Kansas Department of Agriculture Division of Water Resources

CHANGE: P/U WORKSHEET

| Document Signature LPL | | , | | |
|---|-------------------------------|-------------------|--|--|
| 1. File Number: | 2. Status Change Date: | 3. Change Num: | 4. Field Office: | 5. GMD: |
| 47786 | 10/17/2018 | 2 | 01 | |
| 6. Status: ⊠ Approved □ Den | ied by DWR/GMD ☐ | Dismiss by Reques | st/Failure to Return | 7. Filing Date of Change: |
| 8a. Applicant(s) New to system □ | Person ID 2024C Add Seq# | 8c. Landown | | Person ID <u>(// 383</u> Add Seq#/ |
| DENNIS ERKENBRACK 551 PAWNEE TRAIL REPUBLIC KS 66964 | | РО ВО | ETH (DREW) ER X 4 BLIC KS 66964 | KENBRACK |
| 8b. Landowner(s) New to system DENNIS ERKENBRACK 551 PAWNEE TRAIL REPUBLIC KS 66964 | Person ID 29240 Add Seq# 1 | DENNI 551 PA | | Person ID 66387 Add Seq# K FAMILY TRUST |
| 9. Documents and Enclosure(s): 🛛 DV | VR Meter(s) Date to Comp | ly: 12/31/18 | N & P Date to | o Comply: |
| ☐ Check Valve ☐ N & P Fo | orm ⊡ Water Tub | e Drille | r Copy | & E Letter |
| ☐ Conservation Plan Date Requir | ed: Da | te Approved: | Date t | o Comply: |
| 10. Use Made of Water From: | | To: _ | | |
| | | | Date Prepared: 8/7/1 Date Entered: ไปไร | |

| File No. 47786 | 11. County: RP | Basin: | | Stream: | F | Formation Code: Special Use: | |
|--|----------------|--------------------------------|--------------------------------|---------------------|---|------------------------------|----------|
| 12. Points of Diversion T MOD DEL PDIV ENT Qualifier | S T | R ID | 'N 'W Com | nment | Rate and Quantity Authorized Rate Quantity Ratepm/cfs af/mgy gpm. | | |
| MOD 83115 LOT 3 | 25 2S | S 5W 10 | 5261 5112 | | gpm/cis ai/mgy gpm | Overlap PD Files | - |
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| | | | | | | | |
| | | | | · | | | |
| 13. Storage: Rate | NF | Quantity | ac/ft | Additional Rate | NF Add | ditional Quantityac/ft | |
| 14. Limitation: 192 Limitation: | | | | | | and Bostwick IRRd | idric |
| | | Start Year | | | | t | _ |
| 16. Place of Use | | NE¼ | NW1/4 | \$W1/4 | SE¼ Total | Owner Chg? Overlap Files | |
| MOD DEL ENT PUSE S T R | h - | NE NW SW SI 1/4 1/4 1/4 1/4 | EE NE NW SW SE 1/4 1/4 1/4 1/4 | NE NW SW SE 1/4 1/4 | NE NW SW SE 1/4 1/4 | | |
| MOD 61972 25 2S 5 | N 6 | | | 20.5 19 | 39.5 | 8c YES 38,315 50,022 | |
| MOD 58001 26 2S 5 | N 2 2 | 29 28 | 18 | 6 | 13 20.5 24 120.5 | 8b YES 38315 50022 | _ _ |
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| Comments: | | | | | | | |

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KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

<u>MEMORANDUM</u>

TO: Files

DATE:

August 15, 2018

FROM: Brent A. Turney

RE:

Water Right File No. 38,315

Appropriation of Water

File No. 47,786

Dennis L. and Judith E. Erkenbrack on behalf of the Dennis L. Erkenbrack Family Trust, and Drew and Emily Erkenbrack, owners of the above referenced water rights have filed applications for approval to change the place of use. The applications propose to better define the place of use of the existing 160 acres and also to create a complete overlap in the place of use with new Application, File No. 50,022.

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

The change in place of use proposes to create a complete overlap in the place of use with new Application, File No. 50,022, for a total of 160 acres. The quantity of water when combined with new Application, File No. 50,022, appears to be reasonable to irrigate the proposed place of use with 1.2 acre-feet of water per acre as per KAR 5-3-23, assuming that all of the proposed acres can be irrigated.

A total of six landowners adjacent to the Republican River were notified of the proposed changes in place of use, no responses were received.

In an email dated todays date, Kelly Stewart, Water Commissioner, Stockton Field Office recommended approval of the referenced changes.

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

Based on the above discussion, that the Stockton Field Office recommends approval, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur and that the new application will account for any increase in the consumptive use, the referenced applications should be approved.

Change Application Unit Sur

Change Application Unit Supervisor

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 (1)

DENNIS ERKENBRACK 551 PAWNEE TRAIL REPUBLIC KS 66964

October 22, 2018

RE: Water Right

File Nos. 38,315 & 47,786

Dear Mr. Erkenbrak:

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

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

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

Sincerely

Change Application Unit Supervisor

Water Appropriation Program

BAT

Enclosures

pc: Stockton Field Office

Drew and Emily Erkenbrack

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 DEFINING THE LOCATION OF THE POINT OF DIVERSION APPROPRIATION OF WATER FILE NO. 47,786

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Dennis L. and Judith E. Erkenbrack on behalf of the Dennis L. Erkenbrack Family Trust, 551 Pawnee Trail, Republic, Kansas 66964, and Drew and Emily Erkenbrack, PO Box 4, Republic, Kansas 66964 received in this office on March 26, 2018, for approval of a change in the location of the place of use under the Approval of Application, File No. 47,786, for permit to appropriate water for beneficial use, as modified and amended by the order of the Chief Engineer, dated March 11, 2014, approving the application to change the authorized point of diversion, 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, the authorized place of use shall be described as:

| | | NE | 1/4 | | | NΛ | V1/4 | | | sv | V1/4 | | | SE | 1/4 | | TOT41 |
|----------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|---------------|---------------|-------|-------|-------|-------|-------|-------|
| Sec Twp. Range | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | TOTAL |
| 25 2S 5W | | | | | | | | | | Lot 3 20.5 | Lot 6 19.0 | | | | | | 39.5 |
| 26 2S 5W | 29.0 | | | 28.0 | | | | | | | | 6.0 | 13.0 | | 20.5 | 24.0 | 120.5 |

a total of 160 acres in Township 2 South, Range 5 West, Republic County, Kansas,

and the location of the point of diversion shall be better defined as being:

one well located in Lot 3 of Section 25, more particularly located near a point 5,261 feet North and 5,112 feet West, Township 2 South, Range 5 West, Republic County, Kansas,

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

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.

File No. 47,786 Page No. 2

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 Approval of Application, File No. 47,786, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated April 9, 2017, as modified and amended by the aforementioned order.

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 17 day of Catobar 2018, in Topeka, Shawnee County, Kansas.

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

State of Kansas)

SS

County of Riley)

The foregoing instrument was acknowledged before me this of colors, 2018, by David W. Barfield, P.E, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Notary Public

CERTIFICATE OF SERVICE

On this day of School, 2018, I hereby certify that the attached original Approval of Change in Place of Use, File No. 47,786, dated School 14, 2018, was mailed postage prepaid, first class, US mail to the following:

Dennis L. Erkenbrack Family Trust 551 Pawnee Trail Republic KS 66964

With photocopies to:

Stockton Field Office

Drew and Emily Erkenbrack PO Box 4 Republic KS 66964

Staff

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



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 mad | de for approval of the Chief Engine Place of Use Point of Diversion Use Made of Water | eer to change the | Water Resources Received MAR 26 2018 ようち KS Dept Of Agriculture |
|------------|--|---|--|---|
| | | File No. <u>47,786</u> | | |
| 2. | Name of applicant: <u>Denn</u> | is Erkenbrack | | # v |
| | Address: <u>551 Pawnee Tr</u> | ail, | | |
| | City, State and Zip: <u>Repu</u> | blic, KS 66964 | | |
| <i>.</i> ; | Phone Number: <u>(785)243</u> | 33-6204 E-ma | il address: | |
| | What is your relationship | to the water right; ⊠ owner ☐ t | enant ☐ agent ☐ other? If ot | her, please explain. |
| | | spondent: <u>Same as above</u> | | |
| | Address: | | | |
| | City, State and Zip: | | | |
| | Phone Number: () | E-ma | il address: | |
| 3. | As proposed will authoriz | herein are desired for the followin e actual pivot locations. Correspo PU with new application for surfa completed by on approval | onding change in PU proposed for | r File 38,315. Proposed acres |
| F. | or Office Use Only: O. 3 GMD () Meets ode () | K.A.R. 5-5-1 (VE\$ / NO) Use <u>I (C</u> Fee \$ SEC TR # | Source G/S/County, RP Receipt Date 3 20 | |
| DV | VR 1-120 (Revised 06/29/20 | WATER RESOURCES RECEIVED O9) SEP 2 0 2018 KS DEPT OF AGRICULTURE | APPLICATION COMPLETE BIFFIES Reviewer BIFF | SSISTED STOCK FO SCANNED #1218 DW |

| The | nrese | ently au | thorize | ed pla | ce of ı | ıse is: | | | | | | | | | F | File No | o. <u>47,7</u> | '86 | |
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| Sec. | Twp. | Range | NE1/4 | NW1/4 | SW½ | SE¼ | NE1⁄4 | NW1⁄4 | SW1/4 | SE¼ | NE1⁄4 | NW1/4 | SW1/4 | SE¼ | NE1⁄4 | NW¼ | SW1/4 | SE1/4 | ACRES |
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| 26 | 02 | 05w | 27 | | | 27 | | | | | | | | 10 | 13 | | 24 | 21 | 122 |
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| st any | other | water r | ights t | hat co | ver th | is plac | e of u | se. <u>38</u> | ,315 | | | | | | | | | | - |
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| 100 | K w | · AM | | NE | 1/4 | | | NV | V1⁄4 | | | SV | V1⁄4 | | | SE | 1/4 | | TOTAL ACRES |
| Sec. | | Range | | | SW¼ | SE1/4 | NE¼ | NW¼ | SW1/4 | SE1/4 | NE1⁄4 | NW¼ | SW1/4 | SE1/4 | NE1⁄4 | NW¼ | SW1/4 | SE1/4 | 7,0,120 |
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| st any | other | water r | ights t | hat co | ver th | is plac | e of u | se | | | | | | | | | | | |
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| It is | propo | sed tha | at the | place | of use | be ch | angể | to: | | | | | | | | | | | |
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| st any | other | water r | ights t | hat co | ver th | is plac | e of u | se. <u>38</u> | 3,315 8 | k new | applic | ation | | | | | | | |
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List any other water rights that cover this place of use.

| | | | | | Fi | ile No. <u>47,786</u> | |
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| 7. | The proposed point(s) | of diversio | n is <u>NO CHANGE</u> | | (Provide description and numb | | |
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| 3. | Presently authorized | | , | | | | |
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| | of Section | 25 | , Township | 02 | South, Range | 05 | W, |
| | in Republic | Cour | nty, Kansas, <u>5261</u> | 1 feet North _ | 5112 feet West of S | outheast corne | r of section. |
| - | Proposed Rate110 | 00 gpm | Proposed Quantity | y182 AF | | | |
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| | Proposed point of div One in the of Section in Proposed Rate | rersion: (C | Quarter of the , Township nty, Kansas, _ Proposed Quantit | feet North | d) Quarter of the South, Range | outheast corne | W, |
| | Proposed point of div One in the of Section in Proposed Rate | rersion: (C | Quarter of the , Township nty, Kansas, _ Proposed Quantit | feet North | d) Quarter of the South, Range feet West of S | outheast corne | W, |
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SEP 2 0 2018

IF MORE SPACE IS NEEDED, ATTACH ADDITIONALISHEETS: AS NECESSARVEIVED MAR 26 2018

| | | | File No. <u>47,780</u> |
|-----|-----------------------------------|--|--|
| 12. | The pr | resently authorized use of water is for <u>irrigation</u> pur | poses. |
| | lt is pr | roposed that the use be changed to <u>No change</u> | purposes. |
| 13. | If char | nging the place of use and/or use made of water, describe how the consumptive u | se will not be increased. |
| | No cha | ange in total number of authorized acres. File has completed overlap in PU with V | Vater Right, File No. 38,315 and |
| | accom | npanying new application. Perfection period on File 47,786 does not expire until 2 | 2020. Previous owner did not |
| | comple | ete all proposed pivots, and did not locate all completed pivots as authorized. Pro | oosed change addresses |
| | unauth | horized acres and intent of new owner with regard to proposed pivot locations. | |
| | (Please | e show any calculations here.) | |
| | | | |
| 14. | It is re | equested that the maximum annual quantity of water be reduced to <u>n/a</u> | (acre-feet or million gallons). |
| 15. | It is re | equested that the maximum rate of diversion of water be reduced to n/a | gallons per minute (c.f.s.). |
| 16. | 1:24,0 66047 North shown | pplication must include either a topographic map or detailed plat. A U.S. Geolog 000, is available through the Kansas Geological Survey, 1930 Constant Avenue, Uni 7-3726 (www.usgs.gov). The map should show the location of the presently author and West of the Southeast corner of the section must be shown. The presently authoral Identify the center of the section, the section lines and the section corners and shange numbers on the map. In addition the following information must also be show | versity of Kansas, Lawrence, Kansas rized point(s) of diversion. Distances athorized place of use should also be ow the appropriate section, township, |
| | 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 must be shown. Please be certain that the information shown on the map a 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, within ½ mile of the proposed well or wells. Identify each well as to its address of the property owner or owners. If there are no wells within ½ mile, pl | s use and furnish name and mailing |
| | 3) | If the source of supply is surface water, the names and mailing addresses of and $\frac{1}{2}$ mile upstream from your property lines must be shown. | all landowner(s) ½ mile downstream |
| | | a change in the place of use is desired, show the proposed place of use by cro ertain that the information shown on the map agrees with the information shown in | |
| 17. | local s well lo | n documentation to show the change(s) proposed herein will not impair existing values of supply as to which the water right relates. This information may included by the supply and other information as necessary information to show the a below. | e statements, plats, geology reports, |
| | No cha | ange in source of supply. Change should be processed with applications filed in c | onjunction: Change in PU for |
| | File 38 | 8,315 and new surface water application in Section 26-2-5w | |
| | | | |
| | | | |
| | | | |
| 18. | identify reques | proposed change(s) does not meet all applicable rules and regulations of the Kan ry the rules and regulations for which you request a waiver. State the reason w st should be granted. Attach documentation showing that granting the request will of prejudicially and unreasonably affect the public interest. | hy a waiver is needed and why the |

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Water nescaects Received

HUS AR MAR

|--|

Any use of water that is not as authorized by the water right or permit to authorize water <u>before</u> 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. Kansas, this day of (Owner) (Please Print) (Owner) (Spouse) (Please Print) (Please Print) (Owner) (Spouse) (Please Print) (Please Print) State of Kansas SS County of Republic I hereby certify that the foregoing application was signed in my presence and sworn to before me this NOTARY PUBLIC - State of Kansas JAY RUSSEL My Appt. Exp. $\stackrel{\mathcal{L}}{\hookrightarrow}$ Notary Public 16/202 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 |
| 74 | Application to change the use made of the water | |

Make check payable to Kansas Department of Agriculture.

WATER RESOURCES RECEIVED

SEP 2 0 2018

Water Resources Received

MAR 26 2018

KS Dept Of Agriculture

KS DEPT OF AGRICULTURE

SCANNED

Any use of water that is not as authorized by the water right or permit to authorize water <u>before</u> 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

| as specified in sections 14 and 15 of this a | | / | September | , 20 <u>18</u> |
|--|-----------------------------------|------------------------|--|----------------|
| Drew Edent | | Gundy & | Rekellerk | , 20 <u>73</u> |
| Owner) Den Erzen | brack | Emily | (Spouse) Frkenbrac | L |
| (Please Print) | | <i></i> | (Please Print) | |
| (Owner) | <u> </u> | | (Spouse) | |
| (Please Print) | | | (Please Print) WATER RESOURCE RECEIVED | S |
| (Owner) | | | (Spouse) SEP 2 0 2018 | |
| (Please Print) | | | (Please Print) KS DEPT OF AGRICULT | URE |
| State of Kansas County of Republic | SS | | | |
| I hereby certify that the foregoing app SPHCMNSS , 20 18 | lication was signed in my p | presence and sworn t | o before me this | <i>ℚ</i> day |
| | - | reely KOK | metaher | 1 |
| My Commission Expires 12-9-21 | | A VIATOR S | Neely Kohmetsche Notary Public | r |
| , | FEE SCHEDU | JLE KANSAS | State of Kansas My Comm. Expires 12 | a-al |
| Each application to change the place of use, application fee set forth in the schedule below | the point of diversion or the use | made of the water unde | er this section shall be ac | companied by t |
| (1) Application to change a point of (2) Application to change a point of (3) Application to change the place of (4) Application to change the use management | diversion more than 300 feet | | | \$200 |
| Make check payable to Kansas Department | of Agriculture. | | | |

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 COP

August 30, 2018

DENNIS L ERKENBRACK 551 PAWNEE TRAL REPUBLIC KS 66964

RE: Water Right, File No. 38,315 and Appropriation of Water, File No. 47,786

Dear Mr. Erkenbrack,

Reference is made to the applications for approval of the Chief Engineer to change the place of use which were received in the office of the Chief Engineer on March 26, 2018. Upon review of the applications, we find that additional information is needed.

K.A.R. 5-5-5 Signatures required on change applications requires in part that if the extent of each owner's interest in the water right has not been legally determined, then all landowners holding an undetermined portion of the water right must sign the change application. Therefore, we will need the notarized signatures of all landowners and spouses of the authorized place of use. Information in this office and the Republic County Register of Deeds, indicates that Drew Erkenbrack is an owner of a portion of the authorized place of use.

The Kansas Water Appropriation Act states that a "Water right" means any vested right or appropriation right under which a person may lawfully divert and use water. It is a real property right appurtenant to and severable from the land on or in connection with which the water is used and such water right passes as an appurtenance with a conveyance of the land by deed, lease, mortgage, will, or other disposal, or by inheritance.

Based on the above, we must have signatures from Drew Erkinbrack and spouse, if married before we can proceed with the proposed changes under Water Right, File Nos. 38,315 and 47,786. Copies of blank signature pages have been enclosed for your convenience.

Your applications are being returned so that you may supply the requested information. In order for the applications to retain their priority of filing the requested information must be supplied to complete the applications on or before September 29, 2018. According to law, default in supplying the requested information as outlined above within the time allowed or any authorized extension of time, shall cause dismissal of the application for change under the above referenced file number.

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.

Change Application Unit Supervisor

Water Appropriation Program

BAT Enclosures

pc: Stockton Field Office

SCANNED

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

DENNIS ERKENBRACK 551 PAWNEE TRAIL

April 2, 2018

REPUBLIC, KS 66964

RE: File No 47786

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 | ΡU |
|--------------------|----|
| 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,

Brent Tourney, L.G.

Change Applications Unit Supervisor

Water Appropriation Program

mont A. Juney

BAT: DLW

pc: STOCKTON Field Office **GMD**

Turney, Brent [KDA]

From:

Stewart, Kelly [KDA]

Sent:

Wednesday, August 15, 2018 4:34 PM

To:

Turney, Brent [KDA]

Cc:

Billinger, Mark [KDA]; Hageman, Rebecca [KDA]

Subject:

RE: Changes in place of use File Nos. 38,315 and 47,786

Brent,

I have no objection to the approval of these two change applications.

Please note the first paragraph of your memo has a typo. The pending new application is referred to as 55,022 instead of 50,022.

Kelly

From: Turney, Brent [KDA]

Sent: Tuesday, August 14, 2018 4:23 PM

To: Stewart, Kelly [KDA] < Kelly. Stewart@ks.gov>

Subject: Changes in place of use File Nos. 38,315 and 47,786

How about a recommendation?

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



900 SW Jackson, Room 456 Торека, KS 66612 Рнопе: (785) 296-3556 www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D. JACKIE McClaskey, Secretary of Agriculture

August 6, 2018

FILE COPY

DARLYNE STANDLEY 1475 HEFTY ROAD COURTLAND KS 66939

RE: Water Right, File No. 38,315

Appropriation of Water, File No 47,786

Dear Ms. Standley:

This is to advise you that Dennis Erkenfrack has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use under the above referenced file numbers.

Effective July 1, 2016, K.S.A. 82a-1906 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced application for change.

If you have any questions, please contact me at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Brent A Turney, P.G.

Change Application Unit Supervisor

Water Appropriation Program

BAT

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

August 6, 2018

JAMES FAULKNER DART TRUST 11 Z STREET ST LAKE LOTAWANA MO 64086

RE: Water Right, File No. 38,315

Appropriation of Water, File No 47,786

Dear Sir or Madam:

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If you have any questions, please contact me at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely

Brent A Turney, P.G.

Change Application Unit Supervisor

Water Appropriation Program

BAT

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

August 6, 2018

CHARLES ROBISON 935 TIMBER ROAD SCANDIA KS 66966

RE: Water Right, File No. 38,315

Appropriation of Water, File No 47,786

Dear Mr. Robison:

This is to advise you that Dennis Erkenfrack has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use under the above referenced file numbers.

Effective July 1, 2016, K.S.A. 82a-1906 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced application for change.

If you have any questions, please contact me at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Brent A Turney, P.G.

Change Application Unit Supervisor

Water Appropriation Program

BAT

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

August 6, 2018

BRIAN ROSENE 3514 CLINTON PKWY STE A # 154 LAWRENCE KS 66047-2145

RE: Water Right, File No. 38,315

Appropriation of Water, File No 47,786

Dear Mr. Rosene:

This is to advise you that Dennis Erkenfrack has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use under the above referenced file numbers.

Effective July 1, 2016, K.S.A. 82a-1906 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced application for change.

If you have any questions, please contact me at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Brent A Turney, P.G.

Change Application Unit Supervisor

Water Appropriation Program

BAT

pc: Stockton Field Office

SCANNED

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



900 SW Jackson, Room 456 Торека, KS 66612 Рнопе: (785) 296-3556 www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.

JACKIE McClaskey, Secretary of Agriculture

August 6, 2018

THAYNE LARSON 1325 US HWY 36 BELLEVILLE KS 66935

RE: Water Right, File No. 38,315

Appropriation of Water, File No 47,786

Dear Mr. Larson:

This is to advise you that Dennis Erkenfrack has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use under the above referenced file numbers.

Effective July 1, 2016, K.S.A. 82a-1906 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced application for change.

If you have any questions, please contact me at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Brent A Turney, P.G.

Change Application Unit Supervisor

Water Appropriation Program

BAT

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

August 6, 2018

ROGER STAFFORD 880 80TH ROAD SCANDIA KS 66966

RE: Water Right, File No. 38,315

Appropriation of Water, File No 47,786

Dear Mr. Stafford:

This is to advise you that Dennis Erkenfrack has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use under the above referenced file numbers.

Effective July 1, 2016, K.S.A. 82a-1906 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced application for change.

If you have any questions, please contact me at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Brent A Turney, P.G.

Change Application Unit Supervisor

Water Appropriation Program

BAT

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

August 6, 2018

JANET WEIR 560 KING ROAD COURTLAND KS 66939

RE: Water Right, File No. 38,315

Appropriation of Water, File No 47,786

Dear Ms. Weir:

This is to advise you that Dennis Erkenfrack has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use under the above referenced file numbers.

Effective July 1, 2016, K.S.A. 82a-1906 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced application for change.

If you have any questions, please contact me at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Brent A Turney, P.G.

Change Application Unit Supervisor

Water Appropriation Program

BAT

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

August 30, 2018

DENNIS L ERKENBRACK 551 PAWNEE TRAL REPUBLIC KS 66964

RE: Water Right, File No. 38,315 and Appropriation of Water, File No. 47,786

Dear Mr. Erkenbrack,

Reference is made to the applications for approval of the Chief Engineer to change the place of use which were received in the office of the Chief Engineer on March 26, 2018. Upon review of the applications, we find that additional information is needed.

K.A.R. 5-5-5 Signatures required on change applications requires in part that if the extent of each owner's interest in the water right has not been legally determined, then all landowners holding an undetermined portion of the water right must sign the change application. Therefore, we will need the notarized signatures of all landowners and spouses of the authorized place of use. Information in this office and the Republic County Register of Deeds, indicates that Drew Erkenbrack is an owner of a portion of the authorized place of use.

The Kansas Water Appropriation Act states that a "Water right" means any vested right or appropriation right under which a person may lawfully divert and use water. It is a real property right appurtenant to and severable from the land on or in connection with which the water is used and such water right passes as an appurtenance with a conveyance of the land by deed, lease, mortgage, will, or other disposal, or by inheritance.

Based on the above, we must have signatures from Drew Erkinbrack and spouse, if married before we can proceed with the proposed changes under Water Right, File Nos. 38,315 and 47,786. Copies of blank signature pages have been enclosed for your convenience.

Your applications are being returned so that you may supply the requested information. In order for the applications to retain their priority of filing the requested information must be supplied to complete the applications on or before September 29, 2018. According to law, default in supplying the requested information as outlined above within the time allowed or any authorized extension of time, shall cause dismissal of the application for change under the above referenced file number.

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.

Change Application Unit Supervisor

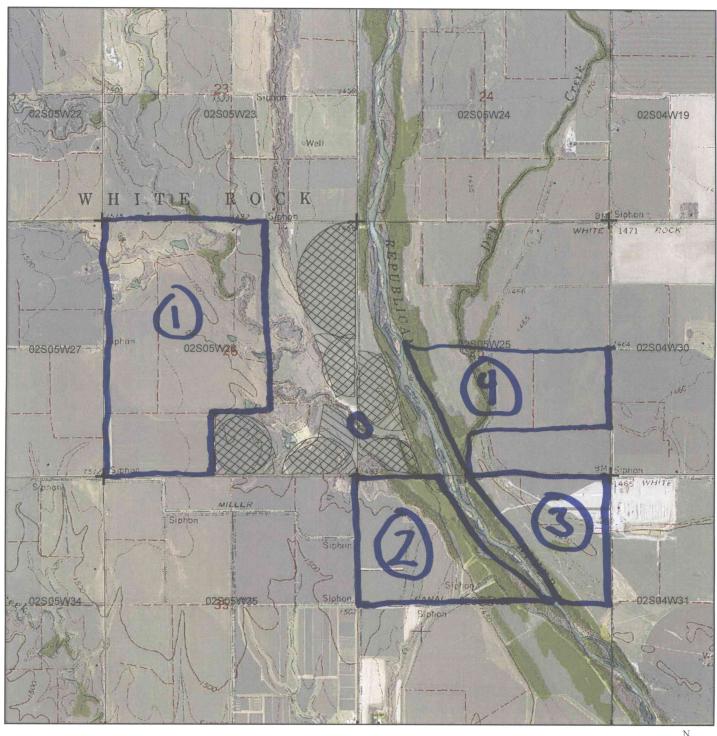
Water Appropriation Program

BAT Enclosures

pc: Stockton Field Office

SCANNED

Application for Change in Place of Use, File No. 47,786





Section Corners



Presently Authorized Place of Use



1:24,000



Proposed Place of Use

All known landowners adjacent to the stream within 1/2 mile upstream and downstream water street property lines are shown on this map. Received

SEP 2 0 2018

MAR 26 2018

Signature DEPT OF AGRICULTURE

KS Dept Of Agriculture