

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
http://agriculture.ks.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.

Water Resources  
Received  
FEB 21 2019  
1:20  
KS Dept Of Agriculture

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

File No. 48.988

2. Name of applicant: MARTIN S & PEGGY A TERNES

Address: 1068 N WEST ROAD

City, State and Zip: PECK KS 67120

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

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

Name of water use correspondent: MARTIN S & PEGGY A TERNES

Address: 1068 N WEST ROAD

City, State and Zip: PECK KS 67120

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

3. The change(s) proposed herein are desired for the following reasons (please be specific): to create a complete point of diversion and place of use overlap with pending new application File No. 50,060

The change(s) will be completed by with the approval of pending new application

(Date)

For Office Use Only:								
F.O. <u>2</u>	<u>GMD</u>	<input checked="" type="checkbox"/> Meets K.A.R. 5-5-1 (YES / NO)	Use <u>IRR</u>	Source <u>G S</u>	County <u>SU</u>	By <u>DAW</u>	Date <u>2/21/19</u>	
Code <u>CPU</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>2/21/19</u>	Check # <u>88768</u>				

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UNACCEPTABLE FOR PRIORITY  
14 2019  
12:31  
KS Dept Of Agriculture  
2/25/2019  
LLM

4. The presently authorized place of use is:

Owner of Land — NAME: LEO HATTRUP

ADDRESS: 6559 SPRING VALLEY DR ALEXANDRIA VA 22312

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	
14	30S	1W	40	36														76	

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: LEO HATTRUP

ADDRESS: 6559 SPRING VALLEY DR ALEXANDRIA VA 22312

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

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

Owner of Land — NAME: WAYNE ROSE

ADDRESS: 24918 GRANITE BLUFF LN KATY KS 77494

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
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14	30S	1W			40	35												.75	

List any other water rights that cover this place of use. Pending new application File No. 50,060

12. The presently authorized use of water is for irrigation purposes.

It is proposed that the use be changed to --- 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 50,060 will cover the increase in quantity for the place of 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.

No impairment anticipated

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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.

No waivers anticipated

Water Resources  
Received

JAN 14 2019 PRIORITY  
UNACCEPTABLE  
KS Dept Of Agriculture

6. The presently authorized point(s) of diversion (is) (are) no change  
(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 \_\_\_\_\_ (E/W),  
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  
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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:**  
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Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
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This point is:  Additional Well     Geo Center    List other water rights that will use this point \_\_\_\_\_

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

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 Monument, <sup>Colorado</sup> ~~Kansas~~, this 27<sup>th</sup> day of December, 2018.

<u>Leo M Hattrup</u> (Owner)	_____ (Spouse)
<u>Leo M Hattrup</u> (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
<u>Leo M Hattrup</u> (Please Print)	_____ (Please Print)

State of ~~Kansas~~ Colorado  
County of El Paso } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 27<sup>th</sup> day of December, 2018.

DEBORAH SULLIVAN  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID# 20184013332  
MY COMMISSION EXPIRES 03/22/2022

Deborah Sullivan  
Notary Public

My Commission Expires \_\_\_\_\_

Water Resources  
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**FEE SCHEDULE**

**FEB 21 2019**

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   | KS Dept Of Agriculture | \$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.

Water Resources  
Received  
**UNACCEPTABLE**  
PRIORITY  
FEB 21 2019  
KS Dept Of Agriculture

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
http://agriculture.ks.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.)

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

- Place of Use  
 Point of Diversion  
 Use Made of Water

(Check one or more)

Water Resources  
Received

**JAN 14 2019**  
**UNACCEPTABLE FOR PRIORITY**  
KS Dept Of Agriculture

File No. 48.988

2. Name of applicant: MARTIN S & PEGGY A TERNES

Address: 1068 N WEST ROAD

City, State and Zip: PECK KS 67120

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

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

Name of water use correspondent: MARTIN S & PEGGY A TERNES

Address: 1068 N WEST ROAD

City, State and Zip: PECK KS 67120

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

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**FEB 21 2019**

The change(s) will be completed by with the approval of pending new application \_\_\_\_\_  
(Date) KS Dept Of Agriculture

**For Office Use Only:**

F.O. \_\_\_\_\_ GMD \_\_\_\_\_ Meets K.A.R. 5-5-1 (YES / NO) Use \_\_\_\_\_ Source G / S County \_\_\_\_\_ By \_\_\_\_\_ Date \_\_\_\_\_  
Code \_\_\_\_\_ Fee \$ \_\_\_\_\_ TR # \_\_\_\_\_ Receipt Date \_\_\_\_\_ Check # \_\_\_\_\_

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14	30S	1W	40	36														76	

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

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

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

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			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14	30S	1W	40	36														76	

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14	30S	1W			40	35												75	

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

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**FEB 21 2019**  
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- 6. The presently authorized point(s) of diversion (is) (are) no change  
(Provide description and number of points)
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11. Describe the current condition of and future plans for water resources which also may be used in a \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Water Resources    Water Resources  
 Received    Received

FEB 21 2019    JAN 14 2019

KS Dept Of Agriculture    KS Dept Of Agriculture

UNACCEPTABLE FOR PRIORITY

12. The presently authorized use of water is for irrigation purposes.

It is proposed that the use be changed to --- purposes.

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New Application 50,060 will cover the increase in quantity for the place of use

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Please show any calculations here.)

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No impairment anticipated

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**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 \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Owner)  
\_\_\_\_\_  
(Please Print)  
\_\_\_\_\_  
(Owner)  
\_\_\_\_\_  
(Please Print)  
\_\_\_\_\_  
(Owner)  
\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Spouse)  
\_\_\_\_\_  
(Please Print)  
\_\_\_\_\_  
(Spouse)  
\_\_\_\_\_  
(Please Print)  
\_\_\_\_\_  
(Spouse)  
\_\_\_\_\_  
(Please Print)

State of Kansas )  
County of \_\_\_\_\_ ) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_.

**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.**

Water Resources Received  
**FEB 21 2019**  
KS Dept Of Agriculture

Water Resources Received  
**JAN 14 2019**  
KS Dept Of Agriculture