

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

1. File Number: <p style="text-align: center;">49975</p>	2. Status Change Date: <p style="text-align: center;">7/12/2018</p>	3. Field Office: <p style="text-align: center;">03</p>	4. GMD: <p style="text-align: center;">04</p>
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input type="checkbox"/> Check Valve <input type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> Meter			
7a. Applicant(s) New to system <input type="checkbox"/>		7c. Landowner(s) New to system <input type="checkbox"/>	
Person ID <u>24455</u> Add Seq# _____ GALE A & MARY WALZ 445 RS 877 SAINT FRANCIS KS 67756		Person ID _____ Add Seq# _____	
7b. Landowner(s) New to system <input type="checkbox"/>		7d. Misc. New to system <input type="checkbox"/>	
Person ID <u>24455</u> Add Seq# _____ 7A		Person ID _____ Add Seq# _____	
8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 8a		9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water <input type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input checked="" type="checkbox"/> IND SIC: <u>1442</u> <input type="checkbox"/> OTHER: _____	
10. Completion Date: <u>12/31/2019</u>		11. Perfection Date: <u>12/31/2039</u>	
12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Date Prepared: 6/21/18 By: li Date Entered: 7/16/2018 By: CM			

File No. **49975** 15. Formation Code: 113 Drainage Basin: 31 SF REPUBLICAN County: CN Special Use: 002 Stream: NA

16. Points of Diversion										
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
CHK			68653	NW NE NE	20	4	41W	2	4879	864
39 IN NET EVAP										
PROJECT ID# 178 (JR EVAP)										

17. Rate and Quantity				
Authorized			Additional	
Rate cfs	Quantity mgy	Rate gpm/cfs	Quantity mgy	Overlap PD Files
NE	1.59	NE	1.59	45185 47687

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) **NONE**
 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										Total	Owner	Chg? NO	Overlap Files														
MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼						NW¼				SW¼				SE¼					
										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		
CHK			55610	20	4	41W	3	7.5 AC SAND & GRAVEL PIT NE NE																	8A	45185	47657

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 21, 2018

FROM: Leslie Ireland

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

FILE COPY

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

July 16, 2018

RE: Appropriation of Water, File No. 49,975

Dear Mr. & Mrs. Walz:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. Please be reminded that the perimeter of the pit must be constructed so as to preclude surface water runoff from entering said pit, both during and after operation.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form to notify the Chief Engineer that the project has been completed. A fee of \$200.00 is required to be submitted with the notification of the completion of the groundwater pit.

If for any reason, you require an extension of time to complete the project, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00. All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right.

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,



Kristen A. Baum
Appropriations Supervisor
Water Appropriation Program

KAB:LI:li

Enclosures

pc: Stockton Field Office
Groundwater Management District No. 4



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**
(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 49,975** of the applicant

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

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **January 22, 2018**.
2. That the water sought to be appropriated shall be used for industrial use for evaporative loss from a sand and gravel pit with a projected surface area not to exceed 7.5 acres located in the Northeast Quarter of the Northeast (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 20, Township 4 South, Range 41 West, Cheyenne County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater from the alluvial aquifer, to be withdrawn by means of a sand and gravel pit with a projected geographic center 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, more particularly described as being near a point 4,879 feet North and 864 feet West of the Southeast corner of said section, in Township 4 South, Range 41 West, Cheyenne County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **natural evaporation** and to a quantity not to exceed **1.590 million gallons (4.88 acre-feet)** of water for any calendar year, from a groundwater surface area exposure not to exceed 7.5 acres.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2019**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$200.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2039**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.
8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.
11. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.
12. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
13. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.
14. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.
15. 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.

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.

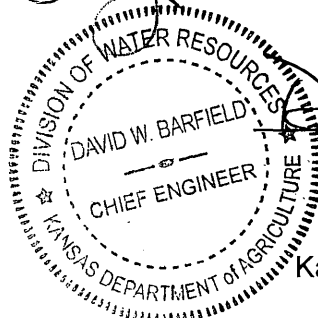
Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

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.

Ordered this 12th 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 12th day of July, 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter

 Notary Public

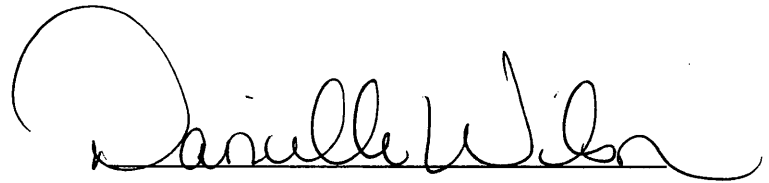
CERTIFICATE OF SERVICE

On this 11th day of July, 2018, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,975, dated July 12th, 2018 was mailed postage prepaid, first class, US mail to the following:

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

With photocopies to:

Stockton Field Office
Groundwater Management District No. 4



Division of Water Resources

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49975
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

JAN 22 2018
12:30
KS DEPT OF AGRICULTURE

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, KS 66502:

1. Name of Applicant (Please Print): GALE A & MARY WALZ
Address: 445 RS 877
City: SAINT FRANCIS State KS Zip Code 67756 - 5922
Telephone Number: (785) 332-2012

2. The source of water is: surface water in _____ (stream)
OR groundwater in SF REPUBLICAN RIVER (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 4.88 acre-feet OR 1.59 mgd gallons per calendar year, to be diverted at a maximum rate of NAT EVAP gallons per minute OR _____ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

APPLICATION COMPLETE
5/29/18
Reviewer LF

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) Municipal (g) Stockwatering (h) Sediment Control
(i) Domestic (j) Dewatering (k) Hydraulic Dredging (l) Fire Protection
(m) Thermal Exchange (n) Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:
F.O. 3 GMD 4 Meets K.A.R. 5-3-1 (YES / NO) Use IND Source GYS County CN By AW Date 1/22/18
Code REG Fee \$ 200 TR # 18011570 Receipt Date _____ Check # 1005

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49975
This item to be completed by the Division of Water Resources.

**APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE**

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

WATER RESOURCES
RECEIVED
JAN 08 2018
UNACCEPTABLE FOR PRIORITY
KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, KS 66502:

1. Name of Applicant (Please Print): GALE A & MARY WALZ
Address: 445 RS 877
City: SAINT FRANCIS State KS Zip Code 67756
Telephone Number: (785) 332-2012

2. The source of water is: surface water in _____ (stream)
OR groundwater in SF REPUBLICAN RIVER (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 4.88 acre-feet OR 1.59 mgy gallons per calendar year, to be diverted at a maximum rate of NAT EVAP gallons per minute OR _____ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) Municipal (g) Stockwatering (h) Sediment Control
(i) Domestic (j) Dewatering (k) Hydraulic Dredging (l) Fire Protection
(m) Thermal Exchange (n) Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:
F.O. 3 GMD 4 Meets K.A.R. 5-3-1 (YES / NO) Use _____ Source G / S County _____ By _____ Date _____
Code _____ Fee \$ _____ TR # _____ Receipt Date _____ Check # 1605

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

(A) One in the NW quarter of the NE quarter of the NE quarter of Section 20, more particularly described as being near a point 4879* feet North and 864* feet West of the Southeast corner of said section, in Township 04 South, Range 41 WEST, CHEYENNE County, Kansas.

(B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

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6. The owner of the point of diversion, if other than the applicant is (please print):

GALE A WALTZ (name, address and telephone number) JAN 22 2018

(name, address and telephone number) KS DEPT OF AGRICULTURE

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 1-16, 2018 Gale A Waltz
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of EXISTING SANDPIT TO BE ENLARGED
(number of wells, pumps or dams, etc.)
and WAS completed (by) 12/31/03 INITIAL EXPANSION BY 12/31/2020
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be 01/01/18
(Mo/Day/Year)

X LE/DWR TO MAINTAIN OVERLAP < 300'

- 9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

- 10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required _____

- 11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

- 12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

WILL OVERLAP PD & PU WITH FILES 45,185 & 47,657

THE AMT REQUESTED (4.88 AF) IS IN ADDITION TO THE 19.5 AF AUTHORIZED UNDER THE ABOVE TWO FILES. 28506 WILL BE REDUCED CONTINGENT UPON APPROVAL OF THIS APPLICATION TO OFF-SET THE AMOUNT REQUESTED BY THIS APP.

7.5 SURF ACRES PROPOSED x 39"/12= 24.38 AF. 24.38 AF - 19.5 AF (AUTH) = 4.88 AF

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UNACCEPTABLE FOR PRIORITY SCANNED
JAN 08 2018

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of

OWNER
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at ST. FRANCIS, Kansas, this 16 day of January, 2018.
(month) (year)

[Signature]
(Applicant Signature)

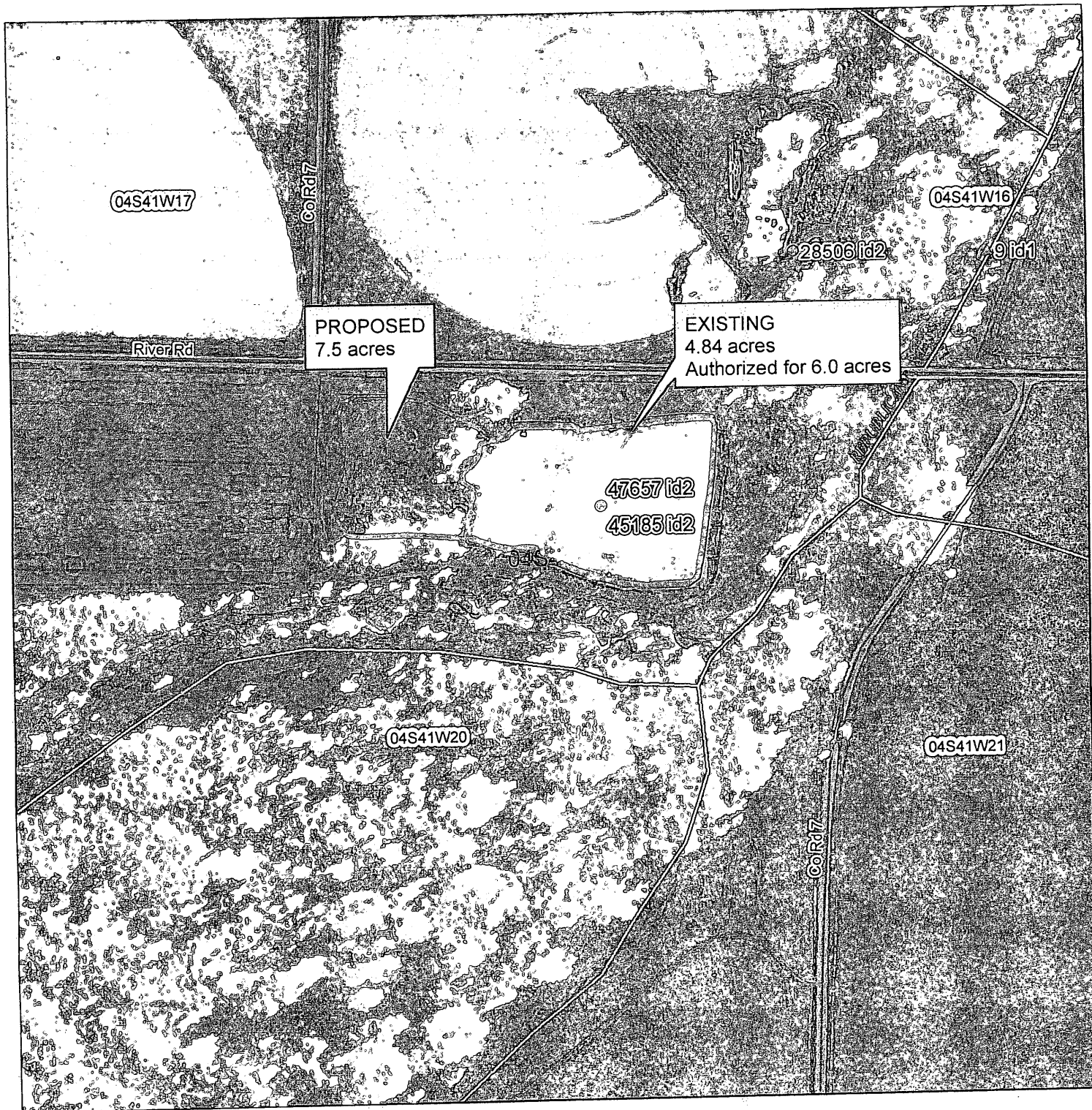
By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

WATER RESOURCES
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JAN 22 2018
KS DEPT OF AGRICULTURE

Assisted by M BILLINGER ASST WATER COMMISS Date: 12/06/17
(office/title)

Proposed Expansion of Existing Sand and Gravel Pit
 Project: 47,657, 45,185 & New Application
 Gale Walz



- ▲ Surface Water Point of Diversion
- ⊙ Groundwater Point of Diversion

1:4,191



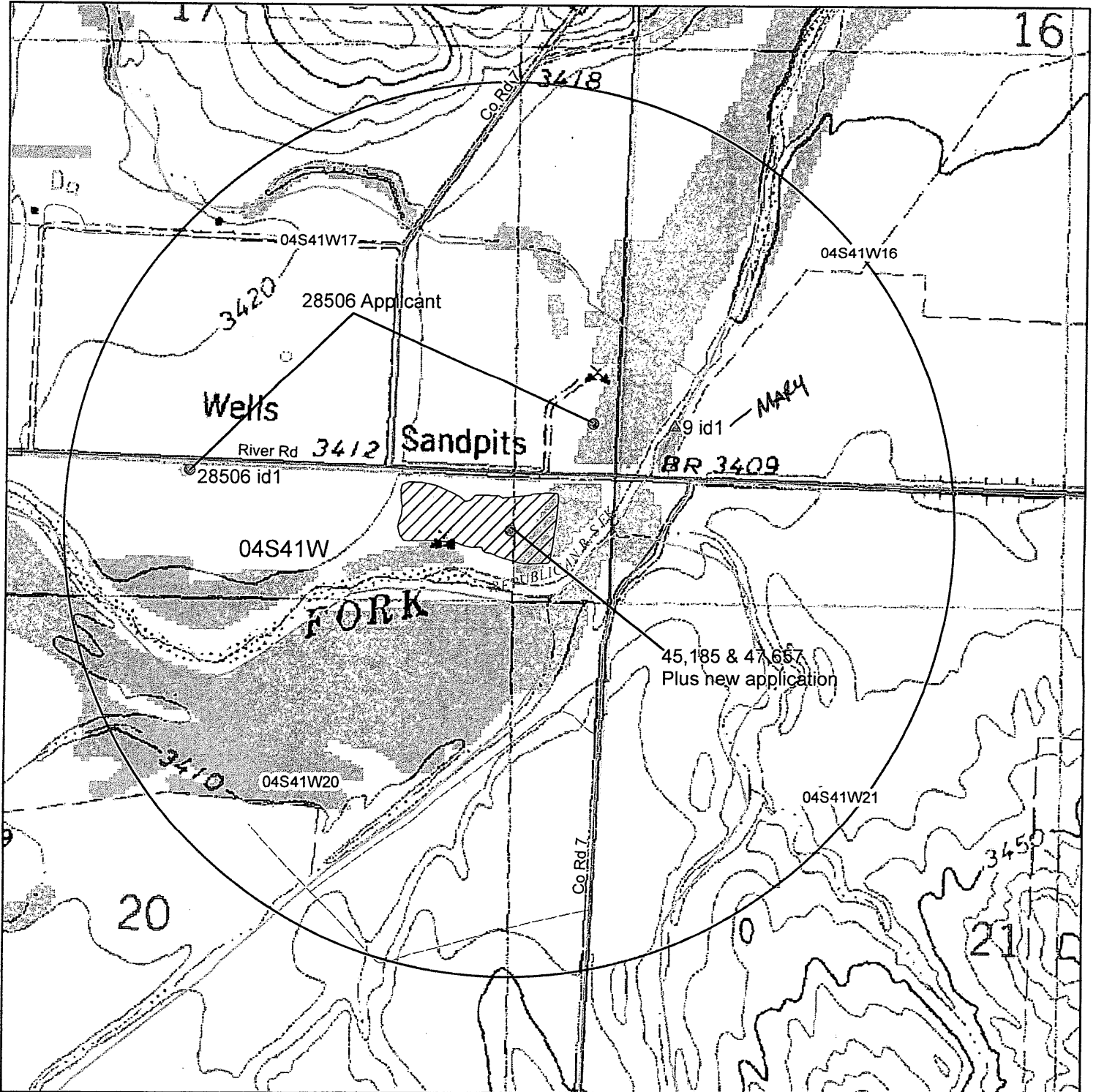
WATER RESOURCES
 RECEIVED

JAN 08 2018

SCANNED

KS DEPT OF AGRICULTURE

New Application Gale Walz Sand Pit

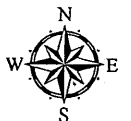


Proposed Place of Use

▲ Surface Water Point of Diversion

● Groundwater Point of Diversion

1:10,000



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UNACCEPTABLE FOR PRIORITY
JAN 08 2018

SCANNED

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskie, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

NOTICE OF INTENT TO OPEN OR EXPAND A
SAND AND GRAVEL PIT OPERATION

(In accordance with K.S.A. 82s-734(c), K.A.R. 5-13-1, and amendments thereto)

File No. 49975* (Office Use Only)

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1. Operator Name (Please Print) GALE A & MARY WALZ

JAN 08 2018

Address 445 RS 877

KS DEPT OF AGRICULTURE

SAINT FRANCIS, KS 67756

Telephone (785)332-2012

2. Please designate the legal description of the pit. 7.5 acres in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 20, Township 04 South, Range 41 West, CHEYENNE County, Kansas.
3. Outline on an aerial photograph or topographical map the current and FINAL outline of the proposed pit, and attach it to the Notice of Intent. The photograph or map shall indicate the legal description of the location of the proposed pit and the scale of the map or photograph.
4. What year did, or will, the excavation of the pit begin? 12/31/03
5. Indicate the proposed final size of the pit in acres. 7.5 acres.
6. Estimate the year the pit will be completed? 12/31/20
7. By what method will the pit be excavated?
Hydraulic _____ Mechanical _____ Other _____
8. Will you have any other diversions of water at the pit site besides hydraulic dredging, such as pumpsites or wells? Yes _____ No x. If yes, please specify the type of diversion and use to be made of the water. _____
9. Attach a copy of the Reclamation Plan you have on file with the State Conservation Commission.

* LF/DWT
5/14/18

1/3/2018
(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application
File No. 49975

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

[Signature]
Signature of Applicant

State of Kansas)
County of Cheyenne) ss

GOALE WALL
(Print Applicant's Name)

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



[Signature]
Notary Public

My Commission Expires: 12/27/2021

WATER RESOURCES
UNACCEPTABLE FOR PRIORITY

JAN 08 2018

SCANNED

KS DEPT OF AGRICULTURE

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49975 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49975 00 IND

Water Right and Points of Diversion Within 2.00 miles of point defined as:

4879 Feet North and 864 Feet West of the Southeast Corner of Section 20 T 4S R 41W

Both SURFACE WATER and GROUNDWATER

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A__ 7058	00	IRR	NK	G	6659	--	NW	SW	SW	1164	4974	15	4	41W	5	121.00	121.00	AF	
A__ 8324	00	IRR	NK	G	6326	--	SW	SE	NE	2719	688	16	4	41W	3	118.00	118.00	AF	
A__ 10048	00	IRR	NK	G	7884	--	--	NC	W2	2508	4125	15	4	41W	1	297.00	297.00	AF	
A__ 20528	00	IRR	NK	G	4289	--	NC	NW	NE	4600	1850	21	4	41W	1	223.00	223.00	AF	
A__ 23190	00	IRR	NK	G	10034	--	SW	SE	SE	80	1120	29	4	41W	1	145.00	145.00	AF	
A__ 23896	00	IRR	NK	G	5056	--	SE	SE	NE	3190	360	19	4	41W	1	174.00	174.00	AF	
A__ 28506	00	IRR	NK	G*	1041	--	SE	SE	SE	302	183	17	4	41W	2	49.00	49.00	AF	
Same					1662	--	NW	NW	NE	5244	2486	20	4	41W	1	29.00	29.00	AF	
A__ 28507	00	IRR	NK	G	9031	--	--	NC	SW	1300	4100	28	4	41W	1	178.00	178.00	AF	
A__ 30125	00	IRR	NK	G	10497	--	NE	NW	NE	4800	1650	8	4	41W	2	52.00	52.00	AF	
A__ 31550	00	IRR	NK	G	9917	--	SW	NW	SW	1400	4880	19	4	41W	2	10.00	10.00	AF	
A__ 31631	00	IRR	NK	G	8291	--	NE	NW	SE	2600	1500	8	4	41W	4	14.00	14.00	AF	
Same					8277	--	NW	NE	SE	2600	1250	8	4	41W	5	22.00	22.00	AF	
Same					6975	--	NE	SE	SE	1250	60	8	4	41W	7	18.00	18.00	AF	
A__ 31873	00	IRR	NK	S	10051	--	NW	SW	SW	850	4800	19	4	41W	3	10.00	.00	AF	
A__ 36545	00	IRR	NK	G	5265	--	--	SE	NE	3175	575	19	4	41W	4	538.00	538.00	AF	
A__ 36545	00	REC	NK	G	5265	--	--	SE	NE	3175	575	19	4	41W	4	10.00	10.00	AF	
A__ 45185	00	IND	NK	G*	0	--	NW	NE	NE	4879	864	20	4	41W	2	7.17	7.17	AF	
A__ 47657	00	IND	KE	G*	0	--	NW	NE	NE	4879	864	20	4	41W	2	12.30	12.30	AF	
A__ 49975	00	IND	AY	G	0	--	NW	NE	NE	4879	864	20	4	41W	2	4.88	.00	AF	
VCN	9	00	IRR	AA	S					1464	--	--	16	4	41W	1	82.00	82.00	AF

NOTICE

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	12.30	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	2005.17	.00
Total Vested Amount (AF) =	82.00	.00
TOTAL AMOUNT (AF) =	2099.47	.00

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

4879 Feet North and 864 Feet West of the Southeast Corner of Section 20 T 4S R 41W

Both SURFACE WATER and GROUNDWATER

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 7058	00	IRR	NK G
>	MARY LOU DOUTHIT		
>			

> 820 RS 877
> SAINT FRANCIS KS 67756

A__ 8324 00 IRR NK G
> MARY LOU DOUTHIT

>
> 820 RS 877
> SAINT FRANCIS KS 67756

A__ 10048 00 IRR NK G
> MARY LOU DOUTHIT

>
> 820 RS 877
> SAINT FRANCIS KS 67756

A__ 20528 00 IRR NK G
> MARY LOU DOUTHIT

>
> 820 RS 877
> SAINT FRANCIS KS 67756

A__ 23190 00 IRR NK G
> JONATHAN B WATERS

>
> 2345 ROAD AA
> BIRD CITY KS 67731

A__ 23896 00 IRR NK G
> THOMAS P & MARILYN M HNZDIL

>
> 640 ROAD J
> SAINT FRANCIS KS 67756

A__ 28506 00 IRR NK G
> GALE A & MARY WALZ

>
> 445 RS 877
> SAINT FRANCIS KS 67756

A__ 28507 00 IRR NK G
> GALE A & MARY WALZ

>
> 445 RS 877
> SAINT FRANCIS KS 67756

A__ 30125 00 IRR NK G
> DEONN G WIESE REV TRUST

> DEONN WIESE
> 715 ROAD M
> SAINT FRANCIS KS 67756

A__ 31550 00 IRR NK G

> JAMES OCHSNER
>
> 1319 N NEVADA AVE
> COLORADO SPRINGS CO 80903

A__ 31631 00 IRR NK G
> THOMAS P & MARILYN M HNZIDIL
>
> 640 ROAD J
> SAINT FRANCIS KS 67756

A__ 31873 00 IRR NK S
> JAMES OCHSNER
>
> 1319 N NEVADA AVE
> COLORADO SPRINGS CO 80903

A__ 36545 00 IRR NK G
> THOMAS P & MARILYN M HNZIDIL
>
> 640 ROAD J
> SAINT FRANCIS KS 67756

A__ 36545 00 REC NK G
> THOMAS P & MARILYN M HNZIDIL
>
> 640 ROAD J
> SAINT FRANCIS KS 67756

A__ 45185 00 IND NK G
> GALE A & MARY WALZ
>
> 445 RS 877
> SAINT FRANCIS KS 67756

A__ 47657 00 IND KE G
> GALE A & MARY WALZ
>
> 445 RS 877
> SAINT FRANCIS KS 67756

A__ 49975 00 IND AY G
> GALE A & MARY WALZ
>
> 445 RS 877
> SAINT FRANCIS KS 67756

VCN 9 00 IRR AA S
> MARY LOU DOUTHIT
>
> 820 RS 877
> SAINT FRANCIS KS 67756

>-----

=====

#####

> TOPEKA KS 66612

>-----

A__ 47491 00 REC KK S

> KANSAS DEPT OF WILDLIFE PARKS & TOURISM

> ACTIVE DIVERSIONS (SFO)

> 1020 S KANSAS AVE FL 2

> TOPEKA KS 66612

>-----

A__ 47903 00 REC KE S

> KANSAS DEPT OF WILDLIFE PARKS & TOURISM

> STAGE LEVELS ONLY (SFO)

> 1020 S KANSAS AVE FL 2

> TOPEKA KS 66612

>-----

A__ 49718 A REC AY S

> KANSAS DEPT OF WILDLIFE PARKS & TOURISM

> STAGE LEVELS ONLY (SFO)

> 1020 S KANSAS AVE FL 2

> TOPEKA KS 66612

>-----

A__ 49999 00 IRR AY S

> LARRY L & CINDY LOU STUCKY

>

> 1528 CIMARRON RD

> MCPHERSON KS 67460

>-----

=====

Ireland, Leslie [KDA]

49,975

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

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

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
www.agriculture.ks.gov



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

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

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

FILE COPY

MARY LOU DOUTHIT
820 RS 877
SAINT FRANCIS KS 67756

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
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

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

ADDRESS LISTING NEARBY NOTIFICATION LETTER DATED MAY 14, 2018
Water Right, File Nos. 28,506; 45,185 & 47,657
Permit, File No. 49,975

KGS site indicates no domestic wells in the area.

File No. CN 009 Water Use Correspondent
MARY LOU DOUTHIT
820 RS 877
SAINT FRANCIS KS 67756



1320 Research Park Drive
Manhattan, Kansas 66502

Jackie McClaskey, Secretary

Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

January 30, 2018

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

RE: Application
File No. 49975

Dear Sir or Madam:

Your application for permit to appropriate water in 20-4S-41W in Cheyenne County, was received and has been assigned the file number noted above.

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. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. 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) 564-6637. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STOCKTON Field Office
GMD 4

SCANNED