

Kansas Department of Agriculture
Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: <p style="text-align: center;">50,420</p>	2. Status Change Date: <p style="text-align: center;">6/16/2021</p>	3. Field Office: <p style="text-align: center;">2</p>	4. GMD:
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> Meter			
7a. Applicant(s) New to system <input type="checkbox"/>		7c. Landowner(s) New to system <input type="checkbox"/>	
Person ID 63653 Add Seq# _____ MARTIN S & PEGGY A TERNES 1068 N WEST ROAD PECK, KS 67120		Person ID _____ Add Seq# _____	
7b. Landowner(s) New to system <input type="checkbox"/>		7d. Misc. New to system <input type="checkbox"/>	
Person ID 62598 Add Seq# _____ JAN & BRUCE HOPSON 8604 S 135TH ST W CLEARWATER, KS 67026		Person ID _____ Add Seq# _____	
8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No		9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/>		<input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water <input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____	
7a.			
10. Completion Date: 12/31/2022		11. Perfection Date: 12/31/2026	
12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Date Prepared: 6/4/2021 By: KJN Date Entered: 6/17/2021 By: LMoody			

6/15/2021
LIreland

File No. 50,420	15. Formation Code: 113		Drainage Basin: Ninnescah River 52		County: SG		Special Use:		Stream:														
16. Points of Diversion						17. Rate and Quantity																	
T MOD DEL ENT						Authorized Additional Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files																	
PDIV Qualifier S T R ID 'N 'W																							
MOD 88324 NE NW NE 34 29S 1W 6 5224 1666 (GEOCNTR)						800 307 800 307 none																	
ENT 88900 NE NW NE 34 29S 1W 5224 1676						552 MOD 552 MOD																	
ENT 88901 NE NW NE 34 29S 1W 5224 1656																							
ENT 88902 NE NW NE 34 29S 1W 5214 1666																							
ENT 88903 NE NW NE 34 29S 1W 5234 1666																							
BATTERY ID #2246																							
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No To be installed by _____ 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 63490		34	29S	1W	1		19.4	30.9	30.9	29.6	31.4	31.4	31.4	31.4						236.4	7b	no	none
Comments:																							

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: May 26, 2021

FROM: Kris Neuhauser

RE: New Application,
File No. 50,420

Martin Ternes has filed an application to appropriate groundwater for irrigation use, requesting a battery of four (4) wells, with a quantity of 307 acre-feet of water per calendar year, at a diversion rate of 552 gallons per minute. The proposed battery of wells has a geographical center located in the Northeast Quarter of the Northwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 34, more particularly described as being near a point 5,224 feet North and 1,666 feet West of the Southeast corner of said section, in Township 29 South, Range 1 West, Sedgwick County, Kansas, within the Ninnescah River drainage basin.

There are no other water rights overlapping the proposed point of diversion or place of use. The place of use is owned by W. Bruce and Janice M Hopson. The applicant has signed the application form stating that he has legal access to the point of diversion.

In 2004 the United States Geological Survey (USGS) completed a hydrologic model of a portion of the Arkansas River and associated drainage basins (Ninnescah River), generally bounded by Ranges 2 West to 3 East and Townships 26 South to 34 South (near state line). The USGS model indicated that the aquifer in this area receives more recharge from precipitation than DWR has historically used in safe yield calculations. The data and analyses are detailed in the USGS Scientific Investigations Report 2004—2005 entitled “Characterization and Simulation of Flow in the Lower Arkansas River Alluvial Aquifer, South-Central Kansas”. In order to evaluate the potential impact of this study on our safe yield calculations, DWR suspended processing applications for new appropriations of water in the model area.

DWR completed an evaluation of a USGS model and has determined that the precipitation recharge value of 5.4 inches per year that is used in the USGS model is reasonable and appropriate. In order to reserve water in the alluvial aquifers that can contribute to base flow to area streams and for domestic use, it was determined that 75 percent of the 5.4 inches of precipitation recharge shall be available for appropriation. This is consistent with safe yield appropriation in many other basins across the state and is the current percent available for applications in the Ninnescah River basin in the area. Therefore, for pending applications within the model area, safe yield will be valued using the standard methodology in K.A.R. 5-3-11, which is based on the extent of the unconfined aquifer (area of consideration), a potential annual recharge value of 5.4 inches, and a percent of recharge available for appropriation of 75 percent.

Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined

aquifer, which provided an area of consideration of 8,042 acres. With a potential annual recharge of 5.4 inches, and 75% of recharge available for appropriation, safe yield was determined to be 2,174.34 acre-feet. Existing water rights have appropriated 1,250.33 acre-feet (senior pending app 50,258 is being dismissed, as the applicant has given up), providing a difference of 1,464.01 acre-feet available for appropriation, and the application requesting 307 acre-feet complies with safe yield.

~~Four test hole logs were submitted with the pending application; with three of them (all in the NE $\frac{1}{4}$) showing promising signs that this area could support the quantity rate/proposed. The best of the well log shows top soil from 0-3 feet, clay from 3-10 feet, sandy clay from 10-20 feet, medium sand from 20-33 feet, clay from 33-36 feet, sand with some 10% clay from 36-50 feet, clay from 50-54 feet, coarse sand from 54-58 feet, and shale from 58-60 feet. The static water level was listed at 19 feet, which provides a saturated thickness of 39 feet.~~ **see below***

The place of use is 236.4 acres in the Northeast Quarter (NE $\frac{1}{4}$) and Northwest Quarter (NW $\frac{1}{4}$) of Section 34, Township 29, Range 1 West, Sedgwick County, Kansas. The proposed quantity of 307 acre-feet per calendar year provides just under 1.3 acre-feet per acre, making it the slightly below the maximum reasonable quantity for Sedgwick County (1.3 x 236.4 acres = 307.32 acre-feet).

Originally, the application was denied based on a Theis analysis run by David Engelhaupt (DWR HQ). David worked with Jarrod Springer (working with applicant Martin Ternes) to find a new, suitable location that would be approvable at a rate and quantity agreed upon. Moving further north, nearly to the edge of Section 34, a new proposed point of diversion was agreed upon; 307 acre-feet at 552 gpm.

Also, when initially accepted, the application requested a quantity of 375 acre-feet and showed a place of use covering 288 acres. Over multiple email/phone conversations with Jarrod Springer, new maps were provided, showing an updated place of use. The pivot circle was re-measured and determined to be 236.4 acres. This new place of use and reduced quantity of 307 acre-feet was approved by Jarrod over multiple email and phone conversations.

Five domestic wells within one-half mile of the point of diversion were identified. Nearby letters were sent out on November 19, 2020 and November 24, 2020, notifying of the diversion works proposed.

William (Woody) and Roxana Stitt called in on November 24, 2020, regarding the pending application. They sent an email on the same day outlining their concerns, noting they have already had to re-deepen their domestic well twice due to water level declines. Albert Hahn also called on December 2, 2020 with concern. With a detailed explanation of the approval process over the phone, he seemed more at ease. He explained him and his wife were still planning to submit a letter outlining their concerns. This letter was received on December 9, 2020 (see Docuware).

Dwayne and Lori Schmeissner emailed an electronic letter on December 8, 2020, outlining concerns over the pending application. They are worried approval would deplete their only well, which supports their household and livestock operation. They also noted that they battle with erosion of their farmland due to runoff from the proposed place of use; and noted that further saturation of the ground due to irrigation could increase runoff further. Earl Epps called

Jarrod Springer provided two test hole logs to David Engelhaupt, while working with him to find a suitable PD. The source of supply appears to be main stem alluvium.

on December 9, 2020 with concern and plans to follow up with an email outlining them in more detail. (No email has been received to date.) On the phone, Mr. Epps explained in more detail where his domestic well is located, and accordingly to aerial views, ~~it falls within~~ 660 feet of the proposed well battery.

After modification of the PD location well spacing is met and this domestic well is now to the southeast and meets spacing.*

The closest non-domestic well is nearly 4,000 feet away, which is pending Application, File No. 50,485 (also submitted by Marty Ternes). The closest domestic well (Earl Epps) is roughly 1,245 feet to the Southeast. Therefore, according to K.A.R. 5-4-4, the required well spacing is met.

In a zoom call, as well as an e-mail conversation, on June 4, 2021, 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.

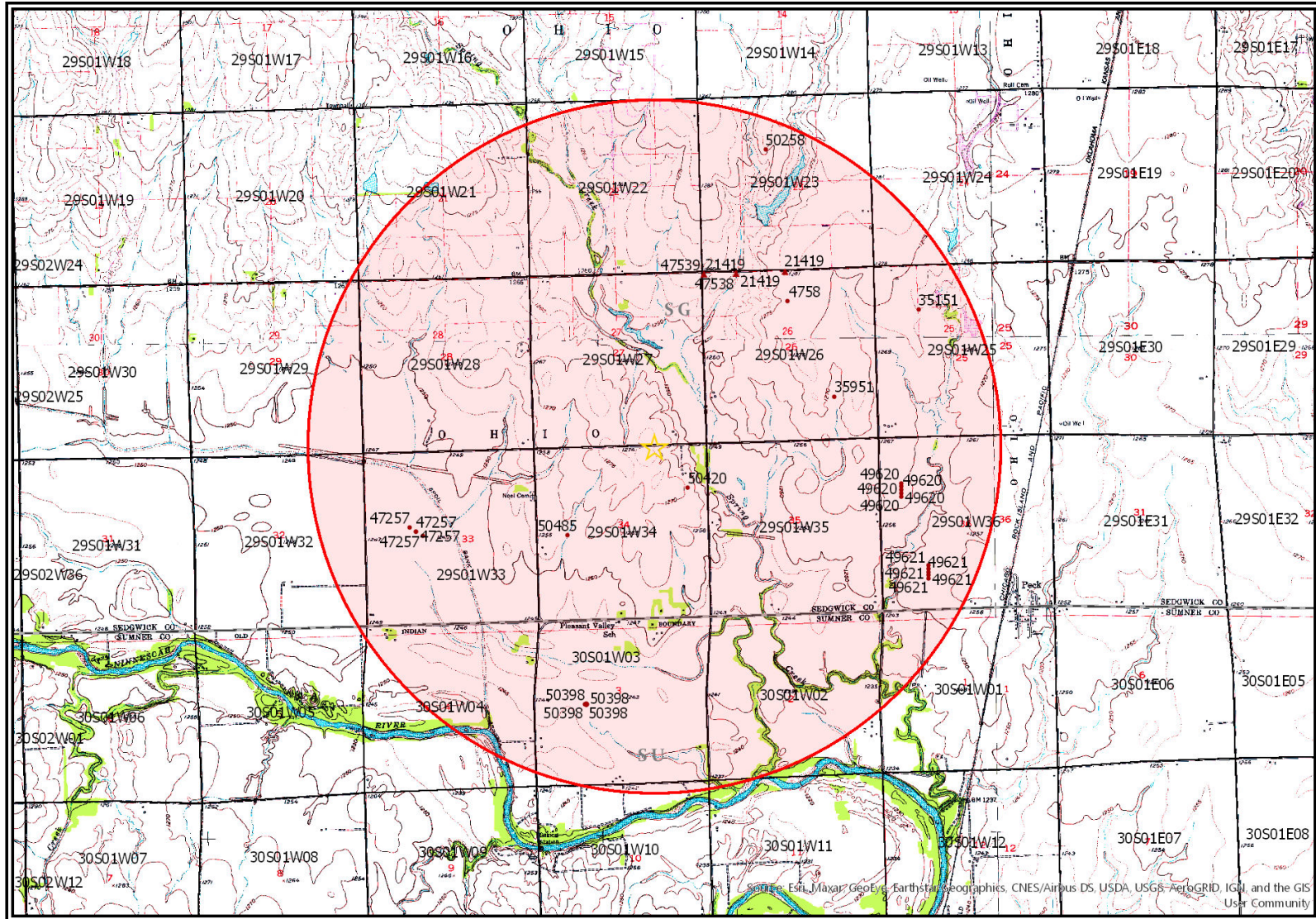
Based on the above discussion, the area is open to new appropriations, the application complies with safe yield and well spacing criteria, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that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



Kris Neuhauser
Environmental Scientist
Water Appropriation Program

* LI/DWR 6/15/2021

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 00-00S-00
Footages from SE corner- 5,224 feet North 1,666 feet West



50420 passes SY*

Analysis Results

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

The safe yield based on the variables listed below is 2,714.34 AF.

Total prior appropriations in the circle is 1,772.53 AF. - 522.2 AF = 1,250.33 AF

Total quantity of water available for appropriation is ~~941.81 AF~~ 1,464.01 AF

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 5.4 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 25-MAY-2021 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 13 water rights and 28 points of diversion within the circle.

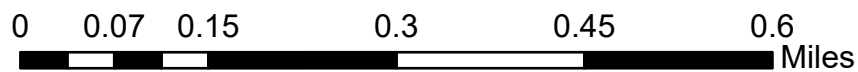
File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 4758 00	IRR	NK	G		SW	NW	NE	0	0	26	29	01W	1	WR	236.00	236.00	160.00	160.00
A 21419 00	MUN	NK	G		NW	NW	NW	5150	5100	26	29	01W	2	PD	92.98	7.18		
Same	MUN	NK	G		NE	NE	NW	5190	2700	26	29	01W	4	PD	108.80	8.42		
Same	MUN	NK	G		NE	NW	NW	5172	4100	26	29	01W	3	PD	115.76	9.17		
A 35151 00	IRR	NK	G		NW	SE	NW	3910	3955	25	29	01W	4	WR	122.00	122.00	95.00	95.00
A 35951 00	IRR	NK	G			NC	SE	1320	1320	26	29	01W	6	WR	195.00	195.00	160.00	160.00
A 47257 00	IRR	NK	G		SW	SE	NW	2799	3715	33	29	01W	1	WR	166.40	166.40	128.50	128.50
Same	IRR	NK	G		SW	SE	NW	2804	3718	33	29	01W	2	WR				
Same	IRR	NK	G		SW	SE	NW	2921	3924	33	29	01W	3	WR				
Same	IRR	NK	G		SW	SE	NW	2673	3503	33	29	01W	4	WR				
A 47538 00	MUN	LO	G		NE	NW	NW	5172	4100	26	29	01W	3	WR	72.44	72.44		
A 47539 00	MUN	KE	G		NW	NW	NW	5150	5100	26	29	01W	2	WR	72.44	0.00		
A 49620 00	IRR	KE	G		NW	SW	NW	3600	4655	36	29	01W	3	WR	163.00	163.00	126.00	126.00
Same	IRR	KE	G		NW	SW	NW	3700	4655	36	29	01W	4	WR				
Same	IRR	KE	G		NW	SW	NW	3800	4655	36	29	01W	5	WR				
Same	IRR	KE	G		NW	SW	NW	3500	4655	36	29	01W	6	WR				
Same	IRR	KE	G		NW	SW	NW	3400	4655	36	29	01W	7	WR				
A 49621 00	IRR	KE	G		NW	SE	SW	1080	3850	36	29	01W	8	WR	119.00	119.00	96.00	96.00
Same	IRR	KE	G		NW	SE	SW	1180	3850	36	29	01W	9	WR				
Same	IRR	KE	G		NW	SE	SW	1280	3850	36	29	01W	10	WR				
Same	IRR	KE	G		NW	SE	SW	980	3850	36	29	01W	11	WR				
Same	IRR	KE	G		NW	SE	SW	880	3850	36	29	01W	12	WR				
A 50258 00	IRR	AY	G		NE	SE	NW	3600	3270	23	29	01W	3	WR	25.60	25.60	19.70	19.70
A 50398 00	IRR	GY	G		NE	NE	SW	2373	3740	03	30	01W	2	WR	151.71	151.71	116.70	116.70
Same	IRR	GY	G		NW	NE	SW	2373	3715	03	30	01W	3	WR				

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
Same	IRR	GY	G		NW	NE	SW	2373	3765	03	30	01W	4	WR				
Same	IRR	GY	G		NW	NE	SW	2348	3740	03	30	01W	5	WR				
Same	IRR	GY	G		NW	NE	SW	2398	3740	03	30	01W	6	WR				
A 50420 00	IRR	AY	G		E2	NE		3960	660	34	29	01W	6	WR	375.00	375.00	288.00	288.00
A 50485 00	IRR	AY	G		NW	NW	SW	2534	4351	34	29	01W	7	WR	121.60	121.60	66.00	66.00

Limitations

File Number	Seq Num	Limitations
A 21419 00	2	85.253MGY @1175GPM - MULTIPLE YEARS OF RECORD
Same	3	85.253MGY COM/W #8588
A 47538 00	1	780 GPM COM/W #21419 (WELL P/D ID:48116 - WELL #7)
A 47539 00	1	108.858 MGY COM/W #8588, #21419 & #47538
Same	2	400 GPM COM/W #21419 (WELL P/D ID: 2304 - WELL #6)

NEW APPLICATION, FILE NO. 50,420



KJN
6/4/2021
DWR MANHATTAN HQ



Add header



Customer's Name		Marty Ternes				Date	4/22/2021		
Address						Test Hole	2		
County	Sedgwick	Quarter	NE	Section	34	Township	29S	Range	1W

Drilled Footage		Description of Strata							
From	To								
		TEST HOLE #1				SWL	YIELD	PLAIN	PERF
		37.491005	-97.411110						
0	3	Topsoil							
3	9	Dark Brown Clay							
9	17	Tan Clay							
17	24	Very Fine Sand							
24	35	Fine Sand - Tight							
35	39	Grey Clay							
39	54	Fine/Medium Sand 80-20							
54	55	Fine Sand - Tight							
55	61	Medium Sand/Small Pebbles							
61	63	Greyish Blue Shale - Soft							
63	64	Blue Shale - Very Hard							
		TEST HOLE #2							
		37.487370	-97.412830						
0	3	Topsoil							
3	17	Tan Clay							
17	31	Very Very Fine Sand							
31	33	Clay							
33	36	Fine Sand with Clay Streaks							
36	45	Fine Sand							
45	46	Grey Clay							
46	55	Fine Sand with Clay Streaks							
55	57	Medium Sand/Some Small Pebbles							
57	59	Soft Grey Shale							
59	60	Grey Shale - Very Hard							

From: Lanterman, Jeff [KDA]
Sent: Fri 6/4/2021 1:35 PM
To: Conant, Cameron [KDA];Neuhauser, Kris [KDA]
Cc: Engelhaupt, David [KDA]
Subject: RE: 50420 recommendation request

Per our discussion over teams this afternoon I recommend approval.

Thank You Kris and David.

Jeff

From: Neuhauser, Kris [KDA]
Sent: Wednesday, May 26, 2021 3:50 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Cc: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Subject: RE: 50420 recommendation request

Hey all,

I think 50420 might be in the clear finally. Jarrod is good to move forward with that new location David and him settled on – 307 AF at 552 gpm. Called the applicant of 50258 this morning, which was brought into play since we moved north – he is giving up on it. So will dismiss 50258 soon (Makes things much easier, YAY)

Updated my memo for 50420 and edited the app in Docuware with the new rate/quantity. Let me know if you need any more info for your review/recommendation. Thanks!

Kris

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>

Sent: Tuesday, May 25, 2021 1:10 PM

To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>;
Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>

Subject: RE: 50420

I'm not sure I understand what you are saying in the last paragraph. It should fall within the $\frac{1}{4}$ section it was originally applied in. That is how I've always interpreted that policy or reg or whatever it was. The geo-center has to maintain the same quarter section if it is a battery.

Cameron

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>

Sent: Tuesday, May 25, 2021 12:55 PM

To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>;
Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>

Subject: RE: 50420

David talked to Jarrod today and got some numbers figured out, they're good moving forward with 307 AF at 552 gpm at the new location. It's within max reasonable quantity for IRR. I've attached my new SY above – easily passes.

50258 is in the 2 mile circle now that we've moved further north, which is my app. 50258 was waiting on an older app that had issues, think Matt worked it - is set to be approved, just awaiting final review. Which it's approval, 50258 fails SY, thus I can dismiss it. So 50420 does not need to wait on 50258, I'll get the dismissal squeaked in before we approve 50420 of course. Doubt the applicant pursues a study or anything on 50258 when I send a denial letter, at least that's my guess.

This new location for 50420 still falls within the same $\frac{1}{4}$ Section – NE $\frac{1}{4}$ 34-29S-1W, so no need to file a new app. With that being said, David had the question on whether or not all four wells in the battery needed to be in the NE $\frac{1}{4}$. The original PD they applied for is 3960 N, 660 W, so technically it falls within a $\frac{1}{4}$ Section that encompasses the N $\frac{1}{2}$ of NE $\frac{1}{4}$ Section 34 and the S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 27. So even if the geocenter was in Section 27, we'd be okay keeping 50420, and not making them apply for a new app correct?

Hopefully this all makes sense...

Kris

From: Neuhauser, Kris [KDA]

Sent: Tuesday, May 25, 2021 10:03 AM

To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>;
Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>

Subject: RE: 50420

Not sure if you've passed along all the numbers to Jarrod yet David, but if you hear back from him on how they want to proceed let me know. Feel free to tie me into any email correspondence. I can get the okay from him and make edits to the application that way.

Sending another 30 day extension letter today – even though at this point we probably don't even need to – just wanted to stay consistent. Deadline will be June 27th.

Kris

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>

Sent: Tuesday, May 18, 2021 9:09 AM

To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>;
Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: 50420

We are in uncharted ground here with David doing this much work for the applicant and I don't want to continue this into the future on other applications and I don't want Jared to think this is normal in any fashion (he prolly already does). With that in mind, here is my opinion.

We have been telling him what works and doesn't this whole time I think. So, it goes against all of my better judgement, but if that is what we have been doing this whole time I think we continue doing that with this one and tell him all of his options.

Cameron

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Tuesday, May 18, 2021 8:36 AM
To: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: 50420

Jarrold checked in yesterday, was worried we were denying 50420 again. Marty misread the latest letter I sent, it was just another extension of time. Right now deadline is sitting at 5/28/21. Should I grant another 30 day extension probably? Or are we close to approving this one at new numbers?

Kris

From: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Sent: Thursday, May 6, 2021 12:13 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>;
Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: RE: 50420

In the latest email I received from Jarrold he asked that I run the Theis at a new location, and run it for 279 AF @ 400 GPM. The new location is further from the domestic, and moved in a direction where the aquifer gets a little better. If I run it for the 279 @400 that he asked for it passes our 20% criteria. At the new location it will actually pass with more rate and quantity than that. I'm not sure where those numbers came from, but I think he may be under the impression that he wouldn't be able to get more than that approved. The initial application was for 375 AF at 800 gpm.

How do we want to proceed? Do we give him the 279 AF and 400 GPM that he asked me to run it for, or do we want to let him know that he could get a little bit more?

A couple other scenarios that would pass are 375 AF @433 GPM, and 227 AF @ 800 GPM.

David Engelhaupt, P.E.
Technical Services Supervisor
Kansas Department of Agriculture
Division of Water Resources
(785) 564-6680

From: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Sent: Monday, May 3, 2021 9:58 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>;
Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Subject: RE: 50420

We figured they were witching it 😊 Or some other arcane method of measuring the WL.

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Monday, May 3, 2021 9:55 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Subject: RE: 50420

One time, Premier drilled a hole that was 12' deep and called static water level 15'. That is probably why they stopped actually logging SWL cause it was 15' everywhere by their "measurement".

Cameron

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Monday, May 3, 2021 9:48 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Subject: RE: 50420

Hadn't checked it out much yet, just wanted to forward on so you guys had it too. You're right though, I'm not seeing a static either..

Kris

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Monday, May 3, 2021 8:55 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Subject: RE: 50420

Is there no static water level on these or am I missing it? I can't believe Premier is still drilling holes and not logging SWL. If we asked them, it would likely be 15'.

Cameron

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Friday, April 30, 2021 4:59 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Cc: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Subject: FW: 50420

From: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Sent: Thursday, April 29, 2021 8:44 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: FW: 50420

FYI, Jarrod Springer provided this well log for the new location.

David Engelhaupt, P.E.

Technical Services Supervisor
Kansas Department of Agriculture
Division of Water Resources
(785) 564-6680

From: Springer, Jarrod <Jarrod.Springer@HollyFrontier.com>
Sent: Thursday, April 29, 2021 8:39 AM
To: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Cc: 'martyternes@yahoo.com' <martyternes@yahoo.com>
Subject: FW: TESTHOLELOGBLANK6-TERNES.xlsx

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.

David,

See attached well log for the test hole and new POD. Please use test hole number one coordinates as the POD and run your calculations at 279 acft- 400gpm

Thank you

Jarrold

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.

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 PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,420** 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 **July 28, 2020**.

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	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
34	29S	1W	19.4	30.9	30.9	29.6	31.4	31.4	31.4	31.4									236.4

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 Northeast Quarter of the Northwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 34, more particularly described as being near a point 5,224 feet North and 1,666 feet West of the Southeast corner of said section, in Township 29 South, Range 1 West, Sedgwick County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **552 gallons per minute (1.23 c.f.s.)** and to a quantity not to exceed **307 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.

18. That this permit is further limited such that all wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply, and shall supply water to a common distribution system.

Ordered this 16 day of June, 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 16 day of June, 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

June 18, 2021

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

RE: Appropriation of Water, File No. 50,420

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.kswateruserreport.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:li
Enclosure(s)

pc: Stafford Field Office
JAN & BRUCE HOPSON, 8604 S 135TH ST W, CLEARWATER, KS 67026

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

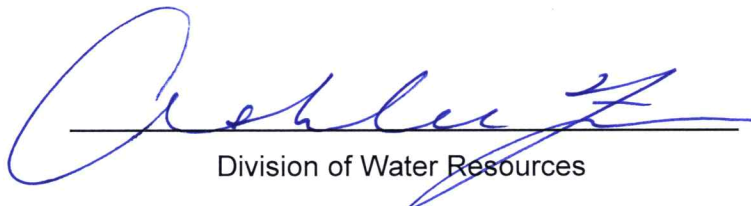
On this 18 day of June, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,420, dated 16 June, 2021, was mailed postage prepaid, first class, US mail to the following:

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

With photocopies to:

JAN & BRUCE HOPSON
 8604 S 135TH ST W
 CLEARWATER, KS 67026

Stafford Field Office



Division of Water Resources