

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

Document Signature _____

1. File Number: 45,621	2. Status Change Date: <u>7/19/2016</u>	3. Change Num: C2	4. Field Office: 01	5. GMD:
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 11-APR-2016
8a. Applicant(s) New to system <input type="checkbox"/>		Person ID 30093 Add Seq# 1		8c. Landowner(s) New to system <input type="checkbox"/>
FRED L & NOREEN ALTWEGG 10354 J HILL RD JUNCTION CITY KS 66441-7904				Person ID _____ Add Seq# _____
8b. Landowner(s) New to system <input type="checkbox"/>		Person ID 30093 Add Seq# 1		8d. WUC New to system <input type="checkbox"/>
FRED L & NOREEN ALTWEGG 10354 J HILL RD JUNCTION CITY KS 66441-7904		NO CHANGE		Person ID 30093 Add Seq# 1
FRED L & NOREEN ALTWEGG 10354 J HILL RD JUNCTION CITY KS 66441-7904		FRED L & NOREEN ALTWEGG 10354 J HILL RD JUNCTION CITY KS 66441-7904		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/2016</u> <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: 07/12/16 By: RAK Date Entered: <u>7/20/2016</u> By: <u>UM</u>				

12. Points of Diversion										Rate and Quantity					
										Authorized		Additional			
MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
MOD		68436	LOT 3	6	12	6E	4	3337	3961		1400 gpm	238 AF	1070 gpm	213.8.AF	8997
KEEP PD COMMENT 100'E FROM PREVIOUS WELL, L-3 SPECIAL SEC 8, FRACTION SEC 6															

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

14. Limitation: **238AF/YR @ 1400GPM COM/W #8997** gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ 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										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
MOD			61362	36	11S	5E	2																						
ADD PU COMMENT: SPECIAL SECTION 3; HYPOTHETICAL SECTION 36																													
MOD			61363	31	11S	6E	4								4.00	8.00									12.00	8B	NO	see above	
ADD PU COMMENT: SPECIAL SECTION 4; HYPOTHETICAL SECTION 31																													
MOD			61364	1	12S	5E	4	17.00			14.00									8.00					39.00	8B	NO	see above	
ADD PU COMMENT: SPECIAL SECTION 11; HYPOTHETICAL SECTION 1																													
MOD			11919	6	12S	6E	1		0.5	15.00		37.50	12.00	4.00	39.00	36.00	4.50						23.50		172.00	8B	NO	see above	
ADD PU COMMENT: SPECIAL SECTION 8; HYPOTHETICAL SECTION 6 L-1; L-2; L-3; L-4; L-5; L-6																													

Comments: **TOTAL 225 ACRES**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: July 18, 2016

FROM: Richelle A. Krueger

RE: Water Right
File No. 8,997
Appropriation of Water
File No. 45,621

Fred L. and Noreen Altwegg, water right owners, filed applications for approval to change the authorized place of use for the referenced file numbers, authorized groundwater for irrigation use in the Smoky Hill River Basin.

The referenced files do not appear abandoned as per K.S.A. 82a-718. The perfection period for File No. 45,621 expires December 31, 2016.

The referenced appropriations are authorized a combined limited total of 238 acre-feet of groundwater @ 1,400 g.p.m. from the same well for irrigation of the same 225 acres in Geary County, Kansas. The water right owners propose to add a new pivot, dropping and adding acres for a total of 225 acres within the same presently authorized sections, see Attachment A for written description of the proposed place of use. The proposal appears to meet K.A.R. 5-5-11(b) since the proposal will not exceed base acres (225 acres) by 10 acres or 10 percent, whichever is less.

The total 238 acre-feet that will be available under the referenced files can irrigate the proposed 225 acres with 1.1 acre-feet per acre, which appears reasonable.

The same local source of supply will not change.

The authorized point of diversion will be better described with g.p.s. feet distances as:

one(1) well located in Lot 3 of Special Section 8, more particularly described as being near a point 3,337 feet North and 3,961 feet West of the Southeast corner of Fractional Section 6, in Township 12 South, Range 6 East, Geary County, Kansas.

In an e-mail dated July 12, 2016, Katie Tietsort, Water Commissioner of the Topeka Field Office, recommended approval of the referenced change applications.

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

Based on the above discussion, that the change is reasonable, 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 applications be approved.


Richelle Krueger
Environmental Scientist

ATTACHMENT A

PLACE OF USE DESCRIPTION
FILE NOS. 8,997 AND 45,621

2 acres in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of hypothetical Section 36, within Special Section 3, in Township 11 South, Range 5 East,

4 acres in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$),
8 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$),

a total of 12 acres in hypothetical Section 31, within Special Section 4, in Township 11 South, Range 6 East,

17 acres in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$),
14 acres in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$),
8 acres in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$),

a total of 39 acres in hypothetical Section 1, within Special Section 11, in Township 12 South, Range 5 East,

19.0 Acres in Lot 1
30.0 Acres in Lot 2
25.5 Acres in Lot 3
36.0 Acres in Lot 4
43.5 Acres in Lot 5
18.0 Acres in Lot 6

a total of 172 acres in hypothetical Section 6, within Special Section 8, Township 12 South, Range 6 East,

all in Geary County, Kansas.



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE AND
ORDER BETTER DESCRIBING THE LOCATION OF THE
AUTHORIZED POINT OF DIVERSION
APPROPRIATION OF WATER
FILE NO. 45,621**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Frederick L. and Noreen Altwegg, 10354 J Hill Road, Junction City, Kansas, 66441-7904, received in this office on April 11, 2016, for approval of a change in the location of the place of use under the Approval of Application, File No. 45,621, for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated April 8, 2010, approving the application to change the place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

This order better describes the location of the authorized point of diversion as follows:

one (1) well located in Lot 3 of Special Section 8, more particularly described as being near a point 3,337 feet North and 3,961 feet West of the Southeast corner of Fractional Section 6, in Township 12 South, Range 6 East, Geary County, Kansas.

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

2 acres in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of hypothetical Section 36, within Special Section 3, in Township 11 South, Range 5 East,

4 acres in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$),
8 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$),

a total of 12 acres in hypothetical Section 31, within Special Section 4, in Township 11 South, Range 6 East,

17 acres in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$),
14 acres in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$),
8 acres in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$),

a total of 39 acres in hypothetical Section 1, within Special Section 11, in Township 12 South, Range 5 East,

19.0 Acres in Lot 1
30.0 Acres in Lot 2
25.5 Acres in Lot 3
36.0 Acres in Lot 4
43.5 Acres in Lot 5
18.0 Acres in Lot 6

a total of 172 acres in hypothetical Section 6, within Special Section 8, Township 12 South, Range 6 East,

all in Geary County, Kansas,

located substantially as shown on the 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.

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. 45,621, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated June 18, 2004, as modified and amended by the aforementioned order.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

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 19th day of July, 2016, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

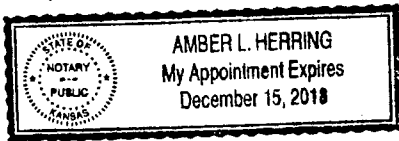
Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 19th day of July, 2016, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.

Amber L. Herring

Notary Public



CERTIFICATE OF SERVICE

On this 20 day of July, 2016, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 45,621, dated 19 July, 2016 was mailed postage prepaid, first class, US mail to the following:

FREDERICK L & NOREEN ALTWEGG
10354 J HILL RD
JUNCTION CITY KS 66441-7904

With photocopies to:

Topeka Field Office

Danielle Wilder

Division of Water Resources

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

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



State of Kansas

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

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

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

- Place of Use
 Point of Diversion
 Use Made of Water

(Check one or more)

WATER RESOURCES
RECEIVED
APR 11 2016
2:07
KS DEPT OF AGRICULTURE

File No. 45.621

2. Name of applicant: FRED L & NOREEN ALTWEGG

Address: 10354 J HILL RD

City, State and Zip: JUNCTION CITY KS 66441-7904

Phone Number: (785) 238-1482 E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: Same as applicant

Address: _____

City, State and Zip: _____

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

Change will allow for a more efficient irrigation system (another partial pivot) to be installed.

The change(s) (was) (will be) completed by Spring 2016

(Date)

For Office Use Only:									
F.O. Code	<u>1</u> <u>GMD</u> <u>CPD</u>	Meets K.A.R. 5-5-1	<u>(YES)</u> / NO	Use	<u>IRP</u>	Source	<u>G</u> / S	County	<u>GF</u>
		Fee \$	<u>200</u>	TR #		Receipt Date	<u>4/11/16</u>	By	<u>AJW</u>
								Date	<u>4/12/16</u>
								Check #	<u>5984</u>

SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: FRED L & NOREEN ALTWEGG

ADDRESS: 10354 J HILL RD, JUNCTION CITY, KS 66441-7904

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
36	11S	5E															2	2	
31	11S	6E										4	10					14	
1	12S	5E	19															23	
6	12S	6E		0.5	17		39.5	12	9	39	36	9				24		186	

List any other water rights that cover this place of use. 8,997

Total = 225

Owner of Land NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: FRED L & NOREEN ALTWEGG

ADDRESS: 10354 J HILL RD, JUNCTION CITY, KS 66441-7904

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
36	11S	5E															2	2	
31	11S	6E										4	8					12	
1	12S	5E	17											8				39	
6	12S	6E		0.5	15		37.5	12	4	39	36	4.5				23.5		172	

List any other water rights that cover this place of use. 8,997

Total = 225

Owner of Land NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 6. The presently authorized point(s) of diversion (is) (are) ONE WELL
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) NO CHANGE
(Provide description and number of points)

NSA

List all presently authorized point(s) of diversion: *Better Describe w/ gps feet distances*

* 8. **Presently authorized point of diversion:** *Lot 3 of Special Section 8*

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____
 of Section _____, Township 12 South, Range 6 (E/W),
 in Gery County, Kansas, 3337 feet North 3961 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. 4 P01VSD 6846 GPS 3337 feet North 3961 feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **Presently authorized point of diversion:**

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES RECEIVED

* Packed down 7/18/16

APR 11 2016 SCANNED

12. The presently authorized use of water is for IRRIGATION purposes.
It is proposed that the use be changed to NO CHANGE purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
The reduction in currently authorized acreage offsets the proposed new acreage to be covered to ensure no increase in consumptive use.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to _____ (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to _____ gallons per minute (____ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- 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 the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in 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 of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

NO CHANGES TO EXISTING WELL

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

N/A

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at 4, Kansas, this 7 day of 2016, 2016

Frederick L. Aitwegg
(Owner)

Noreen A. Aitwegg
(Spouse)

Frederick L. Aitwegg
(Please Print)

Noreen A. Aitwegg
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Gearv } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 7th day of April, 2016

MARY LOU NUTTELMAN
Notary Public - State of Kansas
My Appt. Expires 3/25/19

My Commission Expires 3/25/2019

Mary Lou Nuttelman
Notary Public

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

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

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

WATER RESOURCES RECEIVED

APR 11 2016

ATTACHMENT A

PLACE OF USE DESCRIPTION
FILE NOS. 8,997 AND 45,621

2 acres in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of hypothetical Section 36,
within Special Section 3, in Township 11 South, Range 5 East,

4 acres in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$),
8 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$),

a total of 12 acres in hypothetical Section 31, within Special Section 4, in Township 11 South,
Range 6 East,

17 acres in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$),
14 acres in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$), ^{* Northeast} NE $\frac{1}{4}$
8 acres in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$),

a total of 39 acres in hypothetical Section 1, within Special Section 11, in Township 12 South,
Range 5 East,

19.0 Acres in Lot 1
30.0 Acres in Lot 2
25.5 Acres in Lot 3
36.0 Acres in Lot 4
43.5 Acres in Lot 5
18.0 Acres in Lot 6

a total of 172 acres in hypothetical Section 6, within Special Section 8, Township 12 South,
Range 6 East,

all in Geary County, Kansas.

WATER RESOURCES
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JUN 16 2016

KS DEPT OF AGRICULTURE

* per Map & Par 5

* RSL/AM 6/16/16

Krueger, Richelle

From: Tietsort, Katie
Sent: Wednesday, July 13, 2016 9:11 AM
To: Krueger, Richelle; Schemm, Doug
Cc: Bunger, Brett
Subject: RE: Request for Recommendation Chg in PU File Nos. 8997 and 45621 Altwegg

Richelle,

I don't know if Doug answered you separately that I didn't see, but I wanted to let you know that nothing on the Smoky goes to the KS WAD.

Thanks! Katie

Katie Tietsort
Water Commissioner, Topeka Field Office
Kansas Department of Agriculture, Division of Water Resources
6531 SE Forbes Ave, Ste B
Topeka, KS 66619
(785) 296-5733
Katie.Tietsort@ks.gov

From: Krueger, Richelle
Sent: Wednesday, July 6, 2016 7:49 AM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>; Schemm, Doug <Doug.Schemm@ks.gov>
Cc: Bunger, Brett <Brett.Bunger@ks.gov>
Subject: Request for Recommendation Chg in PU File Nos. 8997 and 45621 Altwegg

Good Morning,

Attached is a draft memo for the referenced changes in pu, I am also better describing the pd. Doug, I can't remember if this has to go to KWO or assurance district for comments? If it does not, do you recommend approval of the referenced changes Katie?

Thanks,
Richelle

Krueger, Richelle

From: Tietsort, Katie
Sent: Tuesday, July 12, 2016 10:13 AM
To: Krueger, Richelle; Schemm, Doug
Cc: Bunger, Brett
Subject: RE: Request for Recommendation Chg in PU File Nos. 8997 and 45621 Altwegg

Richelle,

The TFO agrees with your recommendation for Approval of the referenced application for change for Altwegg as it appears to meet all applicable rules and regulations of the KWAA.

Thank you,
Katie

Katie Tietsort
Water Commissioner, Topeka Field Office
Kansas Department of Agriculture, Division of Water Resources
6531 SE Forbes Ave, Ste B
Topeka, KS 66619
(785) 296-5733
Katie.Tietsort@ks.gov

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Cc: Bunger, Brett <Brett.Bunger@ks.gov>
Subject: Request for Recommendation Chg in PU File Nos. 8997 and 45621 Altwegg

Good Morning,
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Thanks,
Richelle

Krueger, Richelle

From: Schemm, Doug
Sent: Thursday, June 16, 2016 1:28 PM
To: Krueger, Richelle; Bunger, Brett
Subject: RE: Applications to Change the PU File Nos. 8997 and 45621 Altwegg
Attachments: Allwegg PU description.docx; Altwegg Change Proposed Place of Use 3.pdf

Hello Richelle,

Hope all is well with you. I talked with Brett about this and the acreage listed in the quarter/quarter method is just a way to get it entered into WRIS.

The actual (true) description is as you noted written out per the 2010 PU change. I have attached a description and a site map with Lots shown.

Sorry about that, this is a complex thing,

Doug

From: Krueger, Richelle
Sent: Thursday, June 16, 2016 11:06 AM
To: Bunger, Brett; Schemm, Doug
Cc: Turney, Brent
Subject: Applications to Change the PU File Nos. 8997 and 45621 Altwegg

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KS DEPT OF AGRICULTURE

Good Morning Brett and Doug,

I am hoping I can pick your brains cause mine is fried, ha ha! These files are located near Fort Riley where there are all kinds of unique surveying, as you know. I am thinking we probably have to write the proposed place of use out rather than put it in a table, like you did Brett on the 2010 pu change. I think this might be certified in 2016 so I want to make sure I get this right for them and I don't want to goof it up. I was thinking it would be something like this:

2 acres in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of hypothetical Section 36, within Special Section 3, in Township 11 South, Range 5 East,

4 acres in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$),
8 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$),

a total of 12 acres in hypothetical Section 31, within Special Section 4, in Township 11 South, Range 6 East,

17 acres in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$),
14 acres in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$),
8 acres in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$),

a total of 39 acres in hypothetical Section 1, within Special Section 11, in Township 12 South, Range 5 East,

the 172 acres shown in hypothetical Section 6, within Special Section 8, in Township 12 South, Range 5 East, I am really confused, are you saying that these acres aren't really in Lots and I should describe them in quarter quarters as shown on the application? Or should the descriptions be in lots? I have tried to look at the survey plat but end up confusing myself -they show lots east of the river in Section 6 so I am thinking there must be other lots I am not aware of? Any help you guys could give me on clearing up this part of the description would really be appreciated!

Also, fyi we did not get Mrs. Altweggs signature on the application for File No. 8997 so I am sending out a signature page along with a copy of the application and hopefully get that back soon.

Thanks, as always, for your help!

Richelle Krueger, Environmental Scientist
Kansas Department of Agriculture
Water Appropriation Program
(785) 564-6635
Richelle.Krueger@kda.ks.gov
www.ksda.gov/dwr

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WATER RESOURCES

STATE OF KANSAS
DEPARTMENT OF AGRICULTURE



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

FRED L & NOREEN ALTWEGG
10354 J.HILL RD
JUNCTION CITY KS 66441

April 13, 2016

RE: File No. 45621

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 CPU
- 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 A Turney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: TOPEKA Field Office GMD

SCANNED

File No. 45,621
PROPOSED PLACE OF USE

1:24,000

