

Kansas Department of Agriculture  
Division of Water Resources  
**CHANGE: PD WORKSHEET**

1. File Number: <b>49192</b>	2. Status Change Date: <b>3/18/20</b>	3. Change Num: <b>C2</b>	4. Field Office: <b>01</b>	5. GMD:
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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: <b>07-25-2019</b>
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8a. Applicant(s) New to system <input type="checkbox"/>  <b>STEVEN V &amp; JANICE PETERSON</b> <b>1931 4TH ST</b> <b>CLAY CENTER, KS 67432-1742</b>  Person ID <b>20608</b> Add Seq# <b>1</b>	8c. Landowner(s) New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/>  <b>STEVEN V &amp; JANICE PETERSON</b> <b>1931 4TH ST</b> <b>CLAY CENTER, KS 67432-1742</b>  Person ID <b>20608</b> Add Seq# <b>1</b>	8d. WUC New to system <input type="checkbox"/>  <b>STEVEN V &amp; JANICE PETERSON</b> <b>1931 4TH ST</b> <b>CLAY CENTER, KS 67432-1742</b>  Person ID <b>20608</b> Add Seq# <b>1</b>
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9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/20</u> <input checked="" type="checkbox"/> N & P Date to Comply: <u>12/31/20</u>
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" 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: _____
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Date Prepared: <b>03/17/20</b> By: <b>RAK</b>
Date Entered: <span style="border: 1px solid blue; padding: 2px;"><b>3/19/2020</b></span> By: <b>LMoody</b>

File No. **49192**      11. County **CY**      Basin **Republican River**      Stream: *27-*      Formation Code:      Special Use

12. Points of Diversion										Rate and Quantity							
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
<b>BLANKET RATE AND QUANTITY</b>													<b>3000 gpm</b>	<b>760 AF</b>	<b>3000gpm</b>	<b>266 AF</b>	
<b>MOD</b>	<b>83614</b>			<b>Lot 1</b>		<b>13</b>	<b>8</b>	<b>2E</b>	<b>14</b>			<b>4420</b>	<b>420</b>				<b>NO</b>
<b>ENT</b>	<b>87973</b>			<b>NE NW SE</b>		<b>18</b>	<b>8</b>	<b>3E</b>				<b>2561</b>	<b>1523</b>				<b>NO</b>

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. **KEEP** Limitation: **760 AF/YR COM/W #19379 & #47111**  
 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 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					
<b>no changes to pu</b>																										

Base Acres:      Year:      Minimum Reasonable Quantity:  
 Comments:

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

**TO:** Files

**DATE:** March 18, 2020

**FROM:** Richelle A. Krueger

**RE:** Appropriation of Water  
File No. 49,192

Steven V. and Janice Peterson, owner of the referenced file number, filed an application for approval to change the point of diversion for File No. 49,192. The referenced file number is authorized surface water from Republican River for irrigation use.

The referenced file number does not appear abandoned as per K.S.A. 82a-718. The perfection period expires December 31, 2020.

File No. 49,192 is authorized one pumpsite located 4,420 feet North and 420 feet West of the Southeast corner of Section 13, Township 8 South, Range 2 East, Clay County, for irrigation of 644 acres in Sections 17, 18, 19, and 20, Township 8 South, Range 3 East, Clay County. File No., 49,192 has no overlaps in the point of diversion but the place of use overlaps Water Right File Nos. 19,379 and 47,111 and is limited to 760 acre-feet when combined with Water Right, File Nos. 19,379 and 47,111. The water right owner proposes to add a pumpsite approximately 8,427 feet downstream at a point located 2,561 feet North and 1,523 feet West of the Southeast corner of Section 18. It appears that the same local source of supply will not change. There are two pumpsites authorized by Water Right, File No. 5,679, one by File No. 45,169, one by File No. 47,546, and one by File No. 39,549 located between the presently authorized and proposed pumpsite locations.

Paragraph No. 17 indicates that the proposed change relates to the same local supply as there is no tributary streams between the existing pumpsite and the proposed second pumpsite, that the proposal will not impair existing water rights, since minimum desirable streamflow administration will be in effect during low flow conditions when the priority of this permit in relation to neighboring water rights is most likely to be in question.

Nearby landowners located one-half (1/2) mile upstream and downstream from land owned or controlled by the applicant were notified of the proposed changes in point of diversion by letters dated February 17, 2020; one phone call was received inquiring about the proposal but no objections were indicated.

In a March 13, 2020 e-mail, Katherine Tietsort, Water Commissioner of the Topeka Field Office, indicated that she has no objections to approval of the application.

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 changes are 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 referenced application be approved.

  
Richelle A. Krueger  
Environmental Scientist

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**



**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
  - (Check one or more)  Point of Diversion
  - Use Made of Water

WATER RESOURCES  
RECEIVED  
JUL 25 2019  
11:00  
KS DEPT OF AGRICULTURE

File No. 49,192

2. Name of applicant: STEVEN V & JANICE PETERSON

Address: 1931 4TH ST

City, State and Zip: CLAY CENTER KS 67432-1742

Phone Number: ( ) \_\_\_\_\_ 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): \_\_\_\_\_

To add an additional pump site with better river access to supply water to a new pivot.

The change(s) will be completed following approval of this application.  
(Date)

For Office Use Only:														
F.O. Code	<u>1</u>	GMD	<u>B</u>	Meets K.A.R. 5-5-1 (YES/NO)	Use	<u>IRR</u>	Source	<u>G</u>	County	<u>CY</u>	By	<u>DAW</u>	Date	<u>7/25/19</u>
	<u>CGT</u>				Fee \$	<u>200</u>	TR #		Receipt Date	<u>7/25/19</u>	Check #	<u>18959</u>		

APPLICATION COMPLETE  
3/12/30  
Reviewer RAIK

SCANNED  
7/30/19 LM

4. The presently authorized place of use is:

Owner of Land — NAME: STEVEN V & JANICE PETERSON

ADDRESS: 1931 4TH ST CLAY CENTER KS 67432-1742

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				
17	8S	3E																		20		
18	8S	3E			3		4	31	37	21	25	24		21				Lot 4 - 20	37	5	Lot 5 - 9	237
19	8S	3E					34	29														63
20	8S	3E	15	29.5	40	39	37.5	8		32	38	10						35	40			324

List any other water rights that cover this place of use. 19,379 & 47,111

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. \_\_\_\_\_

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

Owner of Land — NAME: No change to place of use.

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. \_\_\_\_\_

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 one pump site  
(Provide description and number of points)
7. The proposed point(s) of diversion are two pumpsites  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion:**  
One in the LOT 1 Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_  
of Section 13, Township 8 South, Range 2 EAST,  
in Clay County, Kansas, 4420 feet North 420 feet West of Southeast corner of section.  
Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
**(DWR use only: Computer ID No. 14 (PDIV ID: 83614) 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 \_\_\_\_\_

9. **Presently authorized point of diversion: (ADD ADDITIONAL PUMP SITE)**  
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 NE Quarter of the NW Quarter of the SE Quarter of the \_\_\_\_\_  
of Section 18, Township 8 South, Range 3 East,  
in Clay County, Kansas, 2,561 feet North 1,523 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 None

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. \_\_\_\_\_  
Not applicable

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

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JUL 25 2019

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12. The presently authorized use of water is for irrigation purposes.

It is proposed that the use be changed to irrigation purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

No change in place of use or use made of water related to this application

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to NO CHANGE (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to NO CHANGE 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](http://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.

This change relates to the same local supply as there is no tributary streams between the existing pumpsite and the proposed second pump site.

This change will not impair existing water rights. Minimum Desirable Streamflow administration will be in effect during low flow conditions when the priority of this permit in relation to neighboring water rights is most likely to be in question.

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.

The proposed change meets all applicable rules and regulations.

**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 \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Steve Peterson  
(Owner)  
STEVE PETERSON  
(Please Print)  
  
(Owner)  
  
(Please Print)  
  
(Owner)  
  
(Please Print)

Jan D Peterson  
(Spouse)  
Jan D Peterson  
(Please Print)  
  
(Spouse)  
  
(Please Print)  
  
(Spouse)  
  
(Please Print)

State of Kansas }  
County of Clay } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23 day of July, 2019.

Jessi Jermak  
Notary Public

My Commission Expires January 1, 2023

**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:

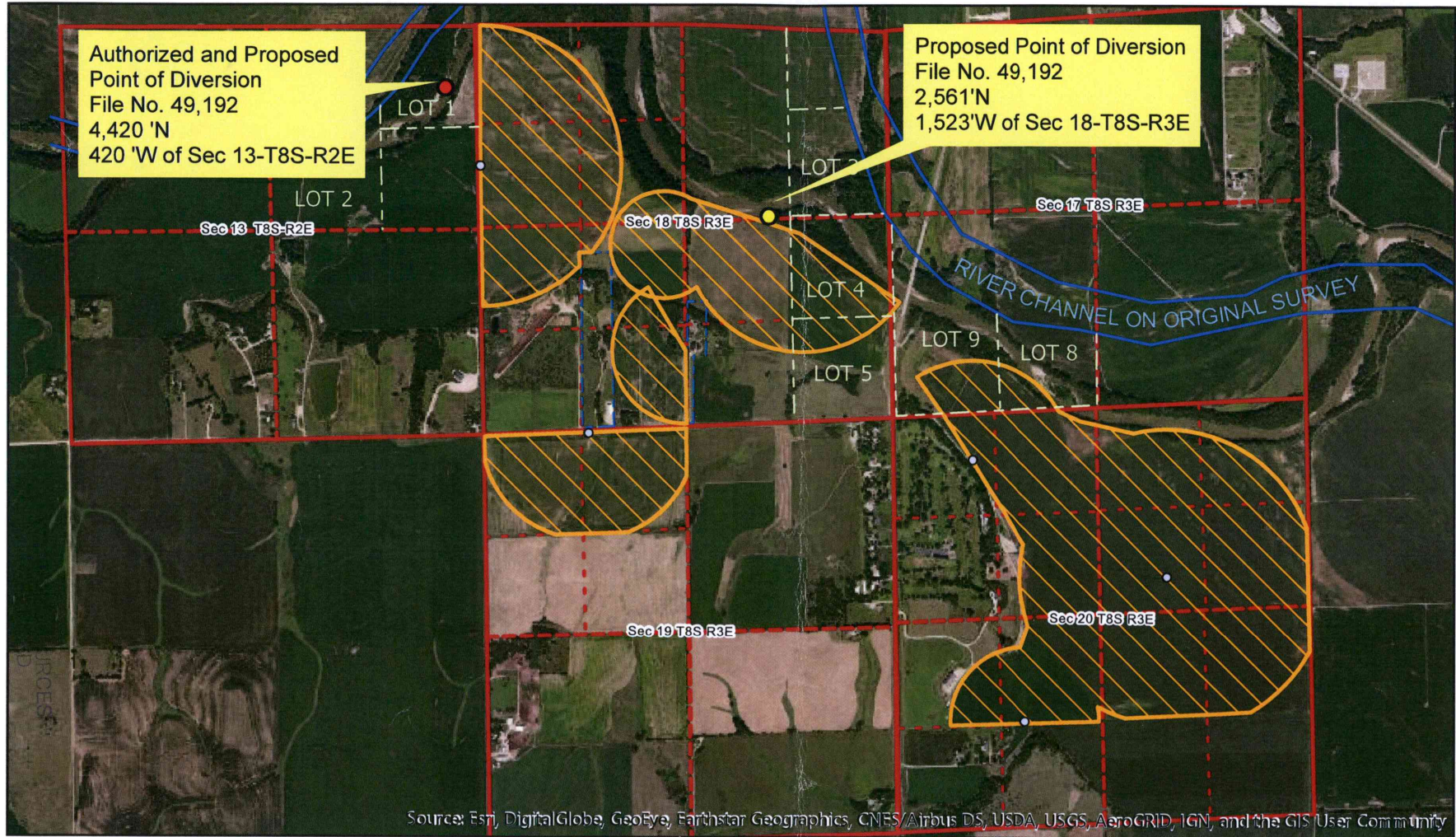
- (1) Application to change a point of diversion 300 feet or less ..... \$100
- (2) Application to change a point of diversion more than 300 feet ..... \*Paid ..... \$200
- (3) Application to change the place of use ..... \$200
- (4) Application to change the use made of the water ..... \$300

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

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KS DEPT OF AGRICULTURE  
SCANNED

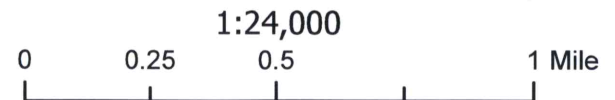


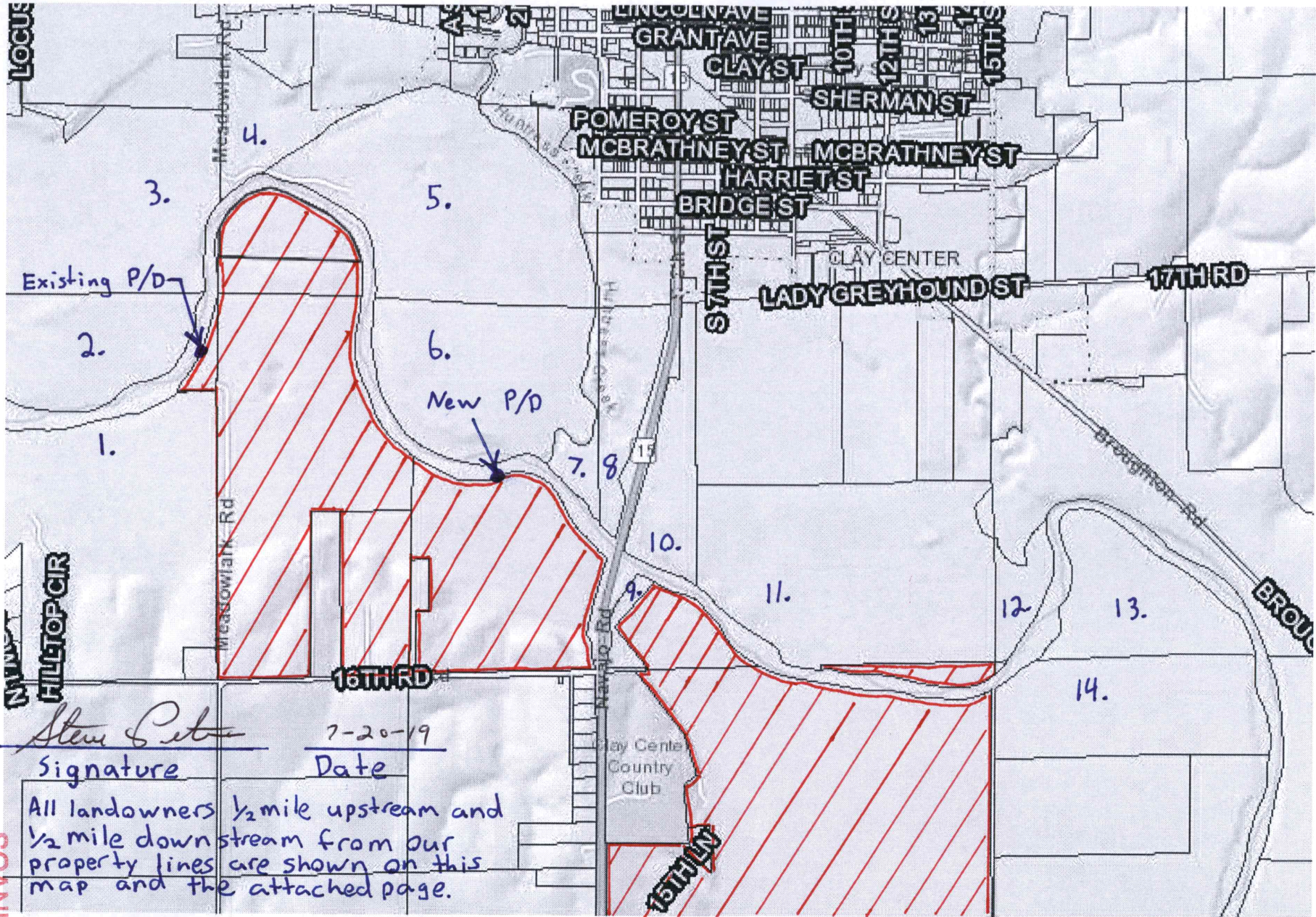
# Application to Change Point of Diversion File No. 49,192



Authorized Place of Use (644 acres)

Map prepared by LHH/TFO 5-30-19





*Steve Peterson*  
 Signature      7-20-19  
 Date


All landowners 1/2 mile upstream and 1/2 mile down stream from our property lines are shown on this map and the attached page.

SCANNED

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 JUL 25 2019



 PETERSON PROPERTY

Approx. 1 mile 

**NEARBY LANDOWNERS**

**Landowners ½ mile upstream and downstream of property owned by Steve and  
Janice Peterson**

(See attached parcel map.)

1. KEEOTT FARMS INC  
RICHARD COTT  
1047 20TH RD  
CLAY CENTER, KS 67432-8118
  
2. & 3. TIMOTHY M & ROXANNA L MARTIN TRUST  
1420 QUAIL RD  
CLAY CENTER, KS 67432-7459
  
- 4., 5., & 6. CHAPMAN FAMILY INVESTMENTS  
LEO & IRENE CHAPMAN  
Attn: CHRISTOPHER C CHAPMAN  
58 PARK ST RICHLAND, WA 99354-2032
  
- 7., 8., & 10. BRENT HEMPHILL FARMS, LLC  
1915 SEVEN HILLS RD  
JEFFERSON CITY, MO 65101-3845
  
9. JOHN M & FRANKIE L MCGEE  
1403 16TH RD  
CLAY CENTER, KS 67432-7800
  
11. & 12. GAIL & KAREN HAUSERMAN TRUST  
1375 23RD RD CLAY  
CENTER, KS 67432-8154
  
13. & 14. STEINBACH ENTERPRISES L P  
MILTON STEINBACH  
2272 18TH RD  
CLAY CENTER, KS 67432-7476

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JUL 25 2019

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SCANNED

## Krueger, Richelle [KDA]

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**From:** Tietsort, Katie [KDA]  
**Sent:** Friday, March 13, 2020 8:32 AM  
**To:** Krueger, Richelle [KDA]  
**Cc:** Bunger, Brett [KDA]  
**Subject:** RE: Request for Recommendation Change in PD File No. 49192 Steve Peterson

Good Morning Richelle,

The TFO has no objections to approval of this application. It appears to meet all provisions of the KWAA.

Thanks, Katie

Katie Tietsort  
Water Commissioner

[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)  
785-296-5733

**NOTE NEW ADDRESS AS OF 3/17/20:**  
Kansas Department of Agriculture  
Division of Water Resources  
Topeka Field Office  
1131 SW Winding Rd, Suite 400  
Topeka, KS 66615

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**From:** Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>  
**Sent:** Thursday, March 12, 2020 3:21 PM  
**To:** Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>  
**Cc:** Bunger, Brett [KDA] <Brett.Bunger@ks.gov>  
**Subject:** Request for Recommendation Change in PD File No. 49192 Steve Peterson

Hi Katie,  
Attached is a draft memo for the referenced pd change, do you recommend approval?  
Thanks,  
Richelle

Richelle Krueger, Environmental Scientist  
Kansas Department of Agriculture  
Division of Water Resources  
1320 Research Park Drive, 3rd Floor  
Manhattan, KS 66502  
(785) 564-6635

## Property Details for PID: 0141041800000005000

Shareable link to Property Information :	<a href="https://www.kansasgis.org/orka/permalinkprop.cfm?parcelid=0141041800000005000">https://www.kansasgis.org/orka/permalinkprop.cfm?parcelid=0141041800000005000</a>
Shareable link to Map:	<a href="https://www.kansasgis.org/orka/permalink.cfm?parcelId=0141041800000005000">https://www.kansasgis.org/orka/permalink.cfm?parcelId=0141041800000005000</a>
QuickRef ID :	R4770
Owner Name :	PETERSON STEVEN V TRUST & PETERSON JAN D TRUST
Location:	1374 16TH RD, Clay Center, KS 67432
Abbreviated Boundary Description:	S18, T08, R03E, ACRES 139.5, E2 S OF RIVER EX TR BEG SW COR TH N 1557 E 247 S 673 W 165 S 884 W TO POB & LESS ROW AND SM TR IN SEC 17 LYING S OF

### Owner Information:

Owner	PETERSON STEVEN V TRUST & PETERSON JAN D TRUST
Mailing Address	1931 4TH ST CLAY CENTER, KS 67432-1742

### Property Information:

Type	Agricultural Use
Status	Active
Taxing Unit	Blaine Tsp - 116
Neighborhood Code	900

No Secondary Address Details found

### Market Land Details:

Actual Width:	0
Eff. Width	0
Eff. Depth	0

## Property Details for PID: 0141041800000004000

Shareable link to Property Information :	<a href="https://www.kansasgis.org/orka/permalinkprop.cfm?parcelid=0141041800000004000">https://www.kansasgis.org/orka/permalinkprop.cfm?parcelid=0141041800000004000</a>
Shareable link to Map:	<a href="https://www.kansasgis.org/orka/permalink.cfm?parcelid=0141041800000004000">https://www.kansasgis.org/orka/permalink.cfm?parcelid=0141041800000004000</a>
QuickRef ID :	R4769
Owner Name :	PETERSON STEVEN V TRUST & PETERSON JAN D TRUST
Location:	1339 16TH RD, Clay Center, KS 67432
Abbreviated Boundary Description:	S18, T08, R03E, ACRES 49.1, BEG 1637.5 E SW COR SW4 TH N2251.9 E TO E LI SW4 S TO S LI SW4 W TO POB LESS ROW

**Owner Information:**

Owner	PETERSON STEVEN V TRUST & PETERSON JAN D TRUST
Mailing Address	1931 4TH ST CLAY CENTER, KS 67432-1742

**Property Information:**

Type	Agricultural Use
Status	Active
Taxing Unit	Blaine Tsp - 116
Neighborhood Code	900

**No Secondary Address Details found****Market Land Details:**

Actual Width:	0
Eff. Width	0
Eff. Depth	0
Acres	0
Square Feet	0

**No Permit Details found****Deed Book Page Details**

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

STEVEN V & JANICE PETERSON  
1931 4TH ST  
CLAY CENTER, KS 67432-1742

March 20, 2020

RE: Appropriation of Water, File No. 49,192


Dear Sir or Madam:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number. 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.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

  
Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Topeka Field Office

FILE COPY

THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Christopher W. Beightel, Acting Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN  
POINT OF DIVERSION  
APPROPRIATION OF WATER  
FILE NO. 49,192**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Steven V. and Janice Peterson, 1931 4th Street, Clay Center, Kansas 67432-1742, received in this office on July 25, 2019, for approval of a change in the location of the point of diversion under Approval of Application, File No. 49,192, for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated June 10, 2019, 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.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized locations of the points of diversion shall be:

one (1) pumpsite located in Lot 1 of Section 13, more particularly described as being near a point 4,420 feet North and 420 feet West of the Southeast corner of said section, in Township 8 South, Range 2 East, and

one (1) pumpsite located in the Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 18, more particularly described as being near a point 2,561 feet North and 1,523 feet West of the Southeast corner of said section, in Township 8 South, Range 3 East,

both in Clay County, Kansas,

located substantially as shown on the map accompanying the application to change the point of diversion.

Installation of the works for diversion of water shall be completed on or before December 31, 2020, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

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. 49,192, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated April 9, 2015, as modified and amended by the aforementioned order.

**RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW**

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

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

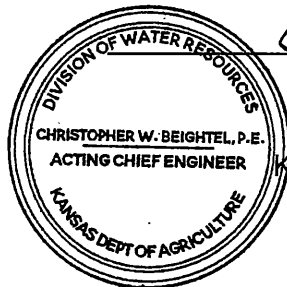
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this *18<sup>th</sup>* day of *March*, 2020, in Manhattan, Riley County, Kansas.



*Chris Beightel*  
 \_\_\_\_\_  
 Christopher W. Beightel, P.E.  
 Acting Chief Engineer  
 Division of Water Resources  
 Kansas Department of Agriculture

State of Kansas     )  
                                   ) SS  
 County of Riley     )

The foregoing instrument was acknowledged before me this *18<sup>th</sup>* day of *March*, 2020, by Christopher W. Beightel, P.E., Acting Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



*Katie Anderson*  
 \_\_\_\_\_  
 Notary Public

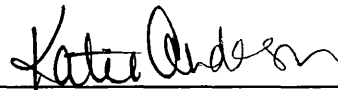
**CERTIFICATE OF SERVICE**

On this 9<sup>th</sup> day of March, 2020, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 49,192, dated March 18, 2020 was mailed postage prepaid, first class, US mail to the following:

STEVEN V & JANICE PETERSON  
1931 4TH ST  
CLAY CENTER, KS 67432-1742

With photocopies to:

Topeka Field Office



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Division of Water Resources