





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

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

**TO:** Files  
**FROM:** Leslie Ireland

**DATE:** June 21, 2018  
**RE:** Water Right  
File Nos. 28,506 & 45,185  
Appropriation of Water,  
File No. 47,657  
Application,  
File No. 49,975

Gale A. Walz and his wife, Mary C. Walz as owners of the referenced water rights have filed applications for approval to change the point of diversion and place of use, and a new application for industrial use. The application for change under File No. 28,506, is requesting to change the point of diversion was received on January 8, 2018, along with applications under File Nos. 45,185 & 47,657, to change the industrial place of use for the requested expansion of the existing groundwater pit. The new application under File No. 49,975 was received on January 22, 2018.

The referenced water rights appear to not be abandoned as per K.S.A. 82a-718. The rights appear to be in compliance with K.S.A. 82a-732.

The applications propose to increase the size of an existing groundwater pit utilizing the irrigation right as an offset to permit the new appropriation.

File No. 28,506 is authorized for irrigation use, it does not have any overlap with any rights. It is authorized for two points of diversion and two places of use. One (1) point of diversion authorized 29 acre-feet (AF) with a rate of 265 gallons per minute (gpm) is from a well in Section 20 with what appears to be a side roller irrigation system. The other diversion is from an existing exempted small pit (less than half an acre) authorizing 49 AF at 270 gpm for a combined total of 78 AF for the irrigation of 47 acres (1.66 AF/acre) in Cheyenne County. Water Right, File Nos. 45,185 & 47,657, authorize industrial use for the evaporation of 6.347 mgy (19.5 AF from the 6 acre pit, operated for sand and gravel with a backhoe that is located between the irrigated places of use under File No. 28,506. The geographical center of the industrial use pit is located in the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 20, approximately 4,879 feet North and 864 feet to the West of the Southeast corner of Section 20 in Township 4 South, Range 41 West, Cheyenne County, Kansas. All of the points of diversions and places of use are located along the North side of the South Fork Republican River. All of the referenced files are located within the Republican River Compact Area.

The new application under File No. 49,975, proposes 4.88 AF at the rate of natural evaporation with the quantity provided from an offset from File No. 28,506. The sand pit will expand from 6.0 acres 7.5 acres. The current evaporative loss of 19.5 AF for the 6 acres is authorized by File Nos. 45,185 & 47,657. A combined total of 24.38 AF (7.94 mgy) will be needed for the 7.5 acres for the evaporation. It will be authorized by File Nos. 45,185; 47,657 & 49,975, for use industrial use. The application and two change applications will be processed in part by K.A.R. 5-13-1 through 9. A "Notice of Intent to Expand a Pit" was submitted, along with the standard minimum desirable streamflow acknowledgement for the new appropriation. The pit is located in an area that has an average annual potential net evaporation of 39 inches per acre per year as determined by K.A.R. 5-6-3, *Potential net evaporation*, therefore the evaporative loss would be considered to have a substantially adverse impact on the area groundwater supply as it exceeds 18 inches per acre per year as detailed in K.A.R. 5-13-2, *Determination of substantially adverse impact on the area groundwater supply*. Due to the location of the pit it must comply with K.A.R. 5-13-3 and the groundwater evaporation must be permitted for the expansion. It does appear that the proposed appropriation under File No. 49,975 can't be exempt from meeting safe yield as the proposal did not meet all of the requirements of K.A.R. 5-13-4, *Exemption*, specifically being in operation prior to 1999, so it must meet the requirements of K.A.R. 5-13-5. The applicant is proposing a new application and an offset to meet the additional evaporative loss. As detailed in K.A.R. 5-13-6, the annual quantity of water required for the evaporative loss is:

$$7.5 \text{ acres} \times 39 \text{ inches} \div 12 \text{ inches per foot} = 24.375 \text{ acre-feet or } 24.38 \text{ AF} \sim 7.94 \text{mgy}$$

A portion of the 24.38 AF (7.94 mgy) for the 7.5 acres of evaporation loss is already authorized. The industrial use under File Nos. 45,185 & 47,657 have a combined total of 19.5 AF (6.347 mgy). The requested 4.88 AF (1.59 mgy) that is proposed under File No. 49,975, resulting in a total of 24.38 AF or 7.94 mgy.

Due to the area being over appropriated the 4.88 AF for the new appropriation, File No. 49,975, will be provided by an offset reduction to the irrigation right, File No. 28,506.

File No. 28,506 will provide the water as allowed by K.A.R. 5-13-7 and 8, as it is located within two miles of the geographical center of the groundwater pit. To assure that the consumptive use will not be increased the right will be evaluated by K.A.R. 5-5-10, *Partial changes in the use made of water from irrigation to another type of beneficial use*, for the 4.88 AF needed.

Utilizing the new regulation K.A.R. 5-5-9 in conjunction with K.A.R. 5-5-10.

**Step one:** Cheyenne Co. 87.6% x 78 AF = 68.328 AF as the total quantity for changed.

**Step two:** 4.88 AF ÷ 68.328 AF = 0.071420208

1.00 – 0.071420208 = 0.928579792 or 92.8579792% retained for irrigation use

**Step three:** 0.928579792 x 78 AF = 72.429 AF or 72.4 AF retained for irrigation use.

K.A.R. 5-5-10(b) requires that the authorized place of use for the irrigation right shall be generally reduced in proportion to the reduction in annual quantity caused by the change. Utilizing the standard calculation in K.A.R. 5-5-11(2)(B)(ii), the currently authorized 47 AF with the 0.85 efficiency rating with the 80% NIR of 1.28 for Cheyenne County indicated 48.1 acres could remain irrigated. The currently authorized 47 acres will remain as authorized as it appears no reduction in irrigated acres is needed. The 47 acres will remain in the Southeast of 17-4-41W and in the North Half of 20-4-41W. The right will have an irrigation ratio of 1.54 AF per acre, complying with K.A.R. 5-3-23, *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right*. The requested change in point of diversion is to modify the quantity diverted there will be no actual movement of the points. The owner has requested that the reduced 72.4 AF be modified between the points of diversion. The well located in Section 20, will change from 29 to 15 AF and the diversion from the pit in Section 17, will change from 49 to 57.4 AF. The owner did not request to change the rates of diversion which are 265 and 270 gallons per minute. The increased quantity at the pivot in Section 17 will irrigate the packman pivot.

The locations of the points of diversion authorized for irrigation use under File No. 28,506, were shown on the application with updated GPS locations, both less than 50 feet from the currently authorized. The actual locations listed comply with K.A.R. 5-5-6 *Failure to construct diversion works at authorized location*. The points will be updated per the application.

The 4.88 AF (1.59 mgy) for the industrial use that will be authorized under for File No. 49,975 via the offset from File no. 28,506 to allow for the expansion of the groundwater pit. The source of supply for the existing diversions has been determined to be the Main Stem Alluvium (Code 113) of the South Fork of the Republican River. The proposed existing geographic center of the pit under File Nos. 45,185; 47,657 & 49,975 are approximately of 1,037 feet from the points of diversion authorized under File No. 28,506. It appears K.A.R. 5-24-3, *Well spacing*, exempts wells under the same ownership. The shifting of the quantity for the offset will move parallel to the river as it runs west-east in this area moving the quantity East and north-south for quantity that could be surrendered from the Northern point under File No. 28,506. The proposal appears to comply with K.A.R. 5-5-13, *Relocation of alluvial wells*. The geographical center of the existing pit under File Nos. 45,185 & 47,657, will not be modified for the expansion of the pit as the expansion is minor and a new appropriation has been filed the geographic center remains within 300 feet of authorized, complying with K.A.R. 5-5-6, *Failure to construct diversion works at authorized location*.

The applicant did not indicate that there were any wells located within one-half (1/2) mile of the proposed point of diversion for the new appropriation. WRIS indicates that there are the two irrigation wells owned by the applicant. It also indicated a surface diversion for Vested Right, File No. CN 009. The owner of this right was sent a letter to provide notice of the new appropriation and changes. No reply of any kind was received.

The original permit under File Nos. 45,185 & 47,657, did require the area around the groundwater pit be constructed and maintained to prohibit surface water runoff from entering the aquifer through the excavated pit. The location is next to a river with a road to the Northwest. The new permit, File No. 49,975, and change approval under File Nos. 45,185 & 47,657, for the pit will require the surrounding area be constructed, maintained, and operated in a manner that will prevent degradation to the water quality of the source of supply, which would cause impairment to existing water rights. It does appear that a levee is constructed along the East side of the pit and referenced as L CN 003.

It appears that the new permit with the offset, along with the modification of sand and gravel pit and the locations of the points of diversion all comply with the Republican River Compact.

The Division of Conservation was not informed of the change to the pit as their process requires expansions to be greater than two acres to warrant any modifications to their operation.

In a letter dated May 29, 2018, Ray Luhman, Manager, Northwest Kansas Groundwater Management District No. 4, recommended that the application under File No. 49,975, be approved along with the change applications under File Nos. 45,185 & 47,657 for the expanded place of use. Additionally, the GMD recommended approval of the change under File No. 28,506, as long as all reduction request is executed with the approval.

Kelly Stewart, Water Commissioner of the Stockton Field Office reviewed the proposed change and recommended approval of the proposed project, via e-mail dated June 20, 2018.

Based on the above discussion and that the quantity under File No. 28,506, may be utilized for the new appropriation, that the change to the irrigation and industrial places of use are reasonable and will not increase consumptive use, that impairment to existing water rights is unlikely and that no change in the local source of supply will occur, it has been recommended that the referenced applications be approved.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

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

GALE A & MARY WALZ  
445 RS 877  
SAINT FRANCIS KS 67756

**FILE COPY**  
July 16, 2018

RE: Water Right, File Nos. 28,506 & 45,185  
Appropriation of Water, File No. 47,657

Dear Mr. & Mrs. Walz:

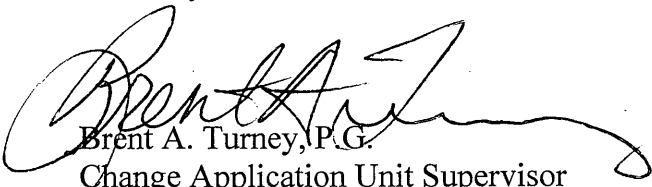
Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the referenced files.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approval for Water Right, File No. 28,506, is that an acceptable water flowmeter must be installed on the diversion works. Please complete and return the required notification of completion of the diversion works and or installation of the required meter as soon as these actions are complete. There is no fee for the notification of completion when changing an existing water right.

Since these orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact Leslie Ireland, Environmental Scientist, at (785) 564-6633. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT:LI:li:

Enclosures

pc: Stockton Field Office  
Groundwater Management District No. 4

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  
APPROPRIATION OF WATER, FILE NO. 47,657**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Gale A. and Mary C. Walz, 445 RS 877, Saint Francis, Kansas 67756, received in the office of the Chief Engineer on January 8, 2018, for approval of a change in the location of the place of use under the Approval of Application, File No. 47,657, 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:

a sand and gravel pit not to exceed 7.5 acres in size located in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 20, in Township 4 South, Range 41 West, Cheyenne County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the place of use.

That the groundwater pit shall be constructed, maintained, and operated in a manner that will prevent degradation to the water quality of the source of supply, which would cause impairment to existing water rights.

In all other respects, the Approval of Application, File No. 47,657, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated July 1, 2011.

**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 shall be in writing and shall be submitted to the attention of : Chief Legal Counsel, Kansas Department of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: ( 785) 564-6777.

Ordered this 12<sup>th</sup> day of July, 2018, at 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 12<sup>th</sup> day of July, 2018, 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 16<sup>th</sup> day of July, 2018, I hereby certify that the attached Approval of Application for Change in Place of Use, Water Right, File No. 47,657 dated July 12<sup>th</sup>, 2018 was mailed postage prepaid, first class, US mail to the following:

Gale A. & Mary Walz  
445 RS 877  
Saint Francis, KS 67756

With photo copies sent to:

Stockton Field Office  
Groundwater Management District No. 4

*Danielle Wilson*  
Division of Water Resources



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

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



State of Kansas

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

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

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

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

WATER RESOURCES  
RECEIVED

JAN 08 2018  
11:13  
KS DEPT OF AGRICULTURE

File No. 47,657

2. Name of applicant: GALE A & MARY WALZ

Address: 445 RS 877

City, State and Zip: SAINT FRANCIS KS 67756

Phone Number: (785)332-2012 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): PROPOSED EXPANSION OF THE EXISTING PIT WITH A NEW APPLICATION

The change(s) WILL BE completed by 12/2020 (Date)

For Office Use Only:	
F.O. <u>3</u> GMD <u>4</u> Meets K.A.R. 5-5-1 (YES/NO) Use <u>IND</u> Source <u>G/S</u> County <u>CN</u> By <u>AW</u> Date <u>1/8/18</u>	
Code <u>CAU</u> Fee \$ <u>200</u> TR # _____ Receipt Date <u>1/8/18</u> Check # <u>100</u>	

APPLICATION COMPLETE  
5.12.18  
Reviewer LP

4. The presently authorized place of use is:

Owner of Land — NAME: GALE A & MARY WALZ

ADDRESS: 445 RS 877 SAINT FRANCIS, KS 67756

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	
20	04S	41W	6.0 ACRE PIT																

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. 45,185

(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: GALE A & MARY WALZ

ADDRESS: 445 RS 877 SAINT FRANCIS, KS 67756

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	
20	04S	41W	7.5 ACRE PIT																

List any other water rights that cover this place of use. 45,185 & 49,975 \*

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. 45,185 AND NEW APPLICATION

JAN 08 2018

*LE/aw 5/14/18*

- 6. The presently authorized point(s) of diversion is A GROUNDWATER PIT  
(Provide description and number of points)
- 7. The proposed point(s) of diversion is A GROUNDWATER PIT  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**  
 One in the NW Quarter of the NE Quarter of the NE Quarter of Section 20, Township 04 South, Range 41 W, in CHEYENNE County, Kansas, 4879 feet North 864 feet West of Southeast corner of section.  
 Authorized Rate 0 Authorized Quantity 4.008 MGY  
 (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 45,185 | 49,975\*

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. \_\_\_\_\_

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 St Francis, Kansas, this 3 day of January, 20 18.

Gale A. Walz  
(Owner)

GALE WALZ  
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

Mary C. Walz  
(Spouse)

MARY C. WALZ  
(Please Print)

(Spouse)

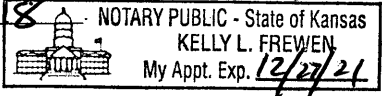
(Please Print)

(Spouse)

(Please Print)

State of Kansas }  
County of Cheyenne } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3 day of January, 20 18.



Kelly L. Frewen  
Notary Public

My Commission Expires 12/27/2021.

**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:

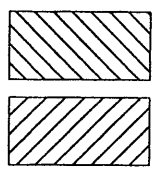
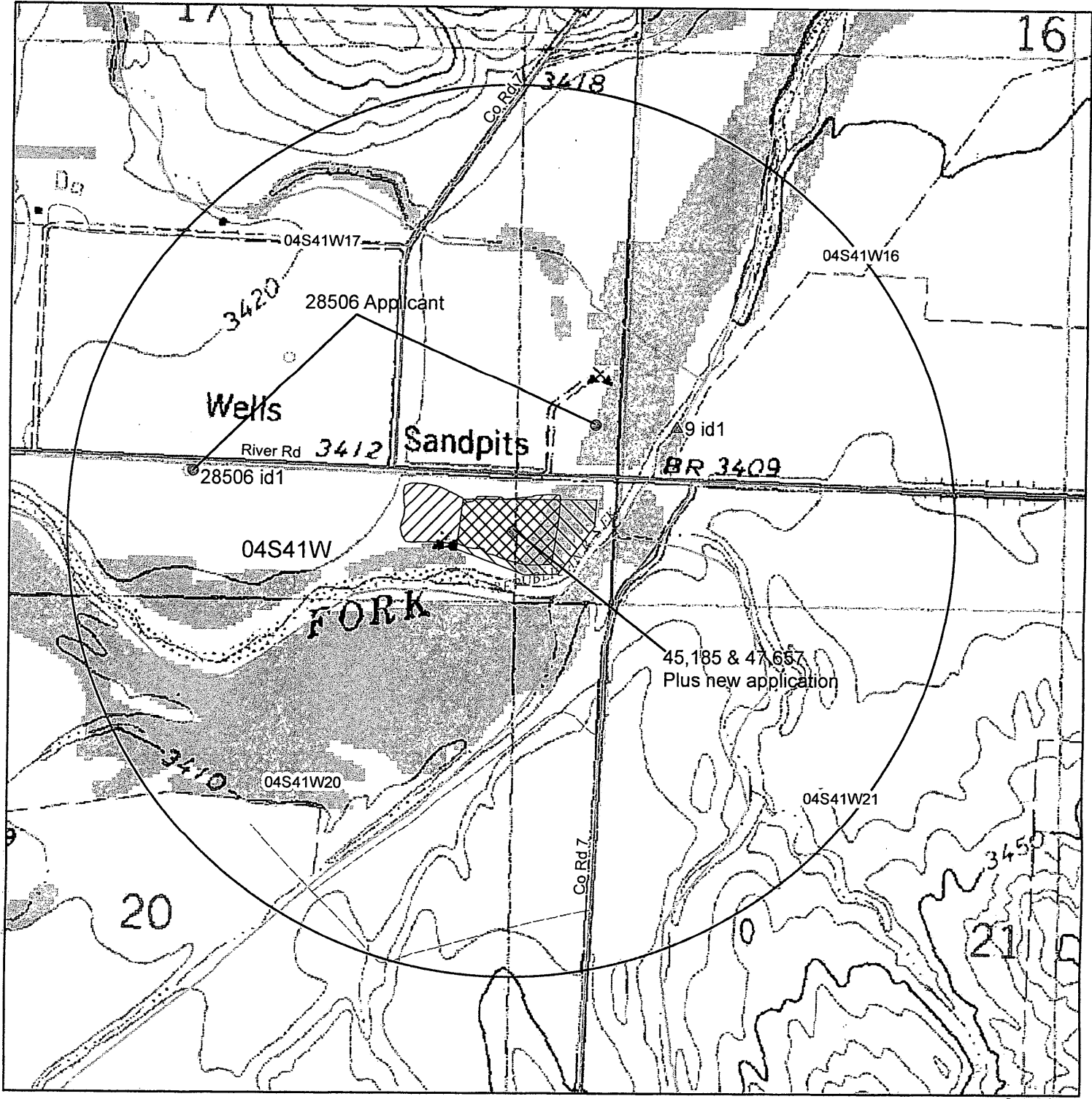
- (1) Application to change a point of diversion 300 feet or less ..... \$100
- (2) Application to change a point of diversion more than 300 feet ..... \$200
- (3) Application to change the place of use ..... \$200
- (4) Application to change the use made of the water ..... \$300

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

WATER RESOURCES  
RECEIVED

JAN 08 2018

Application to Change the Place of Use  
 For Water Right File # 45,185 & 47,657 + NEW APP # 49,915



Authorized Place of Use  
 Proposed Place of Use

▲ Surface Water Point of Diversion  
 ● Groundwater Point of Diversion

1:10,000



*x LSP/aw*  
 5/14/18

WATER RESOURCES  
 RECEIVED

JAN 08 2018

**From:** Ireland, Leslie [KDA]  
**Sent:** Thursday, June 21, 2018 8:39 AM  
**To:** Stewart, Kelly [KDA]  
**Subject:** RE: New Application File No. 49975 & Changes File Nos. 28506 45185 & 47657 Walz

Kelly,

Thanks for the correction,, one of those true field office knowledge things... I'll put the documents together for Brent to review when he gets back from Colorado.

Take care,

Leslie

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**From:** Stewart, Kelly [KDA]  
**Sent:** Wednesday, June 20, 2018 9:42 AM  
**To:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>; Billinger, Mark [KDA] <Mark.Billinger@ks.gov>  
**Cc:** Hageman, Rebecca [KDA] <Rebecca.Hageman@ks.gov>  
**Subject:** RE: New Application File No. 49975 & Changes File Nos. 28506 45185 & 47657 Walz

Leslie,

I recommend approval of the change applications and new application.

FYI – In the second paragraph at the top of Page 2 of your memo, you state the area is closed. It is not closed, but it is over appropriated.

Kelly

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**From:** Ireland, Leslie [KDA]  
**Sent:** Tuesday, June 19, 2018 2:37 PM  
**To:** Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Billinger, Mark [KDA] <Mark.Billinger@ks.gov>  
**Subject:** New Application File No. 49975 & Changes File Nos. 28506 45185 & 47657 Walz

Hi guys,

Please let me know if you could recommend this package of applications. I wrote and rewrote the summary memo to try and get it all summarized.

As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist II  
Kansas Department of Agriculture  
Division of Water Resources - Change Unit  
(785) 564-6633  
[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)



**NORTHWEST KANSAS  
GROUNDWATER MANAGEMENT  
DISTRICT NO. 4**

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1290 West 4th Street  
P.O. Box 905  
Colby, Kansas 67701-0905

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May 29, 2018

Leslie Ireland  
Water Appropriation Program  
1320 Research Park Drive  
Manhattan KS 66502

RE: Water Right, File Nos. 28,506 & 45,185  
Appropriation of Water, File No. 47,657  
Application, File No. 49,975

Dear Leslie,

The Northwest Kansas Groundwater Management District has reviewed the above referenced application and based on our records and the information supplied by the applicant, we have determined that the following recommendations be made to the Chief Engineer:

Approve all with the requested reductions.

If any additional information is required, please advise.

Sincerely

Ray Luhman  
Manager

jem:

# 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

May 21, 2018

MARY LOU DOUTHIT  
820 RS 877  
SAINT FRANCIS KS 67756

**FILE COPY**

RE: Water Right, File Nos. 28,506 & 45,185  
Appropriation of Water, File No. 47,657  
Permit, File No. 49,975

Dear Ms. Douthit:

This letter is to **provide notice** for the appropriations listed above as required by K.S.A. 82a-1906, which became effective on July 1, 2016.

The owner of the referenced appropriations has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture. The applications propose to change the place of use to expand, to the West, an existing sand and gravel pit authorized under File Nos. 45,185 & 47,657. The expansion will increase the acres of surface water from 6 to 7.5 acres under a new permit File No. 49,975 that is requesting 4.88 acre-feet of water for the natural evaporation that will occur by the increase in side. The application under File No. 28,506, proposes a reduction in quantity authorized for irrigation use to supply the 4.88 acre-feet of water for the new permit File No. 49,975.

The existing sand and gravel pit is located in the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 20, in Township 4 South, Range 41 West, Cheyenne County.

The application under File No. 28,506, that will be reduced from 78 to 72.4 acre-feet for irrigation use, also proposes a change in point of diversion to reassign the 72.4 acre-feet remaining. This quantity (72.4 acre-feet) is proposed to be reassigned between the authorized existing irrigation wells from:

one (1) well located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 20, more particularly described as being near a point 5,244 feet North and 2,486 feet West of the Southeast corner of said section, at a quantity not to exceed **29 acre-feet** per calendar year and at a diversion rate not in excess of 265 gallons per minute (0.59 c.f.s.), and

one (1) well located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 17, more particularly described as being near a point 302 feet North and 183 feet West of the Southeast corner of said section, at a quantity not to exceed **49 acre-feet** per calendar year and at a diversion rate not in excess of 270 gallons per minute (0.60 c.f.s.),

**SCANNED**



to:

one (1) well located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  NE) of Section 20, more particularly described as being near a point 5,244 feet North and 2,486 feet West of the Southeast corner of said section, at a quantity not to exceed **15 acre-feet** per calendar year and at a diversion rate not in excess of 265 gallons per minute (0.59 c.f.s.), and

one (1) well located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 17, more particularly described as being near a point 302 feet North and 183 feet West of the Southeast corner of said section, at a quantity not to exceed **57.4 acre-feet** per calendar year and at a diversion rate not in excess of 270 gallons per minute (0.60 c.f.s.),

all in Township 4 South, Range 41 West, all in Cheyenne County, Kansas.

Information supplied by the applicant indicates that you as a nearby landowner may have a well or wells in this vicinity, therefore you are being notified. Should you want to comment or provide other information which you desire to submit, please do so within 15 days for the date of this letter.

If you have any questions, please contact our office, my desk phone is (785) 564-6633. If you wish to discuss a specific file, please have a file number ready so that we may help you more efficiently.

Sincerely,



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

pc: Stockton Field Office  
Groundwater Management District No. 4

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
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GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

May 21, 2018

**FILE COPY**

NORTHWEST KANSAS GROUNDWATER  
MANAGEMENT DISTRICT NO 4  
ATTN RAY LUHMAN  
PO BOX 905  
COLBY KS 67701-0905

Re: Water Right, File Nos. 28,506 & 45,185  
Appropriation of Water, File No. 47,657  
Application, File No. 49,975

Dear Mr. Luhman:

We are enclosing a copy of an applications under each of the file numbers referred to above. The applications appear to be in proper form.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations.

Please submit your recommendations within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Ireland".

Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

LI:li  
Enclosures  
pc: Stockton Field Office

**SCANNED**

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

GALE A & MARY WALZ

January 11, 2018

445 RS 877  
SAINT FRANCIS, KS 67756

RE: File No 47657

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 GMD4