

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/U UMW WORKSHEET

Document Signature _____

1. File Number: 26619	2. Status Change Date: 9/1/2017	3. Change Num: C1	4. Field Office: 03	5. GMD:
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input checked="" type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 26-OCT-2016
8a. Applicant(s) New to system <input type="checkbox"/> DANIEL & LISA HESS PO BOX 843 HAYS KS 67601		Person ID 59869 Add Seq# 1	8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	
8b. Landowner(s) New to system <input type="checkbox"/> DANIEL & LISA HESS PO BOX 843 HAYS KS 67601		Person ID 59869 Add Seq# 1	8d. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	
8e. WUC New to system <input type="checkbox"/> DANIEL & LISA HESS PO BOX 843 HAYS KS 67601		Person ID 59869 Add Seq# 1		
9. Documents and Enclosure(s): <input type="checkbox"/> DWR Meter(s) Date to Comply: _____ <input type="checkbox"/> N & P Date to Comply: _____ <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 08/17/17 By: RAK Date Entered: 9/5/2017 By: UM				

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files
DATE: August 17, 2017

FROM: Richelle A. Krueger
RE: Water Right
File No. 26,619

On October 26, 2016, Daniel and Lisa Hess, water right owners, filed an Application for Approval to Change the Place of Use and Use Made of Water for the referenced file number, proposing to convert a portion of the file from irrigation to industrial use for their sand washing facility. The referenced file number is located in the Smoky Hill River IGUCA. It was determined that groundwater is not exposed in their operation so the sand and gravel washing is covered by Term Permit, File No. 20179014 approved July 17, 2017.

The referenced change application was returned to the water right owners along with a letter dated August 7, 2017 informing them the application was no longer required. In a written request dated August 11, 2017 received in the office of the Chief Engineer on August 14, 2017, Mr. and Mrs. Hess requested that the referenced application be dismissed and its priority forfeited.

Based upon the above information, it is recommended that the referenced change application be dismissed and its priority forfeited.


Richelle A. Krueger
Environmental Scientist

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

September 7, 2017

FILE COPY

DANIEL & LISA HESS
PO BOX 843
HAYS KS 67601

RE: Water Right, File No. 26,619

Dear Mr. and Mrs. Hess:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, which dismisses Application for Approval to Change the Place of Use and Use Made of Water for File No. 26,619 received on October 26, 2016. The dismissal of the change application is in response to the voluntary request you signed on August 11, 2017 and received at our office on August 14, 2017.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office.

If you have any questions, please contact this office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A. Turney, P.G.
Environmental Scientist
Change Application Unit Supervisor

BAT:rak
Enclosure

pc: Stockton Field Office



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER
IN THE MATTER OF THE DISMISSAL
OF AN APPLICATION FOR APPROVAL
TO CHANGE THE AUTHORIZED PLACE OF USE
AND USE MADE OF WATER
WATER RIGHT
FILE NO. 26,619**

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

1. That on January 26, 1984, the Chief Engineer, in accordance with K.S.A. 82a-714, issued a certificate of appropriation pursuant to Water Right, File No. 26,619, for permit to appropriate water for irrigation use.
2. That on October 26, 2016, an Application for Approval to Change the Place of Use and Use Made of Water was received in the office of the Chief Engineer.
3. That by means of a written request dated August 11, 2017, received in the office of the Chief Engineer on August 14, 2017, Daniel and Lisa Hess, water right owners, requested that the Application for Approval to Change the Place of Use and Use Made of Water, Water Right, File No. 26,619 received on October 26, 2016, described in Finding No. 2 above, be dismissed.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, the Application for Approval to Change the Place of Use and Use Made of Water, received on October 26, 2016, under Water Right, File No. 26,619, shall be dismissed.

In all other respects, the Certificate of Appropriation for Beneficial Use of Water, issued pursuant to File No. 26,619 dated January 26, 1984, remains as authorized.

REQUEST TO VOLUNTARILY WITHDRAW APPLICATION FOR CHANGE

Date 8-11-17

Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, KS 66502

WATER RESOURCES
DIVISION

AUG 14 2017

KS DEPT OF AGRICULTURE

RE: Application for Change
Water Right, File No. 26,619

Chief Engineer:

I am submitting this statement in regard to Application for Approval to Change the Place of Use and Use Made of Water, received in your office on October 26, 2016, under Water Right, File No. 26,619. I now wish to voluntarily withdraw this application. I realize such withdrawal means the application will be dismissed and whatever priority it may have had will be forfeited. Please withdraw Application for Approval to Change the Place of Use and Use Made of Water, received on October 26, 2016, under Water Right, File No. 26,619.

Sincerely,




(Applicant)

PO BOX 843

(Mailing Address)

Hays, KS 67601

(City, State, Zip)



(Applicant)

PO BOX 843

(Mailing Address)

Hays, KS 67601

(City, State, Zip)

SCANNED

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 7, 2017

FILE COPY

DANIEL & LISA HESS
PO BOX 843
HAYS KS 67601

RE: Application to Change the Place of Use and Use Made of Water, Water Right, File No. 26,619

Dear Mr. and Mrs. Hess:

Please find enclosed the original application for approval of the Chief Engineer to change the place of use and use made of water under the referenced file number which was received in this office on October 26, 2016.

Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated that you have approved Term Permit File No. 20179014 to cover the industrial use at your sand and gravel operation and that the referenced change application is no longer needed. Please find enclosed a form to request a voluntary dismissal of the application for change for File No. 26,619. The form should be signed by both of you. Please return the original signed dismissal form to my attention at the Manhattan address listed above at your earliest convenience so that we may dismiss the referenced change application.

If you do not return the original signed dismissal form or the referenced original change application by August 22, 2017, the referenced change application will be dismissed for failure to return the application.

If you have any questions, please contact me at (785) 564-6635 or Brent Turney, Change Application Unit Supervisor at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready to that we may help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK
Enclosures

pc: Stockton Field Office

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
www.ksda.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
(Check one or more) Point of Diversion
 Use Made of Water

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3:21
KS DEPT OF AGRICULTURE

File No. 26.619

2. Name of applicant: Daniel L & Lisa Hess

Address: PO Box 843

City, State and Zip: Hays, KS 67601

Phone Number: (785)625-9295 E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: Daniel L and Lisa Hess

Address: PO Box 843

City, State and Zip: Hays, KS 67601

Phone Number: (785)625-9295 E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): The owner proposes to make a partial change in use made of water from irrigation to industrial for the purposes of a sand and gravel operation. A reduction in place of use is required to accommodate the partial change in use made of water

The change(s) was completed by 2015 (Date)

For Office Use Only:

F.O. 3 GMD Meets K.A.R. 5-5-1 (YES/NO) Use IRR Source S County EL By AdW Date 10/20/16
Code C-2 Fee \$ 500 TR # 1701028 Receipt Date 10/24/16 Check # 104004

4. The presently authorized place of use is:

Owner of Land — NAME: Daniel L and Lisa Hess

ADDRESS: PO Box 843, Hays, KS 67601

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	
21	15S	19W					13	37	23	39									112

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____

ADDRESS: _____

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	

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Irrigation

Owner of Land — NAME: Daniel L and Lisa Hess

ADDRESS: PO Box 843, Hays, KS 67601

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	
21	15S	19W					06	36	13	39									94

List any other water rights that cover this place of use. _____

Industrial

Owner of Land — NAME: Daniel L and Lisa Hess

ADDRESS: PO Box 843, Hays, KS 67601

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	
21	15S	19W							10										10

List any other water rights that cover this place of use. _____

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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

OCT 26 2016

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KS DEPT OF AGRICULTURE

12. The presently authorized use of water is for Irrigation purposes.
It is proposed that the use be changed to Irrigation and Industrial purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
Max irrigated acres during perfection period = 70 acres (1977)
Quantity able to be changed = 70 Acres x 1.02 feet (50% NIR EL County) = 71.4 AF greater than authorized use authorized
The entire water right 61.5 AF is capable of being changed to a different use. The applicant desires to change 10 AF to industrial use and retain 51.5 AF for irrigation purposes. Subsequently the place of use for irrigation purposes must be reduced by a similar percentage as the change in use.
The certificate indicates a place of use totaling 112 acres. 10AF/61.5AF = 16.25%
Therefore the place of use must be reduced by 18 acres to 94 total acres as shown on the attached figure.
(Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to NA (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to NA gallons per minute (____ c.f.s.).
16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.
- a. If a change in the location of the point(s) of diversion is proposed, show:
 - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
 - b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.
17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.
-
-
-
-

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

OCT 26 2016 SCANNED

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at _____, Kansas, this 14 day of October, 2016.

[Signature]
(Owner)

Dan Hess
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

[Signature]
(Spouse)

Lisa Hess
(Please Print)

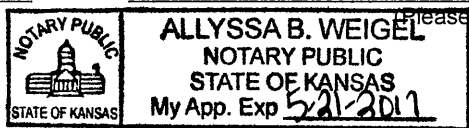
(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Ellis } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 14th day of October, 2016.

[Signature]
Notary Public

My Commission Expires 5-21-2017

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

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Known Wells within ½ mile of 26619 place of diversion

Water Right No. 9838 and 10567

HAROLD G & VIRGINIA B KRAUS
KU FARMS
977 CHETOLAH GOLD RD.
HAYS KS 67601

Other Well Owners

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1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

October 28, 2016

DANIEL L & LISA HESS
PO BOX 843
HAYS, KS

FILE COPY

RE: File No. 26619

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU/UMW
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Brent A. Turney".

Brent A Turney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: dlw

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



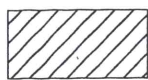
900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

pc: STOCKTON Field Office GMD

Application to Change the Place of Use For the Irrigation portion of Water Right File # 26,619



Authorized PU



PU changed to Industrial



PU to be removed



1/2 mile radius

- ▲ Surface Water Point of Diversion
- + WWC5 Records
- Groundwater Point of Diversion


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OCT 26 2016

Signature Required

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By signing this I am stating that to the best of my knowledge that all wells within 1/2 mile of proposed well location are identified on this map.