

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

Document Signature _____

1. File Number: 39239	2. Status Change Date: 10/4/2017	3. Change Num: C1	4. Field Office: 03	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: 17-AUG-2017
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8a. Applicant(s) Person ID 22512 New to system <input type="checkbox"/> Add Seq# 1 <p style="text-align: center;">JEFFREY A & TRACY K STRNAD PO BOX 230 SCANDIA KS 66966</p>	8c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ <hr/> 8d. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____
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8b. Landowner(s) Person ID 22512 New to system <input type="checkbox"/> Add Seq# 1 <p style="text-align: center;">JEFFREY A & TRACY K STRNAD PO BOX 230 SCANDIA KS 66966</p>	8e. WUC Person ID 22512 New to system <input type="checkbox"/> Add Seq# 1 <p style="text-align: center;">NO CHANGE JEFFREY A & TRACY K STRNAD PO BOX 230 SCANDIA KS 66966</p>
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/18** N & P Date to Comply: _____

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: **09/28/17** By: **RAK**
 Date Entered: **10/5/2017** By: **LLM**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files
FROM: Richelle A. Krueger

DATE: September 26, 2017
RE: Water Right
File No. 39,239

Jeffrey A. and Tracy K. Strnad, water right owners, filed an application for approval to change the authorized authorized place of use for the referenced file number, authorized surface water for irrigation use in the Lower Republican River Basin. The referenced change application was filed along with surface water Application, File No. 49,820, being processed by Doug Schemm, Environmental Scientist, Topeka Field Office.

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

File No. 39,239 has no current overlaps in the authorized point of diversion or place of use and is authorized 73 acre-feet of surface water from Mud Creek (Republican) for irrigation of 104 acres all located in the East Half of Section 1, Township 3 South, Range 5 West, Republic County. The referenced change in place of use will create a complete overlap in the authorized place of use proposed for File No. 49,820 for a total of 381 acres located in the aforementioned Section 1 and in Section 6, Township 3 South, Range 4 West, Republic County. The proposed change application appears to comply with K.A.R. 5-5-11 as the additional quantity requested by Application, File No. 49,820 should be sufficient to cover any potential increase in consumptive use.

The total limited quantity that will be available under the File Nos. 39,239 and 49,820, 457.2 acre-feet, will irrigate the proposed 381 acres with 1.2 acre-feet per acre, which is the maximum allowed for irrigation in Republic County, Kansas and appears to be reasonable for the intended use.

Doug notified nearby landowners within one-half mile upstream and downstream of the proposed change in place of use when he notified them of the referenced new application-Doug received general questions about the application, no further comments were received, please see Doug's memorandum for File No. 49,820 for details.

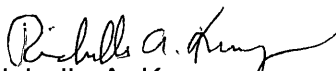
The same local source of supply will not change.

The authorized pumpsite will be better described with gps feet distances as shown on the application.

In an e-mail dated September 21, 2017, Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated he is not opposed to approval of the application.

A water flow meter is required. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur, and if Application, File No. 49,820 can be approved, it has been recommended that the referenced change 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

October 6, 2017

JEFFREY A & TRACY K STRNAD
PO BOX 230
SCANDIA KS 66966

FILE COPY

RE: Water Right, File No. 39,239

Dear Mr. and Mrs. Strnad:

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 diversion works and/or installation of the required meter as soon as these actions are completed.

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 a printed name.

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

Enclosures

pc: Stockton Field Office

THE STATE OF KANSAS



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 AND
ORDER BETTER DESCRIBING THE LOCATION OF THE
AUTHORIZED POINT OF DIVERSION
WATER RIGHT
FILE NO. 39,239**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Jeffrey A. and Tracy K. Strnad, P.O. Box 230, Scandia, Kansas, 66966, received in this office on August 17, 2017, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

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

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
6	3S	4W						Lot 4 31.00					Lot 9 32.00						63.00	
1	3S	5W	Lot 1 39.50	Lot 2 38.50	40.00	40.00										40.00	40.00	40.00	40.00	318.00

a total of 381 acres in Republic County, Kansas, located substantially as shown on the map accompanying the application to change the place of use, and the location of the authorized point of diversion is better described as:

one(1) pumpsite located near the center of the Southeast Quarter (SE¼) of Section 1, more particularly described as being near a point 1,225 feet North and 1,319 feet West of the Southeast corner of said section, in Township 3 South, Range 5 West, Republic County, Kansas.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

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

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 39,239, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 8, 1998.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

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

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

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

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.

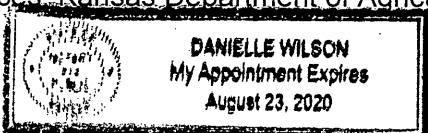
Ordered this 4th day of October, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 4th day of October, 2017 by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

CERTIFICATE OF SERVICE

On this 14th day of October, 2017, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 39,239, dated October 4th, 2017 was mailed postage prepaid, first class, US mail to the following:

JEFFREY A & TRACY K STRNAD
PO BOX 230
SCANDIA KS 66966

with photocopies to:

Stockton Field Office



Division of Water Resources

WATER RESOURCES
RECEIVED
11:26
AUG 17 2017

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
- Point of Diversion
- Use Made of Water

(Check one or more)

RECEIVED
AUG 14 2017
10:55am
Stockton Field Office
Division of Water Resources

File No. 39239

2. Name of applicant: Jeffery A & Track K Strnad

Address: 1130 Riverview Lane * PO Box 230

City, State and Zip: Scandia, KS 66966-8028

Phone Number: (785)335-3065 E-mail address: _____

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

Name of water use correspondent: Same As Above

Address: _____

City, State and Zip: _____

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): The proposed changes will add irrigated acres to be overlapped with a pending surface water application from the Republican River

The change(s) will be completed by December 31, 2018
(Date)

For Office Use Only:					
F.O. <u>3</u>	<u>GMD</u> <input type="checkbox"/> <u>CPU</u> <input checked="" type="checkbox"/>	Meets K.A.R. 5-5-1 <u>(YES)</u> / NO	Use <u>IRR</u>	Source <u>G/S</u> County <u>PP</u>	By <u>ASW</u> Date <u>8/17/17</u>
Code	Fee \$ <u>200</u>	TR #	Receipt Date <u>8/17/17</u>	Check # <u>5021</u>	

* per WRTS
* RAK/own

APPLICATION COMPLETE
9/28/17
Reviewer RAK

4. The presently authorized place of use is:

Owner of Land — NAME: Jeffery Strnad

ADDRESS: 1130 Riverview Lane, Scandia, KS 66966-8028

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	
01	03S	05W			26	26									26	26			104

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:

Owner of Land — NAME: Jeffery Strnad

ADDRESS: 1130 Riverview Lane, Scandia, KS 66966-8028

Stockton Field Office
Division of Water Resources

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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	
01	03S	05W	Lot 1 39.50	Lot 2 38.50	40	40									40	40	40	40	318
06	03S	06W					Lot 4 31	Lot 4 31			Lot 9 32	Lot 9 32							63

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

*File No. 49820

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.

WATER RESOURCES
RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

AUG 17 2017

* per Map & Application File No 49820
* RAK/DWR 9/19/17

KS DEPT OF AGRICULTURE

** per WRTS
** RAK/DWR 9/28/17 SCANNED

6. The presently authorized point(s) of diversion is 1 surface water diversion
(Provide description and number of points)
7. The proposed point(s) of diversion is 1 surface water diversion
(Provide description and number of points)

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 AUG 14 2017

List all presently authorized point(s) of diversion:

Stockton Field Office
 Division of Water Resources

8. **Presently authorized point of diversion:**
 One near the center of the SE Quarter
 of Section 01, Township 03 South, Range 05 W,
 in Republic County, Kansas, 1320 feet North 1320 feet West of Southeast corner of section.
 Authorized Rate 700 Authorized Quantity 73 AF
 (DWR use only: Computer ID No. 03 GPS 1225 feet North 1319 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 _____ 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 _____

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ 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 _____ 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 _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ 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 _____ 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 RECEIVED

WATER RESOURCES

AUG 17 2017

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SCANNED

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

It is proposed that the use be changed to Irrigation purposes.

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

The proposed use made of water will not change. The additional land is to be completely overlapped with a pending application to account for additional irrigated acres

(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.

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AUG 14 2017

Stockton Field Office
Division of Water Resources

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.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES RECEIVED

AUG 17 2017

KS DEPT OF AGRICULTURE

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 _____ day of _____, 20_____.

Jeffrey A. Strnad
(Owner)
Jeffrey A. Strnad
(Please Print)

Tracy K. Strnad
(Spouse)
Tracy K. Strnad
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Republic } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 7 day of August, 2017.



Lauren Forshee
Notary Public

My Commission Expires _____

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

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AUG 17 2017
KS DEPT OF AGRICULTURE

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

RECEIVED
AUG 14 2017
Stockton Field Office
Division of Water Resources
SCANNED

Krueger, Richelle

From: Stewart, Kelly
Sent: Thursday, September 21, 2017 4:28 PM
To: Krueger, Richelle
Cc: Schemm, Doug; Billinger, Mark; Hageman, Rebecca
Subject: RE: Request for Recommendation Change in PU File No. 39239 Jeff Strnad

Richelle,

I have no objection to the approval of this change application provided File No. 49,820 can be approved.

Kelly

From: Krueger, Richelle
Sent: Tuesday, September 19, 2017 5:06 PM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Schemm, Doug <Doug.Schemm@ks.gov>; Billinger, Mark <Mark.Billinger@ks.gov>
Subject: Request for Recommendation Change in PU File No. 39239 Jeff Strnad

Hi Kelly,

Attached is a draft memo for the referenced change in pu for for file No. 39239 which overlaps the pu of Application File No. 49820, 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

JEFFERY A & TRACY K STRNAD
1130 RIVERVIEW LANE
SCANDIA, KS 66966

8/18/2017

RE: File No 39239

FILE COPY

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,

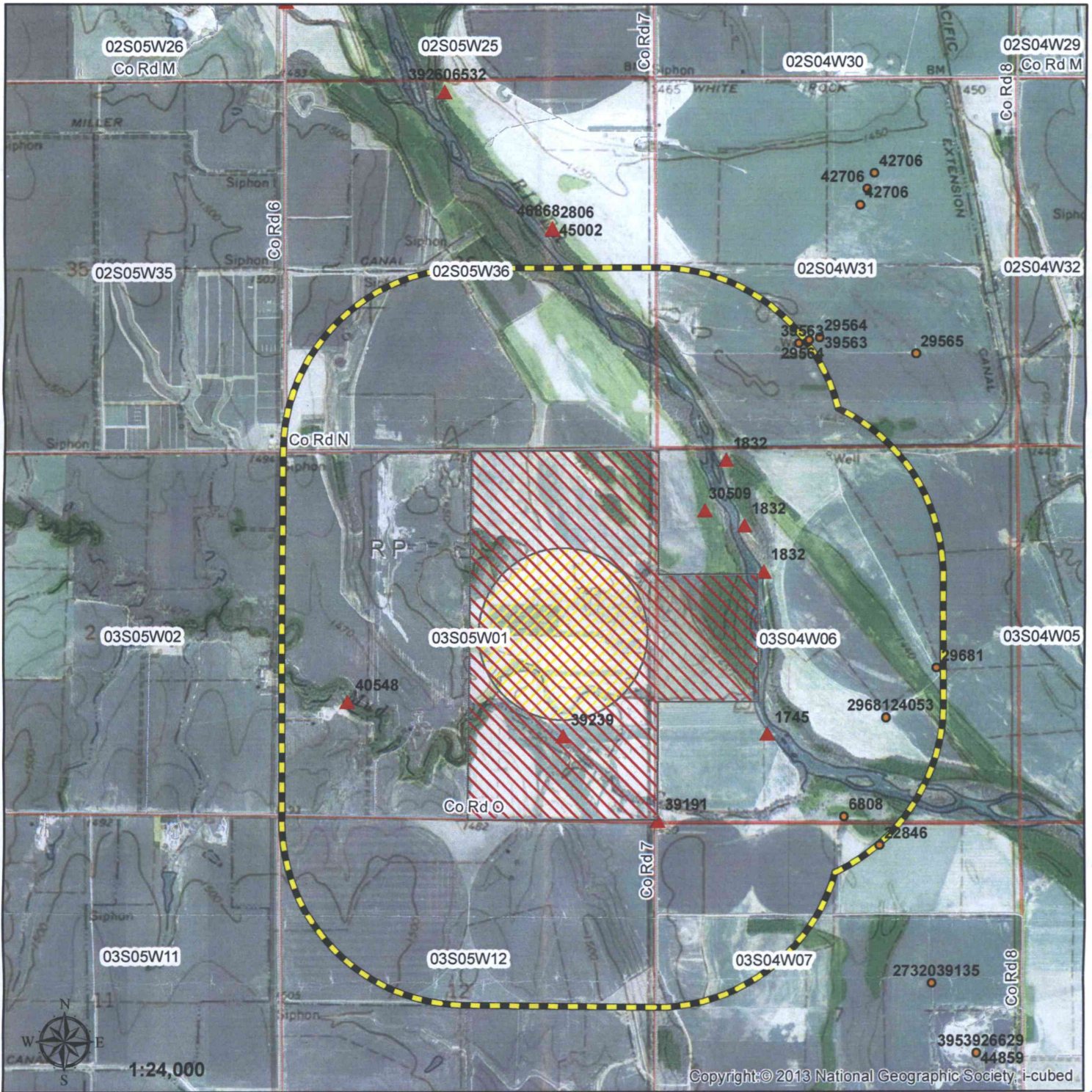
A handwritten signature in cursive script that reads "Brent A. Tourney".

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

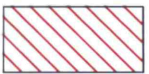
BAT: DLW
pc: STOCKTON Field Office GMD

SCANNED

Application to Change the Place of Use For Water Right File # 39239



Authorized Place of Use



Proposed Place of Use



1/2 mile buffer

▲ Surface Water Point of Diversion

● Groundwater Point of Diversion

[Handwritten Signature]

All landowners within 1/2 mile upstream and downstream from the proposed place of use are identified on the enclosed attachment.

RECEIVED

AUG 14 2017

Stockton Field Office
Division of Water Resources
RECEIVED

AUG 17 2017

KS DEPT OF AGRICULTURE
SCANNED