

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

1. File Number: 45,283	2. Status Change Date: 1/29/2021	3. Change Num: C1	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: 23-DEC-2019
8a. Applicant(s) New to system <input type="checkbox"/> MARK NEIS 12775 COUNTY LINE RD EUDORA, KS 66025-8323 Dana Neis please add spouse as owner LI		Person ID 53266 Add Seq# <u> </u>		8b. Landowner(s) New to system <input type="checkbox"/> KEITH NEIS PO BOX 85 EUDORA KS 66025 Marilyn Neis please add spouse as owner LI
WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No 8a.		Person ID <u> </u> Add Seq# <u> </u> Notarized WUC Form <input type="checkbox"/>		8c. Landowner(s) KARL W & TWILLA EISELE TRUST 3065 SHAWNEE RD WELLSVILLE KS 66092
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2022 <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: _____				
1/25/2021 Lireland		Date Prepared: 11/25/20 By: DWS Date Entered: 2/1/2021 By: LMoody		

File No. **45,283** 11. County: **LV** Basin: KANSAS RIVER Stream: Formation Code: 113 Special Use:

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

NO CHANGES

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

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

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

16. Place of Use CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	NO	Overlap Files
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
MOD 55287	33	12	21E	3			Lot 5 5	Lot 7 14.9 <hr/> 5		Lot 5 37		20	Lot 6 40							121.9	8b.	NO	50,331			
MOD 55433	33	12	21E	4						40	20							4.5		64.5	8a.	NO	50,331			
ENT 69748	28	12	21E	3														Lot 5 10.6		10.6	8a.	NO	50,331			
ENT 69749	28	12	21E	4									26							26	8c.	NO	50,331			

Comments:
 Base Acres: Year: Minimum Reasonable Quantity: Comments:

12/16/2020
 KAB

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: November 25, 2020

FROM: Doug Schemm

RE: Change Application, File No. 45,283

Mark and Keith Neis have filed for approval to change the authorized place of use for the above referenced file number, for irrigation use in the Kansas River Basin. The referenced file does not appear abandoned as per K.S.A. 82a-718. New Application, File No. 50,331 will form a complete overlap in point of diversion and place of use.

Water Right, File No. 45,283 is authorized 118 acre-feet at 968 gallons per minute. The application to change the place of use for File No. 45,283 proposes to increase the place of use of from 138 acres to 223 acres located in Sections 28 and 33, all in Township 12 South, Range 21 East, Leavenworth County. Application, File No. 50,367 was filed to appropriate 223 acre-feet of groundwater to create an exact overlap in place of use with File No. 45,283. The proposed change application complies with K.A.R. 5-5-3, as the additional quantity requested by Application, File No. 50,331 will be sufficient to cover any potential increase in consumptive use.

The total limited quantity that will be available under the referenced file and new application, 223 acre-feet, can irrigate the proposed 223 acres with 1.0 acre-foot per acre which appears reasonable since it is the maximum allowable quantity of water per acre in Leavenworth County.

The applicant identified one nearby domestic well that he owns, and one IRR well within one-half mile. A nearby notification letter was sent out on January 31, 2020 to Pendleton Farm & Livestock Co (File No. 29,914). A telephone call and subsequent e-mail was received from Greg Knedlik who was representing the new owner of File No. 29,914, Mr. Arthur Neis. It appears that the primary concern is that approval of the applicant's file would prevent Arthur from expanding his own irrigation project. Arthur was informed that at the current time, additional groundwater was currently available in this area, that he could file a new application to expand his irrigation project, and that DWR staff would assist him in filing a new application if he desired. He was also informed that the aquifer could be fully appropriated in the future if additional applications were filed. A response letter was sent to the nearby well owner on February 28, 2020.

The existing well is located over ¼ mile from the Kansas River, so no notification of the KRWAD is required. The same local source of supply will not change, which is groundwater from the Kansas River alluvial aquifer.

In an e-mail dated November 24, 2020, Katie Tietsort, Water Commissioner of the Topeka Field Office, indicated that she recommends approval of the change application.

Water flow meters are required. Check valves are 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, no change in the local source of supply will occur, and if Application, File No. 50,331 can be approved, it is recommended that the change application be approved.

Doug Schemm
Environmental Scientist
Topeka Field Office

Schemm, Doug [KDA]

From: Tietsort, Katie [KDA]
Sent: Tuesday, November 24, 2020 2:17 PM
To: Schemm, Doug [KDA]
Subject: RE: 45283 PU change

Proceed

Katie Tietsort
Water Commissioner

Katie.Tietsort@ks.gov

785-296-5733

PLEASE NOTE OUR NEW ADDRESS:
Kansas Department of Agriculture
Topeka Field Office
1131 SW Winding Rd, Suite 400
Topeka, KS 66615

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Monday, November 23, 2020 7:15 AM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: RE: 45283 PU change

Yeah, like in April.....

From: Tietsort, Katie [KDA]
Sent: Friday, November 20, 2020 2:50 PM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Subject: RE: 45283 PU change

Did I already review 50331?

Katie Tietsort
Water Commissioner

Katie.Tietsort@ks.gov

785-296-5733

PLEASE NOTE OUR NEW ADDRESS:
Kansas Department of Agriculture
Topeka Field Office
1131 SW Winding Rd, Suite 400
Topeka, KS 66615

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Thursday, November 19, 2020 2:26 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: 45283 PU change

Complete Overlap with new app 50,331.
Please review.

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE WATER RIGHT FILE NO. 45,283

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Mark and Dana Neis, 12775 County Line Road, Eudora, Kansas 66025-8323, and Marilyn Neis on behalf of Keith and Marilyn Neis, P.O. Box 85, Eudora, Kansas 66025, received in this office on December 23, 2019, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

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

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
28	12S	21E																		36.6
													Lot 5 26.00	10.60						
33	12S	21E		Lot 5 5.00	Lot 7 14.90		Lot 5 37.00	40.00	40.00	40.00		Lot 6 40.00						4.50		181.4
33	12S	21E			5.00															5.0

a total of 223 acres in Township 12 South, Range 21 East, Leavenworth County, Kansas,

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

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

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 45,283, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated November 28, 2016.

Ordered this 29 day of January, 2021, 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 29 day of January, 2021, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
Notary Public

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

February 2, 2021

MARK NEIS
12775 COUNTY LINE RD
EUDORA KS 66025-8323

RE: Water Right, File No. 45,283

Dear Mr. Neis:

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.

Since the order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

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

Sincerely,

A handwritten signature in cursive script that reads "Kristen A. Baum".

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

KAB:dws:li
Enclosure(s)

pc: Topeka Field Office
Keith Neis
Karl W & Twilla Eisele Trust

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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

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

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary. To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

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

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act. Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564-6777.

CERTIFICATE OF SERVICE

On this 2 day of February, 2021, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 45,283, dated 2 February 2021 was mailed postage prepaid, first class, US mail to the following:

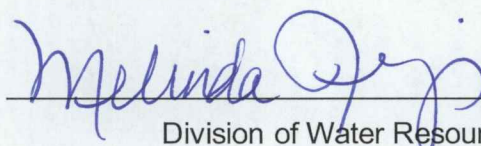
MARK NEIS
12775 COUNTY LINE RD
EUDORA KS 66025-8323

With photocopies to:

KEITH NEIS
PO BOX 85
EUDORA KS 66025

KARL W & TWILLA EISELE TRUST
3065 SHAWNEE RD
WELLSVILLE KS 66092

Topeka Field Office



Division of Water Resources