications, File Nos. 44,649 and 47,029; and Reduction of a Water Right, File No. 33,291

Dear Mr. Feril:

In response to your written request received in our office via electronic mail on February 9, 2018, the Chief Engineer is providing an extension of time for thirty (30) days, until **April 7, 2018**, the time in which to review and provide recommendations concerning the above referenced files.

We are delaying any further action to allow you time to submit recommendations concerning these files. Please submit your recommendations within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (785) 296-3495. 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 cursive script that reads "Doug Schemm".

Douglas Schemm  
Environmental Scientist  
Topeka Field Office

  
**Kansas**  
Department of Agriculture  
*Division of Water Resources*

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

phone: (785) 296-3717  
fax: (785) 296-1176  
www.ksda.gov/dwr

Dale A. Rodman, Secretary  
David W. Barfield, Chief Engineer

Sam Brownback, Governor

February 6, 2012

STERLING COLLEGE  
125 W COOPER ST  
STERLING KS 67579-1533

RE: New Applications, File Nos. 47,727; 47,732;  
47,733; 47,734; 47,735; and 47,736; and  
Change Applications, File Nos. 44,649 and 47,029

Dear Sir or Madam:

On January 30, 2012, we received a recommendation from Big Bend Groundwater Management District No. 5 regarding the above referenced files. The District has recommended approval of the change applications for File Nos. 44,649 and 47,029, and approval of the thermal exchange applications, File Nos. 47,733 and 47,734. Finally, the District is willing to allow a 15 acre-feet small user permit under specific terms.

File Nos. 47,727; 47,732; 47,735; and 47,736 for Application for Permit to Appropriate Water for Beneficial Use are recommended for denial (unless one of these applications is considered under the 15 acre-feet small user program). These recommendations were based upon the groundwater management program adopted by the District and approved by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture. More specifically, K.A.R. 5-25-4 states, in part, that the entire district shall be closed to further new surface water and groundwater appropriations.

We are advising you of these recommendations in order to allow you an opportunity to consult with the District regarding their recommendations if you have not already done so. If you have already contacted the District regarding these recommendations, then we are allowing you this opportunity to submit any additional information you wish to have considered before the Chief Engineer.

We will delay any further action on the referenced applications until **March 6, 2012**, at which time the applications will be submitted to the Chief Engineer for a final decision. If you have any questions, please contact me at (785) 296-3495, and please have the specific file number ready so that I may help you more efficiently.

Sincerely,



Doug Schemm  
Environmental Scientist  
Permits Unit

pc: Stafford Field Office  
Groundwater Management District No. 5  
Brett Wiens – Turf Solutions Inc.

**FILE COPY**

**SCANNED**



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

phone: (785) 296-3717  
fax: (785) 296-1176  
www.ksda.gov/dwr

Dale A. Rodman, Secretary  
David W. Barfield, Chief Engineer

Sam Brownback, Governor

January 10, 2012

BIG BEND GROUNDWATER MANAGEMENT DISTRICT NO 5  
% WES ESSMILLER  
125 SOUTH MAIN ST  
PO BOX 7  
STAFFORD KS 67578

Re: Pending New Applications, File Nos. 47,727; 47,732;  
47,733; 47,734; 47,735; and 47,736;  
and Change Applications, File Nos. 44,649 and 47,029

Dear Mr. Essmiller:

In response to your written request received in our office on January 4, 2012, the Chief Engineer is providing an extension of time for thirty (30) days from the date of this letter, until **February 10, 2012**, the time in which to review and provide recommendations concerning the above referenced files.

We are delaying any further action to allow you time to submit recommendations concerning these files. Please submit your recommendations within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (785) 296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Douglas Schemm  
Environmental Scientist  
Permits Unit

pc: Stafford Field Office  
Brett Wiens – Turf Solutions, Inc.

FILE COPY

SCANNED

  
**Kansas**  
Department of Agriculture  
*Division of Water Resources*

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

phone: (785) 296-3717  
fax: (785) 296-1176  
www.ksda.gov/dwr

Dale A. Rodman, Secretary  
David W. Barfield, Chief Engineer

Sam Brownback, Governor

November 29, 2011

BIG BEND GROUNDWATER MANAGEMENT DISTRICT NO 5  
% WES ESSMILLER  
125 SOUTH MAIN ST  
PO BOX 7  
STAFFORD KS 67578

Re: Pending New Applications, File Nos. 47,727; 47,732;  
47,733; 47,734; 47,735; and 47,736;  
and Change Applications, File Nos. 44,649 and 47,029

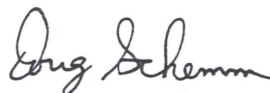
Dear Mr. Essmiller:

We are enclosing copies of the applications referred to above which appear to be in proper form. Please note that Pending Applications, File Nos. 47,733 and 47,734 were filed for Thermal Exchange use. The remaining new applications are for irrigation use at various locations throughout the campus. The pending change applications are to create a complete overlap in place of use, which would include the entire campus property. Also enclosed are response letters from nearby domestic well owners and a site map showing the locations of all area wells. It appears that a waiver of well spacing regulation would be required for the approval of the pending applications.

We are delaying any further action for a **period of 30 days** from the date of this letter to allow you time to submit your recommendations concerning these applications.

If you have any questions, please contact me at (785) 296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Douglas Schemm  
Environmental Scientist  
Permits Unit

Enclosure

pc: Stafford Field Office  
Brett Wiens – Turf Solutions, Inc.

FILE COPY

SCANNED

March 10, 2011

STERLING COLLEGE  
125 W COOPER ST  
STERLING KS 67579

RE: File No. 44649

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use
- point of diversion
- use made of water

You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. 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.**

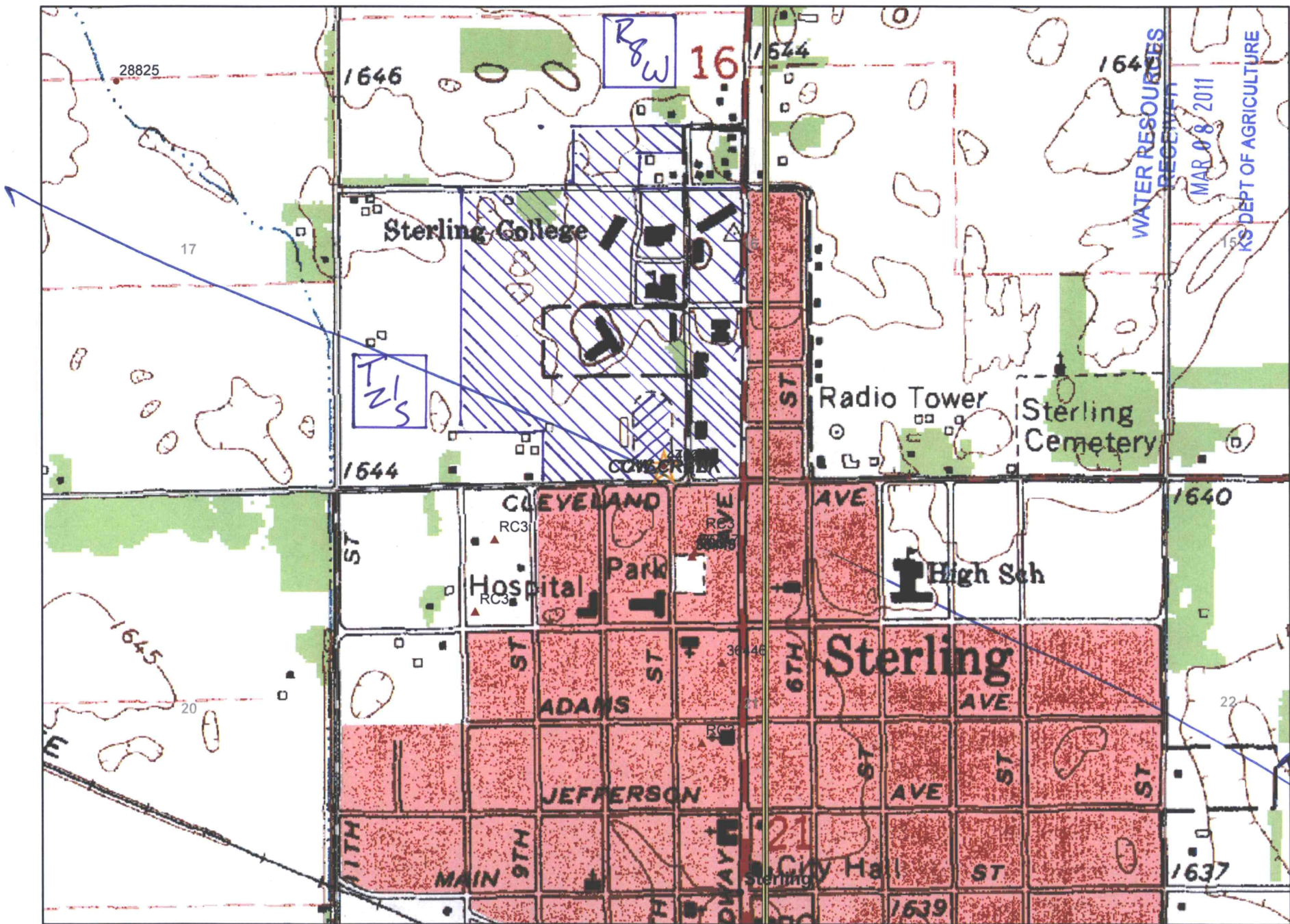
If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Brent A Turney, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT: arh  
pc: STAFFORD Field Office  
Groundwater Management District No. 5





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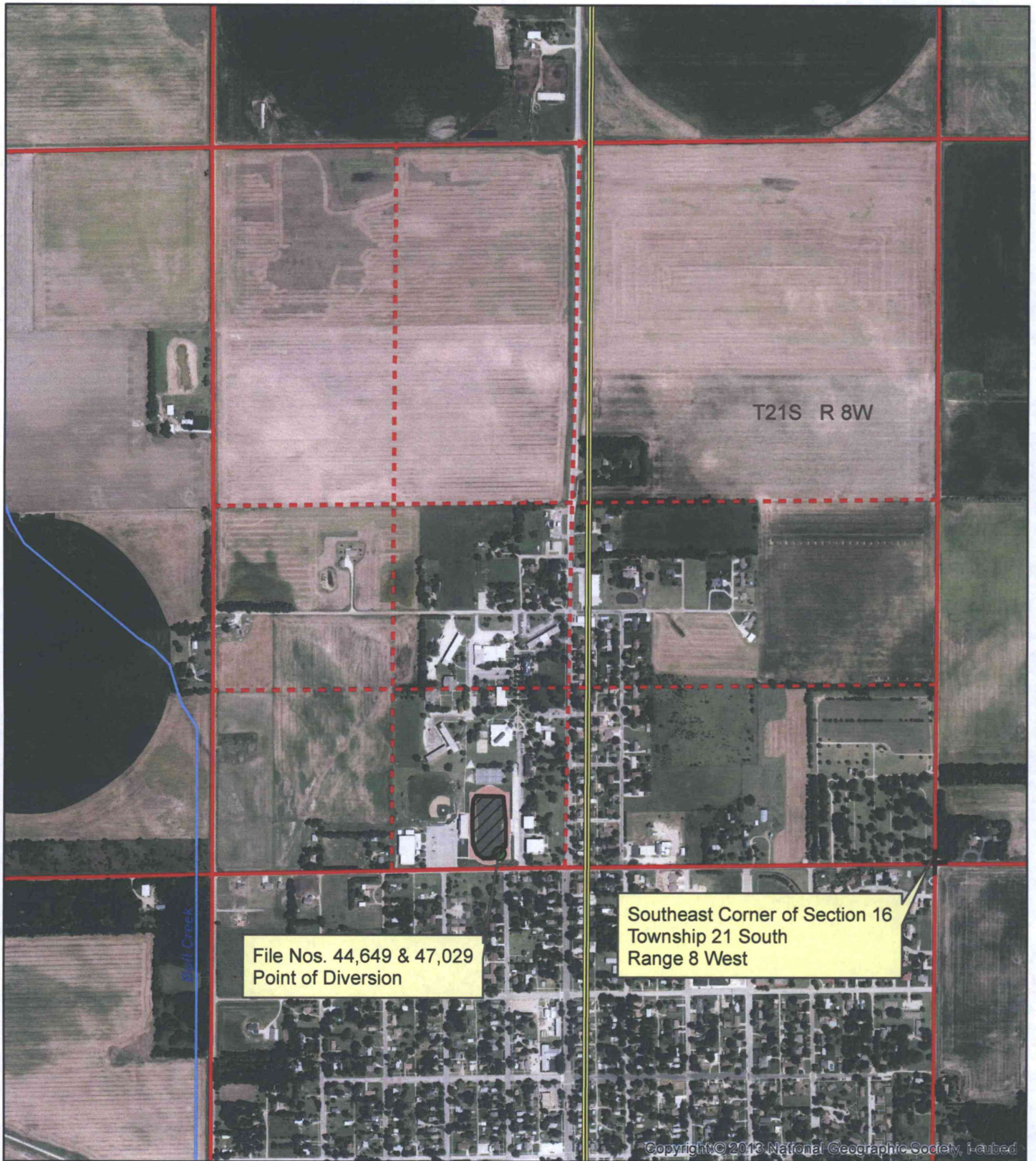
Revised

1:10000

CHANGE P/U 44.649

AUTHORIZED   
PROPOSED 

STERLING COLLEGE - FILE NOS. 44,649 AND 47,029  
AUTHORIZED PLACE OF USE MAP  
SEC. 16, T21S, R8W - RICE CO.



File Nos. 44,649 & 47,029  
Point of Diversion

Southeast Corner of Section 16  
Township 21 South  
Range 8 West

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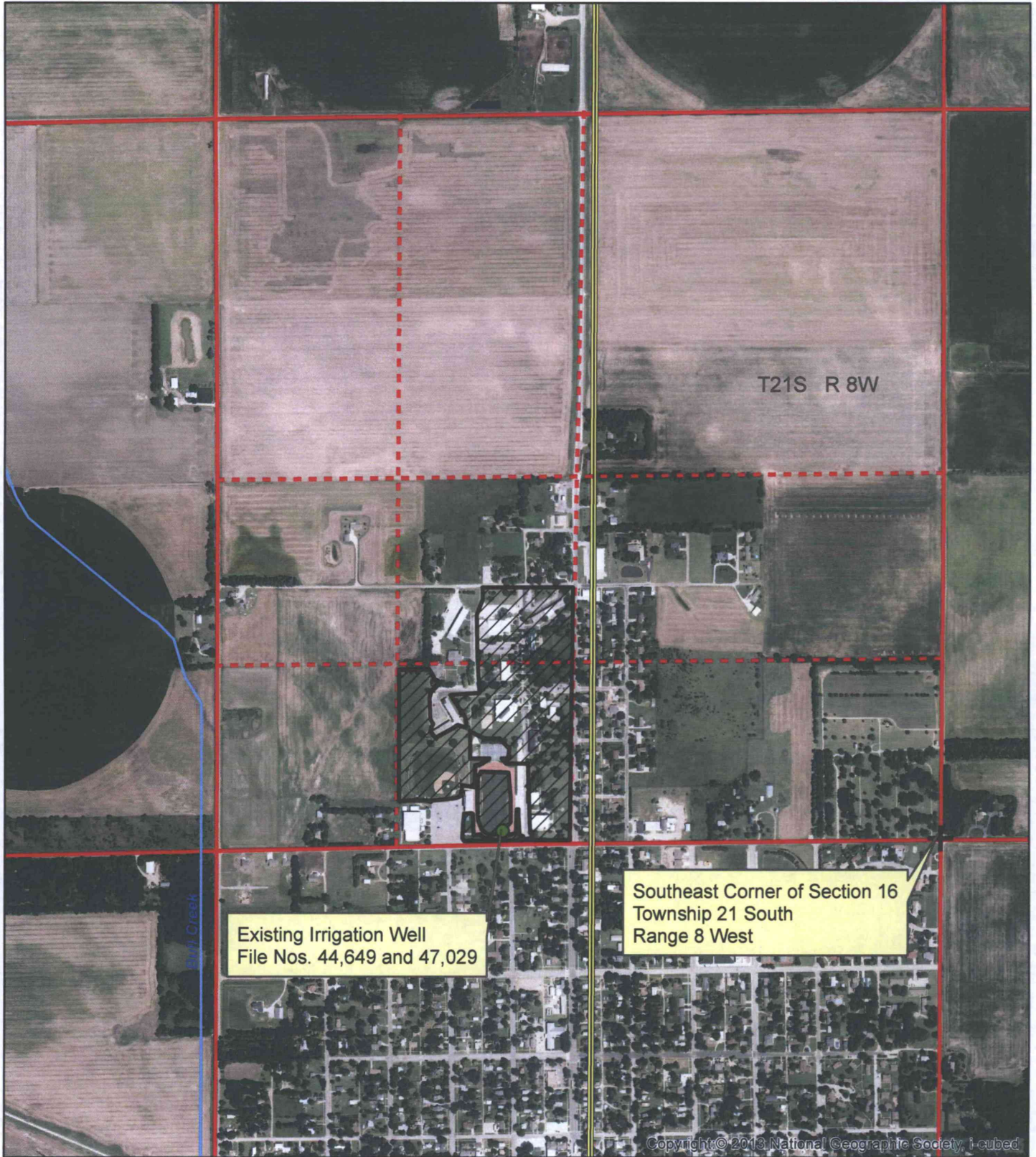
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- Point of Diversion
- ▨ Authorized Place of Use

Nearby Well Owners Are Identified  
on Attached Listing



STERLING COLLEGE - FILE NOS. 44,649 AND 47,029  
PROPOSED PLACE OF USE  
SEC. 16, T21S, R8W - RICE CO.



1:12,000

- Point of Diversion
- ▨ Proposed Place of Use

Nearby Well Owners Are Identified  
on Attached Listing