

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

1. File Number: 50161	2. Status Change Date: 12/16/2022	3. Change Num: C1	4. Field Office: 01	5. GMD:
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 3/9/2022
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8a. Applicant(s) New to system <input type="checkbox"/> SYLVIA E NEIS 2197 N 1100 RD EUDORA, KS 66025-8100	8c. Landowner(s) New to system <input type="checkbox"/> Person ID 66495 Add Seq# 1
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8b. Landowner(s) New to system <input type="checkbox"/> SYLVIA E NEIS TRUST SYLVIA E NEIS TRUSTEE 2197 N 1100 RD EUDORA, KS 66025-8100	8d. WUC New to system <input type="checkbox"/> NEIS BROTHERS FARM 2215 N 1100 RD EUDORA, KS 66025-8107
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/23** N & P Date to Comply: _____

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: _____ To: _____

12/13/2022 Lireland	Date Prepared: 11/15/22 By: LI Date Entered: 12/19/2022 By: LMoody
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File No. **50161** 11. County: **DG** Basin: **KANSAS RIVER** Stream: **NA** Formation Code: **113** Special Use: **NA**

12. Points of Diversion											Rate and Quantity				
CHK	NEW BATTERY ID #2321										Authorized		Additional		Overlap PD Files
MOD	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment ()	BATT ID	Rate gpm	Quantity af	Rate gpm	Quantity af	
DEL	87397	87399													
										BATT 1 - 4	2133				
DEL	87398														
										BATT 1 - 4	2133				
DEL	87158	NE SE NW	5	13	21E	7	3420	3100	GEO CTR	2133	800	77.5	800	77.5	NONE
ENT	89943	NE SE NW	5	13	21E		3453	2758	GEO CTR		800	77.5	800	77.5	NONE
MOD	87396	NE SE NW	5	13	21E	8	3435	2908	BATT 1 OF 2						NONE
MOD	37397	NE SE NW	5	13	21E	9	3471	2607	BATT 1 OF 2						NONE

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

14. Limitation: _____ af/yr at _____ 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 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				
NO CHANGE																									

Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____

Comments: **NO N&P as change is to fix compliance inspection completed in 11/2021.**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files
DATE: November 18, 2022

FROM: Leslie Ireland
RE: Appropriation of
Water
File No. 50,161

Sylvia E. Neis filed an application on March 9, 2022 for approval to change the point of diversion, for a recently approved battery of four (4) wells authorized for irrigation use in the Kansas River Basin.

The water right does not appear to be abandoned as per K.S.A. 82a-718, *Abandonment of water rights*. The notification per K.S.A. 82a-1906 did not result in any comments. The application appears to comply with K.A.R. 5-5-2a, *Complete change application*.

The referenced file authorized 77.5 acre-feet (AF) at a maximum of 800 gallons was reported by the owner as complete in June 2021. The well logs indicate a depth of approximately 48 feet. The Compliance Investigation found the wells to be out of compliance in November 2021 due to the wells of the battery not being located as authorized and only two (2) of the four (4) wells were completed. It appears the error is due to miscommunication with the well driller.

The change proposes to authorize a battery of two (2) wells with a geographic center located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 5 more particularly described as being near a point 3,453 feet North and 2,758 feet West of the Southeast corner of said section, as opposed to the authorized battery of four(4) wells with a geographic center of 3,420 feet North and 3,100 feet West of the Southeast corner of said section, all in Township 13 South, Range 21 East, Douglas County, Kansas.

The change approval will move the geographic center approximately 585 feet, thus requiring the change. Per K.A.R. 5-5-6, *Failure to construct diversion works at authorized location*, would have had a new application filed, but as the battery of wells is less than half the number of wells originally authorized, located in the Kansas River alluvium and the error was caught early in the time to perfect, and in an area that has over 900 AF available for appropriation, it would seem an approval of an application for change would appear to correct the error. The correctional move of the geographic center is parallel to the Kansas and Wakarusa River and both wells appear to be located in the river alluvium. The local source will remain as authorized.

The geographic center of the proposed existing battery of two (2) wells does not meet the statewide standard of 1,320 feet of well to well spacing to the municipal well under File No. 21,420 owned by the City of Eudora. The actual geographic center and municipal well are approximately 1,192 feet apart. K.A.R. 5- 5-4, *Well spacing*, does provide for spacing to be less that 1,320 feet if it could be determined the spacing would not result in impairment. The municipal well is located on the other side of the Wakarusa River, Southeast of the proposed existing battery of wells and operated as a standby well to divert an annual quantity of 43.18 million gallons (132.51AF) at 480 gallons per minute and limited with File Nos. 38,063 and 38,064.

The 128 feet of reduced distance should not result in impairment due to the placement of the wells in the Kansas River alluvium.

There did not appear to be any wells, other than that of File No. 21,420, located within one-half (½) mile of the proposed geographic center.

The application was submitted to the Kansas River Water Authority for comment. None were received.

A Water Commissioner review the proposed change was not requested as the application was completed by Brett Bunger, Assistant Water Commissioner, Topeka Field Office.

A waterflow meter(s) and a water level measurement tubes are required. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works. The approval will contain the standard battery wording. As a Compliance Investigation was completed in November of 2021 with photos showing the completed points, and this approval is to correct its findings, a "Notice and Proof" will not be a WRIS condition.

Based on the above discussion, that the waiver is approved, the change appears to be reasonable, that impairment to existing water rights may not occur, and that no change in the local source of supply will occur, it has been recommended that the referenced application be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

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 POINT OF DIVERSION
APPROPRIATION OF WATER
FILE NO. 50,161**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Sylvia Neis on behalf of Sylvia E. Neis Trust, 2239 N. 1100 Road, Eudora, Kansas 66025, received in this office on March 9, 2022, for approval of a change in the location of the point of diversion under Approval of Application, File No. 50,161, for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply 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 points of diversion shall be:

a battery of two (2) wells with a geographic center located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 5 more particularly described as being near a point 3,453 feet North and 2,758 feet West of the Southeast corner of said section, in Township 13 South, Range 21 East, Douglas County, Kansas,

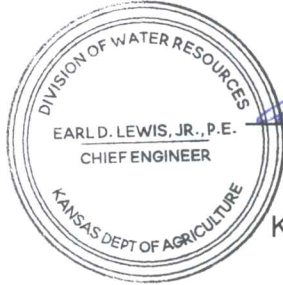
located substantially as shown on the map accompanying the application to change the point of diversion.

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. 50,161, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated February 11, 2022.

Ordered this 16th day of December, 2022, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.

Earl D. Lewis Jr., P.E.
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 16th day of December 2022, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings

Notary Public



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 POINT OF DIVERSION APPROPRIATION OF WATER FILE NO. 50,161

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Sylvia Neis on behalf of Sylvia E. Neis Trust, 2239 N. 1100 Road, Eudora, Kansas 66025, received in this office on March 9, 2022, for approval of a change in the location of the point of diversion under Approval of Application, File No. 50,161, for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply 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 points of diversion shall be:

a battery of two (2) wells with a geographic center located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 5 more particularly described as being near a point 3,453 feet North and 2,758 feet West of the Southeast corner of said section, in Township 13 South, Range 21 East, Douglas County, Kansas,

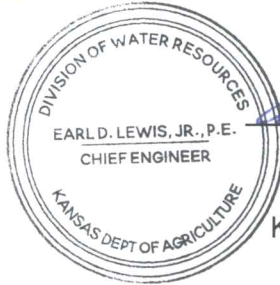
located substantially as shown on the map accompanying the application to change the point of diversion.

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. 50,161, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated February 11, 2022.

Ordered this 16th day of December, 2022, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.

Earl D. Lewis Jr., P.E.
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 16th day of December 2022, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings

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

January 9, 2023

SYLVIA E NEIS TRUST
Attn: STAN NEIS
2239 N 1100 RD
EUDORA, KS 66025

RE: Appropriation of Water, File No. 50,161

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, and conditions, specified in the approval for change. A condition of the approval is that an acceptable water flowmeter must be installed on the diversion works authorized. Records in this office indicate that the meter is installed for the referenced file, however if the meter has been updated or changed, please contact your area field office.

Any abandoned well(s) should be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

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

If you have any questions, please contact us at 785-564-6640, or contact your local staff at the Topeka Field Office, 785-296-5733, regarding your meter. 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 and Changes Supervisor
Division of Water Resources

KAB:LI
Enclosures
pc: Topeka Field Office

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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.

CERTIFICATE OF SERVICE

On this 9 day of January 2022, I hereby certify that the attached Approval of Application for Change in Point of Diversion, Appropriation of Water, File No. 50,161, dated 16 December 2022 was mailed postage prepaid, first class, US mail to the following:

SYLVIA E NEIS TRUST
Attn: STAN NEIS
2239 N 1100 RD
EUDORA, KS 66025

With a Photocopy to:

Topeka Field Office



Staff