

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

Document Signature \_\_\_\_\_

1. File Number: <b>38796</b>	2. Status Change Date: <b>11/9/2017</b>	3. Change Num: <b>C1</b>	4. Field Office: <b>03</b>	5. GMD:
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: <b>17-JUL-2017</b>
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8a. Applicant(s) New to system <input type="checkbox"/>	Person ID <b>23588</b> Add Seq# <b>1</b>	8d. Landowner(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____
<b>THE LAND INSTITUTE                  MANAGING DIRECTOR                  2440 E WATER WELL RD                  SALINA KS 67401-9051</b>			

8b. Landowner(s) New to system <input type="checkbox"/>	Person ID <b>23588</b> Add Seq# <b>1</b>	8e. Landowner(s) New to system <input checked="" type="checkbox"/>	Person ID _____ Add Seq# _____
<b>THE LAND INSTITUTE                  MANAGING DIRECTOR                  2440 E WATER WELL RD                  SALINA KS 67401-9051</b>			

8c. Landowner(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____	8f. WUC New to system <input type="checkbox"/>	Person ID <b>23588</b> Add Seq# <b>1</b>
		<b>THE LAND INSTITUTE                  MANAGING DIRECTOR                  2440 E WATER WELL RD                  SALINA KS 67401-9051</b>	

9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/18**  N & P Date to Comply: \_\_\_\_\_

Anti-Reverse Meter  
  Meter Seal  
  Check Valve  
  N & P Form  
  Water Tube  
  Driller Copy  
  H & E Letter

Conservation Plan  
 Date Required: \_\_\_\_\_  
 Date Approved: \_\_\_\_\_  
 Date to Comply: \_\_\_\_\_

10. Use Made of Water    From: \_\_\_\_\_    To: \_\_\_\_\_

Date Prepared: **11/01/17**    By: **RAK**  
 Date Entered: **11/13/2017**    By: **UM**



**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** November 7, 2017

**FROM:** Richelle A. Krueger

**RE:** Water Right  
File No. 38,796

Chris Pembleton and Frederick Iutzi, on behalf of The Land Institute, water right owner, filed an application for approval to change the authorized place of use under the referenced file, authorized groundwater for irrigation use.

The referenced water right does not appear abandoned as per K.S.A. 82a-718.

The referenced file number, authorized 30 acre-feet per calendar year, has no overlaps in the authorized point of diversion or 68.37 acre place of use located in Section 6, Township 15 South, Range 2 West, Saline County, in the Smoky Hill River Basin. The water right owners propose to add 71.5 acres located in Section 1, Township 15 South, Range 3 West, Saline County to the authorized place of use for a total of 139.87 acres to be enrolled in a five-year allocation pursuant to K.A.R 5-5-11(b)(2).

- The Stockton Field Office will assume monitoring responsibility.
- Base acres are 40 acres as indicated in a September 21, 2006 memorandum to the files by Scott Ross, former Water Commissioner of the Stockton Field Office, so the applicants propose a net increase of 99.87 acres above the "base acres".
- Limitations: Since the K.A.R 5-5-11(b)(2)(B)(i) calculation results in a five-year allocation exceeding the five-year quantity authorized by the right, the five-year allocation will be limited to 150 acre-feet.
- the K.A.R. 5-5-11(b)(2)(B)(ii) calculation indicates that 23.39 acres is the maximum number of irrigated acres allowable, however the applicants request a waiver of K.A.R. 5-5-11(b)(2)(B)(ii) to allow 139.87 acres. Paragraph No. 18 of the application indicates they only plan to irrigate to sustain plant survival in lieu of full or partial irrigation and that consumptive use will not increase. Past water conservation efforts serve as indicator of future operations.
- Use of water more than the five-year allocation shall result in a two-year suspension of all water use under the referenced right and subsequent restriction of the authorized place of use to the reversion acres at the location specifically set forth in the change approval.

Water right owners with a point of diversion within one-half mile of the authorized point of diversion as identified in WRIS and by the applicant were notified by letters dated October 25, 2017 of the proposed change in place of use to comply with Senate Bill No. 337 enacted by the Legislature of the State of Kansas, effective July 1, 2016. Several phone calls were received in this office, no objections were indicated.

The same local source of supply will not change, previously determined to be Main Stem Alluvium (113).

In an e-mail dated October 31, 2017, Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated that he has no objection to the approval of the referenced application.

A water flow meter is required. A check valve is required if chemigating.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur, and if the Chief Engineer waives K.A.R. 5-5-11(b)(2)(B)(ii), it has been recommended that the referenced application be approved.

  
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

November 13, 2017

THE LAND INSTITUTE  
FREDERICK IUTZI/CHRIS PEMBLETON  
2440 E WATER WELL RD  
SALINA KS 67401-9051

**FILE COPY**

RE: Water Right, File No. 38,796

Dear Mr. Iutzi and Mr. Pembleton,

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number. Please return the required notification of completion of the installation of the required meter as soon as these actions are completed.

Approval of the application for File No. 38,796 does not allow the diversion of water in excess of the authorized quantity per calendar year or rate of diversion. Your attention should be drawn to the fact that the authorized quantity of water under File No. 38,796 is limited to a fixed allocation, 150 acre-feet during a period of five (5) years in this case, and further limited to the annual authorized quantity of 30 acre-feet in any given year, provided that the five (5)-year fixed allocation is not exceeded. Non-compliance with the terms of this approval will result in substantial penalties.

Since the order for the referenced file number modifies the original document referred to above it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent A. Turney", is written over the typed name.

Brent A. Turney, P.G.  
Change Application Unit Supervisor  
Water Appropriation Program

Enclosures

pc: Stockton Field Office

**KANSAS DEPARTMENT OF AGRICULTURE**  
 Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
 David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
 FOR  
 CHANGE IN PLACE OF USE  
 WATER RIGHT  
 FILE NO. 38,796**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Chris Pembleton and Frederick Iutzi, on behalf of The Land Institute, 2440 East Water Well Road, Salina, Kansas, 67401-9051, received in this office on July 17, 2017, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

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

Sec.	Twp.	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL ACRES
			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 $\frac{1}{4}$	
6	15S	2W									37.99	30.38							68.37
1	15S	3W													35.80			35.70	71.50

a total of 139.87 acres in Saline County, Kansas, located substantially as shown on the map accompanying the application to change the place of use.

By this order, this water right is subject to the following conditions:

1. That the quantity of water authorized under Water Right, File No. 38,796 shall not exceed 150 acre-feet per five (5)-year period; the first period being calendar years 2018 through 2022, ad infinitum.
2. That the quantity of water authorized under Water Right, File No. 38,796 shall not exceed 30 acre-feet per calendar year, provided that 150 acre-feet per five (5)-year period is not exceeded.
3. That use of water in excess of 150 acre-feet per five (5)-year period shall result in a two (2)-year suspension of all water use under this water right, effective the next two (2) calendar years, and a subsequent restriction of the authorized place of use to the following described property:

Sec.	Twp.	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL ACRES
			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 $\frac{1}{4}$	
6	15S	2W									37.99								37.99

a total of 37.99 acres in Township 15 South, Range 2 West, Saline County, Kansas, located substantially as shown on the map accompanying the application to change the place of use.

All diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 38,796, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated May 23, 1996.

#### **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.

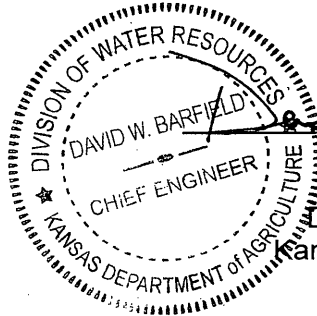
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this 9<sup>th</sup> day of November, 2017, in Topeka, Shawnee County, Kansas.



*David W. Barfield*  
\_\_\_\_\_  
David W. Barfield, P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of November, 2017, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



*Karen Hunter*  
\_\_\_\_\_  
Notary Public

**CERTIFICATE OF SERVICE**

On this 13<sup>th</sup> day of November, 2017, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 38,796, dated Nov. 9, 2017 was mailed postage prepaid, first class, US mail to the following:

THE LAND INSTITUTE  
MANAGING DIRECTOR  
2440 E WATER WELL RD  
SALINA KS 67401-9051

With photocopies sent to:

Stockton Field Office

*Danille Wilson*  
\_\_\_\_\_  
Division of Water Resources

Kansas Department of Agriculture  
 Division of Water Resources  
**WAIVER REQUEST & WAIVER RULE WORKSHEET**

File Number: **38,796**

FO: **3**

GMD:

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	07/17/17	146		Change Approval	Calculated Acres Exceeded
Rule Number	Date Granted	Date Denied	Justification:	Will only irrigate to sustain plant survival in lieu of full or partial irrigation. Past water conservation efforts serve as indicator of future operations. Stockton Field Office has agreed to monitor.	
K.A.R. 5-5-11(b)(2)(B)(ii)	11/9/2017				

**WAIVER RULE:**

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared **11/01/17** By **RAK**

Date Entered **11/13/2017** By **CCM**





KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**WAIVER OF REGULATION  
K.A.R. 5-5-11(b)(2)(B)(ii)**

Date: 11/9/2017

Re: Water Right, File No. 38,796

1. That K.A.R. 5-5-11(b) states in part that an application to change the authorized place of use for irrigation purposes which would permit the applicant to exceed the base acreage by 10 acres or 10 percent, whichever is less, shall not be approved by the chief engineer except when one of six criteria are met.
2. That one of the criteria allowing an increase in the authorized place of use for irrigation purposes to exceed the base acreage by 10 acres or 10 percent, whichever is less, is K.A.R. 5-5-11(b)(2) *Necessity to install more efficient irrigation system; limited acres and quantity.*
3. That an application to change the place of use for File No. 38,796 was received in the office of the Chief Engineer on July 17, 2017. That the referenced file number is authorized 30 acre-feet for 68.37 acres in Saline County, Kansas. That the referenced application proposes an increase in acres to 139.87 acres. Base acres are 40 acres, so the application proposes to exceed the base acreage by 10 acres or 10 percent.
4. That the water right owners have requested a waiver of K.A.R. 5-5-11(b)(2)(B)(ii) since the regulation would allow 23.39 acres to be irrigated. However, Paragraph No. 18 of the application indicates they only plan to irrigate to sustain plant survival in lieu of full or partial irrigation and that consumptive use will not increase. Past water conservation efforts serve as indicator of future operations.
5. The Stockton Field Office has agreed to assume monitoring responsibility.
6. Use of water more than the five-year allocation shall result in a two-year suspension of all water use under the referenced right and subsequent restriction of the authorized place of use to the reversion acres at the location specifically set forth in the change approval.
7. That the referenced change application for File No. 38,796 should be approved with a waiver of K.A.R. 5-5-11(b)(2)(B)(ii).
8. That a waiver of K.A.R. 5-5-11(b)(2)(B)(ii) will neither prejudicially nor unreasonably affect the public interest and it will not impair an existing water right.

Comments:

David W. Barfield, P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
http://agriculture.ks.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
- Point of Diversion
- Use Made of Water

(Check one or more)

WATER RESOURCES  
RECEIVED  
JUL 17 2017  
12:48  
KS DEPT OF AGRICULTURE

File No. 38,796

2. Name of applicant: THE LAND INSTITUTE c/o Chris Pembleton

Address: 2440 E WATER WELL RD

City, State and Zip: SALINA, KS 67401-9051

Phone Number: (785)823-5376 E-mail address: pembleton@landinstitute.org

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

Name of water use correspondent: THE LAND INSTITUTE

Address: 2440 E WATER WELL RD

City, State and Zip: SALINA, KS 67401-9051

Phone Number: (785)823-5376 E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific): To expand place of use in order

to install a more efficient irrigation system; limited acres and quantity. This will include the 70 acres to the west of Ohio RD

Ohio Street. This will entail a 5 year allocation and monitoring by the DWR Stockton Field Office.

A waiver will be requested for acreage limitation.

The change(s) will be completed by 12/31/2017

(Date)

For Office Use Only:	
F.O. Code <u>3 GMD</u>	Meets K.A.R. 5-5-1 <u>(YES)</u> / NO) Use <u>FRP</u> Source <u>G/S</u> County <u>SA</u> By <u>AMW</u> date <u>7/17/17</u>
Fee \$ <u>200</u> TR # _____	Receipt Date <u>7/17/17</u> Check # <u>42366</u>

APPLICATION COMPLETE  
10/25/17  
Reviewer RAK

4. The presently authorized place of use is:

Owner of Land — NAME: THE LAND INSTITUTE

ADDRESS: 2440 E WATER WELL RD SALINA, KS 67401-9051

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	
06	15S	02W										37.99	30.38						68.37

List any other water rights that cover this place of use. N/A

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:

Owner of Land — NAME: THE LAND INSTITUTE

ADDRESS: 2440 E WATER WELL RD SALINA, KS 67401-9051

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	
06	15S	02W										37.99	30.38						68.37
01	15S	03W													35.8			35.7	71.5

List any other water rights that cover this place of use. N/A

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 MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

- 6. The presently authorized point(s) of diversion is A SINGLE WELL  
(Provide description and number of points)
- 7. The proposed point(s) of diversion is no change  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the NC Quarter of the SW Quarter  
 of Section 06, Township 15 South, Range 02 WEST,  
 in SALINE County, Kansas, 1320 feet North 4060 feet West of Southeast corner of section.  
 Authorized Rate 1000 GPM Authorized Quantity 30 AF  
 (DWR use only: Computer ID No. 3 GPS 1320 feet North 4060 feet West)  
 This point will not be changed     This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ WEST,  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well     Geo Center List other water rights that will use this point \_\_\_\_\_

9. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed     This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ WEST,  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well     Geo Center List other water rights that will use this point \_\_\_\_\_

10. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed     This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well     Geo Center List other water rights that will use this point \_\_\_\_\_

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. N/A

WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY JUL 17 2017

KS DEPT OF AGRICULTURE SCANNED

12. The presently authorized use of water is for IRRIGATION purposes.

It is proposed that the use be changed to NO CHANGE purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

Efficiency of water application for plant survival only will be used in lieu of full irrigation. Also efficient irrigation technology to be utilized.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to N/A (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to N/A 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](http://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 ½ 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 ½ 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) ½ mile downstream and ½ 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.

No change in consumptive use proposed so there will be no net effect on neighboring rights or wells. Water will be piped to expanded place of use from existing well. No new points of diversion requested.

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.

Request a waiver of K.A.R. 5-5-11 (b) (2) (ii): The maximum number of irrigated acres that shall be allowed.

Reasoning is based upon the use for irrigation to sustain plant survival only in lieu of full or partial irrigation. Consumptive use will not be increased. Past water conservation efforts serve as indicator of future operations.

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

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 Salina, Kansas, this 13th day of July, 2017.

[Signature] (Owner) \_\_\_\_\_ (Spouse)

Frederick Intzi, President, The Land Institute  
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }  
County of Saline } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 13th day of July, 2017.

**PATRICIA E. JOHNSON**  
Notary Public - State of Kansas  
My Commission Expires 3/13/2021

Patricia E Johnson  
Notary Public

**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.**

WATER RESOURCES  
RECEIVED

JUL 17 2017

**STATEMENT OF REVIEW**  
**under K.A.R. 5-5-11(b)(2)**  
**for a Point of Diversion located Outside a GMD**

File No. 38,796

X The items listed below were reviewed by the undersigned person(s) at Salina, Kansas,  
X on this 4th day of October, 20 17. This review was related to the proposed *Change in Place of Use Under Water Right* for the above-referenced file number.

1) Water flow meters will be required on all wells authorized by the above-referenced file number. These flow meter(s) shall be properly installed and maintained on each point of diversion to the satisfaction of the Chief Engineer. The metered quantity of water diverted during the past year by each point of diversion shall be reported on the annual water use report required by law to be provided to the Division.

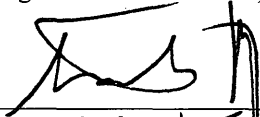
2) The amount of water required to irrigate the acreage proposed under this change application has been reviewed. The five-year allocation, if required, has been reviewed and is understood to be 150 acre-feet. The five-year allocation is the quantity of water that will be authorized for diversion under this water right for each five-year period.

3) The approval of this application will be conditioned so that the use of water in excess of the five-year allocation will result in a two-year suspension of all water use under that water right and a subsequent restriction of the authorized place of use to a place of use equivalent to the base acres at a location specifically set forth on the change application approval.

The place of use equal to or less than base acres, to be authorized if the water right(s) become(s) subject to any subsequent restriction, is shown in the table below:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6	15S	2W																	37.99

By signing below, I am indicating that I have reviewed and understand the items set forth above and agree that I am willing to abide by these conditions if my application for change in place of use is approved. (All applicants for the change in place of use must sign one of these forms.)

  
 Signature Frederick Intzi

Signature \_\_\_\_\_

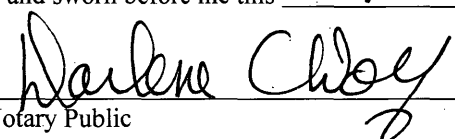
Signature \_\_\_\_\_

Signature \_\_\_\_\_

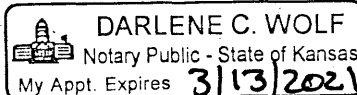
State of Kansas  
 County of Saline

I hereby certify that the foregoing was signed in my presence and sworn before me this 4<sup>th</sup>  
 day of October, 2017.

My commission expires 3/13/2021

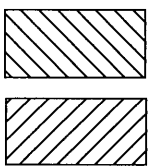
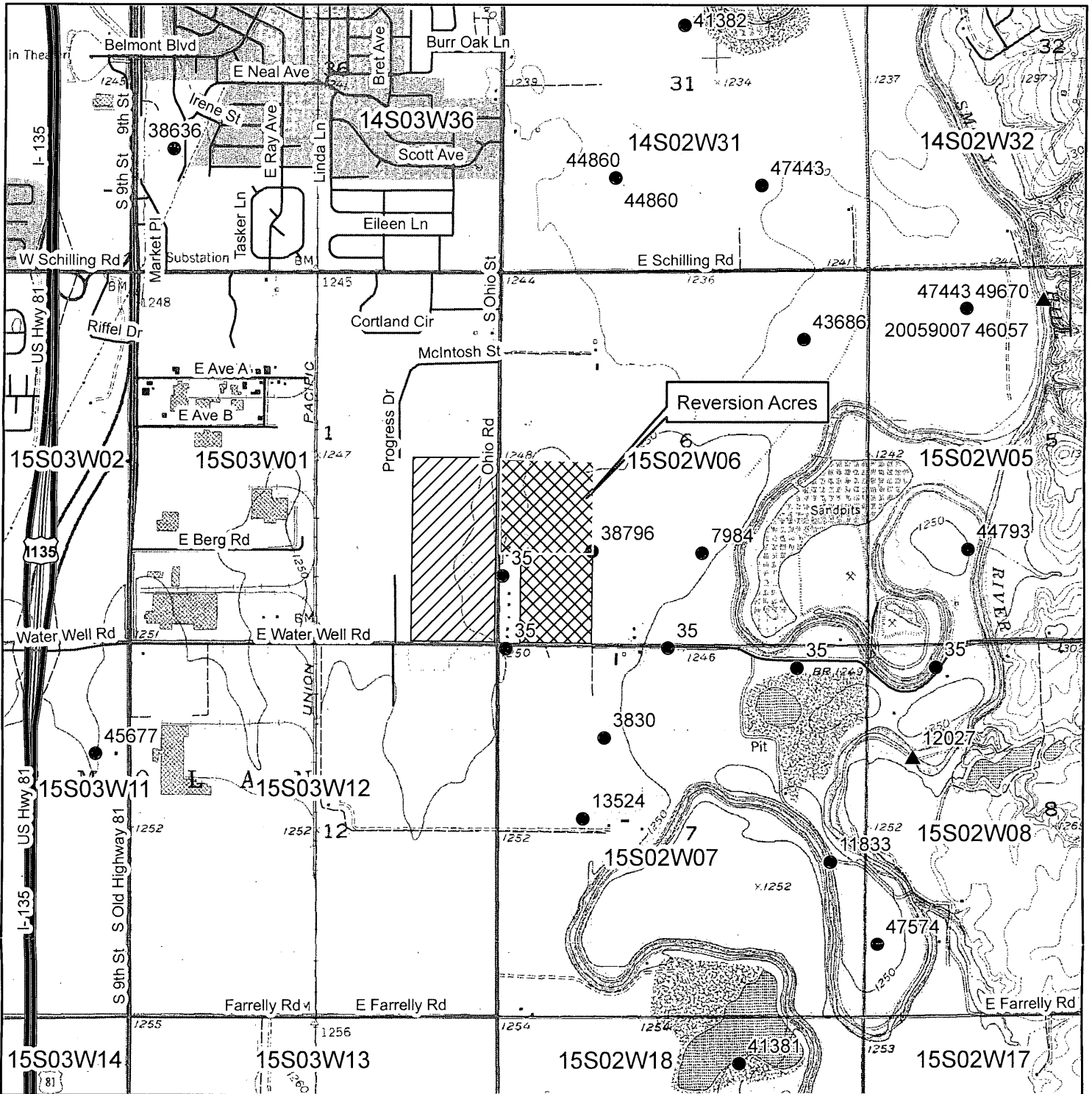
  
 Notary Public

Signature of Division of Water Resources' Staff  
 Person Assisting in the Review, if any.

  
 DARLENE C. WOLF  
 Notary Public - State of Kansas  
 My Appt. Expires 3/13/2021



# Application to Change the Place of Use For Water Right File # 38796



Authorized Place of Use  
Proposed Place of Use

▲ Surface Water Point of Diversion  
● Groundwater Point of Diversion

1:24,000

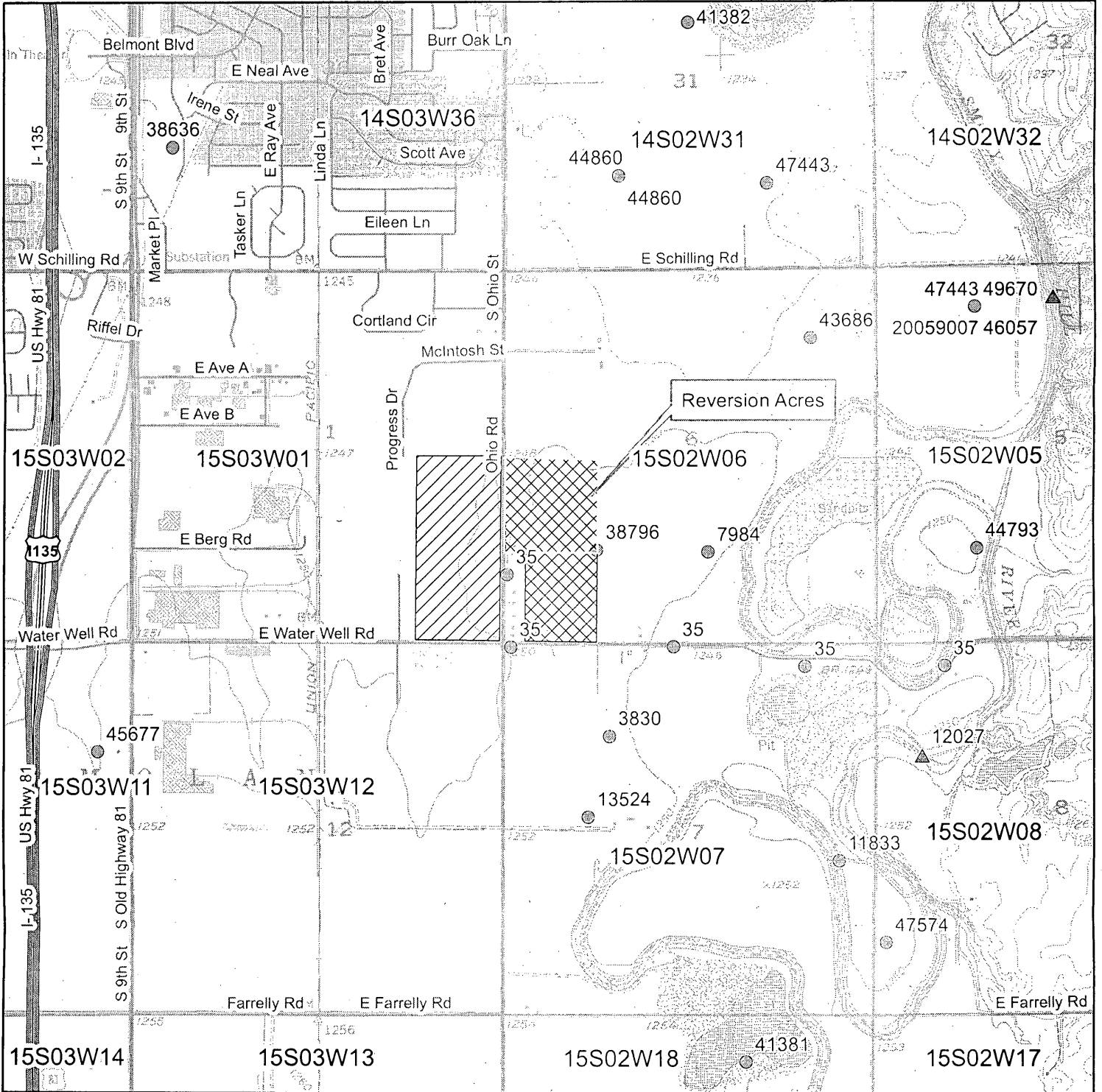


*Frederick Intz*

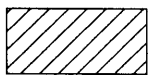
All wells within 1/2 mile of proposed well location are identified on the map.

SCANNED

# Application to Change the Place of Use For Water Right File # 38796



Authorized Place of Use



Proposed Place of Use

▲ Surface Water Point of Diversion

● Groundwater Point of Diversion

1:24,000

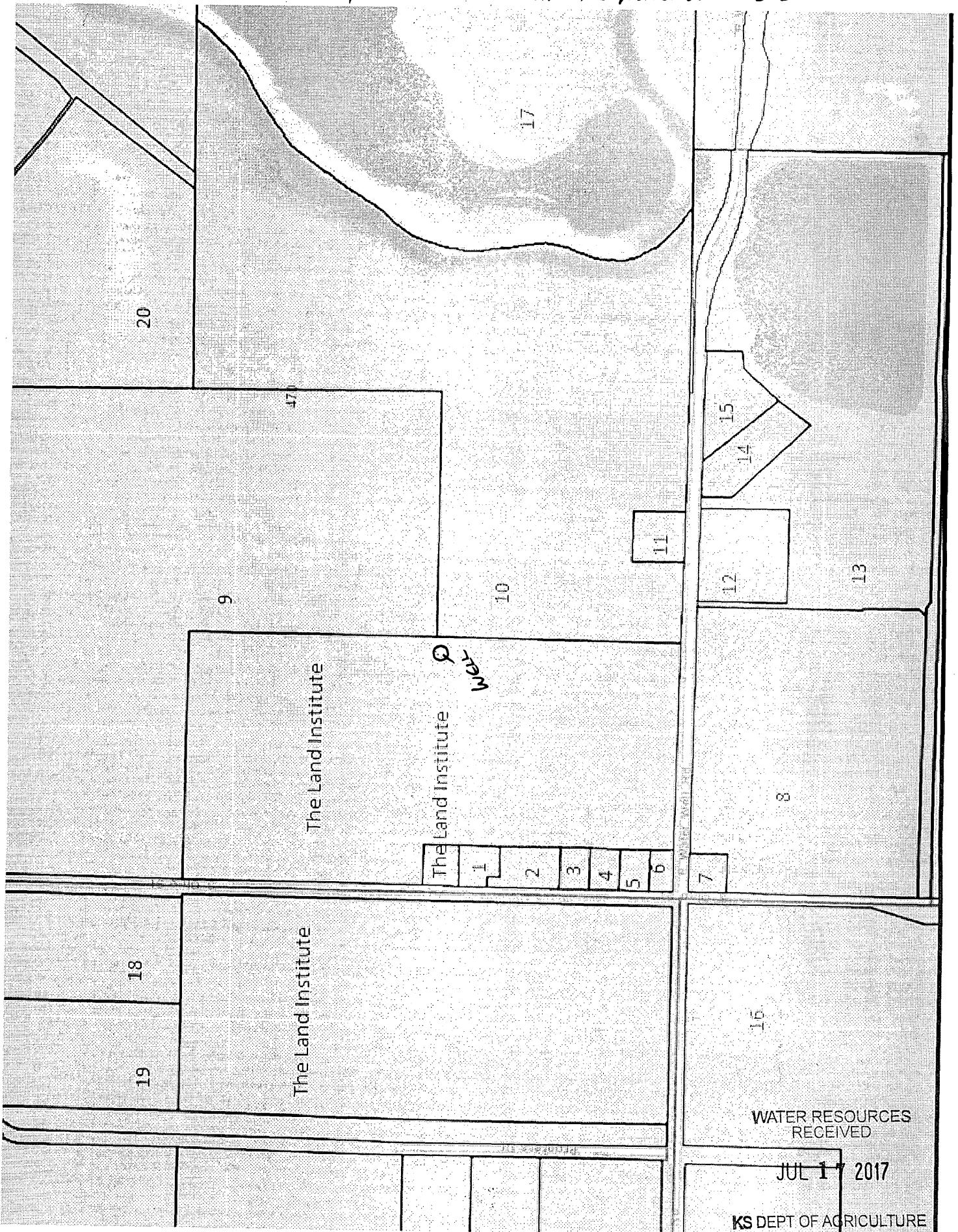


**JUL 17 2017**

All wells within 1/2 mile of proposed well location are identified on the map.

KS DEPT OF AGRICULTURE  
**SCANNED**

PROPERTY OWNERS WITHIN 1/2 MILE OF WELL



1

**PID:** 085123060000006000

**Calc Acre:** 1.06

**Tract Description:** UNPLATTED, S6, T15, R2, ACRES 1.06, N 222 S 1181 W 264 W/2 SW/4 LESS RD RW & LESS S 66 W 54

**Address:** 3565 S OHIO ST, Salina KS, 67401

**Owner Info:** BERGESON JEFFREY L & CHRISTIAN JANET E, 3565 S OHIO ST, SALINA KS 67401-8958

**QuickRef:** R22407

2

**PID:** 085123060000007000

**Calc Acre:** 1.71

**Tract Description:** S6, T15, R2, 6th PM, ACRES 1.71, W 264 N 317.6 S 959 & W 54 N 66 S 1025 W/2 SW/4 LESS RD RW

**Address:** 3607 S OHIO ST, Salina KS, 67401

**Owner Info:** RUHKAMP GILBERT & PATRICIA TR, 3607 S OHIO ST, SALINA KS 67401-9804

**QuickRef:** R22408

3

**PID:** 085123060000008000

**Calc Acre:** 0.82

**Tract Description:** UNPLATTED, S6, T15, R2, ACRES 0.82, N 158.8 S 641.4 W 264 SW/4 LESS RD RW

**Address:** 3621 S OHIO ST, Salina KS, 67401

**Owner Info:** CAIRNS CURTIS B, 3621 S OHIO ST, SALINA KS 67401-8929

**QuickRef:** R22409

4

**PID:** 085123060000009000

**Calc Acre:** 0.82

**Tract Description:** UNPLATTED, S6, T15, R2, ACRES 0.82, N 158.8 S 482.6 W 264 SW/4 LESS RD RW

**Address:** 3637 S OHIO ST, Salina KS, 67401

**Owner Info:** HARDING GARY M & DEVONA, 3637 S OHIO ST, SALINA KS 67401-8929

**QuickRef:** R22410

5

**PID:** 085123060000010000

**Calc Acre:** 0.82

**Tract Description:** UNPLATTED, S6, T15, R2, ACRES 0.82, N 158.8 S 323.8 W 264 SW/4 LESS RD RW

**Address:** 3645 S OHIO ST, Salina KS, 67401

**Owner Info:** SCHARTZ VICTOR & AUDRA, 3645 S OHIO ST, SALINA KS 67401-8929

**QuickRef:** R22411

6

**PID:** 085123060000011000

**Calc Acre:** 0.64

**Tract Description:** UNPLATTED, S6, T15, R2, ACRES 0.64, W 264 S 165 SW/4 LESS RD RW

**Address:** 3655 S OHIO ST, Salina KS, 67401

**Owner Info:** LITTLE DANIEL & GASPER ALEXIS, 3655 S OHIO ST, SALINA KS 67401-8929

**QuickRef:** R22412

7

**PID:** 0851230700000003000

**Calc Acre:** 0.98

**Tract Description:** UNPLATTED, S7, T15, R2, N 237 OF W 252.5 OF NW/4 OF NW /4 LESS RD R/W

**Address:** 1126 E WATER WELL RD, Salina KS, 67401

**Owner Info:** SALINA AIRPORT AUTHORITY TERMINAL BLDG 120, 3237 ARNOLD AVE, SALINA KS 67401-8905

**QuickRef:** R22422

WATER RESOURCES  
RECEIVED

JUL 17 2017

KS DEPT OF AGRICULTURE

SCANNED

8

**PID:** 0851230700000002000

**Calc Acre:** 41.90

**Tract Description:** UNPLATTED, S7, T15, R2, ACRES 41.9, TR BEG 237 S & 25 E NW/C SEC TH E 227.5 N 197 E 1315 S 885 E 10 S 300 SWLY 50 W 1515 & N 1023 TO POB

**Address:** 00000 E WATER WELL RD, SalinaKS, 67401

**Owner Info:** ALSOP SAND CO INC & VANDERSTELT FARMS LLC, 105 INDUSTRIAL RD, CONCORDIA KS 66901-2600

**QuickRef:** R22417

9

**PID:** 0851230600000002000

**Calc Acre:** 108.11

**Tract Description:** UNPLATTED, S6, T15, R2, ACRES 108.11, TR BEG SW/C NW/4 TH N 1118 E 1322.07 N 90.43 E 296 S 98.31 E 1039.87 S 1147.83 S 1333.03 W 1322.3 N 1324.51 W 1369.1 TO POB LESS RW

**Address:** 00000 S OHIO ST, SalinaKS, 67401

**Owner Info:** SALINE COUNTY, Attn: RICK LAMER 900 GREELEY AVE, SALINA KS 67401-3152

**QuickRef:** R22401

10

**PID:** 0851230600000013000

**Calc Acre:** 99.61

**Tract Description:** UNPLATTED, S6, T15, R2, ACRES 99.6, SE4 SW4 & W2 SE4 N & W RIV & E 2 SE4 N & W RIV LESS HWY & EXC TR BEG 1800 E SW COR SEC TH N 310 E 263 S 310 W 263 TO POB

**Address:** 00000 E WATER WELL RD, SalinaKS, 67401

**Owner Info:** ISAACSON VAUGHN & MARY KATHERINE, 2238 WESLEY ST, SALINA KS 67401-6922

**QuickRef:** R22414

11

**PID:** 0851230600000012000

**Calc Acre:** 1.68

**Tract Description:** UNPLATTED, S6, T15, R2, ACRES 1.6, TR BEG 1800 E OF SW COR SEC TH N 310 E 263 S 310 W 263 TO POB LESS HWY R/W

**Address:** 1541 E WATER WELL RD, SalinaKS, 67401

**Owner Info:** SPARKS BOBBY L & SHIRLEY ANN, 1541 E WATER WELL RD, SALINA KS 67401-8953

**QuickRef:** R22413

12

**PID:** 0851230700000002010

**Calc Acre:** 5.44

**Tract Description:** UNPLATTED, S7, T15, R2, ACRES 5.4, TR BEG 1600 E NW/C NW/4 TH S 528.4 E 495 N 528.4 W 495 TO POB LESS RW

**Address:** 1404 E WATER WELL RD, SalinaKS, 67401

**Owner Info:** NAYLOR ELIZABETH L TR #1, 2757 MELANIE LN, SALINA KS 67401-7766

**QuickRef:** R22418

13

**PID:** 0851230700000002020

**Calc Acre:** 57.34

**Tract Description:** UNPLATTED, S7, T15, R2, ACRES 57.34, NW/4 NE/4 & TR BEG 415 S NE COR NW/4 TH S 830 W 1000 NWLY 50 W 35 NELY 50 N 300 W 10 N 885 E 32 S 488.4 E 495 N 488.4 E 60 S 162.31 SELY 565.9 NELY 195 TO POB LESS RW

**Address:** 00000 W WATER WELL RD, SalinaKS, 67401

**Owner Info:** F-B INC, 950 S MARYMOUNT RD, SALINA KS 67401-8444

**QuickRef:** R22419

14

PID: 0851230700000002030

Calc Acre: 3.22

Tract Description: CRYSTAL LAKE SUBD, S7, T15, R2, BLOCK 1, Lot 1, ACRES 3.22

Address: 00000 E WATER WELL RD, Salina KS, 67401

Owner Info: CARAL LLC, 950 S MARYMOUNT RD, SALINA KS, 67401-8444

QuickRef: R22420

15

PID: 0851230700000002040

Calc Acre: 3.09

Tract Description: CRYSTAL LAKE SUBD, S7, T15, R2, BLOCK 1, 3.09 ACRES, LT 2 LESS RW

Address: 1552 E WATER WELL RD, Salina KS, 67401

Owner Info: DAVIDSON CRAIG T & SHANNON N, 112 SERPA LN, FORT JONES CA 96032-9734

QuickRef: R2242

16

PID: 0851311200000001000

Calc Acre: 230.97

Tract Description: UNPLATTED, S12, T15, R3, ACRES 230.95, NW4 SE4 & E2 SE4 & NE4 LESS BEG 53 E & 1950.26 S NW/C TH E 444.68 S 540 W 444.68 N 540 TO POB & LESS W 1250.47 N 886.68 LESS RR RD & LEVY RW

Address: 00000 W WATER WELL RD, Salina KS, 67401

Owner Info: BRADLEY DOUGLAS F TRUST, 3380 SCENIC SLOPE RD, SALINA KS 67401-9499

QuickRef: R23202

17

PID: 08512306000000014000

Calc Acre: 96.31

Tract Description: UNPLATTED, S6, T15, 2R, ACRES 96.31, E/2 SE/4 LESS TR N & W RIV PLUS W/2 SE/4 E RIV

Address: 2095 E WATER WELL RD, Salina KS, 67401

Owner Info: STEWART BARBARA D, 1707 NW 4TH ST, ABILENE KS 67410-3565

QuickRef: R22415

18

PID: 0851310100005001000

Calc Acre: 13.09

Tract Description: LIBERTY ADD #2, S1, T15, R3, BLOCK 6, Lot 2, ACRES 13.6

Address: 00000 MCINTOSH ST, Salina KS, 67401

Owner Info: SOUTH OHIO LAND LLC, PO BOX 5060, SALINA KS 67402-5060

QuickRef: R22651

19

ID: 0851310100005002000

Calc Acre: 12.99

Tract Description: LIBERTY ADD #2, S1, T15, R3, BLOCK 6, Lot 1, ACRES 13.2

Address: 00000 MCINTOSH ST, Salina KS, 67401

Owner Info: SOUTH OHIO LAND LLC, PO BOX 5060, SALINA KS 67402-5060

QuickRef: R22652

\* Po Box 355 Assaria KS 67416

\* per James Hall - do not need to re notify at this address. He requested the use of the Assaria Address for any future changes

\* See Above

\* RAC/own 10/30/17

20

PID: 0851230600000001000

Calc Acre: 190.02

Tract Description: UNPLATTED, S6, T15, R2, ACRES 190.02, N/2 SEC LESS TR BGN 2610 E & 2660 S NW/C NW/4 TH N 1100 W 1050.62 N 763.31 W 306.21 N 640 W 1190 SLY 370 S 2150 E 2660 TO POB LESS RW & LESS PERM TRAIL ESMT

Address: 1850 E SCHILLING RD, Salina KS, 67401

Owner Info: SALINE COUNTY, 300 W ASH ST RM 217, SALINA KS 67401-2335

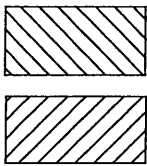
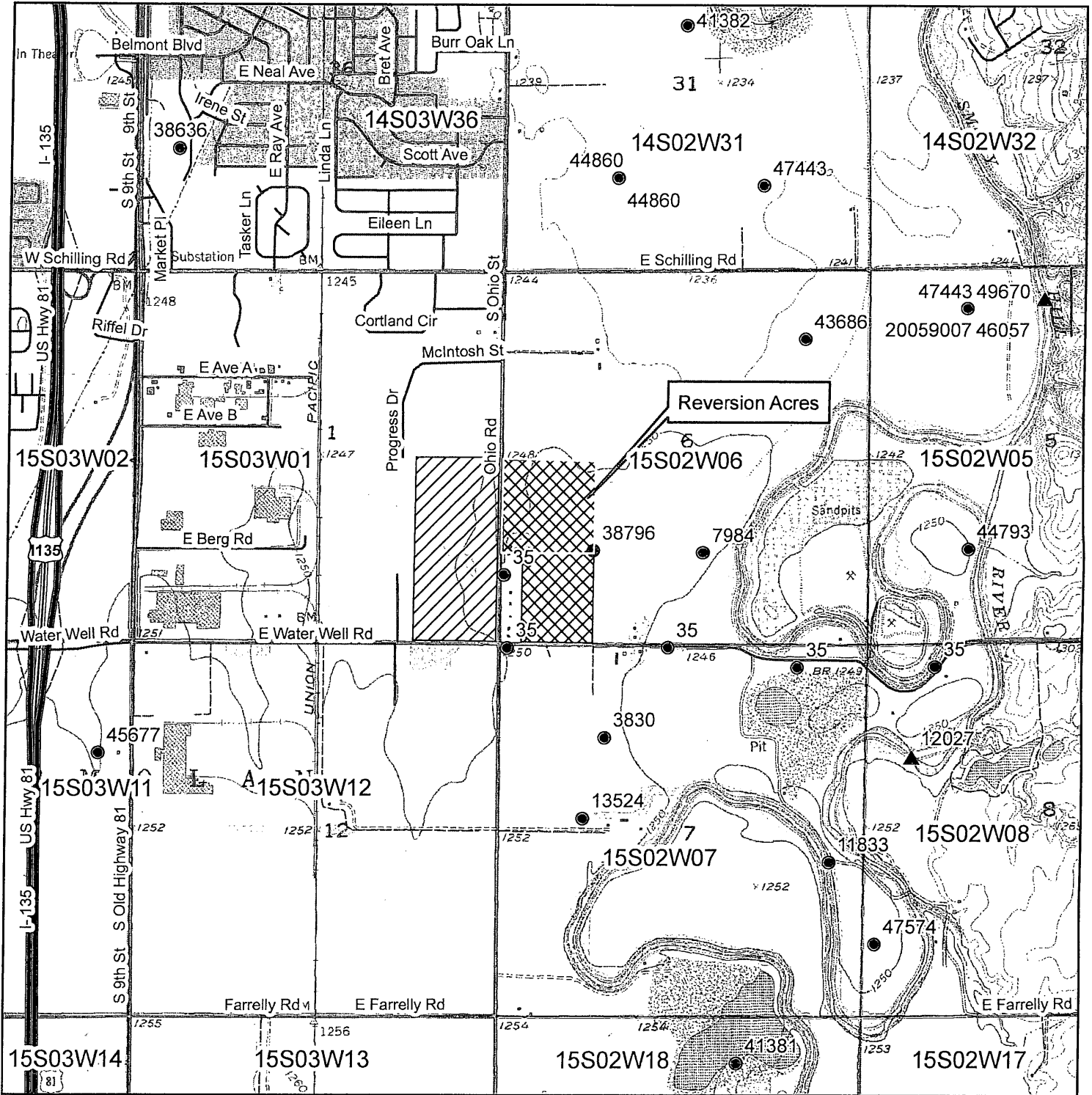
QuickRef: R22400

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JUL 17 2017

KS DEPT OF AGRICULTURE SCANNED

# Application to Change the Place of Use For Water Right File # 38796



Authorized Place of Use  
Proposed Place of Use

▲ Surface Water Point of Diversion  
● Groundwater Point of Diversion

1:24,000



All wells within 1/2 mile of proposed well location are identified on the map.

## Krueger, Richelle

---

**From:** Stewart, Kelly  
**Sent:** Tuesday, October 31, 2017 7:18 AM  
**To:** Krueger, Richelle  
**Cc:** Billinger, Mark; Hageman, Rebecca  
**Subject:** RE: Request for Recommendation Change in PU File No. 38796 The Land Institute

Richelle,

Given the unique characteristics of the Land Institutes program, I would support this waiver and recommend approval of the application. Stockton field office will take on the responsibility for monitoring acres irrigated.

Kelly

---

**From:** Krueger, Richelle  
**Sent:** Monday, October 30, 2017 2:44 PM  
**To:** Stewart, Kelly <Kelly.Stewart@ks.gov>  
**Cc:** Billinger, Mark <Mark.Billinger@ks.gov>  
**Subject:** FW: Request for Recommendation Change in PU File No. 38796 The Land Institute

Kelly,

Even though we don't really have a comment period for this type of application we did receive a call today from James Hall of South Ohio Land LLC. They own land and a few buildings with wells to the north of the new land the applicant proposes to add in 1-15-3W. He just wanted to make sure they were not drilling a new well. I told him not with this application and that he would likely be notified if that were to take place. Anyway an fyi.

Richelle

---

**From:** Krueger, Richelle  
**Sent:** Monday, October 30, 2017 11:02 AM  
**To:** Stewart, Kelly <Kelly.Stewart@ks.gov>  
**Cc:** Billinger, Mark <Mark.Billinger@ks.gov>; Hageman, Rebecca <Rebecca.Hageman@ks.gov>  
**Subject:** Request for Recommendation Change in PU File No. 38796 The Land Institute

Hi Kelly,

Attached is a draft memo for the referenced change in pu, do you recommend approval?

Thanks,  
Richelle



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 25, 2017

DUANE JOHANNES  
306 GAIL DR  
SALINA KS 67401

**FILE COPY**

RE: Water Right, File No. 38,796


Dear Sir or Madam:

This is to advise you that The Land Institute c/o Chris Pembleton has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use under the above referenced file number.

Effective July 1, 2016, Senate Bill No. 337 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced application for change.

If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

  
Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stockton Field Office  
The Land Institute c/o Chris Pembleton

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 25, 2017

CITY OF SALINA  
DIRECTOR OF UTILITIES  
PO BOX 736  
SALINA KS 67402-0736

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Environmental Scientist  
Water Appropriation Program

RAK

pc: Stockton Field Office  
The Land Institute c/o Chris Pembleton

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Manhattan, Kansas 66502  
(785) 564-6700



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

Jackie McClaskey, Secretary

Governor Sam Brownback

October 25, 2017

JEFFREY L BERGESON AND JANET E CHRISTIAN  
3565 S OHIO ST  
SALINA KS 67401-8958

RE: Water Right, File No. 38,796

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Environmental Scientist  
Water Appropriation Program

RAK

pc: Stockton Field Office  
The Land Institute c/o Chris Pembleton

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 25, 2017

GILBERT AND PATRICIA RUHKAMP TR  
3607 S OHIO ST  
SALINA KS 67401-9804

RE: Water Right, File No. 38,796

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If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Richelle A. Krueger".

Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stockton Field Office  
The Land Institute c/o Chris Pembleton

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 25, 2017

CURTIS B CAIRNS  
3621 S OHIO ST  
SALINA KS 67401-8929

RE: Water Right, File No. 38,796

Dear Sir or Madam:

This is to advise you that The Land Institute c/o Chris Pembleton has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use under the above referenced file number.

Effective July 1, 2016, Senate Bill No. 337 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced application for change.

If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Richelle A. Krueger".

Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stockton Field Office  
The Land Institute c/o Chris Pembleton

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 25, 2017

GARY M AND DEVONA HARDING  
3637 S OHIO ST  
SALINA KS 67401-8929

RE: Water Right, File No. 38,796

Dear Sir or Madam:

This is to advise you that The Land Institute c/o Chris Pembleton has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use under the above referenced file number.

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Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

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The Land Institute c/o Chris Pembleton

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 25, 2017

VICTOR AND AUDRA SCHATZ  
3645 S OHIO ST  
SALINA KS 67401-8929

RE: Water Right, File No. 38,796

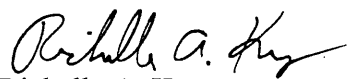
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Sincerely,



Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stockton Field Office  
The Land Institute c/o Chris Pembleton

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 25, 2017

DANIEL LITTLE AND ALEXIS GASPER  
3655 S OHIO ST  
SALINA KS 67401-8929

RE: Water Right, File No. 38,796

Dear Sir or Madam:

This is to advise you that The Land Institute c/o Chris Pembleton has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use under the above referenced file number.

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Sincerely,

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Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stockton Field Office  
The Land Institute c/o Chris Pembleton



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 25, 2017

SALINA AIRPORT AUTHORITY TERMINAL BUILDING 120  
3237 ARNOLD AVE  
SALINA KS 67401-8163

RE: Water Right, File No. 38,796

Dear Sir or Madam:

This is to advise you that The Land Institute c/o Chris Pembleton has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use under the above referenced file number.

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Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stockton Field Office  
The Land Institute c/o Chris Pembleton

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 25, 2017

ALSOP SAND CO INC AND VANDERSTELT FARMS LLC  
DANE BARCLAY  
105 INDUSTRIAL RD  
CONCORDIA KS 66901

RE: Water Right, File No. 38,796

Dear Sir or Madam:

This is to advise you that The Land Institute c/o Chris Pembleton has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use under the above referenced file number.

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Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stockton Field Office  
The Land Institute c/o Chris Pembleton

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 25, 2017

SALINE COUNTY  
ATTN RICK LAMER  
900 GREELEY AVE  
SALINA KS 67401-3152

RE: Water Right, File No. 38,796

Dear Sir or Madam:

This is to advise you that The Land Institute c/o Chris Pembleton has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use under the above referenced file number.

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Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stockton Field Office  
The Land Institute c/o Chris Pembleton

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 25, 2017

VAUGHN AND MARY KATHERINE ISAACSON  
2238 WESLEY ST  
SALINA KS 67401-6922

RE: Water Right, File No. 38,796

Dear Sir or Madam:

This is to advise you that The Land Institute c/o Chris Pembleton has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use under the above referenced file number.

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Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK  
pc: Stockton Field Office  
The Land Institute c/o Chris Pembleton

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 25, 2017

BOBBY L AND SHIRLEY ANN SPARKS  
1541 E WATER WELL RD  
SALINA KS 67401-8953

RE: Water Right, File No. 38,796

Dear Sir or Madam:

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Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

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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 25, 2017

ELIZABETH L NAYLOR TR #1  
2757 MELANIE LN  
SALINA KS 67401-7766

RE: Water Right, File No. 38,796

Dear Sir or Madam:

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Environmental Scientist  
Water Appropriation Program

RAK  
pc: Stockton Field Office  
The Land Institute c/o Chris Pembleton

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 25, 2017

F-B INC  
950 S MARYMOUNT RD  
SALINA KS 67401-8444

RE: Water Right, File No. 38,796

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Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

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The Land Institute c/o Chris Pembleton

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 25, 2017

CARAL LLC  
950 S MARYMOUNT RD  
SALINA KS 67401-8444

RE: Water Right, File No. 38,796

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Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stockton Field Office  
The Land Institute c/o Chris Pembleton



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 25, 2017

CRAIG T AND SHANNON N DAVIDSON  
112 SERPA LN  
FORT JONES CA 96032-9734

RE: Water Right, File No. 38,796

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Environmental Scientist  
Water Appropriation Program

RAK

pc: Stockton Field Office  
The Land Institute c/o Chris Pembleton

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 25, 2017

DOUGLAS F BRADLEY TRUST  
3380 SCENIC SLOPE RD  
SALINA KS 67401-9499

RE: Water Right, File No. 38,796

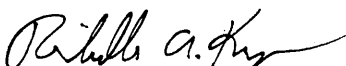
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Environmental Scientist  
Water Appropriation Program

RAK

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The Land Institute c/o Chris Pembleton

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 25, 2017

BARBARA D STEWART  
1707 NW 4<sup>TH</sup> ST  
ABILENE KS 67410-3565

RE: Water Right, File No. 38,796

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Environmental Scientist  
Water Appropriation Program

RAK

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The Land Institute c/o Chris Pembleton

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Manhattan, Kansas 66502  
(785) 564-6700



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

Jackie McClaskey, Secretary

Governor Sam Brownback

October 25, 2017

SOUTH OHIO LAND LLC  
PO BOX 5060  
SALINA KS 67402-5060

RE: Water Right, File No. 38,796

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Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stockton Field Office  
The Land Institute c/o Chris Pembleton

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 25, 2017

SALINE COUNTY  
300 W ASH ST RM 217  
SALINA KS 67401-2335

RE: Water Right, File No. 38,796

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Environmental Scientist  
Water Appropriation Program

RAK

pc: Stockton Field Office  
The Land Institute c/o Chris Pembleton



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 8, 2017

**FILE COPY**

THE LAND INSTITUTE  
ATTN CHRIS PEMBLETON / MANAGING DIRECTOR  
2440 E WATER WELL RD  
SALINA KS 67401-9051

RE: Water Right, File No. 38,796

Dear Mr. Pembleton,

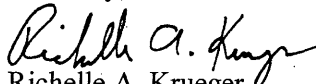
Reference is made to the application for approval of the Chief Engineer to change the place of use under the referenced file number which was received in the office of the Chief Engineer on July 17, 2017. Upon review of the application, we find that additional information is needed.

Please find enclosed a *Statement of Review under K.A.R. 5-5-11(b)(2) Necessity to install more efficient irrigation system, limited acres and quantity* form which must be signed in the presence of a notary public by the owner(s) of the authorized place of use. The statement describes the conditions that will apply if your application is approved by the Chief Engineer. I have also enclosed a copy of the application including the map which shows the location of the reversion acres. Please carefully review the enclosed information.

Please return the original notarized Statement of Review form to this office by **October 8, 2017** so that we may continue with processing the referenced application.

If you have any questions, please contact me at (785) 564-6635 or Change Application Unit Supervisor, Brent Turney, 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,

  
Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK  
Enclosures  
pc: Stockton Field Office

## Krueger, Richelle

---

**From:** Krueger, Richelle  
**Sent:** Thursday, September 7, 2017 1:45 PM  
**To:** Billinger, Mark  
**Subject:** RE: Application to Change the PU File No. 38796 the Land Institute

I can see!! Perfect, thanks!

---

**From:** Billinger, Mark  
**Sent:** Thursday, September 7, 2017 1:44 PM  
**To:** Krueger, Richelle <Richelle.Krueger@ks.gov>  
**Subject:** RE: Application to Change the PU File No. 38796 the Land Institute

Here is a copy

---

**From:** Krueger, Richelle  
**Sent:** Thursday, September 7, 2017 1:42 PM  
**To:** Billinger, Mark <Mark.Billinger@ks.gov>  
**Subject:** RE: Application to Change the PU File No. 38796 the Land Institute

Hi Mark,

For some reason, the map I have does not have yellow on it, don't know if they kept the colored copy for themselves or what, ha ha! If your copy shows the 37.99 acres in the NW¼ SW¼ of 6-15-2w I will just indicate that on the map and the monitoring agreement and get it back to them. If not where should it be?

Thanks,  
Richelle

---

**From:** Billinger, Mark  
**Sent:** Thursday, September 7, 2017 1:32 PM  
**To:** Krueger, Richelle <Richelle.Krueger@ks.gov>; Stewart, Kelly <Kelly.Stewart@ks.gov>  
**Cc:** Turney, Brent <Brent.Turney@ks.gov>  
**Subject:** RE: Application to Change the PU File No. 38796 the Land Institute

I remember making the map and am looking at it now. It has the reversion acres of 40 acres highlighted in yellow box.

---

**From:** Krueger, Richelle  
**Sent:** Thursday, September 7, 2017 1:14 PM  
**To:** Stewart, Kelly <Kelly.Stewart@ks.gov>  
**Cc:** Billinger, Mark <Mark.Billinger@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>  
**Subject:** RE: Application to Change the PU File No. 38796 the Land Institute

Brent is okay with this, however looks to me like their reversion acres would have to be 40 acres (the base acres). I am not sure if the map is indicating that the reversion acres are the 37.99 acres in the NW¼ SW¼ 6-15-2W or are they proposing the whole currently authorized 68.37 acres?

---

**From:** Stewart, Kelly  
**Sent:** Thursday, September 7, 2017 12:15 PM  
**To:** Krueger, Richelle <Richelle.Krueger@ks.gov>

**Cc:** Billinger, Mark <Mark.Billinger@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>

**Subject:** Re: Application to Change the PU File No. 38796 the Land Institute

I believe we ran this by Brent first, but yes, please do.

Sent from my iPhone

On Sep 7, 2017, at 12:13 PM, Krueger, Richelle <Richelle.Krueger@ks.gov> wrote:

Kelly,

If you are referring to File No. 39286 looks like Gary Bachand did sign a monitoring agreement for a land rotation outside the gmd. I found Form No. 1-120-5 for 5-5-11(b)(2) outside the gmd which I believe will work. I will use that form but first I need to run this all by Brent....he is crazy busy but will discuss all this with him. If he is good with this I will send them the form, if not will get back with you!

Thanks,  
Richelle

---

**From:** Stewart, Kelly

**Sent:** Thursday, September 7, 2017 11:31 AM

**To:** Krueger, Richelle <Richelle.Krueger@ks.gov>

**Cc:** Billinger, Mark <Mark.Billinger@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>

**Subject:** Re: Application to Change the PU File No. 38796 the Land Institute

What did we do with Gary Bachand?

Sent from my iPhone

On Sep 7, 2017, at 11:30 AM, Krueger, Richelle <Richelle.Krueger@ks.gov> wrote:

Would you want them to sign an official monitoring agreement like the gmds do or will the conditions on the approval document suffice?

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**From:** Stewart, Kelly

**Sent:** Thursday, September 7, 2017 11:14 AM

**To:** Krueger, Richelle <Richelle.Krueger@ks.gov>

**Cc:** Billinger, Mark <Mark.Billinger@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>

**Subject:** Re: Application to Change the PU File No. 38796 the Land Institute

Richelle,

After much discussion and exploration of options, Mark and I encouraged them to propose this. I have no problem taking on the monitoring responsibilities for this one.

Kelly

Sent from my iPhone

On Sep 7, 2017, at 11:04 AM, Krueger, Richelle <Richelle.Krueger@ks.gov> wrote:

Hi Kelly,

I am reviewing the referenced change in pu, presently authorized 30 AF for 68.37 acres. According to 9-21-06 memo by Scott Ross it appears



base acres are 40 acres, please let me know if this is incorrect. Looks like applicants want to pick up acres 71.5 acres across the street within city boundaries based on WIMAS for a total of 139.87 acres. Looks like they want app processed by and a waiver of K.A.R. 5-5-11(b)(2)*Necessity to install more efficient irrigation system; limited acres and quantity.* They want Stockton FO to monitor them. If 40 base acres then:  $0.90' \text{ (SA 50\% NIR)}/0.85 \times 40 \text{ base ac} \times 5 = 211.77$  BUT only authorized 30 AF per year so only 150 acre-feet would be allowed for allocation. Max acres allowed:  $30 \text{ AF} \times 0.85/1.09' = 23.39$  acres – they want 139.87 acres.

Their justification for the waiver is they will use the water to sustain plant survival only in lieu of full or partial irrigation, consumptive use will not be increased and past water conservation efforts serve as indicator of future operations. They indicate efficient irrigation technology will be utilized but no specifics. They indicate they will pipe water to expanded pu from existing well but do not specify how they plan to cross the road.

Whaddya think?

Richelle

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

CHRIS PEMBLETON  
THE LAND INSTITUTE  
2440 E WATER WELL RD.  
SALINA, KS 67401

July 18, 2017

**FILE COPY**

RE: File No 38796

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
- 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. Tourney".

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

BAT: DLW  
pc: STOCKTON Field Office    GMD