

Kansas Department of Agriculture
Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: <p style="text-align: center; font-size: 1.2em;">49,782</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;">4/2/2018</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">02</p>	4. GMD:
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input checked="" type="checkbox"/> Water Tube <input checked="" type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s) Person ID 63653 New to system <input type="checkbox"/> Add Seq# _____</p> <p>MARTIN S & PEGGY A TERNES 1068 N WEST ROAD PECK KS 67120</p>	<p>7c. Landowner(s) Person ID 00013 New to system <input checked="" type="checkbox"/> Add Seq# _____</p> <p>David M + Jami I Ternes 1068 N West Road Peck KS 67120</p>		
<p>7b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p>7A</p>	<p>7d. Landowner Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>		
<p>8. WUR Correspondent Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>		
10. Completion Date: <u>12/31/2019</u> 11. Perfection Date: <u>12/31/2023</u> 12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Date to Comply: <u>12/31/2019</u> Date WLMD Installed: _____			
<p>Date Prepared: 3/20/18 By: MJM Date Entered: 4/3/2018 By: UM</p>			

File No. **49,782** 15. Formation Code: **115** Drainage Basin: **Ninnescah River** County: **SU** Special Use: Stream:

16. Points of Diversion											
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
√					25846 SENWSE	7	30S	1E	4	1419	1936

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
600	103.5	0	44.5	42,428

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

19. Limitation: **103.5** af/yr at **600** gpm (_____ cfs) when combined with file number(s) **42,428**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2019** Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	NO	Overlap Files
T	MOD	DEL	ENT	PUSE	S	T	R	ID		NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼									
√					7	30S	1E	4																						

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: March 20, 2018

FROM: Matt Meier

RE: Application, File No. 49,782

Martin & David Ternes have filed the referenced application to appropriate groundwater for irrigation use, requesting one (1) well, a quantity of 103.55 acre-feet (44.5 acre-feet of which will be additional), and a diversion rate of 600 gallons per minute. The well is to be located in the Southeast Quarter of the Northwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 7, more particularly described as being near a point 1,419 feet North and 1,936 feet West of the Southeast corner of said section, in Township 30 South, Range 1 East, Sumner County, within the Ninnescah River drainage basin. Water Right, File No. 42,428 overlaps the proposed place of use and point of diversion. The proposed place of use is owned Martin and David Ternes. 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 8,042 acres. With a potential annual recharge of 5.4 inches, and 75% of recharge available for appropriation, safe yield was determined to be 2,714.18 acre-feet. Existing water rights have appropriated 2,361 acre-feet, providing a difference of 353.18 acre-feet available for appropriation, and the application requesting 103.5 (44.5 Add) acre-feet complies with safe yield.

The well hole log for File No. 42,428 (which the application overlaps), shows topsoil from 0 to 3 feet, reddish tan clay with fine sand from 3 to 7 feet, grey & tan clay with fine sand from 7 to 17 feet, fine to small sand from 17 to 23 feet, fine to medium sand from 23 to 44 feet, medium sand from 44 to 49 feet, and gray clay and shale from 49 to 50 feet below ground. The static water level was listed at 16 feet which provides a saturated thickness of 33 feet.

The requested quantity of water, 103.5 acre-feet (44.5 add), is to irrigate the proposed 79.6 acres identified in the application. When combined with Water Right, File No. 42,428, the combined quantity authorized on the proposed place of use is 103.5 acre-feet. 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 1 domestic well and 2 non-domestic wells within ½ mile of the proposed point of diversion. Nearby notification letters were sent out on February 2, 2018. No contact of any kind was received. The nearest non-domestic point of diversion (File No. 32,269) is located 1,413 feet away. The nearest domestic well is approximately 2,200 feet away based on the supplied map. 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 March 3, 2018. 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

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

April 5, 2018

FILE COPY

MARTIN S & PEGGY A TERNES
DAVID M & JAMI I TERNES
1068 N WEST ROAD
PECK KS 67120

RE: Application, File No. 49,782

Dear Water User:

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,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

Enclosures
pc: Stafford Field Office

THE STATE OF KANSAS



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)

This is to certify that I have examined Application, **File No. 49,782** of the applicant

**MARTIN & DAVID TERNES
1068 N 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 2, 2017**.
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	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7 30S 1E														39.8	39.8		79.6

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well, which is to located in the Southeast Quarter of the Northwest Quarter of the Southeast Quarter (SE¼ NW¼ SE¼) of Section 7, more particularly described as being near a point 1,419 feet North and 1,936 feet West of the Southeast corner of said section, in Township 30 South, Range 1 East, Sumner County, located substantially as shown on the map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **600 gallons per minute (1.337 c.f.s.)** and to a quantity not to exceed **103.5 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, 2019** 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, 2023** 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 the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File No. 42,428, will provide a total **not to exceed 103.5 acre-feet** of water per calendar year, for irrigation use on the land described herein.

19. That the rate of diversion of water approved under this permit is further limited to the rate which combined with Water Right, File No. 42,428, will provide a total **not to exceed 600 gallons per minute (1.337 c.f.s.)** from the authorized point of diversion.

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.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 2nd day of April, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

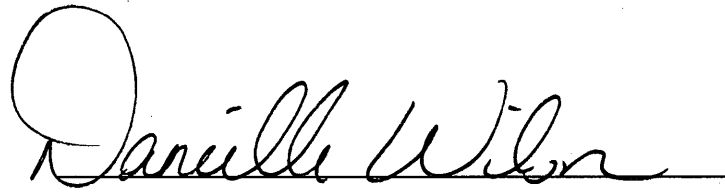
CERTIFICATE OF SERVICE

On this ^{5th} day of April, 2018, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,782, dated April 2nd, 2018 was mailed postage prepaid, first class, US mail to the following:

MARTIN & DAVID TERNES
1068 N WEST ROAD
PECK KS 67120

With photocopies to:

Stafford Field Office

A handwritten signature in black ink that reads "Danielle Wilson". The signature is written in a cursive style with a large, prominent initial "D".

Division of Water Resources

APPLICATION COMPLETE
12/18
Reviewer MTM

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

WATER RESOURCES RECEIVED
UNACCEPTABLE FOR PRIORITY
JAN 23 2017
1:00
KS DEPT OF AGRICULTURE

File Number 49,782
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

MAR 02 2017
10:40
KS DEPT OF AGRICULTURE

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.)

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, KS 66502:

1. Name of Applicant (Please Print): Martin and David Ternes
Address: 1068 N West Rd
City: Peck State KS Zip Code 67120
Telephone Number: (316) 524 1351

2. The source of water is: surface water in _____ (stream)
OR groundwater in Ninnescah River (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 103.5 (44.5 add) acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 600 gallons per minute OR _____ 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 IRR Source S County 30 By AW Date 1/23/17
Code RE2 Fee \$ 300 TR # _____ Receipt Date 3/2/17 Check # 8242

SCANNED

3/10/2017 UM

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.

(A) One in the SE quarter of the NW quarter of the SE quarter of Section 7, more particularly described as being near a point 1419 feet North and 1936 feet West of the Southeast corner of said section, in Township 30 South, Range 1 East, Sumner County, Kansas.

(B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ 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):

FREDERICK L SIMS Martin + David Terners
(name, address and telephone number)

417 E 140TH AVE N PECK, KS 67120 1068 NW 1st RD Peck KS 67120
(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 16 Dec, 2016. Martin Scott Tern
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 1 well and pump
(number of wells, pumps or dams, etc.)

and was completed (by) 12/20/2000
(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)

- 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 N.A.

- 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.

Overlaps PD and PU with File No. 42,428. Requesting an additional 44.5 AF of water.

WATER RESOURCES
RECEIVED

WATER RESOURCES
RECEIVED
UNACCEPTABLE FOR PRIORITY
JAN 23 2017

MAR 02 2017

KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE

SCANNED

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

Owner
(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):

~~FREDERICK L GIMS~~ Martin and David Terres
(name, address and telephone number)

~~417 E 140TH AVE N PECK, KS 67120~~ 1068 W West Rd Peck KS 67120
(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 17 day of JAN, 17
(month) (year)

Martin Scott Terres
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,786

Name of Applicant (Please Print): Martin + David 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: ~~FREDERICK L SIMS~~ Martin + David Ternes

ADDRESS: ~~417 E. 140TH AVE N PECK, KS 67120~~ 10108 W West RD Peck ks 67120

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7	30S	1E														39.8	39.8		79.6

Landowner of Record NAME: _____

ADDRESS: _____

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

Landowner of Record NAME: _____

ADDRESS: _____

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

WATER RESOURCES
RECEIVED

MAR 02 2017

WATER RESOURCES
RECEIVED
UNACCEPTABLE FOR PRIORITY
JAN 23 2017

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
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

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

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

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:

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: _____ psi

(2) What is the sprinkler package design rate? _____ 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? _____ 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:

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.

3-9-18

(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. 49732

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 Turner

Signature of Applicant

State of Kansas)
County of Sedgwick) ss

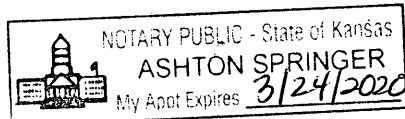
MARTIN SCOTT TURNER
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 9 day of March, 2018.

A. Springer

Notary Public

My Commission Expires:



Water Resources
Received

MAR 19 2018

KS Dept Of Agriculture

RECEIVED

DWR 1-100.171 (Revised 03/27/2008)

SCANNED

MAR 12 2018

Stafford Field Office
Division of Water Resources

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

Water Resources
Received

MAR 19 2018

KS Dept Of Agriculture

RECEIVED

MAR 12 2018

SCANNED

Stafford Field Office
Division of Water Resources

Draft

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

M E M O R A N D U M

TO: Files

DATE: March 2, 2018

FROM: Matt Meier

RE: Application, File No. 49,782

Martin & David Ternes have filed the referenced application to appropriate groundwater for irrigation use, requesting one (1) well, a quantity of 103.55 acre-feet (44.5 acre-feet of which will be additional), and a diversion rate of 600 gallons per minute. The well is to be located in the Southeast Quarter of the Northwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 7, more particularly described as being near a point 1,419 feet North and 1,936 feet West of the Southeast corner of said section, in Township 30 South, Range 1 East, Sumner County, within the Ninnescah River drainage basin. Water Right, File No. 42,428 overlaps the proposed place of use and point of diversion. The proposed place of use is owned Martin and David Ternes. 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 8,042 acres. With a potential annual recharge of 5.4 inches, and 75% of recharge available for appropriation, safe yield was determined to be 2,714.18 acre-feet. Existing water rights have appropriated 2,361 acre-feet, providing a difference of 353.18 acre-feet available for appropriation, and the application requesting 103.5 (44.5 Add) acre-feet complies with safe yield.

The well hole log for File No. 42,428 (which the application overlaps), shows topsoil from 0 to 3 feet, reddish tan clay with fine sand from 3 to 7 feet, grey & tan clay with fine sand from 7 to 17 feet, fine to small sand from 17 to 23 feet, fine to medium sand from 23 to 44 feet, medium sand from 44 to 49 feet, and gray clay and shale from 49 to 50 feet below ground. The static water level was listed at 16 feet which provides a saturated thickness of 33 feet.

The requested quantity of water, 103.5 acre-feet (44.5 add), is to irrigate the proposed 79.6 acres identified in the application. When combined with Water Right, File No. 42,428, the combined quantity authorized on the proposed place of use is 103.5 acre-feet. 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 1 domestic well and 2 non-domestic wells within ½ mile of the proposed point of diversion. Nearby notification letters were sent out on February 2, 2018. No contact of any kind was received. The nearest non-domestic point of diversion (File No. 32,269) is located 1,413 feet away. The nearest domestic well is approximately 2,200 feet away based on the supplied map. 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.

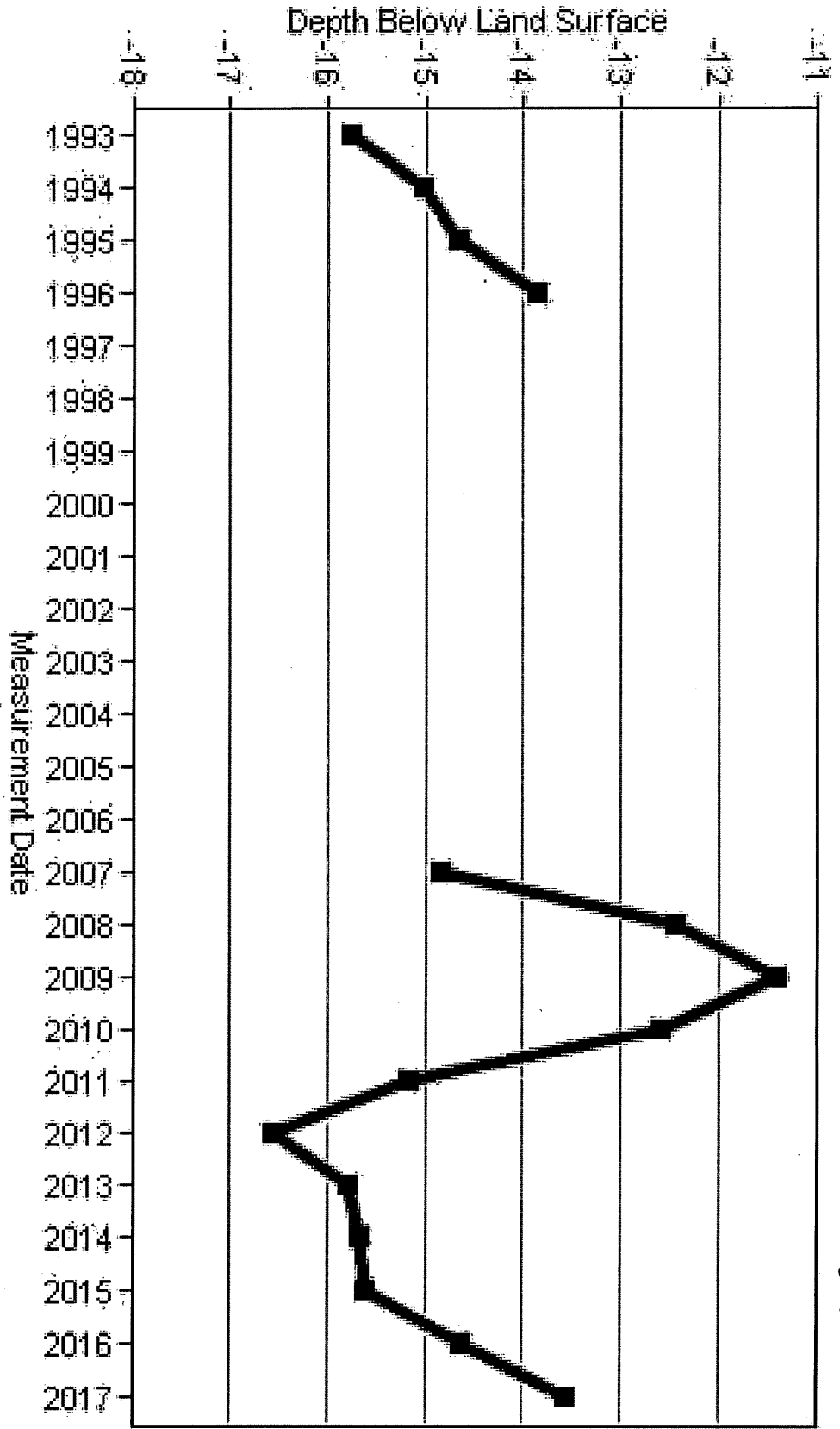
In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 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.

Matthew J. Meier
Environmental Scientist
Water Appropriations Unit

*2/2/18
know w/ Recommendation approve it
JR W.C.*



30 IE Sec 9
w 2 miles east

Analysis Results

The selected PD is in an area to new appropriations.
 The safe yield, based on the variables listed below is 2,714.18 AF.
 Total prior appropriation in the circle is 2,405.50 AF.
 Total quantity of water available for appropriation is 308.68 AF.

-2361 = 353.18 AF available
-44.5 = 2,361 appropriated

#49,782

*meets
 safe yield*

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.
 Potential annual recharge of the area is estimated to be 5.4 inches.
 The percent of recharge available for appropriation is 75%.

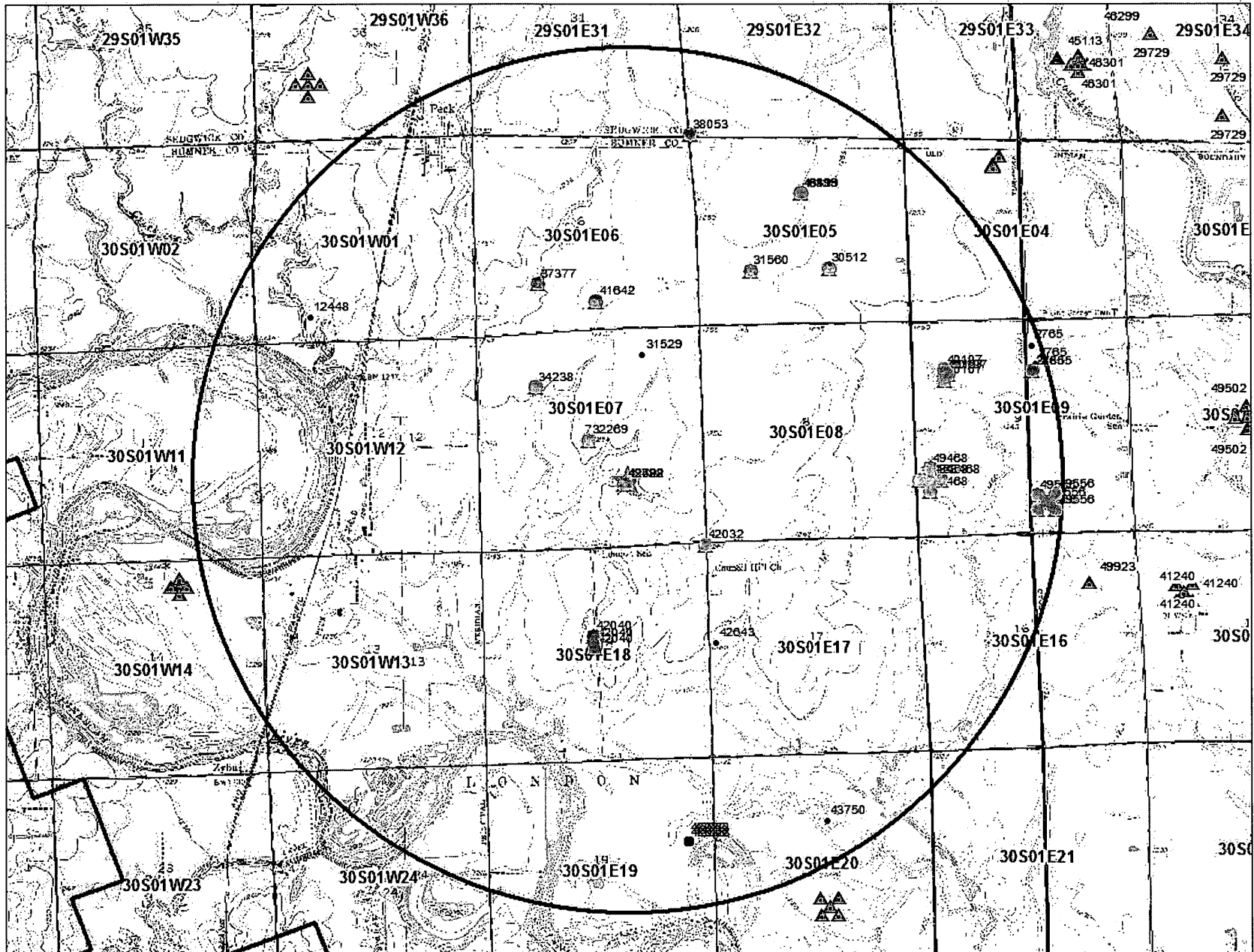
Authorized Quantity values are as of 02-FEB-2018 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 18 water right(s) and 29 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 2765	00	IRR	NK	G		NW	SW	NE	3922	2404	09	30	01E	4	WR	26.00	26.00	119.00	119.00
A 30512	00	IRR	NK	G		NC	W2	SE	1320	1980	05	30	01E	1	WR	42.00	42.00	79.00	79.00
A 31560	00	IRR	NK	G			NC	SW	1360	4000	05	30	01E	2	WR	194.00	194.00	160.00	160.00
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 37377	00	IRR	NK	G		NW	SE	SW	1220	3790	06	30	01E	1	WR	195.00	195.00	130.00	130.00
A 38053	00	IRR	NK	G		SW	SW	SW	127	5229	32	29	01E	1	WR	202.50	202.50	135.00	135.00
A 38805	00	IRR	NK	G		NW	SW	NE	3922	2404	09	30	01E	4	WR	153.00	153.00	119.00	0.00
A 40107	00	IRR	NK	G		NE	SW	NW	3983	4549	09	30	01E	8	WR	202.50	202.50	141.25	141.25
Same		IRR	NK	G		NE	SW	NW	3728	4549	09	30	01E	9	WR				
Same		IRR	NK	G		NE	SW	NW	3856	4447	09	30	01E	10	WR				
Same		IRR	NK	G		NE	SW	NW	3856	4549	09	30	01E	7	WR				
Same		IRR	NK	G		NE	SW	NW	3856	4524	09	30	01E	11	WR				
A 40199	00	IRR	NK	G					3164	2660	05	30	01E	4	WR	65.30	65.30	111.00	111.00
A 41642	00	IRR	NK	G		SW	SW	SE	600	2450	06	30	01E	2	WR	180.00	180.00	120.00	120.00
A 42032	00	IRR	NK	G		NE	NE	NE	5220	100	18	30	01E	1	WR	198.00	198.00	132.00	132.00
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 42428	00	IRR	NK	G		SE	NW	SE	1419	1936	07	30	01E	4	WR	59.00	59.00	79.60	79.60
A 43919	00	IRR	LR	G					3164	2660	05	30	01E	4	WR	86.20	86.20	111.00	0.00
A 49468	00	IRR	GY	G		NW	SW	SW	1271	4930	09	30	01E	12	WR	97.50	97.50	75.00	75.00
Same		IRR	GY	G		SW	NW	SW	1270	5210	09	30	01E	14	WR				
Same		IRR	GY	G		NW	SW	SW	1553	4930	09	30	01E	15	WR				
Same		IRR	GY	G		NW	SW	SW	1270	4650	09	30	01E	16	WR				
Same		IRR	GY	G		NW	SW	SW	990	4930	09	30	01E	17	WR				
A 49556	00	IRR	GY	G		NW	SW	SE	694	2106	09	30	01E	13	WR	180.00	180.00	150.50	150.50
Same		IRR	GY	G		NW	SW	SE	877	2326	09	30	01E	18	WR				
Same		IRR	GY	G		NE	SW	SE	890	1881	09	30	01E	19	WR				
Same		IRR	GY	G		SW	SW	SE	506	2320	09	30	01E	20	WR				
Same		IRR	GY	G		SE	SW	SE	503	1895	09	30	01E	21	WR				
A 49782	00	IRR	AY	G		SE	NW	SE	1419	1936	07	30	01E	4	WR	103.50	44.50	79.60	0.00

2,361

Safe Yield Report Sheet
Proposed Water Right Application
Point of Diversion in SWSNWSE 07-30S-01E



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

1419 ft N and 1936 ft W of the SE Corner of Section 7, T 30S, R 1E

Located at: 97.356126 West Longitude and 37.453650 North Latitude

GROUNDWATER ONLY

#49782
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__	2765	00	IRR	NK	G	10372	--	NW	SW	NE	3922	2404	9	30	1E	4	26.00	26.00	AF	
A__	30512	00	IRR	NK	G	7280	--	NC	W2	SE	1320	1980	5	30	1E	1	42.00	42.00	AF	
A__	31560	00	IRR	NK	G	6106	--	--	NC	SW	1360	4000	5	30	1E	2	194.00	194.00	AF	
A__	32269	00	IRR	NK	G	1413	--	NE	NE	SW	2620	2680	7	30	1E	2	195.00	195.00	AF	
A__	34238	00	IRR	NK	G	3268	--	--	NC	NW	3985	3960	7	30	1E	3	225.00	225.00	AF	
A__	37377	00	IRR	NK	G	5503	--	NW	SE	SW	1220	3790	6	30	1E	1	195.00	195.00	AF	
A__	38053	00	IRR	NK	G	8718	--	SW	SW	SW	127	5229	32	29	1E	1	202.50	202.50	AF	
A__	38805	00	IRR	NK	G	10372	--	NW	SW	NE	3922	2404	9	30	1E	4	153.00	153.00	AF	
A__	40107	00	IRR	NK	G	8296	--	NE	SW	NW	3856	4549	9	30	1E	7 G	4	202.50	202.50	AF
Same						8336	--	NE	SW	NW	3983	4549	9	30	1E	8 B	4			
Same						8257	--	NE	SW	NW	3728	4549	9	30	1E	9 B	4			
Same						8393	--	NE	SW	NW	3856	4447	9	30	1E	10 B	4			
Same						8319	--	NE	SW	NW	3856	4524	9	30	1E	11 B	4			
A__	40199	00	IRR	NK	G	8326	--	--	--	--	3164	2660	5	30	1E	4	65.30	65.30	AF	
A__	41642	00	IRR	NK	G	4538	--	SW	SW	SE	600	2450	6	30	1E	2	180.00	180.00	AF	
A__	42032	00	IRR	NK	G	2464	--	NE	NE	NE	5220	100	18	30	1E	1	198.00	198.00	AF	
A__	42040	00	IRR	NK	G	3976	--	SE	SE	NW	2844	2826	18	30	1E	2 G	2	60.00	60.00	AF
Same						4127	--	SE	SE	NW	2689	2817	18	30	1E	3 B	2			
Same						3827	--	SE	SE	NW	2999	2835	18	30	1E	4 B	2			
A__	42428	00	IRR	NK	G	0	--	SE	NW	SE	1419	1936	7	30	1E	4	59.00	59.00	AF	
A__	43919	00	IRR	LR	G	8326	--	--	--	--	3164	2660	5	30	1E	4	86.20	86.20	AF	
A__	49468	00	IRR	GY	G	7499	--	NW	SW	SW	1271	4930	9	30	1E	12 G	4	97.50	97.50	AF
Same						7219	--	SW	NW	SW	1270	5210	9	30	1E	14 B	4			
Same						7505	--	NW	SW	SW	1553	4930	9	30	1E	15 B	4			
Same						7779	--	NW	SW	SW	1270	4650	9	30	1E	16 B	4			
Same						7504	--	NW	SW	SW	990	4930	9	30	1E	17 B	4			
A__	49556	00	IRR	GY	G	10339	--	NW	SW	SE	694	2106	9	30	1E	13 G	4	180.00	180.00	AF
Same						10111	--	NW	SW	SE	877	2326	9	30	1E	18 B	4			
Same						10555	--	NE	SW	SE	890	1881	9	30	1E	19 B	4			
Same						10138	--	SW	SW	SE	506	2320	9	30	1E	20 B	4			
A__	49782	00	IRR	AY	G	0	--	SE	NW	SE	1419	1936	7	30	1E	4	103.50	44.50	AF	

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	44.50	.00
Total Permitted Amount (AF) =	277.50	.00
Total Inspected Amount (AF) =	86.20	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	1997.30	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	2405.50	.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:

97.356126 West Longitude and 37.453650 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

=====

File Number Use ST SR

A__ 2765 00 IRR NK G

> FORREST G BUTTS

>

> 205 S CENTRAL AVE

> MULVANE KS 67110

A__ 30512 00 IRR NK G

> GALEN L & DORALE J GERLACH

>

> 1429 N SENECA RD

> PECK KS 67120

A__ 31560 00 IRR NK G

> FORREST G BUTTS

>

> 205 S CENTRAL AVE

> MULVANE KS 67110

A__ 32269 00 IRR NK G

> FORREST G BUTTS

>

> 205 S CENTRAL AVE

> MULVANE KS 67110

A__ 34238 00 IRR NK G

> REBECCA MARIE OTT REV TRUST

>

> 11621 S HILLSIDE

> MULVANE KS 67110

A__ 37377 00 IRR NK G

> LARRY C & RHONDA J PARKER

>

> 1103 S CENTRAL AVE

> MULVANE KS 67110

A__ 38053 00 IRR NK G

> FORREST G BUTTS

>

> 205 S CENTRAL AVE

> MULVANE KS 67110

A__ 38805 00 IRR NK G

> FORREST G BUTTS

>

> 205 S CENTRAL AVE

> MULVANE KS 67110

>-----
A__ 40107 00 IRR NK G
> FORREST G BUTTS
>
> 205 S CENTRAL AVE
> MULVANE KS 67110
>-----
A__ 40199 00 IRR NK G
> JOHN PAUL GROTHOR
>
> 11804 S HYDRAULIC ST
> PECK KS 67120
>-----
A__ 41642 00 IRR NK G
> GALEN L & DORALE J GERLACH
>
> 1429 N SENECA RD
> PECK KS 67120
>-----
A__ 42032 00 IRR NK G
> GARLAND J BELL REV TRUST
>
> 1420 N MERIDIAN RD
> PECK KS 67120
>-----
A__ 42040 00 IRR NK G
> KYLE J & MICHELLE S MCADAM
>
> 1255 N LONDON RD
> BELLE PLAINE KS 67013
>-----
A__ 42428 00 IRR NK G
> MARTIN S & PEGGY A TERNES
>
> 1068 N WEST ROAD
> PECK KS 67120
>-----
A__ 43919 00 IRR LR G
> JOHN PAUL GROTHOR
>
> 11804 S HYDRAULIC ST
> PECK KS 67120
>-----
A__ 49468 00 IRR GY G
> JUSTIN KELLY
>
> 726 WESTCHESTER PLACE
> ANDOVER KS 67002
>-----
A__ 49556 00 IRR GY G
> SHELLY S HOOBLER
>

> 1345 E 130TH AVE N
> MULVANE KS 67110

>-----

A__ 49782 00 IRR AY G

> MARTIN S & PEGGY A TERNES

>

> 1068 N WEST ROAD

> PECK KS 67120

>-----

=====



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
Governor Jeff Colyer, M.D.

February 2, 2018

Garland Bell Rev Trust
1420 N Meridian RD
Peck, KS 67120-9046

Re: Pending Application, File No. 49,782

Dear Sir or Madam:

This is to advise you that Martin & David Ternes has filed the application referred to above for a permit to appropriate 103.5 (44.5 of which will be additional quantity) acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 600 gallons per minute from an existing well. The proposed point of diversion for 49,782 is one (1) well, which are located as follows:

Southeast Quarter of the Northwest Quarter of the Southeast Quarter of Section 7, Township 30 South, Range 1 East, Sumner County, Kansas.

A map is enclosed indicating the location of the proposed well. 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,

A handwritten signature in black ink that reads "Matthew J. Meier". The signature is written in a cursive style.

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

Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov
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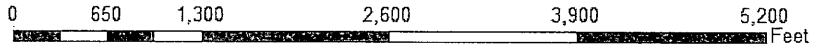
Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner



Legend

- Section Corners
- Section Lines

MJM-DWR 2/2/18



Proposed Water Appropriation, File No. 49,782
7-30S-1E
Sumner County





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
Governor Jeff Colyer, M.D.

February 2, 2018

Forrest Butts
205 S Central Ave
Mulvane, KS 67110-1719

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Sincerely,

A handwritten signature in black ink that reads "Matt Meier". The signature is written in a cursive, flowing style.

Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

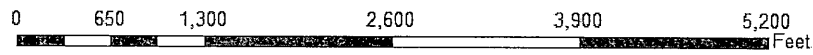
pc:

SCANNED



Legend	
+	Section Corners
—	Section Lines

MJM-DWR 2/2/18



Proposed Water Appropriation, File No. 49,782
 7-30S-1E
 Sumner County





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
Governor Jeff Colyer, M.D.

February 2, 2018

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

Re: Pending Application, File No. 49,782

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Sincerely,


Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

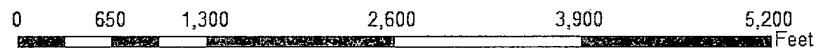
pc:

SCANNED



Legend	
+	Section Corners
—	Section Lines

MJM-DWR 2/2/18



Proposed Water Appropriation, File No. 49,782
 7-30S-1E
 Sumner County



49,782

Nearby Well Owners

#1: WR # 32,269

FORREST G BUTTS
205 S CENTRAL AVE
MULVANE KS 67110-1719

#2: WR # 42,032

GARLAND J BELL REV TRUST
1420 N MERIDIAN RD
PECK KS 67120-9046

Domestic Well Owners

John Jones.

751 E 136TH AVE N

Peck, Ks 67120

Phone - 316-524 1420

WATER RESOURCES
RECEIVED

MAR 02 2017

KS DEPT OF AGRICULTURE

WATER RESOURCES
RECEIVED

JAN 23 2017
UNACCEPTABLE FOR PRIORITY
KS DEPT OF AGRICULTURE

SCANNED

49, Feb

WATER WELL RECORD Form WWC-5 KSA 82a-1212 ID No.

1 LOCATION OF WATER WELL:		Fraction	Section Number	Township Number	Range Number
County: <u>Summer</u>		<u>SW 1/4 NW 1/4 SE 1/4</u>	<u>7</u>	<u>T 30 S</u>	<u>R 1 EW</u>
Distance and direction from nearest town or city street address of well if located within city? <u>2 mile So., 3/4 East, 1/4 North of Peck, Ks.</u>					
2 WATER WELL OWNER: <u>L.D. Sims</u>					
RR#, St. Address, Box # <u>214 Emery</u>			Board of Agriculture, Division of Water Resources		
City, State, ZIP Code <u>Mulvane, Ks 67110</u>			Application Number: <u>42, 428</u>		
3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:		4 DEPTH OF COMPLETED WELL: <u>50</u> ft. ELEVATION:			
		Depth(s) Groundwater Encountered: 1. _____ ft. 2. _____ ft. 3. _____ ft.			
		WELL'S STATIC WATER LEVEL: <u>16</u> ft. below land surface measured on <u>04/24/00</u> mo/day/yr			
		Pump test data: Well water was _____ ft. after _____ hours pumping _____ gpm			
		Est. Yield _____ gpm: Well water was _____ ft. after _____ hours pumping _____ gpm			
		Bore Hole Diameter: <u>28</u> in. to <u>50</u> in. to _____ in. to _____ in.			
		WELL WATER TO BE USED AS: 5 Public water supply 6 Air conditioning 11 Injection well			
		1 Domestic 3 Feedlot 8 Oil field water supply 9 Dewatering 12 Other (Specify below)			
		2 Irrigation 4 Industrial 7 Domestic (lawn & garden) 10 Monitoring well			
Was a chemical/bacteriological sample submitted to Department? Yes _____ No <u>X</u> If yes, mo/day/yr sample was submitted _____					
Water Well Disinfected? Yes <u>X</u> No _____					
5 TYPE OF BLANK CASING USED:					
1 Steel		3 RMP (SR)		5 Wrought iron	
2 PVC		4 ABS		6 Asbestos-Cement	
				7 Fiberglass	
				8 Concrete tile	
				9 Other (specify below)	
Blank casing diameter: <u>16</u> in. to <u>30</u> in. Dia. _____ in. to _____ in. to _____ in. to _____ in.					
Casing height above land surface: <u>12</u> in. weight <u>SCH 40</u> lbs./ft. Wall thickness or gauge No. <u>500</u>					
TYPE OF SCREEN OR PERFORATION MATERIAL:					
1 Steel		3 Stainless steel		7 PVC	
2 Brass		4 Galvanized steel		8 RMP (SR)	
				9 ABS	
				10 Asbestos-cement	
				11 Other (specify)	
				12 None used (open hole)	
SCREEN OR PERFORATION OPENINGS ARE:					
1 Continuous slot		3 Mill slot		5 Gauzed wrapped	
2 Louvered shutter		4 Key punched		6 Wire wrapped	
				7 Torch cut	
				8 Saw cut	
				9 Drilled holes	
				10 Other (specify)	
				11 None (open hole)	
SCREEN-PERFORATED INTERVALS: From <u>30</u> ft. to <u>50</u> ft. From _____ ft. to _____ ft.					
GRAVEL PACK INTERVALS: From <u>20</u> ft. to <u>50</u> ft. From _____ ft. to _____ ft.					
8 GROUT MATERIAL:					
1 Neat cement		2 Cement grout		3 Bentonite	
4 Other: <u>HOLE PLUG</u>					
Grout intervals: From <u>20</u> ft. to <u>3</u> ft. From _____ ft. to _____ ft.					
What is the nearest source of possible contamination:					
1 Septic tank		4 Lateral lines		7 Pit privy	
2 Sewer lines		5 Cess pool		8 Sewage lagoon	
3 Watertight sewer lines		6 Seepage pit		9 Feedyard	
				10 Livestock pens	
				11 Fuel storage	
				12 Fertilizer storage	
				13 Insecticide storage	
				14 Abandoned water well	
				15 Oil well/Gas well	
				16 Other (specify below)	
				<u>None</u>	
Direction from well? _____ How many feet? _____					
FROM		TO		LITHOLOGIC LOG	
FROM		TO		PLUGGING INTERVALS	
0		3		<u>Top Soil</u>	
3		7		<u>Reddish Tan Clay & fine Sand mix</u>	
7		17		<u>Grey + Tan Clay with fine Sand mix</u>	
17		23		<u>fine to med. Sand</u>	
23		44		<u>fine to med. Sand</u>	
44		49		<u>Med. Sand</u>	
49		50		<u>Grey Clay and Shale</u>	
7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) <u>04/24/00</u> and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. <u>134</u> This Water Well Record was completed on (mo/day/yr) <u>05/30/00</u> under the business name of <u>Reservoir Service, Inc.</u> by (signature) <u>Jessie Dodson</u>					
INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water, Topeka, Kansas 66620-0001. Telephone 785-296-5524. Send one to WATER WELL OWNER and retain one for your records. Fee of \$5.00 for each constructed well.					

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

JAN 23 2017

MAR 02 2017

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SCANNED

12/6/2016

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

MAR 02 2017

KS DEPT OF AGRICULTURE

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UNACCEPTABLE FOR PRIORITY

KS DEPT OF AGRICULTURE

SCANNED

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

March 3, 2017

MARTIN AND DAVID TERNES
1068 N WEST RD
PECK KS 67120

FILE COPY

RE: Application
File No. 49782

Dear Sir or Madam:

Your application for permit to appropriate water in 7-30S-13E in 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 me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

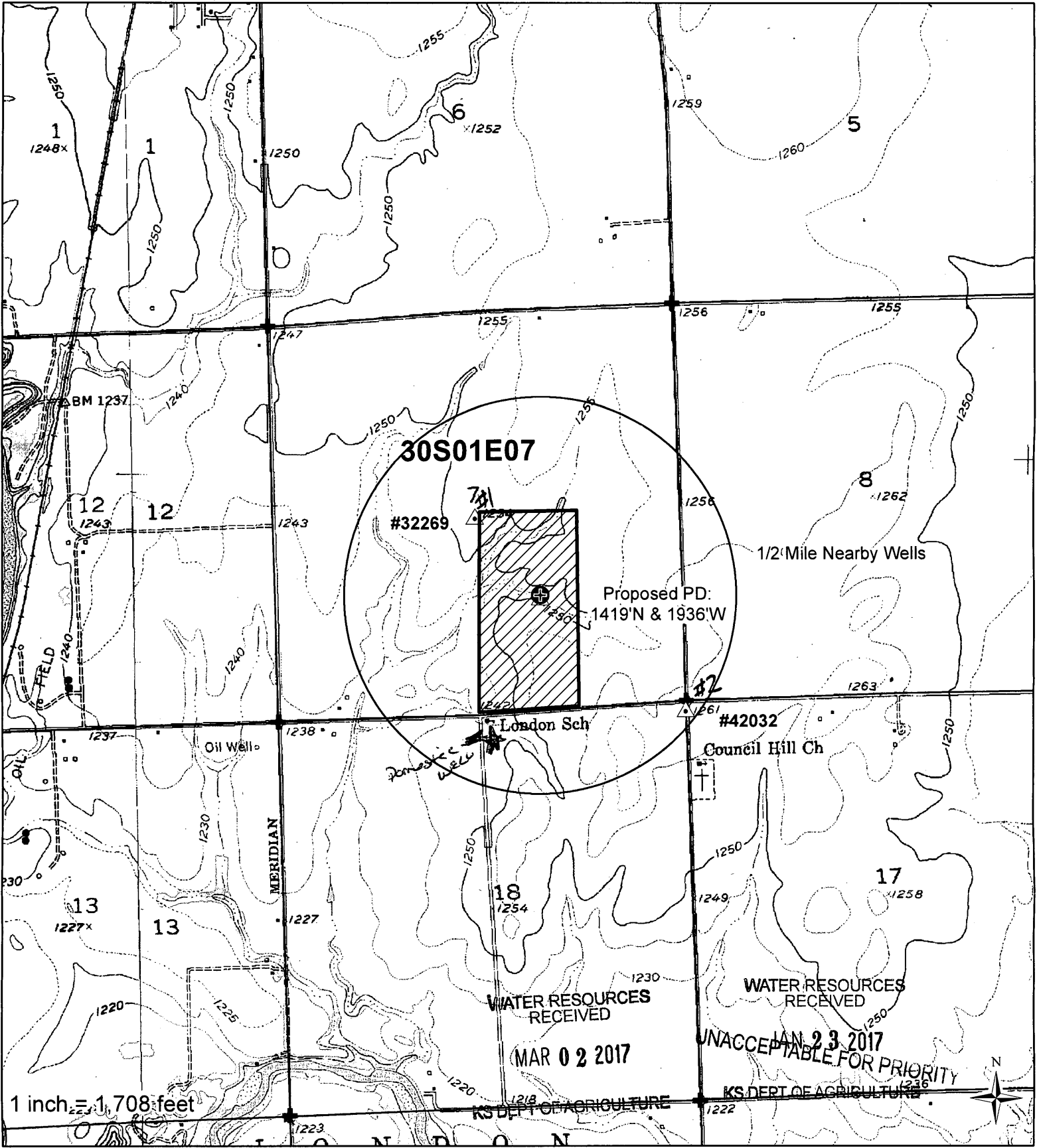
A handwritten signature in cursive script that reads "Brent A. Turney".

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

BAT: dlw
pc: STAFFORD Field Office
GMD

SCANNED

File No. _____

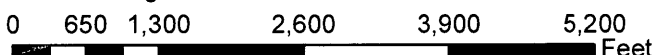


I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

- ★ Domestic Wells
- ⊕ Proposed PD
- ▲ Water Rights
- ⊕ SFFOsec_corners
- ▨ ProposedPlaceOfUse

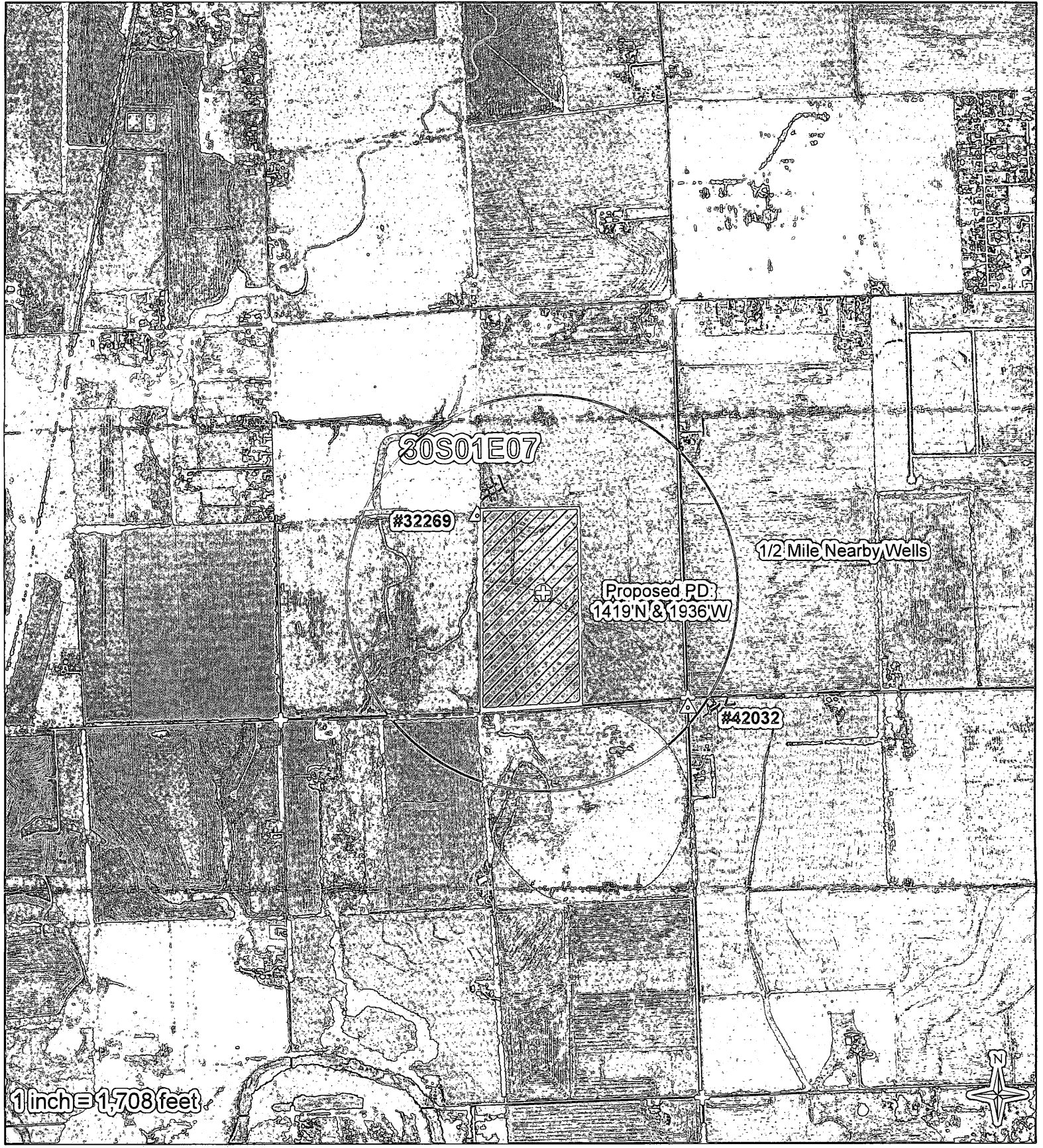
Matt Scott Lane 1/17/17

Signature Date



Created By: Matt Meier
 F.O. 2
 Date: 12/6/2016

SCANNED

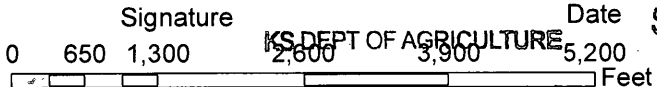


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- ▨ Proposed Place Of Use

Martin Scott Peem
 Signature

MAR 02 2017 / 17 / 17
 Date



KS DEPT OF AGRICULTURE

SCANNED

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED
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