

# 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  
 109 SW 9<sup>th</sup> 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: \_\_\_\_\_**  
**STATUTORY FILING FEE MUST ACCOMPANY THIS APPLICATION**  
 (Make check payable to the Kansas Department of Agriculture)

**20219037**

1. Applicant: (Please print or type)  
 Name Tyler Alpers  
 Street 324 NE 140th Street  
 City and State St John, KS  
 Zip Code 67576 Telephone No. ( 620 ) 791-7601  
 E-mail Address tyleralpers@gmail.com  
 Social Security I.D. No. \_\_\_\_\_  
 and/or Taxpayer I.D. No. \_\_\_\_\_

5. Proposed Max. Pumping Rate: 860 g.p.m.  
 6. \*Proposed Maximum Quantity of water per year:  
195 Auth.+17.80 AF lease to be used in 2021-2025 AF  
 7. Quantity of water leased: 20.00 AF : 17.80 Net AF  
 8. Hydrologic Unit: Rattlesnake Creek Groundwater  
 9. Drainage Basin: Rattlesnake Creek  
 10. Proposed Use Made of Water: Irrigation

2. Water Bank Lease Contract No. 202106001  
 3. Proposed period of use:  
 Commencing date: 1-1-2021  
 Ending Date: 12-31-2021

11. Proposed Place of Use:  
 Sec. 32, Twp. 21S, Rng. 12W, (E/W),  
Stafford County, Kansas

4. Proposed Point of Diversion:  
 Sec. 32, Twp. 21S, Rng. 12W, (E/W),  
Stafford 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) 37791

Distance from Southeast Corner of Section:  
3940 feet North from Southeast Corner  
1220 feet West from Southeast Corner

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 acres,  
130 wheat + 130 Grain Sorghum

If overlapping water rights give File No.(s) 39480  
 DWR Point of Diversion ID No. (if known) 60660

13. Provide the water flowmeter reading at the time application is filed. 9207.91

**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	\$200.00
101-320	\$300.00
More than 320	\$300.00

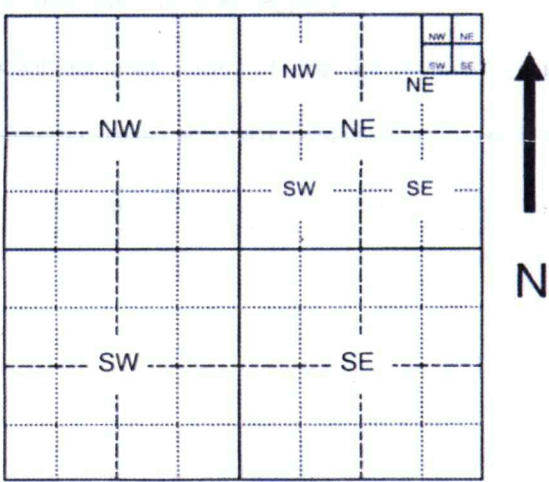
plus \$20 for each additional 100 acre-feet or any part thereof.

\*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 SF By BMM Date 5/12/21  
 Code WBK Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 5.11.21 Check # 3890

5/13/2021  
 LMoody

SCANNED

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):

X KWB, Inc

(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.

X Executed on 4-30-2021, 2021.

X

Tyler Alpers  
Applicant's Signature

Water use correspondent if different from applicant:

Name (print): X Tyler Alpers

Address: 324 NE 140th St. St. John K3 67576

X Tyler Alpers  
Signature of Applicant

or

Authorized Representative

4-30-2021  
Date

X Tyler Alpers  
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 March 1 of the following 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.

WATER RESOURCES RECEIVED

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PAID

MAY 11 2021

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	\$ 700
Form #	202106001
TR #	35849
Date Recd	4-13-21
Time Recd	8:20
Initials	JF

**CONTRACT FOR LEASE RECEIVED**  
APR 13 2021  
CKWBA

Applicant Name: Tyler Alpers  
 Address: 324 NE 140th Street  
 City: St John State: KS Zip: 67576  
 Home Phone: \_\_\_\_\_ Cell: (620) 791-7601 Email: tyleralpers@gmail.com

Hydrologic Unit: Rattlesnake Creek Source of Supply: Rattlesnake Creek Groundwater  
 Water Right File No(s) that authorize use of water from the proposed point of diversion: 39480

Point of Diversion of Leased Water:  
 Legal Desc: \_\_\_\_\_ 1/4, NC 1/4, NE 1/4, Sec 32 Twp 21S Rng 12W, Stafford County  
3940 feet North & 1220 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	
32	21S	12W					32.5	32.5	32.5	32.5									130.0
																			0.0
																			0.0

Quantity of Water Requested: 20.00 AF Quantity of Water to be Leased: 17.80 AF

Maximum Rate of Diversion: 860 gpm Proposed Use Made of Water: Irrigation

Calendar Years Water is to be Leased: 2021, 2022, 2023, 2024, 2025  
(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

The current water flow meter reading from the proposed point of diversion: 9207.91 AI

Current water level measurement: 15.5' Date of measurement: 4-13-2021

Payment Amount per Acre-Foot: \$ 0.00 /AF x 20.00 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 12/31/2021, 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 \$ — 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: *[Signature]* Date: 4-13-21

Association Representative: *[Signature]* Date: 4-13-21

**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.

WATER RESOURCES  
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MAY 11 2021

KS DEPT. OF AGRICULTURE

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>APRIL 13, 2021</u>	2. Application meets K.A.R. 5-17-4: <input checked="" type="radio"/> Yes No
3. Quantity of water proposed for lease: <u>17.80 AF</u>	4. DWR notified of deposit prior to lease? <input checked="" type="radio"/> Yes No
3. Application approved: <input checked="" type="radio"/> Yes No	If "NO" Give reason: _____
Date: <u>04/23/2021</u>	<u>[Signature]</u> Reviewed by (Association Representative)

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MAY 11 2021

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 \$150.00 must accompany this application)

DEPARTMENT OF AGRICULTURE

APPLICATION FOR LEASE

RECEIVED

Deposit Contract # 202102002

APR 13 2021

For Office Use Only: Fee \$150, Form # 202105001, TR # 35849, Date Recd 4-13-21, Time Recd 8:20, Initials JT

Applicant Name: Tyler Alpers, Address: 324 NE 140th Street, City: St John, State: KS, Zip: 67576, Home Phone: Cell: (620) 791-7601, Email: tyleralpers@gmail.com

1. Water Right Number (If Applicable \*) 39480

\* OR Location where water will be used:

Legal Desc: 1/4, NC 1/4, NE 1/4, Sec 32 Twp 21S Rng 12W, Stafford County 3940 feet North & 1220 feet West of the Southeast corner of said section.

2. Hydrologic Unit: Rattlesnake Creek 3. Proposed Use Made of Water: Irrigation

4. Amount Requested: 20.00 AF

5. Is a water meter installed correctly according to K.A.R. 5-1-4 thru 5-1-12? [X] Yes [ ] No

6. Calendar Years Water is to be Leased: 2021-2025

7. Bid Price: Private Transaction

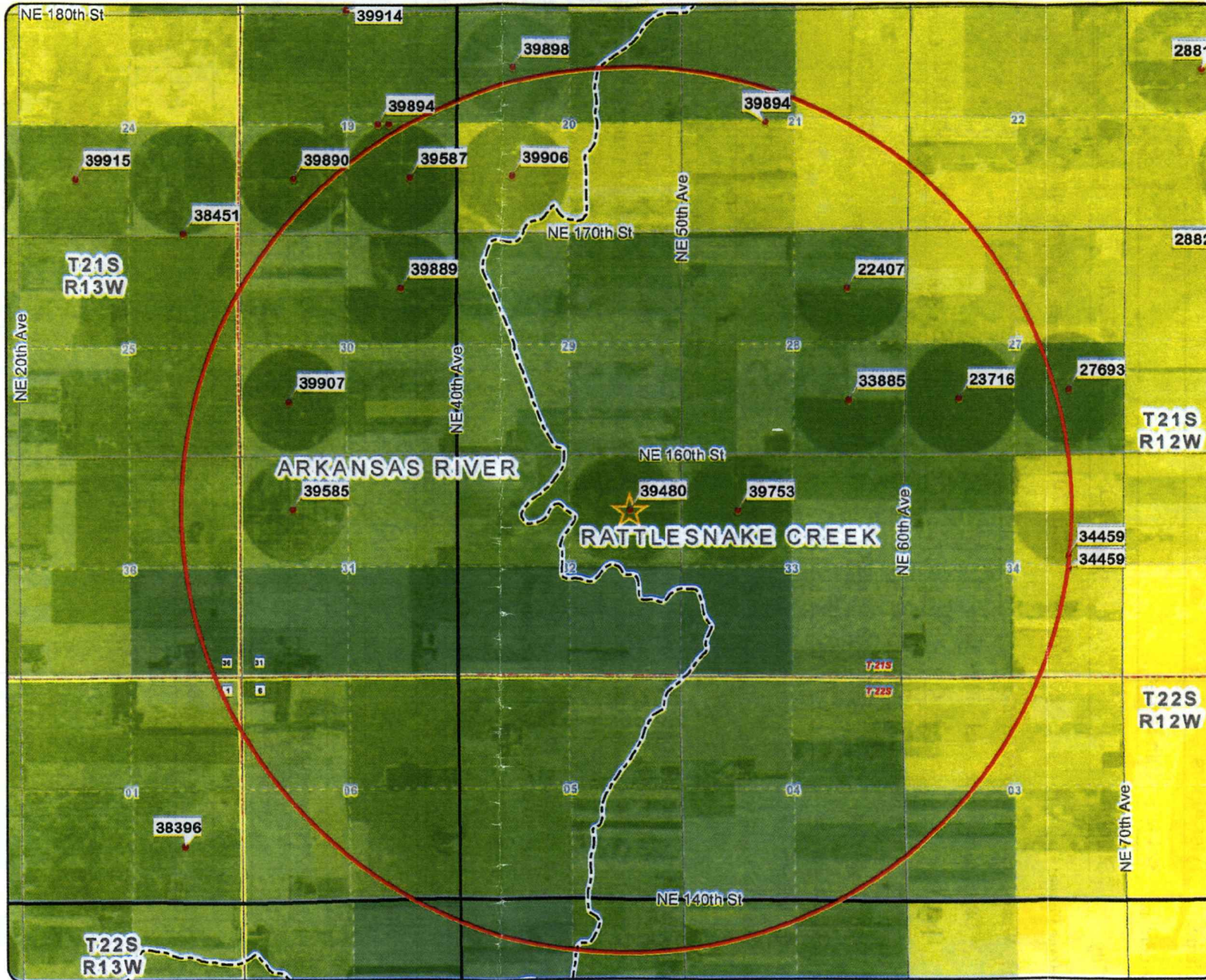
The undersigned acknowledges they understand that the Association is a facilitator of water transactions within its boundaries. Furthermore, the submission of this application does obligate the applicant to fulfill all requirements pertaining to the water transaction including payment and water use reporting. The undersigned further acknowledges that Central Kansas Water Bank Association reserves the right, in its sole discretion, to determine whether the undersigned meets all of the applicable criteria to be eligible to lease deposited water rights in accordance with applicable statutes, rules, regulations, charters, and policies. No Lease shall be effective until a Contract for Lease has been executed by the parties and all conditions have been satisfied.

Signature: [Signature] Date: 4-13-21 (The applicant states that the information set hereon is true and accurate to the best of his/her knowledge.)

For Office Use Only

Table with 2 columns: Points Earned and Amount Requested (AF). Rows include Average Saturated Thickness (10 pts), Sustainable Yield (8 pts), Avg. Water Level Change (9 pts), Distance from Stream (5 pts), Average Points Earned (8 pts), Amount Requested (AF) (20.0 AF), Conservation Component (%) (11%), Conservation Amount (AF) (2.2 AF), and NET LEASE AMOUNT (17.80 AF).

# Conservation Component Determination Proposed Location: NC NE 32-21S-12W



## Legend

### Point of Diversion

- ★ G\_IND
- G\_IRR
- ▲ G\_MUN
- ▬ G\_REC

⊃ Subbasin Boundary

### Conservation Component

- Unavailable
- 10.00 %
- 11.00 %
- 12.00 %
- 13.00 %
- 14.00 %
- 15.00 %
- 16.00 %

### Conservation Criteria

#### Saturated Thickness

195.10 ft = 10 pts

#### Sustainable Yield

1809.00 AF = 8 pts

#### Water Level Change

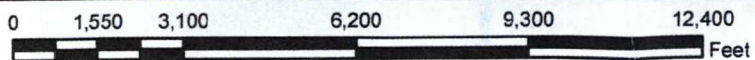
-1.40 ft = 9 pts

#### Distance to Stream

35,493.63 ft = 5 pts

#### Conservation Component

8.00 pts = 11.00 %



This map was created by WIMAS on 04/07/2021





**DATA ENTRY SYSTEM ID NUMBER SHEET**

**FILE NUMBER** 20219037

<b>APPLICANT PERSON ID &amp; SEQ #</b>	<b>60660</b>	<b>PDIV ID</b>	<b>BATTERY ID</b>
<b>66106</b>			

<b>LANDOWNER PERSON ID &amp; SEQ #</b>	<b>37791</b>	<b>PUSE ID</b>
<b>21188</b>		

<b>WATER USE CORRESPONDENT PERSON ID &amp; SEQ #</b>
<b>21188</b>