

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

| | | | | |
|---|--|--|-------------------------------|---|
| 1. File Number: 25,865 | 2. Status Change Date: 4/28/2021 | 3. Change Num: C1 | 4. Field Office: 03 | 5. GMD: |
| 6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return | | | | 7. Filing Date of Change: 21-DEC-2020 |
| 8a. Applicant(s) New to system <input type="checkbox"/> TRAVIS J SNAVELY 83 N 200 RD MILTONVALE, KS 67466 | | Person ID 63710 Add Seq# _____ | | |
| 8b. Landowner(s) New to system <input type="checkbox"/> GERALD L BRAUN TRUST 83 N 200TH RD MILTONVALE, KS 67466 (MOD NAME) | | Person ID 1823 Add Seq# _____ | | |
| 8c. Landowner(s) New to system <input type="checkbox"/> | | Person ID _____ Add Seq# _____ | | |
| 8d. WUC New to system <input type="checkbox"/> 8a. | | Person ID _____ Add Seq# _____ | | |
| 9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/22 <input type="checkbox"/> N & P Date to Comply: _____ | | | | |
| <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter | | | | |
| <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____ | | | | |
| 10. Use Made of Water From: _____ To: _____ | | | | |
| Date Prepared: 2/11/21 By: DWS Date Entered: 5/3/2021 By: L Moody | | | | |

File No. **25,865** 11. County: **CD** Basin: SOLOMON RIVER Stream: Formation Code: 330 Special Use:

12. Points of Diversion
 CHK
 MOD
 DEL PDIV
 ENT
 Qualifier S T R ID 'N 'W Comment (AKA Line) Rate gpm/cfs Quantity af/mgy Additional Rate gpm/cfs Quantity af/mgy Overlap PD Files

✓ **97 NC W2 W2 NW 32 8 2W 1 3960 4685** **49,140 & 50,493**

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____
 Amount Unit _____ Base Acres _____ Comment _____

| 16. Place of Use CHK MOD DEL ENT | PUSE | S | T | R | ID | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Total | Owner | Chg? | Overlap Files |
|--|-------|----|---|----|----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|-------|------|---------------|
| | | | | | | 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 | | | | |
| MOD | 25966 | 32 | 8 | 2W | 1 | | | | | 28 | 30 | | | | | | | | | | | 58 | 8b. | YES | See Below* |
| ENT | 70217 | 31 | 8 | 2W | 2 | 1 | 30 | 30.5 | 8.5 | | | | | | | | | | | | | 70 | 8a. | NO | See Below* |
| | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | |

Base Acres: Year: Minimum Reasonable Quantity: Comments:

*** FILE NOS. 25,865; 49,140 & 50,493 - ALL OVERLAP IN PLACE OF USE.**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: February 11, 2021

FROM: Doug Schemm

RE: New Application, File No. 50,493; Water Right, File No. 25,865; and Appropriation of Water, File No. 49,140

Travis Snavely has filed the above referenced new application to appropriate 28.4 acre-feet of groundwater at a diversion rate of 900 gallons per minute for irrigation use, from an existing irrigation well currently authorized under Water Right, File Nos. 25,865 and 49,140. The place of use is owned by the applicant, and Gerald L. Braun Trust, and the applicant has signed the application form stating he has access to the point of diversion. The application will be a complete overlap with the existing senior files in point of diversion and place of use, after change applications are approved for the senior files. The well is located in the Northwest Quarter of Section 32, Township 8 South, Range 2 West, in Cloud County.

Change in Place of Use Applications have been filed on both of the senior files to create a complete overlap in place of use of 128 acres. The files are located within the Solomon River basin. The referenced rights appear not to be abandoned as per K.S. A. 82a-718, and in compliance with K.S.A. 82a-732. In conjunction with the processing of File No. 50,493, the change applications appear to comply with K.A.R. 5-5-2a, *Complete application*. The applications for change were signed by Travis Snavely and Gerald Braun. The proposed change applications comply with part 6 of K.A.R. 5-5-11, *Applications for change in place of use for irrigation purposes*, with the additional 28.4 acre-feet that will be authorized under File No. 50,493, will be sufficient to cover any potential increase in consumptive use, complying with K.A.R. 5-5-3, *Change in consumptive use*.

The applicant proposes to create an exact overlap in the place of use between all of the referenced files for a total of 128 acres pursuant to K.A.R. 5-5-11(b)(1) *Identical places of use*. Water Right, File No. 25,865 is authorized 38 acre-feet at 435 gallons per minute, and File No. 49,140 is authorized 100 acre-feet all additional quantity of water, limited to 900 gallons per minute with the senior file. The total combined quantity that would be authorized under these files of 166.4 acre-feet (38 AF + 100 AF + 28.4 AF), is the maximum allowable to irrigate the proposed 128 acres (1.3 Acre-Foot per acre is the maximum allowed in Cloud County).

Based on the senior file review, and other nearby area well logs, it appears that the source of water is the unconfined Dakota aquifer system. Per K.A.R. 5-1-1(iiii) "Unconfined Dakota aquifer system" means that portion of the Dakota aquifer system not overlain by a confining layer in which the aquifer is in equilibrium with atmospheric pressure. Information from the senior water right well log shows a shallow sandstone layer extending from 23 feet to 49 feet below ground surface, and subsequent sandstone units extending from 87 feet to 103 feet, and from 118 to 240 feet below ground surface. Static water level was 30 feet below ground surface, well within the shallow sandstone layer. Other well logs in the northern and eastern portion of this area also support that this unconfined Dakota aquifer system extends throughout this local area, with shallow depths to water and relatively shallow depths to the aquifer. These hydrologic conditions also provide for greater recharge to the aquifer. With a static water level within the shallow sandstone layers, the aquifer would be unconfined (i.e. in equilibrium with atmospheric pressure).

However, in keeping with the senior file safe yield, several well logs in the southern portion of two-mile circle would be sourcing the confined Dakota aquifer system (including File No.49,182). Therefore, per K.A.R. 5-3-11, which applies to safe yield evaluations for all unconfined aquifers, since it was determined that the unconfined Dakota aquifer system does not extend into the southern portion of the circle, it was truncated out. Using an area of consideration of 5,576 acres, recharge of 2.5 inches, and 75% available, safe yield was determined to be 871.2 acre-feet, existing appropriations have appropriated only 273 acre-feet, leaving 598.2 acre-feet available, and this application requesting 28.4 acre-feet would meet safe yield. There are only four other prior water rights in this portion of the circle.

The applicant did not identify any domestic wells within one-half mile of the proposed point of diversion. A review of aerial photograph and WWC-5 database also don't indicate any nearby domestic wells. Therefore, no nearby well owner letters are required. The WRIS database shows that the nearest permitted well (File Nos. 26,141 and 49,182) is over 2,780 feet away. Therefore, the point of diversion complies with well spacing criteria for the unconfined Dakota aquifer system of one-half mile. In addition, this nearest well would appear to be sourcing the confined Dakota aquifer system.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

In a February 11, 2021 e-mail, Kelly Stewart, Water Commissioner, Stockton Field Office, recommended approval of the referenced applications. Based on the above discussion, well spacing and safe yield criteria are met, and approval of the new application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced new application be approved.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended the change applications be approved, in conjunction with the pending new application listed above.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Schemm, Doug [KDA]

From: Stewart, Kelly [KDA]
Sent: Thursday, February 11, 2021 9:34 AM
To: Schemm, Doug [KDA]; Billinger, Mark [KDA]; Hageman, Rebecca [KDA]
Subject: FW: Travis Snavelly
Attachments: 50493 25865 and 49140 Memo.docx; 50493 Safe Yield Report.pdf

Good morning Doug,

I would have no objection to the approval of this new application and the change application.

Kelly

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Thursday, February 11, 2021 8:36 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: Travis Snavelly

New app and PU changes on 2 senior files. No issues. Meets all the regulations.
Please review,
Doug

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE WATER RIGHT FILE NO. 25,865

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Travis J. Snively, 83 N 200th Road, Miltonvale, Kansas 67466, and Gerald Braun, on behalf of Gerald L. Braun Trust, 83 N 200th Road, Miltonvale, Kansas 67466, received in this office on December 21, 2020, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

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

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL |
|------|------|-------|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 31 | 8S | 2W | 1 | 30 | 30.5 | 8.5 | | | | | | | | | | | | | 70 |
| 32 | 8S | 2W | | | | | | 28 | 30 | | | | | | | | | | 58 |

a total of 128 acres in Township 8 South, Range 2 West, Cloud County, Kansas,

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

All diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed.

The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www.agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

May 4, 2021

TRAVIS J SNAVELY
83 N 200 RD
MILTONVALE, KS 67466

RE: Appropriation of Water, File Nos. 50,493 and 49,140; and
Water Right, File No. 25,865

Dear Mr. Snavely:

Enclosed is a permit for File No. 50,493 authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit. Please note that both your existing well and all wells drilled under the authority of this permit must have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An acceptable water flowmeter must be installed on the diversion works authorized by this permit prior to using water. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements. Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/divisions-programs/dwr.

Travis Snavelly
File Nos. 50,493; 25,865; and 49,140
Page 2

In addition, enclosed are orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers. Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file numbers. Please return the required notification of completion of the diversion works and/or installation of the required meter as soon as these actions are completed. There is no fee for the notification of completion for File Nos. 25,865 and 49,140.

The order for Water Right, File No. 25,865, modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Stockton Field Office at 785-425-6787. If you call, please reference the file number so we can help you more efficiently.

Sincerely,



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

KAB:dws:li

Enclosure(s)

pc: Stockton Field Office
Gerald L. Braun Trust

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 the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 review 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 the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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.

CERTIFICATE OF SERVICE

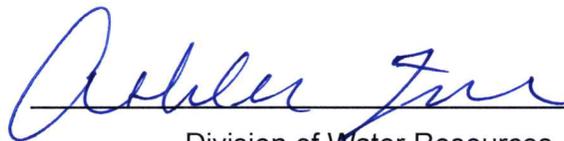
On this 5 day of May, 2021, I hereby certify that the attached Approval of Application for the Change in Place of Use, Water Right, File No. 25,865, dated 28 April, 2021 was mailed postage prepaid, first class, US mail to the following:

TRAVIS J SNAVELY
83 N 200TH RD
MILTONVALE KS 67466

With photocopies to:

GERALD L BRAUN TRUST
% GERALD BRAUN
83 N 200TH RD
MILTONVALE KS 67466

Stockton Field Office



Division of Water Resources