

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

1. File Number: <b>20157007-MF</b>	2. Status Change Date: <b>3/27/2018</b>	3. Field Office: <b>3</b>	4. GMD:
---------------------------------------	--	------------------------------	---------

5. Status:     Approved             Denied by DWR/GMD             Dismiss by Request/Failure to Return

6. Enclosures:     Check Valve     N of C Form     Water Tube     Driller Copy     Meter

<p>7a. Applicant(s) New to system <input checked="" type="checkbox"/>            Person ID _____ Add Seq# _____</p> <p><b>JEFF WEILERT</b> <b>2195 HYACINTH AVE</b> <b>HAYS KS 67601</b></p>	<p>7c. Landowner(s) New to system <input type="checkbox"/>            Person ID _____ Add Seq# _____</p>
<p>7b. Landowner(s) New to system <input checked="" type="checkbox"/>            Person ID <u>05991</u> Add Seq# _____</p> <p><b>VANIER LAND COMPANY, L.P.</b> <b>834 E PRESCOTT</b> <b>SALINA KS 67401</b></p>	<p>7d. Misc. New to system <input type="checkbox"/>            Person ID _____ Add Seq# _____</p>

<p>8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No <b>7b</b></p> <p>Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p>	<p>9. Use of Water:    Changing?    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Groundwater    <input type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR            <input type="checkbox"/> REC            <input type="checkbox"/> DEW            <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK            <input type="checkbox"/> SED            <input type="checkbox"/> DOM            <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG    <input type="checkbox"/> WTR PWR    <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND    SIC: _____    <input type="checkbox"/> OTHER: _____</p>
--	--

10. Completion Date: N/A            11. Perfection Date: N/A            12. Exp Date: 12/31/2019

13. Conservation Plan Required?  Yes  No Date Required: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Date to Comply: \_\_\_\_\_

14. Water Level Measuring Device?  Yes  No Date to Comply: \_\_\_\_\_ Date WLMD Installed: \_\_\_\_\_

Date Prepared: **3/12/2018**    By: **AM**  
Date Entered: **3/28/2018**    By: **LLM**

File No. **20157007-MF**      15. Formation Code: 113      Drainage Basin: **Saline River**      County: EL      Special Use:      Stream:

16. Points of Diversion										
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
<b>CHK</b>	<b>78510</b>	<b>SW SW NE</b>	<b>24</b>	<b>11S 20W</b>	<b>3</b>	<b>2920</b>	<b>2370</b>			

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>810</b>	<b>460</b>	<b>0</b>	<b>0</b>	<b>17,283</b>

18. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

19. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **o/l base right 17,283 temporarily suspended**  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

20. Meter Required?  Yes     No      To be installed by \_\_\_\_\_      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
<b>CHK</b>	<b>37738</b>	<b>24</b>	<b>11S20W</b>	<b>1</b>				40		40	<del>40</del>				21	25				6.8	3.4			176.2	7b		17,283		

Comments: **MYFA TERM**  
**Enter in Action Trail for Base Right, File No. 17,283: Suspended MYFA (2015)**

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

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

**TO:** Files

**DATE:** March 12, 2018

**FROM:** Austin McColloch

**RE:** Multi-Year Flex Account Application,  
File No, 20157007-MF  
& Water Right, File No. 17,283

Jeff Weilert has filed the above referenced Multi-Year Flex Account application to appropriate 460 acre-feet of groundwater to be diverted at 810 gallons per minute for irrigation use. File No. 20157007-MF overlaps in point of diversion and place of use with base right, Water Right, File No. 17,283. The flex account has a commencing date of January 1, 2015 and an ending date of December 31, 2019.

The quantity of water requested was based on the calculation criteria given in K.S.A. 82a-736, is five times the authorized quantity of the base water right. Water Right, File No. 17,283 is authorized 92 acre-feet at 810 gallons per minute. This brings the authorized quantity to 460 acre-feet and Water Right, File No. 17,283 will be suspended from January 1, 2015 through December 31, 2019.

In an email discussion on March 12, 2018, Stockton Field Office Water Commissioner, Kelly Stewart, recommended approval of the Multi-Year Flex Account Application.

Based on the above discussion, it appears that the proposed use of water is reasonable and meets the requirements of K.S.A. 82a-736 for Multi-Year Flex Accounts. It is recommended that the referenced application for term permit be approved for a term to begin on January 1, 2015 and expire on December 31, 2019.



Austin McColloch  
Environmental Scientist

STATE OF KANSAS



DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777

900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

**FILE COPY**

March 29, 2018

VANIER LAND COMPANY, L.P.  
834 E PRESCOTT  
SALINA KS 67401

RE: Base Right, Water Right, File No. 17,283  
Multi-Year Flex Account, File No. 20157007-MF

Dear Sir or Madam:

Enclosed is the order/permit executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, suspending the base right referenced above, and approving your Application for Term Permit to Establish a Multi-Year Flex Account, for File No. 20157007-MF. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in the Application and its "Attachment A", which are incorporated in this enclosed order/permit. The approval of this multi-year flex account term permit affords you the ability to divert water without annual limits, during the set period of January 1, 2017 through December 31, 2021, inclusive. However, the use of water in excess of **460 acre-feet** within the five-year set period listed above, shall result in the immediate revocation of this multi-year flex account term permit, and imposition of penalties as provided in K.A.R. 5-14-10.

Prior to any further diversion of water, a water flowmeter which meets or exceeds specifications adopted by the Chief Engineer must be installed on each point of diversion authorized by the base right, and otherwise in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. A seal will be placed on the water flowmeter by the Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. If the seal is broken without the written permission of the Chief Engineer, it shall constitute a violation of the order of the Chief Engineer. If the water flowmeter is repaired or replaced during the duration of the multi-year flex account, then such flowmeter must be equipped with an anti-reverse flow mechanism.

The applicant shall file an annual water use report with the Chief Engineer by March 1, following the end of each calendar year. Please note that the enclosed multi-year flex account term permit expires on **December 31, 2021**.

The approval of your application constitutes a term permit to appropriate water for beneficial use as set forth in the application. It does not constitute authority under K.S.A. 82a-301 through 305a, to construct any dam or other obstruction. It does not give authority to access any right-of-way, or authorize injury to, or trespass upon, public or private property, nor does it obviate the necessity of obtaining assent from federal or local governmental authorities, when necessary. Please be advised that K.S.A. 82a-728 sets forth, in essence, that it is unlawful to divert or threaten to divert water for the use you propose without first acquiring approval of the Chief Engineer of the Division of Water Resources.

If you have any questions, please contact our office at 785-564-6640. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Division of Water Resources

KAB:am  
Enclosure(s)  
pc: Jeff Weilert  
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

**ORDER AUTHORIZING MULTI-YEAR FLEX ACCOUNT  
FOR BASE WATER RIGHT, FILE NO. 17,283  
UNDER TERM PERMIT, FILE NO. 20157007-MF**

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

**ORDER**

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this Order, base Water Right, File No. 17,283 is suspended, and Term Permit, File No. 20157007-MF is approved. The total quantity of water that may be diverted during the period of January 1, 2015 through December 31, 2019, under the authority of this Multi-Year Flex Account, Term Permit File No. 20157007-MF, **shall not exceed 460 acre-feet.**

At the time of this Order approving Multi-Year Flex Account, Term Permit File No. 20157007-MF, the point of diversion authorized by base Water Right, File No. 17,283, is as follows:

one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 24, more particularly described as being near a point 2,920 feet North and 2,370 feet West of the Southeast corner of said section, in Township 11 South, Range 20 West, Ellis County, Kansas.

By law, this is the authorized point of diversion for the multi-year flex account term permit. The point of diversion authorized under this multi-year flex account term permit may change automatically upon the Chief Engineer's issuance of any approval of an application to change this authorized point of diversion under the base water right. Any such change shall amend the above recital of the authorized point of diversion of this multi-year flex account term permit to reflect the change, and shall be incorporated by reference herein should any such change occur during the multi-year flex account period.

The Multi-Year Flex Account, Term Permit File No. 20157007-MF authorized place of use is as follows:

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL	
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$		
24 11S 20W	40.0		40.0	40.0				21.0	25.0					6.8	3.4			176.2

By this Order, base Water Right, File No. 17,283 and Term Permit, File No. 20157007-MF shall be subject to the terms, conditions, limitations, and requirements contained in the Application for Term Permit to Establish a Multi-Year Flex Account (including its "Attachment A"), which was received in the office of the Chief Engineer on **September 3, 2015** and which terms, conditions, limitations, and requirements are incorporated herein, in addition to the terms, conditions, limitations, and requirements provided below:



**CERTIFICATE OF SERVICE**

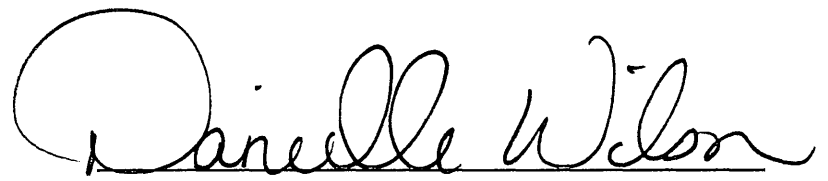
On this ~~27<sup>th</sup>~~ day of March, 2018, I hereby certify that the foregoing Order, File No. 20157007-MF, dated March 27<sup>th</sup>, 2018, was mailed postage prepaid, first class, US mail to the following:

VANIER LAND COMPANY, L.P.  
834 E PRESCOTT  
SALINA KS 67401

With photocopies to:

JEFF WEILERT  
2195 HYACINTH AVE  
HAYS KS 67601

Stockton Field Office

A handwritten signature in cursive script that reads "Danielle Wilson". The signature is written in black ink and is positioned above a horizontal line.

Staff

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 TERM PERMIT TO  
 ESTABLISH A MULTI-YEAR FLEX ACCOUNT**

WATER RESOURCES  
 RECEIVED



SEP 03 2015

11:13

KS DEPT OF AGRICULTURE

State of Kansas

APPLICATION COMPLETE

3/12/18

Reviewer KAB/AM

**(GROUNDWATER ONLY)**

**STATUTORY FILING FEE OF \$400.00 MUST ACCOMPANY THIS APPLICATION**  
 (Make check payable to the Kansas Department of Agriculture)

We are pleased that you are considering the use of a Multi-Year Flex Account to assist in your water management planning. Flex accounts offer a new tool to assist in crop planning and water management. We understand that the best crop and water use decisions are made in the field, at the local level.

The concept behind Multi-Year Flex Accounts is that water management and improved conservation is best left to you - the owner / operator. Flex accounts give you five years of flexible water planning. At the conclusion of the five years, you may return to normal use, with no change in your base water right. If the flex account tool is useful to you, you can continue with the program for an additional five-year term by filing for another flex account when this term has expired.

Please note, that as a water right owner operator, you have basic requirements under state laws. You also have responsibilities to manage this valuable water asset. A list of laws, regulations and suggested management practices for your consideration are included with this application as "Attachment A".

Term Permit File No. 20157007 MF (to be completed by DWR staff)

1. Application is hereby made for approval of the Chief Engineer to establish a Multi-Year Flex Account for a point of diversion authorized under (base water right(s) must be certified) File No(s). 17,283

Note that during the period of the Multi-Year Flex Account, the base Water Right(s) is suspended, and may be exercised only under the specific conditions described in K.A.R. 5-16-7.

\*Multiple base Water Rights that have an exact overlap in both point of diversion and place of use must all be included on a single Multi-Year Flex Account permit.

2. Name and address of applicant: Jeff Weilert

2195 Hyacinth Ave, Hays, KS 67601

Phone Number: (785) 623-0312

E-mail Address: \_\_\_\_\_

Agent Owner Tenant (circle one)

3. Name and address of water use correspondent: Western Star Ag Resources Inc

PO Box 1393, Salina, KS 67402-1393

834 E Prescott

Phone Number: ( ) \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Salina KS 67401

4. The proposed place of use under this Multi-Year Flex Account is:  Same as base water right\*\*

Owner of Land --- NAME: Western Star Ag Resources Inc

Vanier Land Company LP\*

ADDRESS: PO Box 1393, Salina, KS 67402-1393

(If there is more than one landowner, attach supplemental sheets as necessary.)

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		

Owner of Land --- NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

(If there is more than one landowner, attach supplemental sheets as necessary.)

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			

\*\*The proposed Place of Use shall include any and only acreage that is currently authorized under the base Water Right(s). Checking this box signifies that the proposed place of use for the Multi-Year Flex Account is identical to the base water right(s) and completion of this table is not required.

For Office Use Only:  
 F.O. 3 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use IRR County EL By KAB Date 9/3/15  
 Code JPE Fee \$ 400 TR # 16007-95 Receipt Date 9/3/15 Check # 4910

I hereby certify that this instrument is a true and correct copy of the original as purported.

Dated at Manhattan, Kansas this 5<sup>th</sup> day of March, 2018

Amber Z. Herring  
 DIVISION OF WATER RESOURCES  
 KANSAS DEPARTMENT OF AGRICULTURE

Page 1

Assisted by \_\_\_\_\_

3/12/2018 UM

as per Warranty deed received 3-6-18 KAB/DWR



5. The point of diversion authorized by base Water Right, File No(s). 17,283, and subject to this application, is as follows:  
 One well, located in the SW Quarter of the SW Quarter of the NE Quarter of Section 24, more particularly described as being near a point 2920 feet North and 2370 West of the Southeast Quarter of said section, in Township 11 South, Range 20 West in Ellis County, Kansas.
6. All beneficial uses of water authorized under the base water right(s) shall be authorized by a Multi-Year Flex Account permit. If the base water right(s) pertaining to this flex account authorizes more than one type of use, specify the type of use to be authorized under this specific flex account permit (i.e. irrigation, stockwatering, etc.).  
Irrigation
7. The Rate of Diversion for the point of diversion to be authorized by this application is not to exceed 810 g.p.m. or c.f.s. The rate of diversion cannot exceed the authorized rate of diversion for the point of diversion described under Paragraph No. 5 above.
8. The quantity of water deposited in the Multi-Year Flex Account shall not exceed the greatest of the following computations. Furthermore, the final authorized quantity will be determined by Division of Water Resources staff based on a review of base water right(s) documentation, and may differ from these computations if an error was made (if the quantity is proposed to be reduced, you will be informed and provided an opportunity to withdraw the application).

Water Use Data (NOT to exceed authorized quantity) (AF or MGY)		Reported acres lawfully irrigated:	
2000		2000	99
2001		2001	99
2002		2002	99
2003		2003	99
2004		2004	99
2005		2005	99
2006		2006	99
2007		2007	0
2008		2008	0
2009		2009	0

<p><b>8a. Average Use Calculation</b></p> <p>Average Water Use _____ AF/MGY</p> <p>Average Water Use _____ X 5 years = _____ AF</p>	<p><b>8b. NIR Calculation</b></p> <p>Highest number of acres irrigated <u>99</u> X  <u>1.02</u> 50% NIR (per K.A.R. 5-5-12) in <u>EL</u> County, KS:  <u>100.98</u> X 5 years X 110% = <u>555.39</u> AF</p>
<p><b>8c. Base Right Annual Authorized Quantity = <u>92</u> AF</b></p> <p>Five Times Authorized Quantity = <u>460</u> AF</p>	

Subtract any applicable penalty, overage, or reduction in quantity of \_\_\_\_\_ AF, providing a remaining total of: \_\_\_\_\_ AF. The proposed quantity may not exceed the annual authorized quantity multiplied by 5.

9. That the authorized quantity under this proposed Multi-Year Flex Account is not to exceed 460 AF to be diverted during a five consecutive calendar year period beginning January 1, 2015 and ending December 31, 2019.  
 (An application for a Multi-Year Flex Account shall be filed with the chief engineer on or before October 1 of the first year of the Multi-Year Flex Account term for which the application is being made.)

RECEIVED  
 DIVISION OF WATER RESOURCES  
 KANSAS DEPARTMENT OF REVENUE  
 10/15/15

10. That as the owner, or a duly authorized agent of the owner, by signing below, I understand that if this application is approved, a term permit will be issued for a period of not more nor less than five (5) consecutive calendar years and that this term permit will suspend the appropriation of water under the Certificate of Appropriation for Beneficial Use of Water or the Vested Right that is used as the basis for this Multi-Year Flex Account for the effective period of the Flex Account. The Term Permit is subject to state law and applicable rules and regulations including any applicable groundwater management district regulations. See Attachment A.

As landowner/agent pursuant to this application, I agree to supply upon request any additional documentation necessary to support the review of this application. I understand that failure to provide all necessary documentation in support of this proposed Multi-Year Flex Account will result in the dismissal of the application. Further, I understand that such dismissal will result in the loss of the application filing fee, but shall not limit the applicant's standing to file subsequent Multi-Year Flex Account Applications for Term Permit on this base water right or other base water rights.

The undersigned declares that as owner of the authorized place of use as identified herein, or representative of the same, I am authorized to make this application in his or her behalf, and declare further that the information provided herein is true, correct, and complete to the best of my knowledge.

By signing, I acknowledge that during the period authorized pursuant to the Multi-Year Flex Account, all conditions are binding upon all owners, heirs or assignees.

NOTE: The application must be signed by each owner of the authorized place(s) of use covered by the water right. If married, the spouse must also sign. 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.

Dated at Salina, Kansas, this 28 day of August, 2015.

John R Vanier  
 \_\_\_\_\_  
 (Owner) Signature

\_\_\_\_\_  
 (Spouse) Signature

\_\_\_\_\_  
 (Owner) Print

\_\_\_\_\_  
 (Spouse) Print

\_\_\_\_\_  
 (Owner) Signature

\_\_\_\_\_  
 (Spouse) Signature

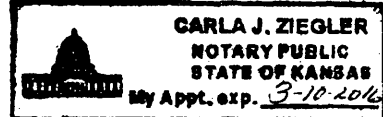
\_\_\_\_\_  
 (Owner) Print

\_\_\_\_\_  
 (Spouse) Print

State of Kansas )  
 ) SS  
 County of Saline )

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 28 day of August, 2015.

Carla J Ziegler  
 \_\_\_\_\_  
 Notary Public



WATER RESOURCES  
 RECEIVED

SEP 03 2015

KANSAS DEPARTMENT OF AGRICULTURE

I hereby certify that this instrument is a true and correct copy of the original as purported. Dated at Manhattan, Kansas this 5<sup>th</sup> day of March, 2018

Amber S. Herring  
 DIVISION OF WATER RESOURCES  
 KANSAS DEPARTMENT OF AGRICULTURE

**Attachment A**

Landowners/Operators are the critical component in the success of Multi-Year Flex Accounts and, in fact, to all water rights administration. Good records and measurement are keys to insuring that all water users are able to maximize use, while, to the extent possible, conserving this natural resource. The legal requirements for a Multi-Year Flex Account mirror the requirements for any water right.

The following are requirements or suggestions provided for your consideration:

**Requirements:** The Multi-Year Flex Account is based upon an existing water right. The base Water Right(s) is, in effect, suspended during the term of the Flex Account, and may be exercised only under the specific conditions described in K.A.R. 5-16-7. However, once the Flex Account term ends, the base water right resumes, unless the right is placed in another Flex Account or other special program;

- A. Except as noted below in paragraph C., the applicant will ensure there is a properly installed water flowmeter on the approved diversion works prior to the actual first use of water which meets all of the current specifications described in K.A.R. 5-1-4 through 5-1-12;
- B. That the applicant agrees to allow the inspection of the flowmeter installed to measure water use;
- C. If the flowmeter was properly installed prior to current specifications, Division of Water Resources (DWR) may grant an exception from current specifications if the meter flow tests accurately. An inaccurate meter will require a meter installation that meets current specifications;
- D. That the applicant agrees to report any and all instances which result in a water flowmeter malfunction on the next business day following the discovery of said malfunction;
- E. That the applicant agrees to repair or replace said flowmeter within 15 days of the discovery of any malfunction or within any authorized extension of time needed to complete the repairs. The replacement of said flowmeter will result in the new flowmeter meeting current specifications;
- F. That the applicant agrees to notify the Division of Water Resources in writing on a form prescribed by the Chief Engineer of the water flowmeter installation and any water flowmeter repair or replacement event;
- G. That the applicant agrees to maintain a record of the quantity diverted under the approval of this Multi-Year Flex Account at the first of each month of the period of authorization. Further, the applicant agrees to make such information available upon request by the Kansas Department of Agriculture, Division of Water Resources, Chief Engineer or his/her authorized representative;
- H. The place of use or use made of water authorized pursuant to the proposed Multi-Year Flex Account shall not be changed during the period of the Multi-Year Flex Account;
- I. Any change in the point of diversion will be based on a change to the base water right;
- J. The Multi-Year Flex Account, just like the base water right, remains subject to any and all Orders of the Chief Engineer, which includes but is not limited to: Minimum Desirable Streamflow; Intensive Groundwater Use Control Areas, Local Enhanced Management Areas, and/or orders related to impairment of a senior water right;
- K. Failure to comply with the above referenced stipulations and conditions may result in revocation of the Multi-Year Flex Account permit, and imposition of penalties as provided in K.A.R. 5-14-10;

Suggested practices:

*Backup measurements;* The owner is strongly encouraged to install and keep records from a backup flowmeter or alternate measurement device, such as an hour-meter or other newer technology. In the event that your water flowmeter is broken or found to be inaccurate, the backup measurements may allow DWR to determine the amount of water used while accurate water flowmeter records are not available. If alternative records to establish water use were not available, DWR will be required to make basic assumptions on water use during the period. This may include assigning 150% of the maximum annual quantity of the base water right to that year. We would prefer to have back up data that reflects the water you actually used. If you have questions about appropriate backup sources, please contact your local GMD, DWR or any private meter resource.

More on meters:

*Sealing meters;* Most water rights holders are conscientious stewards of water, understanding and appreciating its value and using it according to rules and regulations. Unfortunately, not everyone follows the rules. A few use dishonest practices that allow them to overuse water to the detriment of their neighbors. DWR and the GMD's have determined that a program that "seals" a meter, upon its being found to be accurate and/or is fully in compliance with current specifications, ensures that everyone is "playing by the rules" and maximizes the value of water use.

*Here is how the sealing works:*

- a. The water flowmeter and the measuring chamber are sealed to the diversion works in a manner to ensure the flowmeter and the measuring chamber may not be removed and reinstalled without breaking the seal.
- b. In addition, the water flowmeter register is sealed in a manner to ensure that the register may not be manipulated without breaking the seal;
- c. Once a meter is sealed, DWR must be notified and authorize breaking any seal;

*Anti-Reverse Mechanisms provide additional assurance that the metered quantity is reliable.* We require that any water flowmeter replaced during the duration of the Multi-Year Flex Account be upgraded or replaced with anti-reverse flow mechanisms;

**By initialing, the applicant acknowledges receipt of this attachment.**

*[Faint, illegible text, possibly a stamp or signature area]*

## McColloch, Austin [KDA]

---

**From:** Stewart, Kelly [KDA]  
**Sent:** Monday, March 12, 2018 1:52 PM  
**To:** McColloch, Austin [KDA]  
**Cc:** Billinger, Mark [KDA]; Hageman, Rebecca [KDA]  
**Subject:** RE: MYFA 20157007

Austin,

I recommend approval of the referenced MYFA application.

Kelly

---

**From:** McColloch, Austin [KDA]  
**Sent:** Monday, March 12, 2018 9:14 AM  
**To:** Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>  
**Cc:** Billinger, Mark [KDA] <Mark.Billinger@ks.gov>  
**Subject:** MYFA 20157007

Kelly,

This application for a MYFA Term Permit was submitted on September 3, 2015 and was scanned into docuware but apparently was misplaced before anything else happened. The applicant forgot about the application until last week when they contacted us asking about it. We were able to make a true and correct copy of the application and get it entered into WRIS. Attached is my draft memo for the application. They are requesting 5 times authorized bringing the total to 460 acre-feet. The MYFA is from January 1, 2015 through December 31, 2019.

Thanks,

Austin McColloch  
Environmental Scientist  
Ph: (785) 564-6643