

File No. 50,058	15. Formation Code:	Drainage Basin: Ninnescah River	County: SU	Special Use:	Stream:																	
16. Points of Diversion			17. Rate and Quantity																			
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files									
MOD 86808	NW SW	NW	25	30S	1W	1	3780	5036	600	153.4	600	153.4	none									
ENT 88586			25	30S	1W		3755	5036	BATT 1 OF 4	MOD		MOD										
ENT 88587			25	30S	1W		3805	5036	BATT 1 OF 4													
ENT 88588			25	30S	1W		3780	5011	BATT 1 OF 4													
ENT 88589			25	30S	1W		3780	5061	BATT 1 OF 4													
BATTERY #2216																						
18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																						
19. Limitation: _____ MG/yr at _____ gpm (_____ cfs) when combined with file number(s) _____ Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____																						
20. Meter Required? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No To be installed by 12/31/2022 Date Acceptable Meter Installed _____																						
21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files	
T 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					
MOD 68919	25	30S	1W	1						32	40	25	22 21						118	7a	no	none
Comments:																						
2/1/2021 KJN										1/27/2021 KAB												

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: August 3, 2020

FROM: Kris Neuhauser

RE: New Application,
File No. 50,058

Martin Ternes has filed an application to appropriate groundwater for irrigation use, requesting a battery of four (4) wells, with a quantity of 153.4 acre-feet of water per calendar year, at a diversion rate of 600 gallons per minute. The proposed battery of wells has a geographical center located in the ~~Southwest~~ ^{NW} Quarter of the ~~Northwest~~ ^{SW} Quarter of the Northwest Quarter (**NW SW** NW¹/₄) of Section 25, more particularly described as being near a point 3,780 feet North and 5,036 feet West of the Southeast corner of said section, in Township 30 South, Range 1 West, Sumner County, Kansas, within the Ninnescah River drainage basin. The local source of supply is to be terrace deposits (115).

There are no other water rights overlapping the point of diversion or place of use. The applicant has signed the application form stating that they have legal access to the point of diversion.

The application originally proposed a different quantity (175.5 AF) and place of use (90 acres). Austin McColloch made changes to both, and confirmed the new quantity (153.4 AF) and place of use (118 acres) with Jarrod Springer (who is working with the applicant Martin Ternes) via email on December 4, 2018.

The place of use covers 118 acres in the Northwest Quarter (NW¹/₄) of Section 14, Township 30 South, Range 1 West, Sumner County, Kansas. The applicant owns the entire place of use. The proposed quantity of 153.4 acre-feet per calendar year provides 1.3 acre-feet per acre, (1.3 x 118 acres = 153.4 acre-feet) making it within the maximum reasonable quantity for Sumner County (1.3 acre-feet per acre).

The point of diversion appears to be just outside of the Lower Arkansas River Basin. It also is not located within a GMD, or other special use area. Per the requirements in K.A.R. 5-3-11, safe yield was determined through WIMAS. Calculated recharge was is 2.8 inches, with 75 percent of the calculated recharge being considered available for appropriation. The safe yield determination was based on Area of Consideration x potential annual recharge x percent of recharge available, as follows: 3,740 acres x 2.8 inches x 75% = 15,005.25 acre-inches / 12 = 654.52 acre-feet. Prior appropriations and pending applications senior to this File No. within the same area of consideration total 0 acre-feet, which leaves 654.52 acre-feet available for appropriation. Therefore, safe yield determination resulted in water available for appropriation within this area of consideration.

The test hole log that was provided shows top soil from 0 feet to 3 feet, tan clay from 3 feet to 12 feet, fine/medium sand from 12 feet to 37 feet, tan clay from 37 feet to 39 feet, and

medium sand from 39 feet to 40 feet, before hitting shale. Static water level was recorded at 16 feet, providing 24 feet of saturated thickness.

According to the WRIS database, there are no senior non-domestic points of diversion located within two miles of the proposed point of diversion. There are other applications within that area that are junior and are pending action on this file.

Four domestic wells within one-half mile of the point of diversion were identified by the applicant. There appears to be one domestic well within 660 feet, owned by the applicant, and one located just outside of 660 feet not owned by the applicant. Nearby letters were sent out on February 27, 2019 by Austin McColloch, Assistant Water Commissioner, Garden City Field Office, notifying of the diversion works proposed. No response of any kind was received.

In an e-mail conversation on December 10, 2020, Jeff Lanterman, Water Commissioner of the Stafford Field Office, and Cameron Conant, Assistant Water Commissioner of the Stafford Field Office, recommended approval of the application.

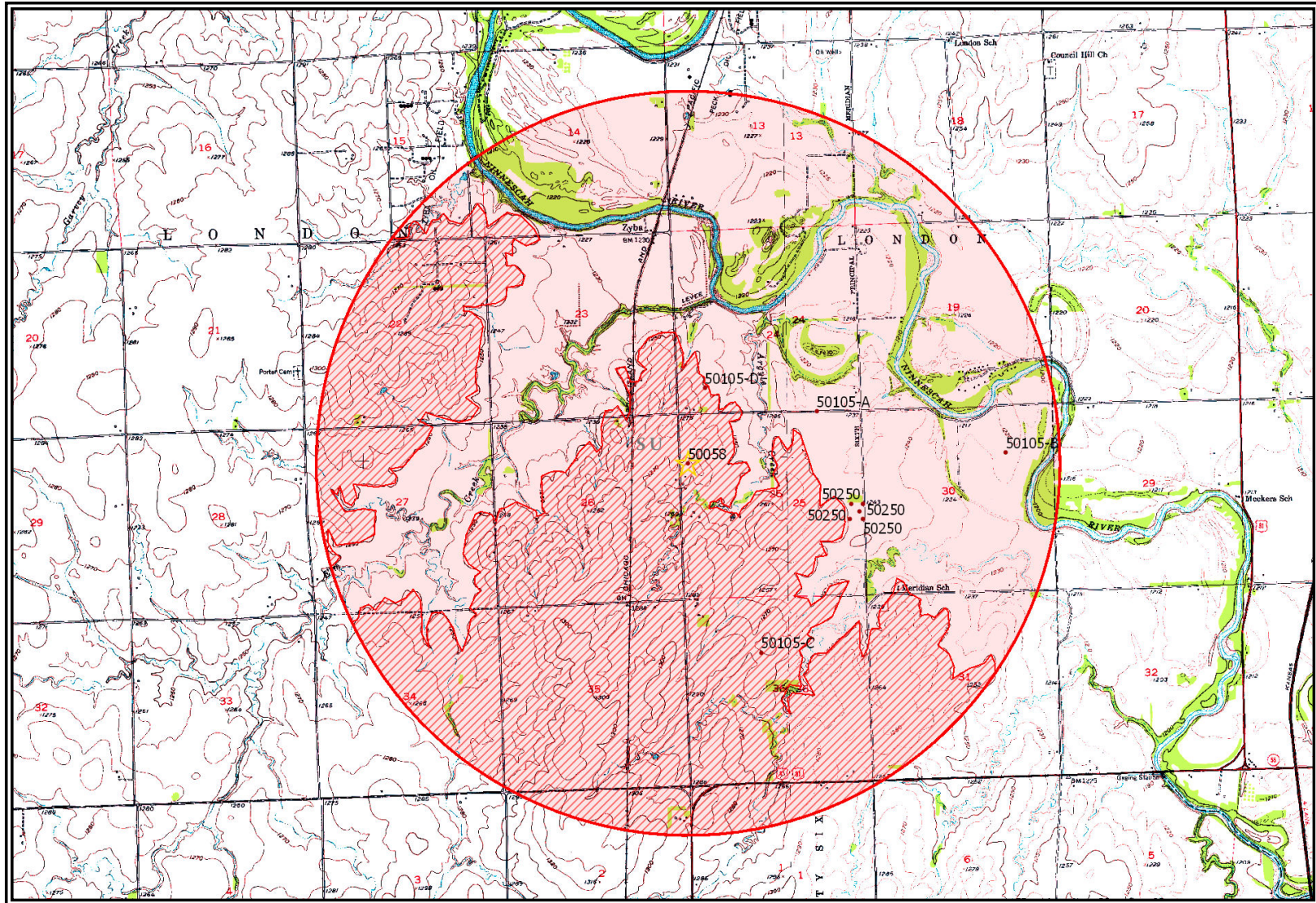
In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

Based on the above discussion, the area is open to new appropriations, the application complies with safe yield and well spacing criteria, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.



Kris Neuhauser
Environmental Scientist
Water Appropriation Program

Safe Yield Report Sheet
Water Right- A5005800
Point of Diversion in 25-30S-01W
Footages from SE corner- 3,780 feet North 5,036 feet West



Analysis Results

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 654.52 AF.

Total prior appropriations in the circle is ~~588.10 AF~~. **0 AF**

Total quantity of water available for appropriation is ~~66.42 AF~~. **654.52 AF**

Safe Yield Variables

The area used for the analysis is set at 3,740 acres.

The potential annual recharge at the circle center is estimated to be 2.8 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 28-AUG-2020 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 3 water rights and 3 points of diversion within the circle.

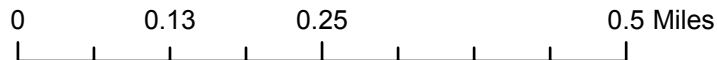
File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 50058 00	IRR	AY	G		SW	NW	NW	3780	5036	25	30	01W	1	WR	175.50	175.50 153.4 AF	90.00	90.00
A 50105 C	IRR	AY	G		SE	NE	NW	3663	3166	36	30	01W	1	WR	254.00	254.00	160.00	160.00
A 50105 D	IRR	AY	G		SW	SW	SW	669	4408	24	30	01W	2	WR	158.60	158.60	122.00	122.00

File No. 50,058 Township 30S Range 1W



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

1:10,000



N



Kansas Department of Agriculture
Division of Water Resources

18 Sep 2018



Proposed Point of Diversion



Proposed Place of Use

Signature: _____

From: Springer, Jarrod R
Sent: Mon 12/3/2018 3:00 PM
To: McColloch, Austin
Subject: FW: {EXTERNAL}Fw: KDA-DWR New Application File No. 50,058
Attachments: 50058 PDPU Map.pdf, 50058 PU Supplemental Sheet.pdf, 50058.pdf

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

See Below in Red

From: Martin Ternes [mailto:martyternes@yahoo.com]
Sent: Tuesday, November 13, 2018 6:43 PM
To: Springer, Jarrod R
Subject: {EXTERNAL}Fw: KDA-DWR New Application File No. 50,058

----- Forwarded Message -----

From: McColloch, Austin <Austin.McColloch@ks.gov>
To: martyternes@yahoo.com <martyternes@yahoo.com>
Sent: Wednesday, October 10, 2018 08:47:26 AM CDT
Subject: KDA-DWR New Application File No. 50,058

Mr. Ternes,

Apologies for the delay in getting this information to you. I decided to send a separate email associated with each file to make things easier to understand and make it easier to keep each attachment with each file. In each email there are items for the application that needs to be completed before I can move on with processing your applications. For items such as changing the requested quantity or the requested rate, I will make the changes on the applications, all I need is your approval in writing via a response to these emails. For items that need your signature, I will need you to print out the attachments and sign/ date them. I will request you mail these back into our Manhattan HQ so they can stay with the original file.

File No. 50,058 (25-30S-1W)

1. Attached is a PDF labeled 50058 PDPU Map, I need you to review and sign/ date if you agree to the maps depiction of the project.
2. Attached is a PDF labeled 50058 PU Supplemental Sheet, on the application you have the acres assigned in the Northeast Quarter (NE $\frac{1}{4}$). I have filled out a supplemental sheet that corrects this to the Northwest Quarter (NW $\frac{1}{4}$). Please initial/ date next to the total if you agree with the changes.
3. With the acres now accurately defined, the quantity requested must become reasonable. For Sumner County, 1.3 acre-feet per acre is considered the maximum reasonable quantity. 1.3 x 118 acres comes out to 153.4 acre-feet. This is a reduction of 22.1 acre-feet from the originally requested 175.5 acre-feet. If you agree with this calculation please let me know in your response email. **I agree with Reduction.**

As always please don't hesitate to give me a call if you have any questions or need more information.

Thanks,

Austin McColloch

Environmental Scientist

Kansas Department of Agriculture

Garden City Field Office

<http://agriculture.ks.gov/>

Ph: (620) 276-2901

CONFIDENTIALITY NOTICE: This e-mail, and any attachments, may contain information that is privileged and confidential. If you received this message in error, please advise the sender immediately by reply e-mail and do not retain any paper or electronic copies of this message or any attachments. Unless expressly stated, nothing contained in this message should be construed as a digital or electronic signature or a commitment to a binding agreement.

From: Lanterman, Jeff [KDA]
Sent: Thu 12/10/2020 3:37 PM
To: Neuhauser, Kris [KDA]
Subject: FW: Marty Ternes new apps, limited saturated thickness
Attachments: 50058_Memo.doc, 50058_SafeYieldReport_KJN.docx

Kris. I looked this over with Cameron.

You know we did the LST study to kind of back in a way to protect nearby domestics and senior wells in these fringing areas with a terrible aquifer. But we can get away without one if it looks like similar wells in the area are operating or spacing is more than met I feel like we can forgo the study. In this case I really don't think operation of this water right will hurt anything but his own domestic wells, and spacing is more than met. I think we go ahead and approve it and hope for the best.

Let me know if you need anything else on it.

Jeff

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Thursday, December 10, 2020 3:10 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Marty Ternes new apps, limited saturated thickness

From: Conant, Cameron [KDA]
Sent: Wednesday, December 9, 2020 4:12 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Marty Ternes new apps, limited saturated thickness

Another string of emails about these with the actual memo and SY report. Kris followed the 1250' topo line where we have called the terrace/alluvium break at Neises and others in the area.

The only nearby file that is even close to these is 49789. They are reporting 700gpm and reasonable use from the battery of wells. There were 6 test logs on 49789 show 19 to 38 feet with a couple at 27', completed logs show 4 wells with a saturated thickness of ~33'. All that to say, 50058 is the first and senior file in the 2 mile circle so SY is available, based on the log and location it is considered terrace deposits, and the test log shows 24' saturated thickness. I think we can make the judgement that 24' meets the criteria for a LST study but based on the lack of development in the area we can allow this to move forward w/out the study.

The 2 nearby domestic wells are owned by the applicant.

Cameron

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Wednesday, September 16, 2020 11:35 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: Marty Ternes new apps, limited saturated thickness

Morning Cameron,

Here's a memo for the old, fun 50058. I re-ran my own SY (2.8' at 75%) and stayed consistent with surrounding files. Calling it terrace, it's just out of the Lower Ark (as we determined with the Lower Ark shapefile), and have the clean break between terrace and alluvium at 1250 feet. From the well log they provided, it shows 24 feet of saturated

thickness. I know the cut off point Doug mentioned was 25 feet of sat thickness for requesting a LST study. Is that a hard number stick to? Or can it be a judgement call by you and Jeff?

I know you mentioned we need to take a closer look before sending Marty a letter requesting studies (=\$\$\$\$). I was leaning towards calling this one good to go since it's so close, but it's obviously up to you guys. Never dealt with one like this yet. Let me know what you think.

I know these are interesting so no rush, I just wanted to focus on 50058 first to get the ball rolling on all the rest in the area from him.

Kris

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Thursday, August 6, 2020 10:19 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: RE: Marty Ternes new apps, limited saturated thickness

Sounds good, let me know what you come up with. I'd think 1 of the terrace might not meet SY???...

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Thursday, August 6, 2020 10:17 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: Marty Ternes new apps, limited saturated thickness

Oh yikes, glad you said that. Was planning on running my own SY's anyways moving forward. I'll adjust the values.

Kris

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Thursday, August 6, 2020 9:45 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: RE: Marty Ternes new apps, limited saturated thickness

On the terrace ones they are showing up on the SY report as 5.4" and 75%. They should be way less than that, they shouldn't be getting the 5.4" from the Lower Ark study.

Cam

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Thursday, August 6, 2020 9:25 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: Marty Ternes new apps, limited saturated thickness

Here are all the SY reports Doug/Austin ran a while back (except 50105-B). Looks like they all pass if we stay consistent with that boundary between terrace and alluvium. Which would distinguish:

Terrace: 50058, 50105-C, 50105-D
Alluvium: 50105-A, 50105-B

But I guess that calls into play if we want to use this "hard boundary"? We would still need to compare well logs though would we not? To use our judgement on what they're actually sourcing from? I could always tie Doug into our convos if you want.

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Thursday, August 6, 2020 8:54 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: RE: Marty Ternes new apps, limited saturated thickness

So I wonder. Are we planning to call all of these terrace? What does the SY look like for this area if we do call all these terrace? I assume several will be denied right? Just wondering before he put \$10k into each of the LST studies what we might be looking at far as actually approving them.

Cameron

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Wednesday, August 5, 2020 4:30 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Marty Ternes new apps, limited saturated thickness

Hi guys,

Wanted to let you know I'll be sending letters/required info sheets to Marty Ternes for New Apps 50105-A, 50105-B, 50105-D. The logs don't show much saturated thickness for the three apps listed above, with barely any sand present. Doug shot me his letter template for "not enough sat. thickness, needs a consultant's report/pump tests/etc." Haven't sent these for any apps I've worked yet myself.

Austin handed all these over to me recently; they were some of the last apps he started at HQ before moving to GCFO. Doug filled me in on the this fringy area and how we want to stay consistent with SY's showing terrace vs alluvium, especially along the south side of the Ninnescah.

50105-C and 50058 are two others from Marty in that area that I'm set to work:

-50105-C's log looks like it's sourcing terrace aquifer (mixed up Quaternary stuff) as Doug put it. Has about 27 feet of saturated thickness. Not planning on sending a letter for that one.

-50058 I'm iffy on. I've attached the test log above for you. Asking for 153.4 AF, battery of 4 wells. Doug mentioned we've been using a 25 feet of saturated thickness cutoff for these. Test log shoes 12-37 fine-medium sand, 37-39 clay, 39-40 medium sand. Static is at 16, so comes out to be a little under 25 feet. What do you guys think on this one? I was leaning towards working it as is (would pass), without further info, and calling the source Quaternary. Unless you think I should send a letter for further pump tests/etc?

The whole reason these got dug up was because Marty submitted two more recently, and we had to track down some test logs for those. I'll be working those too, 50398 and 50420. Sure I'll hit you guys up on those going forward.

(Sorry for the onslaught of info!)

Kris Neuhauser

Environmental Scientist

Water Appropriations Program – Kansas Dept of Agriculture

(785) 564-6643

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

APPROVAL and APPLICATION PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,058** of the applicant

MARTIN S & PEGGY A TERNES
1068 N WEST ROAD
PECK, KS 67120

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **May 22, 2018**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
25	30S	1W					32	40	25	21									118

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells, with a geographical center located in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW¼ SW¼ NW¼) of Section 25, more particularly described as being near a point 3,780 feet North and 5,036 feet West of the Southeast corner of said section, in Township 30 South, Range 1 West, Sumner County, Kansas, located substantially as shown on the map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **600 gallons per minute (1.34 c.f.s.)** and to a quantity not to exceed **153.4 acre feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2022** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2026** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That 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.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit 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.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That acceptable water flow meters shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. These water flow meters shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

Ordered this 29 day of January, 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 29 day of January, 2021, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, 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

February 2, 2021

MARTIN S & PEGGY A TERNES
1068 N WEST ROAD
PECK, KS 67120

RE: Appropriation of Water, File No. 50,058

Dear Mr. & Mrs. Ternes:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/divisions-programs/dwr. 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,

Kristen A. Baum
New Applications and Changes Supervisor
Division of Water Resources

KAB: kjn
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: Kansas Department of Agriculture, Attn: Legal Section, 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 hearing 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

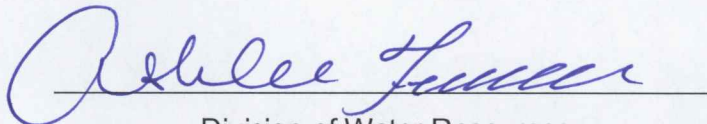
CERTIFICATE OF SERVICE

On this 2 day of February, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,058, dated 29 January, 2021, was mailed postage prepaid, first class, US mail to the following:

MARTIN S & PEGGY A TERNES
 1068 N WEST ROAD
 PECK, KS 67120

With photocopies to:

Stafford Field Office


 Division of Water Resources