

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

1. File Number: <b>11647</b>	2. Status Change Date: <b>4/5/2021</b>	3. Change Num: <b>C3</b>	4. Field Office: <b>02</b>	5. GMD:
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: <b>11/19/2019</b>
8a. Applicant(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		8c. Landowner(s) New to system <input type="checkbox"/>
<b>UNIFIED SCHOOL DISTRICT # 261 BRIAN J KUNDSON 1745 W GRAND AVE HAYSVILLE KS 67060</b>				
8b. Landowner(s) New to system <input type="checkbox"/>		Person ID <b>18347</b> Add Seq# _____		8d. WUC New to system <input type="checkbox"/>
<b>UNIFIED SCHOOL DISTRICT # 261 MAINTENANCE DIRECTOR 1745 W GRAND AVE HAYSVILLE KS 67060</b>				<b>2b</b>
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/21</b> <input checked="" type="checkbox"/> N & P Date to Comply: <b>12/31/21</b>				
<input type="checkbox"/> Anti-Reverse Meter <input checked="" type="checkbox"/> Meter <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____				
10. Use Made of Water    From: _____    To: _____				
<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid green; padding: 2px;">3/26/2021 KAB</div> <div>Date Prepared: <b>2/19/2021</b>    By: <b>li</b></div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div></div> <div>Date Entered: <span style="border: 1px solid blue; padding: 2px;">4/5/2021</span>    By: <b>LMoody</b></div> </div>				

File No. **11647**      11. County: **SG**      Basin: **ARKANSAS RIVER**      Stream: **NA**      Formation Code: **130**      Special Use: **NA**

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>DEL</b>	<b>45547</b>	<b>NCNENE NE</b>			<b>1</b>	<b>29</b>	<b>1W</b>	<b>1</b>	<b>4579</b>	<b>906</b>	<b>plug</b>	<b>120</b>	<b>25</b>	<b>120</b>	<b>25</b>	<b>NONE</b>
<b>ENT</b>	<b>88735</b>	<b>LOT 1 NE</b>			<b>1</b>	<b>29</b>	<b>1W</b>		<b>4827</b>	<b>1303</b>		<b>120</b>	<b>25</b>	<b>120</b>	<b>25</b>	<b>NONE</b>

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

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **NONE .. NO CHANGE**  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

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

16. Place of Use				NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files					
CHK	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	NE ¼	NW ¼	SW ¼	SE ¼				
<b>NO CHANGE</b>																												

Base Acres:      Year:      Minimum Reasonable Quantity:  
 Comments:

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

**M E M O R A N D U M**

**TO:** Files

**DATE:** February 25, 2021

**FROM:** Leslie Ireland

**RE:** Water Right, File No. 11,647

Brian J. Kundson, on behalf of USD No. 261, Haysville School District, water right owner, filed an application for approval to change the authorized point of diversion located in the Arkansas River Basin. The application was received on November 19, 2019.

The referenced file appears to be in good standing, as per K.S.A. 82a-718 and 82a-732. The application complies with K.A.R. 5-5-2a, *Complete application*.

Water Right, File No. 11,647, authorizes one (1) well to divert 25 acre-feet (AF) at a maximum rate of 120 gallons per minute for irrigation use at the alethic fields located in Lots 1 & 2 of the Northeast Quarter, all in Section 1, Township 29 South, Range 1 West, Sedgwick County. The right is not located in a special use area. The appropriation has been moved a new well than back to the original and currently authorized well.

The change proposes to abandon the currently authorized well and drill a new well approximately 469 feet to the Southeast. The currently authorized well is described as being near the center of the North Half of the Northeast Quarter of the Northeast Quarter ( NC N $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) approximately 4,579 feet North and 906 feet West of the Southeast corner with the proposed well to be located approximately 4,827 feet North and 1,303 feet West of the Southeast corner all in Section 1, Township 29 South, Range 1 West, Sedgwick County. The authorized and proposed qualifiers didn't appear to take into account the Official Survey lot assignments. The qualifiers for the proposed will be updated to Lot 1 of the Northeast Quarter (NE $\frac{1}{4}$ ).

A well log by Harp Well and Pump Service of the existing well stated a water level of 40 feet and completed to a depth of 60 feet to shale. The source of supply has been determined to be the Illinoisan Stage Formation (Code 130). A well log was not submitted with the application, but the short distance proposed to move and a review of other logs in the area indicate the source of supply will remain the Illinoisan Stage (Code 130). A well log will be a condition of the approval.

The school has a battery of four(4) irrigation wells, File No. 49,538, located approximately 1,374 feet to the Northwest of the proposed well. This is the only non-domestic well located within one-half ( $\frac{1}{2}$ ) mile of the proposed well. There may be multiple domestic wells in the area, but the location of the proposed well puts any nearby wells 1,320 feet to the East and no landowners within 660 feet of the East-West school property line and 1,000 feet to the South property. There are however numerous homes to the East, along the one-half ( $\frac{1}{2}$ ) mile edge of the notification area. A public notice was published in the Times Sentinel Newspaper was completed December 17, 24, & 31, 2020. The affidavit of the publication was received on February 5, 2021. A review of our files and those at the Stafford Field Office found no comments were received. A general phone inquire from Levi with the City of Haysville due to the public notice was received by Cameron Conant in the field office. No other or written comments were received.

In an e-mail dated February 25, 2021, Jeff Lanterman, Water Commissioner of the Stafford Field Office indicated no objections to approval of the referenced application.

A water flow meter is required. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works. The transmittal letter will remind the owner the well to plug the old well meeting the requirements of KDHE.

Based on the above discussion it appears the requested change is not unreasonable, impairment of existing rights is unlikely, and the source of supply will remain the same, it is recommended the referenced application be approved.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

**From:** Lanterman, Jeff [KDA]  
**Sent:** Thu 2/25/2021 2:12 PM  
**To:** Ireland, Leslie [KDA]  
**Cc:** Conant, Cameron [KDA]  
**Subject:** RE: Review of Change for Recommendation, File No. 11647 USD 261 Haysville

Wow. I cant believe a school district has a file this old. Someone was thinking ahead back in 1966! Original applicant was the district.

Leslie I don't have any objections to approval of this application. Seems like a slam dunk.

Jeff

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**From:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Sent:** Thursday, February 25, 2021 11:41 AM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Cc:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Subject:** Review of Change for Recommendation, File No. 11647 USD 261 Haysville

Please let me know if you could recommend this change.

As always comments and concerns are welcome.

Leslie Ireland  
Environmental Scientist  
Change Application Unit  
Division of Water Resources



**From:** Conant, Cameron [KDA]  
**Sent:** Wed 12/30/2020 10:26 AM  
**To:** Ireland, Leslie [KDA];Lanterman, Jeff [KDA];Baum, Kristen [KDA];Koehn, Justin [KDA]  
**Subject:** File 11647 change app

Hey guys, I was not sure who is working this but I wanted to pass along that Levi with the city of Haysville called in about the public notice in the paper. Levi was wanting additional information on what was going on. I explained to him they were re-locating an existing well and moving about 470' to the NW. I explained why a public notice was done for this change. Levi just wanted to make sure no "new" water (rate or Q) was being developed with this change. I told him there was not, the application was to re-locate an existing well in an effort to streamline the irrigation system.

Levi had no issues and no additional questions about the change.

Cameron

THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN POINT OF DIVERSION  
WATER RIGHT  
FILE NO. 11,647**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Brian J. Kundson, on behalf of USD No. 261, Haysville School District, 1745 W. Grand Avenue, Haysville, Kansas 67060, received in this office on November 12, 2019, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Orders of the Chief Engineer dated May 28, 2003 and January 15, 2004, approving the applications to change the authorized point of diversion, finds that the change is reasonable and will not impair existing rights, and that the application should be and are hereby approved.

The effective date of the changes shall be the date this order is executed by the Chief Engineer, after which the authorized location of the point of diversion shall be:

one(1) well located in Lot 1 (NE $\frac{1}{4}$ ) of Section 1, more particularly described as being near a point 4,827 feet North and 1,303 feet West of the Southeast corner of said section, in Township 29 South, Range 1 West, Sedgwick County, Kansas, at a diversion rate not in excess of 120 gallons per minute (0.27 c.f.s.) and a quantity not to exceed 25 acre-feet of water per calendar year,

located substantially as shown on the map accompanying the application to change the point of diversion.

Installation of the works for diversion of water shall be completed on or before December 31, 2021, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

The water right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

All 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.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 11,647, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated November 12, 1980, as modified and amended by the aforementioned orders.

Ordered this 5 day of April, 2021, in Manhattan, Riley 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 5 day of April, 2021, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



*Ashlee Freeman*  
Notary Public

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

April 5, 2021

USD 261 HAYSVILLE SCHOOL DISTRICT  
BRIAN J KNUDSON  
1745 W GRAND AVE  
HAYSVILLE KS 67060

RE: Water Right, File No. 11,647

Dear Mr. Knudson,

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approval is that a water flow meter meeting K.A.R. 5-1-4 through 5-1-12, must be installed on the diversion works. Please return the required *Notification of Completion of the Diversion Works and/or Installation of the Required Flowmeter*, as soon as these actions are completed. The Notice of Completion form may be found online at [www.agriculture.ks.gov](http://www.agriculture.ks.gov), Water Appropriation Forms, there is no fee for the required completion notification.

It is a condition of the Approval that the water right owner submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment. The copy of the well log, currently form WWC-5, must be submitted within 30 days following the drilling of the well at the authorized location. The abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

If you have any questions or need assistance with any of these requirements, 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 style.

Kristen A. Baum  
New Application and Change Unit Supervisor  
Water Appropriation Program

KAB:LI:li  
Enclosure(s)

pc: Stafford Field Office



**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 the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 review 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 the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

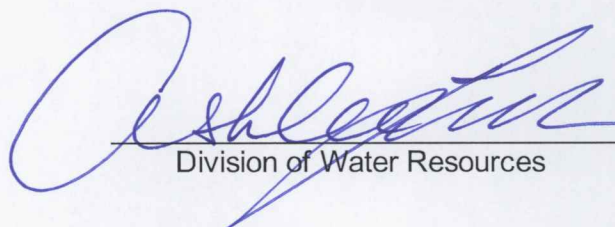
**CERTIFICATE OF SERVICE**

On this 5 day of April, 2021, I hereby certify that the attached Approval of Application for the Change in Point of Diversion, Water Right, File No. 11,647, dated 5 April, 2021, was mailed postage prepaid, first class, US mail to the following:

USD NO. 261, HAYSVILLE SCHOOL DISTRICT  
BRIAN J. KNUDSON  
1745 W. GRAND AVE  
HAYSVILLE, KANSAS 67060

With photocopies sent to:

Stafford Field Office



Division of Water Resources

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785-564-6700  
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New Application and Change Unit Supervisor  
Water Appropriation Program

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THE STATE  OF KANSAS

**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., Chief Engineer

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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 5 day of April, 2021, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman  
Notary Public

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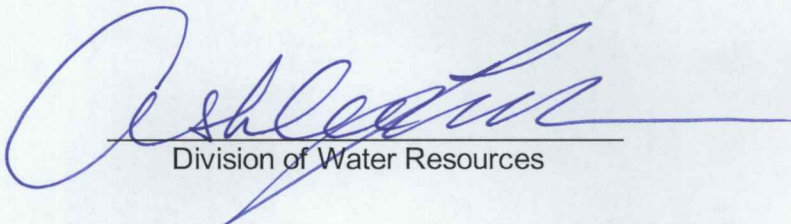
**CERTIFICATE OF SERVICE**

On this 5 day of April, 2021, I hereby certify that the attached Approval of Application for the Change in Point of Diversion, Water Right, File No. 11,647, dated 5 April, 2021, was mailed postage prepaid, first class, US mail to the following:

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BRIAN J. KNUDSON  
1745 W. GRAND AVE  
HAYSVILLE, KANSAS 67060

With photocopies sent to:

Stafford Field Office

  
Division of Water Resources