

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

1. File Number: <p style="text-align: center; font-size: 1.2em;">50,015</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;">4/25/2019</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">1</p>	4. GMD: <p style="text-align: center; font-size: 1.2em;">0</p>
5. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input checked="" 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"/> Person ID 31919 Add Seq# _____		7c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	
BERNICE A LEIDIG TRUST 627 PROSPECT ST CLAY CENTER KS 67432-1826			
7b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____		7d. Misc. New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	
8. WUR Correspondent New to system <input type="checkbox"/> Person ID _____ Overlap File (s) WUC Add Seq# _____ Agree <input type="checkbox"/> Yes <input type="checkbox"/> No Notarized WUC Form <input type="checkbox"/>		9. Use of Water: Changing? <input type="checkbox"/> Yes <input 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 type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____	
10. Completion Date: _____ 11. Perfection Date: _____ 12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Date Prepared: 2/18/2019 By: DWS Date Entered: 4/25/2019 By: ULM			

File No. **50,015** 15. Formation Code: Drainage Basin: County: Special Use: Stream:

16. Points of Diversion											
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
√					61765						

17. Rate and Quantity				
Authorized		Additional		
Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
				43,161

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) _____
 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							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files			
T	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					
√				51463	28	8	4E	1					33	1	2	26									62	7a	NO	43,161*	

Comments: ***Will need to dismiss pending PU change on senior File No. 43,161 along with this new application dismissal.**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: February 18, 2019

FROM: Doug Schemm

RE: Application, File No. 50,015

Bernice A. Leidig Trust filed the above referenced application to appropriate surface water for irrigation use from the Republican River. This new application would provide an additional quantity of water and rate of diversion from an existing pump site currently authorized under Water Right, File No. 43,161. Due to the complexities in pumping scenarios and conditioning of this new application, the original application was returned to the applicant on January 9, 2019 providing 30 days to provide additional information about the application (see cover letter dated January 9, 2019).

The cover letter outlined several pumping scenarios and requested that the applicant acknowledge their understanding of the discussion, by signing the cover letter and returning a signed copy of the letter to our office, with the original application.

The original application and requested information were not returned by the deadline, nor was there a request for an extension of time. Based on the available information, that the application was not returned within the time allowed, it is recommended that the file be dismissed for failure to return, as provided by K.S.A. 82a-710. The pending Place of Use Change for File No. 43,161 must also be dismissed.

Douglas Schemm
Environmental Scientist
Topeka Field Office

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

BERNICE A LEIDIG TRUST
% ALAN LEIDIG
627 PROSPECT ST
CLAY CENTER KS 67432-1826

April 30, 2019

FILE COPY

RE: Application, File No. 50,015

Dear Mr. Leidig:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 50,015 for failure to return the application and provide the requested information, prior to the deadline of February 9, 2019.

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas.

The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

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

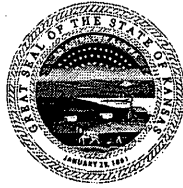
Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:dws
Enclosures

pc: Topeka Field Office

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER
IN THE MATTER OF THE
DISMISSAL OF APPLICATION
FILE NO. 50,015**

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

1. That on March 19, 2018, the Chief Engineer received an application from Bernice A. Leidig Trust for permit to appropriate surface water for beneficial use, assigned File No. 50,015, proposing the appropriation of 141.6 acre-feet of water, at a maximum requested diversion rate of 950 gallons per minute, for irrigation use. The point of diversion was one (1) pump site located in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 28, more particularly described as being near a point 3,100 feet North and 2,800 feet West of the Southeast corner of said section, in Township 8 South, Range 4 East, Clay County, Kansas.
2. That on January 9, 2019, the original application was returned to the applicant, with a cover letter requesting that additional information be submitted in order to complete the application. The cover letter outlined several pumping scenarios and requested that the applicant acknowledge their understanding of the discussion, by signing the cover letter and returning a signed copy of the letter to our office, along with the original application. The applicant was provided a deadline until February 9, 2019, the time in which to provide the requested information and return the original application. The applicant was informed that the application would be dismissed if it was not returned by the February 9, 2019 deadline, or within any authorized extension of time.
3. That the original application was not returned by the February 9, 2019 deadline, nor was there any request for an extension of time.
4. That the application should be dismissed and its priority forfeited as provided by K.S.A. 82a-710, for failure to return the application.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with the law, Application, File No. 50,015, is herewith dismissed and the priority assigned to it is considered to be forfeited.

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas.

The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

Ordered this 25th day of April, 2019, in Manhattan, Riley 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 25th day of April, 2019, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

CERTIFICATE OF SERVICE

On this 30th day of April, 2019, I hereby certify that the foregoing Dismissal of Application, File No. 50,015, dated April 25th, 2019 was mailed postage prepaid, first class, US mail to the following:

BERNICE A LEIDIG TRUST
% ALAN LEIDIG
627 PROSPECT ST
CLAY CENTER KS 67432-1826

With photocopies to:

Topeka Field Office

Danielle Wilson

Division of Water Resources

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

January 9, 2019

BERNICE A LEIDIG TRUST
% ALAN LEIDIG
627 PROSPECT ST
CLAY CENTER KS 67432-1826

FILE COPY

Re: New Application, File No. 50,015 and Water Right, File No. 43,161

Dear Mr. Leidig:

The above referenced original application, File No. 50,015 for a permit to appropriate water for beneficial use is being returned to you for additional information. We have suspended processing of this application. Application, File No. 50,015 is requesting to appropriate 141.6 acre-feet of surface water per calendar year from Mall Creek in the Republican River basin, for irrigation use, to be diverted at a maximum rate of 950 gallons per minute. This new application would provide an additional quantity of water and rate of diversion from an existing pump site currently authorized under Water Right, File No. 43,161. The specific pump site is located in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 28, (3,100' North and 2,800' West of the Southeast corner of said section) in Township 8 South, Range 4 East, Clay County, Kansas. This junior file will be limited to 141.6 acre-feet at 950 gallons per minute with the senior file, providing 48.6 acre-feet of additional water, and 380 gallons per minute of additional rate.

Your existing file, Water Right, File No. 43,161 is authorized 93 acre-feet at 570 gallons per minute. All applications to appropriate surface water from the Republican River are subject to specific conditions, per K.A.R 5-3-11(d)(6), as follows:

- 1) Exercising the right will cause impairment.
- 2) Minimum Desirable Streamflow (MDS) administration is occurring at the Clay Center gage.
- 3) MDS administration is occurring at the Concordia gage, or
- 4) The Chief Engineer is enforcing Paragraph 6(b) of the Milford Reservation Right.

You received a letter dated March 13, 2015 that further provided that the Chief Engineer would allow permission to exercise your existing right if flows are 80 c.f.s. or greater as measured at the Clay Center U.S.G.S. gage, whether or not MDS administration is occurring. However, this will not be the case under your new File No. 50,015. Your new application, File No. 50,015 will be allowed permission only when MDS is not occurring as identified in the 4 conditions above.

What this means is if you put this new file on the existing pump site, you would be granted permission on the senior file during MDS as long as there is 80 c.f.s. at the Clay Center gage, and you haven't pumped past the proportional 93 acre-feet under the senior file, but you would not be granted permission under this new file. Meaning you would physically have to restrict your pumping rate to the 570 authorized under the senior file. Once you have exhausted the senior file, you cannot be granted any permission to pump under File No. 50,015 so you will not be able to pump. If you haven't exceeded the proportion of the senior file, you can opt to physically restrict diversions to 570 gpm or less and pump up to the remainder of the 93 acre-feet. File No. 50,015, both in rate and quantity, cannot be pumped when MDS is occurring.

One way to mitigate this is you could, instead, modify your application to request a second pump site to pump the junior file from so that pumping occurs under the senior file when MDS is not occurring, thus you would be able to be granted to pump the remainder of the senior file at the 570 gpm by moving to the senior pumpsite if MDS occurs. The senior pump sites must be off-set by 25 feet to 50 feet. You would physically have to move your pump over to accomplish this.

If we process this new application has filed on the same pump site, then if you are pumping at 950 gpm, the first 570 gpm (and related quantity of water) is counted toward your senior file, and the remaining rate and quantity of water is counted toward your junior file. You are diverting water under both files when you are diverting at any rate greater than 570 gpm.

However, if you install a second (separate) pump site, the junior file would have a different point of diversion. So if you were pumping at 950 gpm from this second pump site, and no water from the senior pump site location, all of the pumped water would be accounted for under the junior file only. Though you must still physically reduce your pumping rate, you would be able to pump more water to your crops. We have an enclosed an example sheet illustrating this.

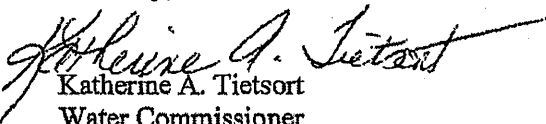
In any case you must be able to physically restrict your pumping rate to 570 gpm when MDS is occurring.

Please acknowledge your understanding of the above discussion, by signing below and returning the signed copy of this letter to our office. Significant fines can result from any violation of these conditions and we need to be sure you understand this issue.

In order for the application to retain its priority of filing, the **original** application and attachments must be returned, with the requested information, to this office on or before **February 9, 2019**, or within any authorized extension of time thereof. Pursuant to K.S.A. 82a-710, failure to timely refile the completed application and attachments as outlined above shall constitute forfeiture of your priority date and result in dismissal of the application.

If you have any questions, please contact our office at 785-296-5733. We have tried to contact you by telephone several times to make sure this issue is clear before we proceed with processing your pending application. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,


Katherine A. Tietsort
Water Commissioner
Topeka Field Office

KAT:dws

Enclosure

I have read and understand the discussion detailed in this letter regarding the pumping of surface water from the Republican River and specifically acknowledge that when MDS is occurring and permission is granted, I must physically restrict my diversions to the 570 gpm or less authorized by the Water Right, File No. 43,161 and I cannot continue to pump water at any rate greater than that value.

ALAN LEIDIG

43161- 93 AF @ 570 gpm

50015- 141.6 AF @ 950 gpm

Scenario 1:

Same pumpsite (as filed)

No MDS, permission granted under both.

Pump 125 AF @ 950 gpm.

570 gpm towards 43161 = 75 AF

Remaining 380 gpm towards 50015 = 30 AF

Scenario 2:

Same pumpsite (as filed)

Pump 50 AF @ 950 gpm then MDS occurs. So as above,

43161 has pumped 30 AF and 50015 has pumped 20 AF.

Permission only allowed under 43161.

43161 has 63 AF at 570 gpm left to pump. 50015 cannot be pumped.

Scenario 3:

Different pumpsites.

Start year no MDS. Allowed permission under both.

You start on the junior pump site whenever no MDS is occurring.

Pumped 50 AF @ 950 gpm on pump site for 50015. All is accounted towards 50015.

Then MDS, so no permission under 50015 and you have only 43161 left.

Move pump to senior pump site,

In this case you would have 91.5AF @ 570 gpm left to pump under 43161 without violating the overall 141.6 AF allowed under both.

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
TOPEKA FIELD OFFICE
6531 SE FORBES AVE., SUITE B
TOPEKA, KS 66619

STATE OF KANSAS



PHONE: (785) 296-5733
FAX: (785) 296-8298
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

September 25, 2018

COTTONWOOD AND NEOSHO RIVER WATER ASSURANCE
DISTRICT NO 3
% GALEN BIERY
212 SW 7TH STREET
TOPEKA KS 66603-3717

Re: Pending Applications, File Nos. 50,115 and 50,116

Dear Mr. Biery:

This is to advise you that the Kansas Department of Wildlife Parks and Tourism has filed the applications referred to above. File No. 50,115 is requesting to appropriate 60 acre-feet of surface water per calendar year from Brogan Creek for recreational use in an existing wetland, currently authorized under Water Right, File No. 44,198-B. The requested diversion rate is 5,000 gallons per minute. File No. 50,116 is requesting to appropriate 50 acre-feet of surface water per calendar year from Flat Rock Creek for recreational use in a proposed wetland. The requested diversion rate is 5,000 gallons per minute.

The pump sites are located in the Northeast Quarter (NE $\frac{1}{4}$) of Section 20, and the Southwest Quarter (SW $\frac{1}{4}$) of Section 19, respectively, all in Township 29 South, Range 21 East, Neosho County, Kansas. These direct diversions of surface water would be subject to specific permit conditions including requesting permission prior to diverting and not stopping flow at the first riffle below the point of diversion.

You can find the applications and site maps posted by the file numbers referenced above at:
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

You are being notified of receipt of these applications in order that you may be fully informed of the proposed location of the applicant's points of diversion and proposed use of water. If you have any questions, please contact me at (785) 296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Kansas Water Office

Schemm, Doug [KDA]

From: Schemm, Doug [KDA]
Sent: Tuesday, September 25, 2018 3:06 PM
To: 'Galen Biery'
Cc: 'Cara.Hendricks@kwo.ks.gov'
Subject: File Nos. 50,115 & 50,116 - KDWP & T
Attachments: 50115 and 50116 Notification of Cottonwood Neosho WAD.DOCX

Hello Galen,

These are a couple of small wetland applications filed by KDWP & T, within the Neosho State Waterfowl Management Area.

Have a great day,

Doug

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
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TOPEKA, KS 66619



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FAX: (785) 296-8298
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

April 10, 2018

FLORENCE GERRIETS TRUST
% ESTHER PEARSON
11121 W BRISTLECONE CIRCLE
WICHITA KS 67205-6029

Re: Pending Application, File No. 50,015

Dear Sir or Madam:

This is to advise you that Warren Leidig has filed the application referred to above for a permit to appropriate 141.6 acre-feet of surface water per calendar year from Mall Creek in the Republican River basin, for irrigation use, to be diverted at a maximum rate of 950 gallons per minute. Please note that this application is requesting an additional quantity of water and rate of diversion from an existing pump site currently authorized under Water Right, File No. 43,161. Surface water will be diverted from one (1) pump site located as follows:

in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$)
of Section 28, in Township 8 South, Range 4 East, Clay County, Kansas.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

You can find the application and site map posted by the file number referenced above at:
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Warren Leidig

STATE OF KANSAS



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FAX: (785) 296-8298
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DEPARTMENT OF AGRICULTURE
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TOPEKA, KS 66619

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

April 10, 2018

JAY MALL
1449 VALLEYVIEW ROAD
CLAY CENTER KS 67432-7431

Re: Pending Application, File No. 50,015

Dear Sir or Madam:

This is to advise you that Warren Leidig has filed the application referred to above for a permit to appropriate 141.6 acre-feet of surface water per calendar year from Mall Creek in the Republican River basin, for irrigation use, to be diverted at a maximum rate of 950 gallons per minute. Please note that this application is requesting an additional quantity of water and rate of diversion from an existing pump site currently authorized under Water Right, File No. 43,161. Surface water will be diverted from one (1) pump site located as follows:

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Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Warren Leidig

STATE OF KANSAS

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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

April 10, 2018

GENE BRAUN TRUST
2133 15TH RD
CLAY CENTER KS 67432-7432

Re: Pending Application, File No. 50,015

Dear Sir or Madam:

This is to advise you that Warren Leidig has filed the application referred to above for a permit to appropriate 141.6 acre-feet of surface water per calendar year from Mall Creek in the Republican River basin, for irrigation use, to be diverted at a maximum rate of 950 gallons per minute. Please note that this application is requesting an additional quantity of water and rate of diversion from an existing pump site currently authorized under Water Right, File No. 43,161. Surface water will be diverted from one (1) pump site located as follows:

in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE¹/₄ SE¹/₄ NW¹/₄) of Section 28, in Township 8 South, Range 4 East, Clay County, Kansas.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

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Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Warren Leidig

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
TOPEKA FIELD OFFICE
6531 SE FORBES AVE., SUITE B
TOPEKA, KS 66619



GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

PHONE: (785) 296-5733
FAX: (785) 296-8298
www.agriculture.ks.gov

RECEIVED

APR 26 2018

Topeka Field Office
DIVISION OF WATER RESOURCES

April 10, 2018

FLORENCE GERRIETS TRUST
% ESTHER PEARSON
11121 W BRISTLECONE CIRCLE
WICHITA KS 67205-6029

Re: Pending Application, File No. 50,015

Dear Sir or Madam:

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Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Warren Leidig

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A

50115 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50115 00 REC

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

3091 Feet North and 2139 Feet West of the Southeast Corner of Section 20 T 29S R 21E

SURFACE WATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 8358 00	REC	NK	S	10341	NC	E2	SW	NE	-----	-----	32	29	21E	1		2750.00	2750.00	AF
A__ 8359 00	REC	NK	S	6486	--	SE	SE	SW	500	2800	19	29	21E	1		3000.00	3000.00	AF
Same				7921	--	SE	SW	SW	125	4200	19	29	21E	7				
A__ 44120 00	REC	NK	S	10155	--	--	--	--	4160	806	31	29	21E	3		25.20	25.20	AF
A__ 44180 00	REC	NK	S	10187	--	--	--	--	1123	4194	30	29	21E	5		112.00	112.00	AF
A__ 44198 B	REC	NK	S	161	--	SW	SW	NE	3018	1995	20	29	21E	2		.00	.00	AF
A__ 44512 00	REC	NK	S	10155	--	--	--	--	4160	806	31	29	21E	3		75.20	75.20	AF
A__ 45949 00	REC	NK	S	10187	--	--	--	--	1123	4194	30	29	21E	5		118.00	118.00	AF
A__ 46042 00	REC	NK	S	10155	--	--	--	--	4160	806	31	29	21E	3		11.00	11.00	AF
A__ 49934 00	REC	GY	S	9648	--	--	--	--	3090	5090	30	29	21E	6		210.00	210.00	AF
Same				9843	--	--	--	--	3170	5370	30	29	21E	7				
Same				10180	--	--	--	--	2580	5390	30	29	21E	8				
A__ 50115 00	REC	AY	S	0	--	SW	SW	NE	3091	2139	20	29	21E	3		60.00	60.00	AF
A__ 50116 00	REC	AY	S	7721	--	SE	NW	SW	1449	4409	19	29	21E	8		50.00	50.00	AF

- Applicant NF collector

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	110.00	.00
Total Permitted Amount (AF) =	210.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	6091.40	29.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	6411.40	29.00

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:

3091 Feet North and 2139 Feet West of the Southeast Corner of Section 20 T 29S R 21E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 8358 00	REC	NK	S
>	KANSAS DEPT OF WILDLIFE PARKS & TOURISM		
>	STAGE LEVELS ONLY (TOP)		
>	1020 S KANSAS AVE FL 2		
>	TOPEKA KS 66612		

A__ 8359 00	REC	NK	S
>	KANSAS DEPT OF WILDLIFE PARKS & TOURISM		
>	ACTIVE DIVERSIONS (TOP)		
>	1020 S KANSAS AVE FL 2		

> TOPEKA KS 66612

>-----

A__ 44120 00 REC NK S

> DAVID M JENKINS

>

> 505 S DREHER

> WEIR KS 66781

>-----

A__ 44180 00 REC NK S

> CHRIS TERLIP

>

> 700 E LOREN

> FRONTENAC KS 66763

>-----

A__ 44198 B REC NK S

> KANSAS DEPT OF WILDLIFE PARKS & TOURISM

> STAGE LEVELS ONLY (TOP)

> 1020 S KANSAS AVE FL 2

> TOPEKA KS 66612

>-----

A__ 44512 00 REC NK S

> DAVID M JENKINS

>

> 505 S DREHER

> WEIR KS 66781

>-----

A__ 45949 00 REC NK S

> CHRIS TERLIP

>

> 700 E LOREN

> FRONTENAC KS 66763

>-----

A__ 46042 00 REC NK S

> DAVID M JENKINS

>

> 505 S DREHER

> WEIR KS 66781

>-----

A__ 49934 00 REC GY S

> KKTGC HOLDING TRUST

>

> 218 MCKAY

> FRONTENAC KS 66763

>-----

A__ 50115 00 REC AY S

> KANSAS DEPT OF WILDLIFE PARKS & TOURISM

> STAGE LEVELS ONLY (TOP)

> 1020 S KANSAS AVE FL 2

> TOPEKA KS 66612

>-----

A__ 50116 00 REC AY S

> KANSAS DEPT OF WILDLIFE PARKS & TOURISM

> ACTIVE DIVERSIONS (TOP)

> 1020 S KANSAS AVE FL 2

> TOPEKA KS 66612

>-----

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Upstream and Downstream Landowners

Upstream -

#1) Florence Gerriets Trust
% Esther Pearson
11121 W Bristlecone Cir
Wichita KS 67205-6029

Gene Braun Trust
2133 15th Rd
Clay Center KS 67432

Downstream -

#1) Jay Mall
1449 Valleyview Rd
Clay Center KS 67432-7431



WATER RESOURCES
RECEIVED

MAR 19 2018

SCANNED

KS DEPT OF AGRICULTURE

(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. 50,015

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.

Chris Speltz

Signature of Applicant

State of Kansas)
County of Riley) ss

Chris Speltz
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 17th day of March, 2018.



Danielle Wilson
Notary Public

My Commission Expires: 8/23/2020

WATER RESOURCES
RECEIVED

MAR 19 2018

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

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

March 26, 2018

WARREN LEIDIE
627 PROSPECT
CLAY CENTER KS 67432

RE: Application
File No. 50015

Dear Sir or Madam:

Your application for permit to appropriate water in 28-8-4E in Clay 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: TOPEKA Field Office
GMD

SCANNED