

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.

Water Resources
Received

1:49

KS Dept Of Agriculture



State of Kansas

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

APPLICATION FOR TERM PERMIT
TO USE LEASED WATER FROM
WATER BANK

TERM PERMIT, FILE NO: 20202001

STATUTORY FILING FEE MUST ACCOMPANY THIS APPLICATION
(Make check payable to the Kansas Department of Agriculture)

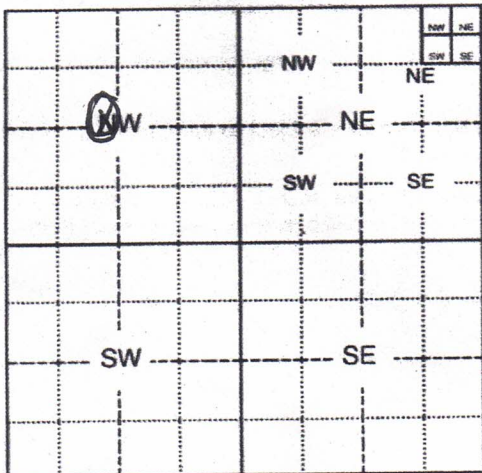
1. Applicant: (Please print or type)
Name Larry Preisser
Street 105 Southeast 130th Ave.
City and State Cunningham, KS
Zip Code 67035 Telephone No. (620) 243-4214
E-mail Address tandl54@gmail.com
Social Security I.D. No. _____
and/or Taxpayer I.D. No. _____

2. Water Bank Lease Contract No. 202006001

3. Proposed period of use:
Commencing date: 1-1-2020
Ending Date: 12-31-2020

4. Proposed Point of Diversion:
Sec. 16, Twp. 25S, Rng. 10W, (E/W),
Reno County, Kansas
Distance from Southeast Corner of Section:
3960 feet North from Southeast Corner
3970 feet West from Southeast Corner
If overlapping water rights give File No.(s) _____

DWR Point of Diversion ID No. (if known) None
plat for existing point of diversion
and the wells within 1/2 mile



5. Proposed Max. Pumping Rate: 1000 g.p.m
6. *Proposed Maximum Quantity of water per year:
67.66 AF to be used in 2020 only AF
7. Quantity of water leased: 77.77 AF : 67.66 Net AF
8. Hydrologic Unit: North Fork Ninnescah
9. Drainage Basin: North Fork Ninnescah
10. Proposed Use Made of Water: Irrigation
11. Proposed Place of Use:
Sec. 16, Twp. 25S, Rng. 10W, (E/W),
Reno County, Kansas

Attach a map (based upon a 1:24,000 topographic map) of the proposed Place of Use. If drilling a new well, plot its location and the location of all existing wells within 1/2 mile of it.

DWR Place of Use ID (if known) None

12. If proposed use is for irrigation, give the number of acres to be irrigated, and the number of acres for each type of crop to be grown. 130
ALL COTTON

13. Provide the water flowmeter reading at the time application is filed. 150578

FEE SCHEDULE

1. The filing fee for an application is based on the maximum amount of water use proposed within a year.

Acre-feet	Fee
0-100	<u>\$200.00</u>
101-320	\$300.00
More than 320	\$300.00

plus \$20 for each additional 100 acre-feet or any part thereof.

*This quantity of water will be limited with any existing water rights that authorize the same irrigation place of use as follows.

Maximum acre-feet per acre by county per K.A.R. 5-3-24 and 5-17-17:
Barton, Pratt, Rice, Reno and Stafford (2.1 AF/Acre)
Edwards, Kiowa and Pawnee (2.25 AF/Acre)

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons
1 million gallons equal 3.07 acre-feet

For Office Use Only:
F.O. 2 GMD 5 Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County RN By BMM Date 5/20/20
Code WBK Fee \$ 200.00 TR # PY00014320 Receipt Date 05/20/2020 Check # _____

5/21/2020
LMoody

Make checks payable to:
Central Kansas Water Bank Association
 125 S Main St
 Stafford, KS 67578

Central Kansas Water Bank Association
 (The non-refundable filing fee of \$200 and monitoring fees of \$100 per year must accompany this form)

For Office Use Only

Fee \$ 300

Form # 202006001

TR # 38118

Date Recd 3-5-2020

Time Recd 3:45 p.m.

Initials JR

CONTRACT FOR LEASE

RECEIVED
 MAR 05 2020
 CKWBA

Applicant Name: Larry Preisser

Address: 105 Southeast 130th Ave.

City: Cunningham State: KS Zip: 67035

Home Phone: _____ Cell: (620) 243-4214 Email: tandl54@gmail.com

Hydrologic Unit: North Fork Ninnescah Source of Supply: North Fork Ninnescah Groundwater

Water Right File No(s) that authorize use of water from the proposed point of diversion: N/A Term Permit

Point of Diversion of Leased Water:

Legal Desc: 1/4, NC 1/4, NW 1/4, Sec 16 Twp 25S Rng 10W, Reno County
3960 feet North & 3970 feet West of the Southeast corner of said section.

Place of Use of Leased Water:

Sec	Twp	Rng	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16	25S	10W					40	40	40	40									160.0
																			0.0
																			0.0

Quantity of Water Requested: 77.77 AF Quantity of Water to be Leased: 67.66 AF

Maximum Rate of Diversion: 1000 gpm Proposed Use Made of Water: Irrigation

Calendar Years Water is to be Leased: 2020
 (not to exceed the length of the water bank charter plus three calendar years)

Is a water flow meter installed correctly according to K.A.R. 5-1-4 thru 5-1-12? Yes No *Not Setup yet*

The current water flow meter reading from the proposed point of diversion: _____

Current water level measurement: 24.0' Date of measurement: 3-5-20

Payment Amount per Acre-Feet: \$ 0.00 /AF x 77.77 AF = Total \$ 0.00

Terms of Payment: Private Transaction

TERMS AND CONDITIONS OF CONTRACT

Subject to the terms and conditions set forth below, Lessee agrees to lease from water right owner and/or The Central Kansas Water Bank Association (Association) and owner and/or Association agrees to lease to Lessee the water right identified above.

EXERCISE OF CONTRACT Lessee agrees that if the term permit is not obtained by 12/31/2020, this contract will be terminated.

INSPECTION Association shall have the right to inspect the point of diversion, place of use and water flow meter at any time during the term of this contract.

ASSIGNMENT The lessee may not assign or transfer the deposited water without prior written permission of the Association and chief engineer.

WATER USE REPORTING Association participants will be required to submit their Water Use Reports to the Division of Water Resources by March 1st each year throughout the duration of the contract. A copy of the Water Use Report shall be sent to the Association by March 1st each year throughout the duration of the contract.

TERMS OF PAYMENT Lessee shall pay to Association or Owner the sum of \$ NA on or before _____ during the term of this Lease.

BINDING This agreement shall be binding upon the parties hereto, their heirs, executors, administrators, and assigns.

COMPLIANCE WITH ALL LAWS This contract is subject to the provisions of the Association charter and all rules, regulations, and policies established by Big Bend Groundwater Management District #5 (including without limitation Central Kansas Water Bank Association Charter Section 506 set forth below) and the Kansas Department of Agriculture, Division of Water Resources. If a partial deposit is made, the depositor agrees to maintain an accurate water flow meter which meets or exceeds the rules and regulations K.A.R. 5-1-4 through 5-1-12 as approved by the Chief Engineer of Kansas Department of Agriculture, Division of Water Resources.

TERMINATION This Lease shall commence upon the issuance of the term permit and shall terminate upon the last day of the final calendar year of the Lease as set forth above unless sooner terminated by the termination of a term permit or the Contract of Deposit between Association and Owner. Upon termination, end of this Lease, or in the event of breach of contract, lessee agrees and promises to return the possession of any unused portion of the leased water to the Association without necessity of legal process.

BREACH OF CONTRACT-PENALTIES Breach of contract will result in forfeiture to participate in the Association in the future. All violations of the act, charter, and any applicable rules and regulations may be processed through Section 801 of this charter, and K.A.R. 5-17-13.

ACKNOWLEDGEMENT OF TERMS AND CONDITIONS The undersigned acknowledges they have read and understand the conditions of the above contract and have provided the Association with honest, accurate information in preparation of this lease.

Applicant: Larry Preisser Date: 3-5-2020

Association Representative: John Hildebrand Date: 3-5-2020

Central Kansas Water Bank Association Charter Section 506



Rules for Leases

The proposed lease is from water rights on deposit from the same hydrologic unit designated by the Association and within the Association's boundary.

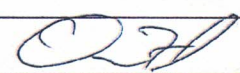
The lease shall be subject to such terms and conditions, and such approval by the chief engineer, as provided by rules and regulations of the chief engineer.

The lessee shall complete an application for contract to lease water on a form prescribed by the Association and approved by the chief engineer. The application shall be filed with the Association and shall include the following:

- A. The hydrologic unit designation of leased water
- B. Calendar years that water is proposed to be leased
- C. Number of acre-feet proposed for lease, and the purpose of use
- D. Location where leased water will be used, including point of diversion, place of use, acres (if irrigation) current authorized rate (if existing well – proposed rate if new well)
- E. A current water level measurement
- F. Aquifer unit (source of supply)
- G. File numbers of all other water rights that authorize use of water from that point of diversion

Each approved contract shall set forth penalty provisions for breach of contract conditions.

In order to prevent an increase in consumptive use, applications to lease water for a use other than the authorized use of the deposited water proposed for lease shall comply with K.A.R. 5-5-9 and 5-5-10.

OFFICE USE ONLY			
1. Date application received: <u>March 05, 2020</u>	2. Application meets K.A.R. 5-17-4: <input checked="" type="radio"/> Yes <input type="radio"/> No		
3. Quantity of water proposed for lease: <u>67.66 AF</u>	4. DWR notified of deposit prior to lease? <input checked="" type="radio"/> Yes <input type="radio"/> No		
3. Application approved: <input checked="" type="radio"/> Yes <input type="radio"/> No	If "NO" Give reason: _____		
Date: <u>4/27/2020</u>	 _____ Reviewed by (Association Representative)		

Recommendation of Water Bank:

Approve application, meets Statutory and Regulatory requirements.

Do not approve. Specify reasons: _____

The applicant states that the information set hereon is true and accurate to the best of his/her knowledge.

The applicant agrees to waive any right to a hearing on the matter of the dismissal of this appropriation right and further agrees that this appropriation right may be dismissed and terminated upon completion of the proposed project, said dismissal date to be the ending date specified in paragraph 3.

The owner of the point of diversion, if other than the applicant is (please print):

(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.

KJN*

Executed on 5/19, 20 20.

Larry Preisser
Applicant's Signature

Water use correspondent if different from applicant:

Name (print): _____

Address: _____

Larry Preisser
Signature of Applicant

or

Authorized Representative

Date

Larry Preisser

Applicant's Name Printed

Title

DO NOT WRITE BELOW THIS LINE

CONDITIONS OF APPROVAL:

The applicant shall install and maintain in proper operating condition a water flowmeter and that flowmeter shall be used to provide accurate and complete record from which water use shall be reported to the Chief Engineer on or before December 1 of the year for which water use is being reported. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

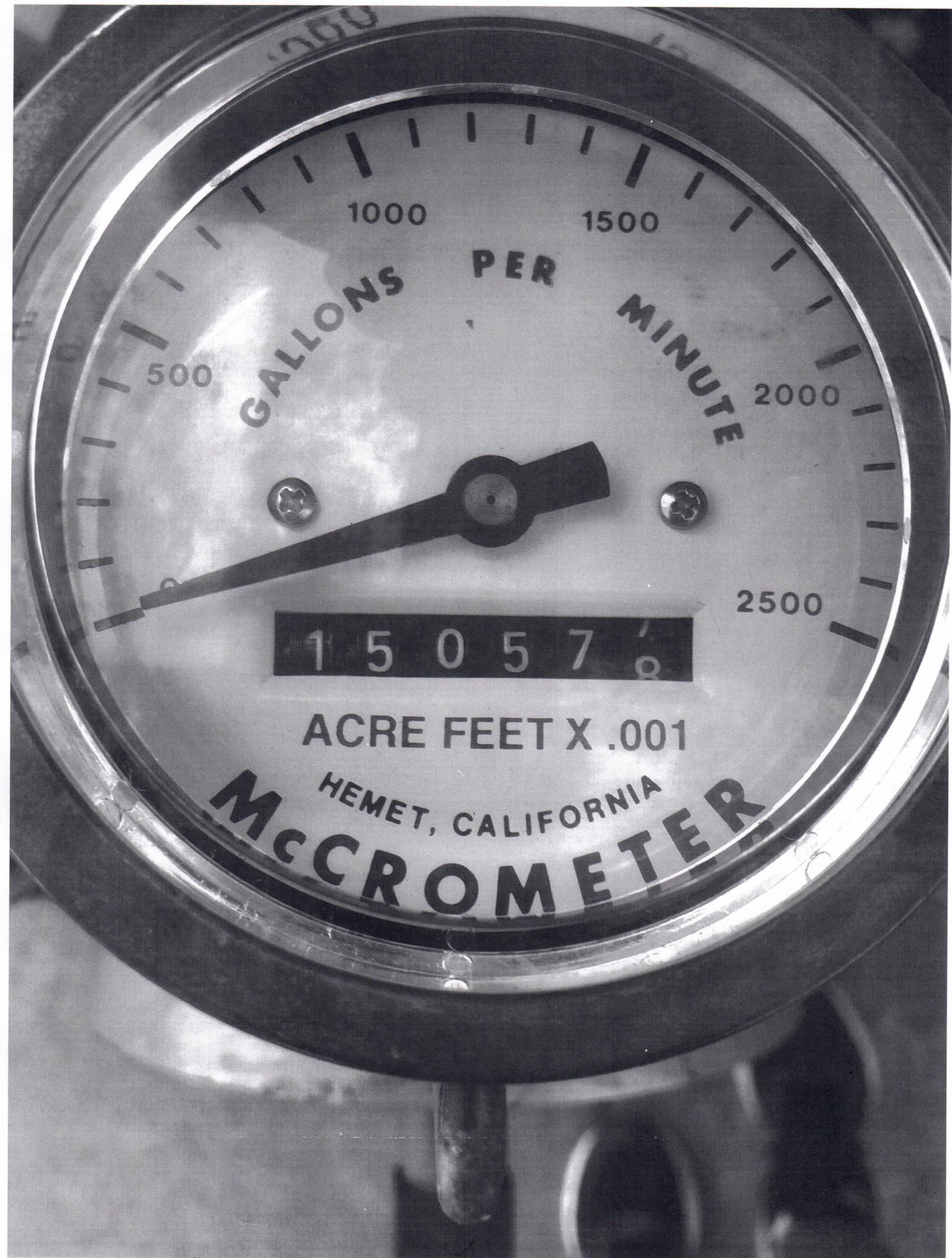
The use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

That the diversion of water authorized herein shall not cause an increase in depletion to any severely depleted groundwater aquifer or severely depleted stream course.

That the diversion of water authorized herein shall be diverted from, and used within, the same hydrologic unit where the water rights were deposited.

That any violation of the terms and conditions of this term permit shall make the permittee subject to the penalty provisions of K.A.R. 5-17-13.

The Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the approved rate of diversion and quantity authorized, and such changes in other terms, conditions, and limitations set forth in this approval and permit to proceed as may be deemed to be in the public interest.



Meter Reading for attached term permit that was mailed in

IMG_4186.jpg

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 Kansas Department of Agriculture
 109 SW 9th Street, 2nd Floor
 Topeka, KS 66612-1283
 www.ksda.gov/dwr

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State of Kansas

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(Make check payable to the Kansas Department of Agriculture)

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 E-mail Address tandl54@gmail.com
 Social Security I.D. No. _____
 and/or Taxpayer I.D. No. _____
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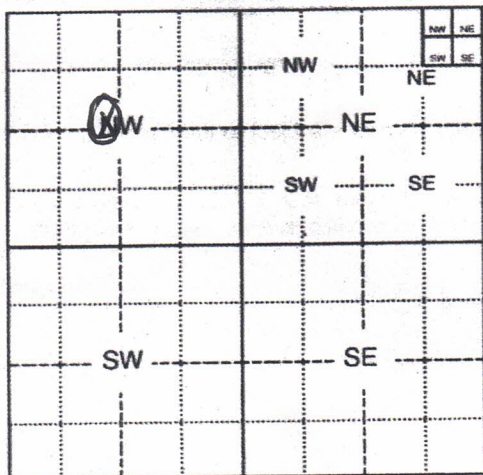
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For Office Use Only:

F.O. GMD Meets K.A.R. 5-3-1 (YES / NO) Use _____ Source G / S County _____ By _____ Date _____
 Code _____ Fee \$ _____ TR # _____ Receipt Date _____ Check # _____

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

May 30, 2020

LARRY PREISSER
105 SOUTHEAST 130TH AVE
CUNNINGHAM KS 67035

RE: Application, File No. **20202001**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a permit to appropriate water for beneficial use. Your application has been assigned the file number referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 20202001

APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
<u>21056</u>	<u>87481</u>	

LANDOWNER PERSON ID & SEQ #	PUSE ID
<u>21056</u>	<u>69429</u>

WATER USE CORRESPONDENT PERSON ID & SEQ #
<u>21056</u>