

Kansas Department of Agriculture
Division of Water Resources
CHANGE: PU WORKSHEET

& ownership *

1. File Number: 46205	2. Status Change Date: 7/1/2021	3. Change Num: C5	4. Field Office: 2	5. GMD:
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 2/16/2021
8a. Applicant(s) New to system <input type="checkbox"/> MARK E & KARLA LAWLESS 573 N MOUNT ZION RD BELLE PLAINE, KS 67013		Person ID 57914 Add Seq# _____		8c. Landowner(s) New to system <input type="checkbox"/> DAVID E & JOI D LAWLESS 532 N OLIVER RD BELLE PLAINE, KS 67013
8b. Landowner(s) New to system <input type="checkbox"/> 8a		Person ID _____ Add Seq# _____		8d. WUC New to system <input type="checkbox"/> 8a
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/21 <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/21				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input checked="" type="checkbox"/> Water Tube <input checked="" 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: _____				
Date Prepared: 6/22/2021 By: KJN Date Entered: 7/6/2021 By: L Moody				

* **6/29/2021**
L Ireland

File No. **46205** 11. County **SU** Basin **Ninnescah River** Stream: Formation Code: 100 Special Use:

12. Points of Diversion
 CHK
 MOD
 DEL PDIV
 ENT

Rate and Quantity

Authorized Additional

Qualifier S T R ID 'N 'W Comment (AKA Line) Rate gpm/cfs Quantity af/mgy Rate gpm/cfs Quantity af/mgy Overlap PD Files

NO CHANGE

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

14. ~~ADD~~ Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 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 _____

21. Place of Use T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
						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				
MOD	57042	13	31S	1E	2									0.5	9	23	24.5					57	7a, 7c	Yes	47040, 47613, 49257, 50171
MOD	57043	24	31S	1E	1					21.5	34.5	25	32	40	3	33	34					223	7a, 7c	No	47040, 47613, 49257, 50171
MOD	61446	23	31S	1E	1													12.5	14	9.8	29.2	65.5	7a, 7c	No	47040, 47613, 49257, 50171
MOD	59540	26	31S	1E	1	29.5	34.5	31	14									16			40	198 109	7a, 7c	No	47040, 47613, 49257, 50171
ENT	67083	26	31S	1E	2									33				16			40	89	7a, 7c	No	47040, 47613, 49257, 50171

Base Acres: Year: Minimum Reasonable Quantity: **PUSE ID 57042 REMOVE COMMENT "RESERVED WATER RIGHT FROM LAND" ***

Comments: **DEL**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 23, 2021

FROM: Kris Neuhauser

RE: Water Right,
File Nos. 46,205 & 47,040;
Appropriation of Water, File
Nos. 47,613 & 49,257

Mark Lawless has filed an application for approval to change the place of use under the above referenced file numbers (all for irrigation). These changes will be approved along with New Application, File No. 50,171. The goal is to create a complete overlap in place of use among all files: File Nos. 46,205; 47,040; 47,613; 49,257; and 50,171.

This proposed place of use will consist of 543.5 acres within Sections 13, 23, 24, and 26, all in Township 31 South, Range 1 East, Sumner County, Kansas. The place of use is jointly owned by Mark & Karla Lawless and David & Joi Lawless. Each change application has been properly notarized and signed by all required landowners.

An overall limitation will be put into place on File No. 50,171, limiting the quantity to 706.55 acre-feet per calendar year when combined with the four senior files referenced above (which equals the max reasonable quantity for irrigation use in Sumner County: 543.5 acres x 1.3 = 706.55 acre-feet).

Three domestic wells were identified within ½ mile. Nearby letters, referencing New Application, File No. 50,171 and all four change applications, were mailed on February 12, 2021, by Doug Schemm, former Environmental Scientist from the Topeka Field Office. No responses of any kind were received.

In an e-mail dated June 16, 2021, Jeff Lanterman, Water Commissioner of the Stafford Field Office, and Cameron Conant, Assistant Water Commissioner of the Stafford Field Office, indicated that they have no objection to approval of the application.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely, and New Application, File No. 50,171 will be worked within this package, it is recommended that the referenced applications be approved.



Kris Neuhauser
New Applications Lead
Water Appropriation Program

From: Lanterman, Jeff [KDA]
Sent: Wed 6/16/2021 3:34 PM
To: Neuhauser, Kris [KDA];Conant, Cameron [KDA]
Subject: RE: New App 50171; Change Apps 46205, 47040, 47613, 49257 rec request

Ya. I think Matt was wrong on 49834. But it does look like we separated out the terrace deposits and the alluvium in both SY's. The GIS alluvium extent confirms. Did Doug have anything on the source here? The Geology layer calls it Loess.

I agree with your safe yield extent.

Of course there are no water levels nearby to hang our hat on. I think you can approve this package.

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Wednesday, June 16, 2021 2:23 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: New App 50171; Change Apps 46205, 47040, 47613, 49257 rec request

I called it alluvium based on the log. Looks like Matt called 49834 alluvium, so was trying to stay consistent too. Unless you're thinking otherwise?

From: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Sent: Wednesday, June 16, 2021 1:48 PM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: New App 50171; Change Apps 46205, 47040, 47613, 49257 rec request

Yes I believe you will need an overall limitation.

Is this considered alluvium or terrace deposits?

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Wednesday, June 16, 2021 12:00 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: New App 50171; Change Apps 46205, 47040, 47613, 49257 rec request

Hi guys,

Attached is a draft memo for 50171 and the four PU changes associated – 46205, 47040, 47613, 49257. They will create a complete overlap amongst all. Doug edited 50171 down to 400 AF, which Mark signed off on. The reduced quantity freed up water for another app he had nearby, 50175.

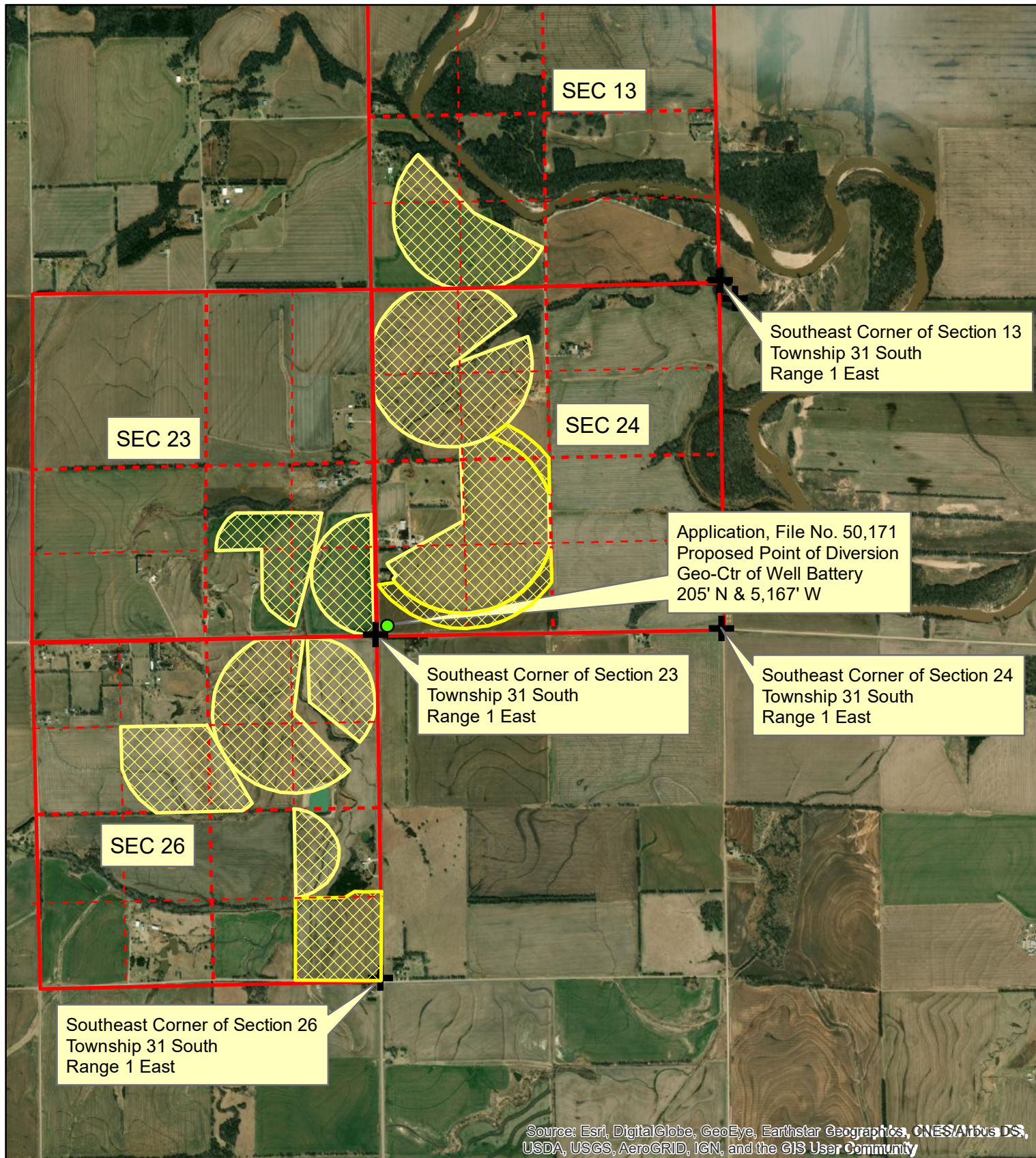
Bumped 49834 (in two mile circle) up to the top of our list for final review. Will need to be signed before we approve 50171.

There will need to be a quantity limitation on 50171, when combined with the four senior files, correct? I'll need to add a bit to my memo before calling it a final draft..

Kris

1:24,000

MARK LAWLESS
SITE MAP FILE NO. 50171 (REVISED)



Proposed Place of Use



Proposed Point of Diversion

All known wells of any kind within 1/2 mile of the proposed point of diversion have been identified.

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 PLACE OF USE WATER RIGHT FILE NO. 46,205

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Mark E. and Karla J. Lawless, 573 N. Mount Zion Road, Belle Plaine, Kansas 67013, along with David E. and Joi Lawless, 532 N. Oliver Road, Belle Plaine, Kansas 67013, received in this office on February 16, 2021, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated January 31, 2017, approving the application to change the place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

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	
13	31S	1E									0.5	9.0	23.0	24.5					57.0
23	31S	1E													12.5	14.0	9.8	29.2	65.5
24	31S	1E					21.5	34.5	25.0	32.0	40.0	3.0	33.0	34.0					223.0
26	31S	1E	29.5	34.5	31.0	14.0				33.0					16.0			40.0	198.0

a total of 543.50 acres in Township 31 South, Range 1 East, Sumner County, Kansas,

located substantially as shown on the map accompanying the application to change the place of use.

All diversion works 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.

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. 46,205, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated April 25, 2012, as modified and amended by the aforementioned orders.

Ordered this 1st day of July, 2021, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 1st day of July, 2021, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings
Notary Public
Melinda Jennings



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

July 8, 2021

MARK E & KARLA LAWLESS
573 N MOUNT ZION RD
BELLE PLAINE, KS 67013

RE: Water Right, File Nos. 46,205 & 47,040;
Appropriation of Water, File Nos. 47,613 & 49,257

Dear Mr. & Mrs Lawless:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced files.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is that acceptable water flow meters must be installed on the diversion works authorized under the referenced file numbers.

Since these orders for the referenced file numbers modifies the original document referred to above they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this 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 Applications and Changes Supervisor
Water Appropriation Program

KAB: kjn: li

Enclosures

pc: Stafford Field Office
DAVID E & JOI D LAWLESS, 532 N OLIVER RD, BELLE PLAINE, KS 67013

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 request an evidentiary hearing before the Chief Engineer or 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 Division, 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 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: 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.

CERTIFICATE OF SERVICE


On this 8 day of July, 2021, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 46,205, dated 1 July 2021, was mailed postage prepaid, first class, US mail to the following:

MARK E & KARLA J LAWLESS
573 N MOUNT ZION RD
BELLE PLAINE, KS 67013

with photocopies to:

DAVID E & JOI LAWLESS
532 N OLIVER RD
BELLE PLAINE, KS 67013

Stafford Field Office


Division of Water Resources