

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

Document Signature _____

1. File Number: 12239	2. Status Change Date: 12/18/2017	3. Change Num: C4	4. Field Office: 04	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: 02-OCT-2017
8a. Applicant(s) New to system <input type="checkbox"/> GEORGE & TERESA KOHMAN PO BOX 52 SYRACUSE KS 67878-0052		Person ID <u>41581</u> Add Seq# <u>1</u>	8d. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	
8b. Landowner(s) New to system <input type="checkbox"/> GEORGE & TERESA KOHMAN PO BOX 52 SYRACUSE KS 67878-0052		Person ID <u>41581</u> Add Seq# <u>1</u>	8e. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	
8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____		8f. WUC New to system <input type="checkbox"/> GEORGE & TERESA KOHMAN PO BOX 52 SYRACUSE KS 67878-0052 Person ID <u>41581</u> Add Seq# <u>1</u>		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/18</u> <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: <u>IRR/STK</u> To: <u>IRR/STK</u>				
Date Prepared: 12/11/17 By: RAK Date Entered: 12/18/2017 By: UM				

File No. **12239** 11. County: **HM** Basin: **ARKANSAS RIVER** Stream: Formation Code: **75/113** Special Use: **016**

12. Points of Diversion										Rate and Quantity						
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate gpm	Quantity af/mgy	Rate gpm	Quantity af/mgy	Overlap PD Files
✓				SE¼ SE¼ SW¼	22	24	39W	2	637	2815		850 g.p.m.	140 AF	850 g.p.m.	140 AF	12239STK; 20179066
				SE¼ SE¼ SW¼	22	24	39W	2	637	2815		150 g.p.m.	46.12 m.g.y.	150 g.p.m.	46.12 m.g.y.	12239IRR; 20179066

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

14. Limitation: _____
 Limitation: _____

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

16. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files						
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼								
✓				21	24	39W	3	DAIRY (NW)																	8b	NO	4940.01; 42504; 20179066
				20	24	39W	2			1.00	1.00							24.00	24.00	25.00	25.00	100.00	8b	NO	4369		
				21	24	39W	1									10.00	15.00	37.00	27.00			89.00	8b	NO	4369		
				28	24	39W	4															5.00	8b	NO	4369		

Comments:

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

TO: Files
FROM: Richelle A. Krueger

DATE: December 12, 2017
RE: Water Right
File No. 12,239

George and Teresa Kohman, water right owners, filed an application for approval to change the use made of water for Water Right, File No. 12,239, currently authorized for both irrigation and stockwatering use in Hamilton County, Kansas in the Arkansas River Intensive Groundwater Use Control Area.

The referenced file number does not appear abandoned as per K.S.A. 82a-718.

File No. 12,239 is authorized 32.58 million gallons per calendar year (100 acre-feet) at 150 gallons per minute for stockwatering use and 190 acre-feet at 850 gallons per minute for irrigation use from the same well which overlaps Term Permit Application File No. 20179066. The stockwatering place of use for File No. 12,239 is overlapped by Water Right, File Nos. 4,940.01 and 42,504 and File No. 20179066 and is described as a dairy located in the Northwest Quarter (NW¼) of Section 21, Township 24 South, Range 39 West, Hamilton County. The current irrigation place of use authorizes 194 acres in Sections 20, 21 and 28, Township 24 South, Range 39 West, Hamilton County and overlaps the place of use of Water Right, File No. 4,369.

File Nos. 4,940.01, 12,239 and 42,504 are authorized a total limited quantity of 51.883 million gallons (159.22 acre-feet) for the dairy. The water right owners are proposing 13.54 million gallons (41.55 acre-feet) additional for stockwatering use from File No. 12,239 pursuant to K.A.R. 5-5-10 *Partial changes in the use made of water from irrigation to another type of beneficial use*. A total of 140 acre-feet may be retained for irrigation use for File No. 12,239.

The overall quantity of File No. 12,239 will be reduced from 290 acre-feet to 281.55 acre-feet. The irrigation portion of File No. 12,239 will be authorized 140 acre-feet at a diversion rate of 850 gallons per minute while the stockwatering portion will be authorized 46.12 million gallons (141.55 acre-feet) at 150 gallons per minute. No reduction in the irrigation place of use is required and it appears to comply with K.A.R. 5-5-10(b). The applicant indicates in Paragraph No. 17 that up to 25 million gallons per calendar year of effluent per year is available.

No changes in place of use are proposed for the dairy. The total quantity requested for the dairy under File Nos. 4,940.01, 12,239 and 42,504 is 65.423 million gallons and appears reasonable based on previously submitted justification, past water use records and on Paragraph No. 3 which indicates the change application was submitted to avoid overpumping issues with the referenced file number.

The same local source of supply will remain the same for File No. 12,239, previously determined to be Ark River IGUCA (75)/Main Stem Alluvium (113).

A nearby water rights owner with wells identified on the map or in WRIS within one half-mile of the authorized point of diversion was notified of the proposed change by a letter dated November 3, 2017 to comply with Senate Bill 337 enacted by the Kansas State Legislature on July 1, 2016.

In an e-mail dated December 11, 2017, Mike Meyer, Water Commissioner of the Garden City Field Office, indicated that he is not opposed 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 is recommended that the referenced application be approved.


Richelle A. Krueger
Environmental Scientist

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

December 19, 2017

GEORGE & TERESA KOHMAN
PO BOX 52
SYRACUSE KS 67878-0052

FILE COPY

RE: Water Right, File No. 12,239

Dear Mr. and Mrs. Kohman:

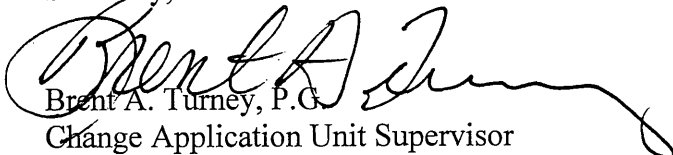
Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

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 installation of the required meter as soon as these actions are completed. Please note that only authorized acres may be irrigated.

Since the order for the referenced file number 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,


Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Garden City Field Office

KANSAS DEPARTMENT OF AGRICULTURE
 Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
 David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
 FOR
 CHANGE IN USE MADE OF WATER AND
 ORDER REDUCING
 THE AUTHORIZED QUANTITY
 WATER RIGHT
 FILE NO. 12,239**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of George and Teresa Kohman, P.O. Box 52, Syracuse, Kansas, 67878-0052, received in this office on October 2, 2017, for approval of a change in the use made of water under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Orders of the Chief Engineer dated August 5, 2009 and April 11, 2013, approving applications to change the place of use and use made of water, and by the Order of the Chief Engineer dated June 24, 2014, 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 application, therefore, is approved subject to the condition that the water right is reduced to a quantity not to exceed 91.74 million gallons per calendar year (281.55 acre-feet) in accordance with the Application to Change the Use Made of Water, File No. 12,239 received on October 2, 2017.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which that portion retained for irrigation use shall be authorized a maximum quantity not to exceed 140 acre-feet of groundwater per calendar year at a diversion rate not to exceed 850 gallons per minute (1.89 c.f.s.) for irrigation use at the following described location:

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			
20	24S	39W			1.00	1.00											24.00	24.00	25.00	25.00	100.00
21	24S	39W								10.00	15.00	21.10	17.00								63.10
21	24S	39W										Lot 1 15.90	Lot 2 10.00								25.90
28	24S	39W						2.00	3.00												5.00

a total of 194.00 acres in Township 24 South, Range 39 West, Hamilton County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the use made of water.

The portion authorized for stockwatering use shall be authorized a maximum quantity not to exceed 46.12 million gallons (141.55 acre-feet) of groundwater per calendar year at a diversion rate not to exceed 150 gallons per minute (0.33 c.f.s.) for stockwatering use at the following described location:

a dairy located in the Northwest Quarter (NW¼) of Section 21, Township 24 South, Range 39 West, Hamilton County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the use made of water.

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 Certificate of Appropriation issued pursuant to Approval of Application, File No. 12,239, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated February 20, 1984, as modified and amended by the aforementioned orders.

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.

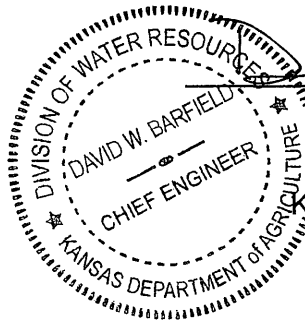
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal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

Ordered this 18th day of December, 2017, in Topeka, Shawnee County, Kansas.



David W. Barfield
David W. Barfield, 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 18th day of December, 2017, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter
Notary Public

CERTIFICATE OF SERVICE

On this 18th day of December, 2017, I hereby certify that the foregoing Approval of Application for Change in Use Made of Water, File No. 12,239, dated was mailed postage prepaid, first class, US mail to the following:

GEORGE & TERESA KOHMAN
PO BOX 52
SYRACUSE KS 67878-0052

With photocopies to:

Garden City Field Office

Danielle Wilson
Division of Water Resources

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

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



State of Kansas

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

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

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

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

WATER RESOURCES
RECEIVED
OCT 02 2017
1:26
KS DEPT OF AGRICULTURE

File No. 12239

2. Name of applicant: GEORGE & TERESA KOHMAN

Address: PO BOX 52

City, State and Zip: SYRACUSE KS 67878-0052

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: GEORGE & TERESA KOHMAN

Address: PO BOX 52

City, State and Zip: SYRACUSE KS 67878-0052

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

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

to change 50 af from Irrigation to increase stock use to avoid potential overpump issues on water right..

The change(s) (was) (will be) completed by upon approval _____ (Date)

For Office Use Only:					
F.O. <u>4</u>	GMD <u>0</u>	Meets K.A.R. 5-5-1 <u>(YES/NO)</u>	Use <u>STK/122</u>	Source <u>GDS</u>	County <u>HM</u>
Code <u>CW0</u>	Fee \$ <u>300</u>	TR # _____	Receipt Date <u>10/2/17</u>	By <u>AJW</u>	Date <u>10/3/17</u>
			Check # <u>6401</u>		

APPLICATION COMPLETE
10/2/17
Reviewed RAIL

SCANNED
10/5/2017 LLM

4. The presently authorized place of use is:

Owner of Land — NAME: GEORGE & TERESA KOHMAN

ADDRESS: PO BOX 52 SYRACUSE KS 67878-0052

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	
21	24	39w					Dairy	NW											

List any other water rights that cover this place of use. 4840-01, 12239, 42504

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	
20	24	39w			1	1									24	24	25	25	100
21	24	39w								10	15	37	27						89
28	24	39w										2	3						5

List any other water rights that cover this place of use. 4369

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

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

Owner of Land — NAME: GEORGE & TERESA KOHMAN

ADDRESS: PO BOX 52 SYRACUSE KS 67878-0052

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	
21	24	39w					Dairy	NW											

List any other water rights that cover this place of use. 4840-01, 12239, 42504

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	
20	24	39w			1	1									24	24	25	25	100
21	24	39w								10	15	37	27						89
28	24	39w										2	3						5

List any other water rights that cover this place of use. 4369

WATER RESOURCES RECEIVED

OCT 02 2017

KS DEPT OF AGRICULTURE SCANNED

6. The presently authorized point(s) of diversion is One well for irr and stock
(Provide description and number of points)

7. The proposed point(s) of diversion is not to be changed
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the sse Quarter of the se Quarter of the sw Quarter
 of Section 22, Township 24 South, Range 39 W,
 in Hamilton County, Kansas, 637 feet North 2815 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. 2 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 Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of 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 Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of 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 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 _____

WATER RESOURCES RECEIVED

OCT 02 2017

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

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

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

190 af af x .17 % hm county = 32 af toto consumptive use

41.55 / 158 af = 26.3 %

73.7 x 190 af = 140 af remaining in irrigation, 41.55 af (13.54 mgy) additional to stock use.

uses up to 25 mgy of effluent per year would rather not loose any more acres for irrigation.

(Please show any calculations here.)

* Total quantity \rightarrow 140 AF IRR (45.62 Mgy)
91.74 Mgy (281.55 AF) \rightarrow 141.55 AF STK (46.12 Mgy)

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

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

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

- a. If a change in the location of the point(s) of diversion is proposed, show:
 - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

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

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.

WATER RESOURCES RECEIVED

* Modified per Par 13 + 11/2/17 email Thom Muckers GCFO OCT 02 2017
* RAKLOW 12/12/17

KS DEPT OF AGRICULTURE SCANNED

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 filling 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 Springhouse, KS, Kansas, this 27 day of September, 2017.

X George Kohman
(Owner)

Teresa Kohman
(Spouse)

George Kohman
(Please Print)

Teresa Kohman
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

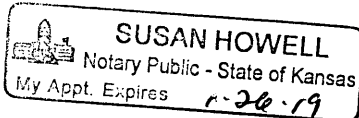
(Please Print)

WATER RESOURCES
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AGRICULTURE

State of Kansas }
County of Hamilton } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 27 day of September, 2017.

Susan Howell
Notary Public

My Commission Expires 1-26-19

FEE SCHEDULE

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

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

Make check payable to Kansas Department of Agriculture.

STOCKWATER USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): GEORGE & TERESA KOHMAN

1. Please indicate type of livestock (cattle, hogs, etc.): dairy

2. Please complete the following table showing past and present water requirements:

PAST NUMBER OF HEAD AND WATER DIVERTED, IF APPLICABLE

LAST 5 YEARS	NUMBER OF HEAD	WATER DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
5 years ago			
Last year			
Present Year			

3. Please complete the following table showing estimated future water requirements:

ESTIMATED FUTURE NUMBER OF HEAD AND WATER DIVERTED

NEXT 5 YEARS	NUMBER OF HEAD	WATER TO BE DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
Year 1			
Year 2			
Year 3			
Year 4			
Year 5			

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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5. Show quantities of water used and all associated water uses at the feedlot such as water used in feed mills, cooling of animals, washing, flushing of wastes, etc.:

DRINKING

_____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons

_____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons

_____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons

COOLING

_____ gallons/hour x _____ hour/day x _____ days = _____ gallons

SANITATION

_____ g.p.m. x 60 min/hr x _____ hr/wk x _____ wks/yr = _____ gallons

OTHER USE (Explain) _____ = _____ gallons

TOTAL ----- gallons

6. Show location of present and future location of confinement pens on your attached maps or photographs.

7. Total feed bunk space for cattle or livestock is _____ linear feet.

8. Total size of stock pens for confinement area of cattle, hogs, etc. is _____ square feet.

You may attach any additional information you believe will assist in informing the Division of Water Resources of the need for your request.

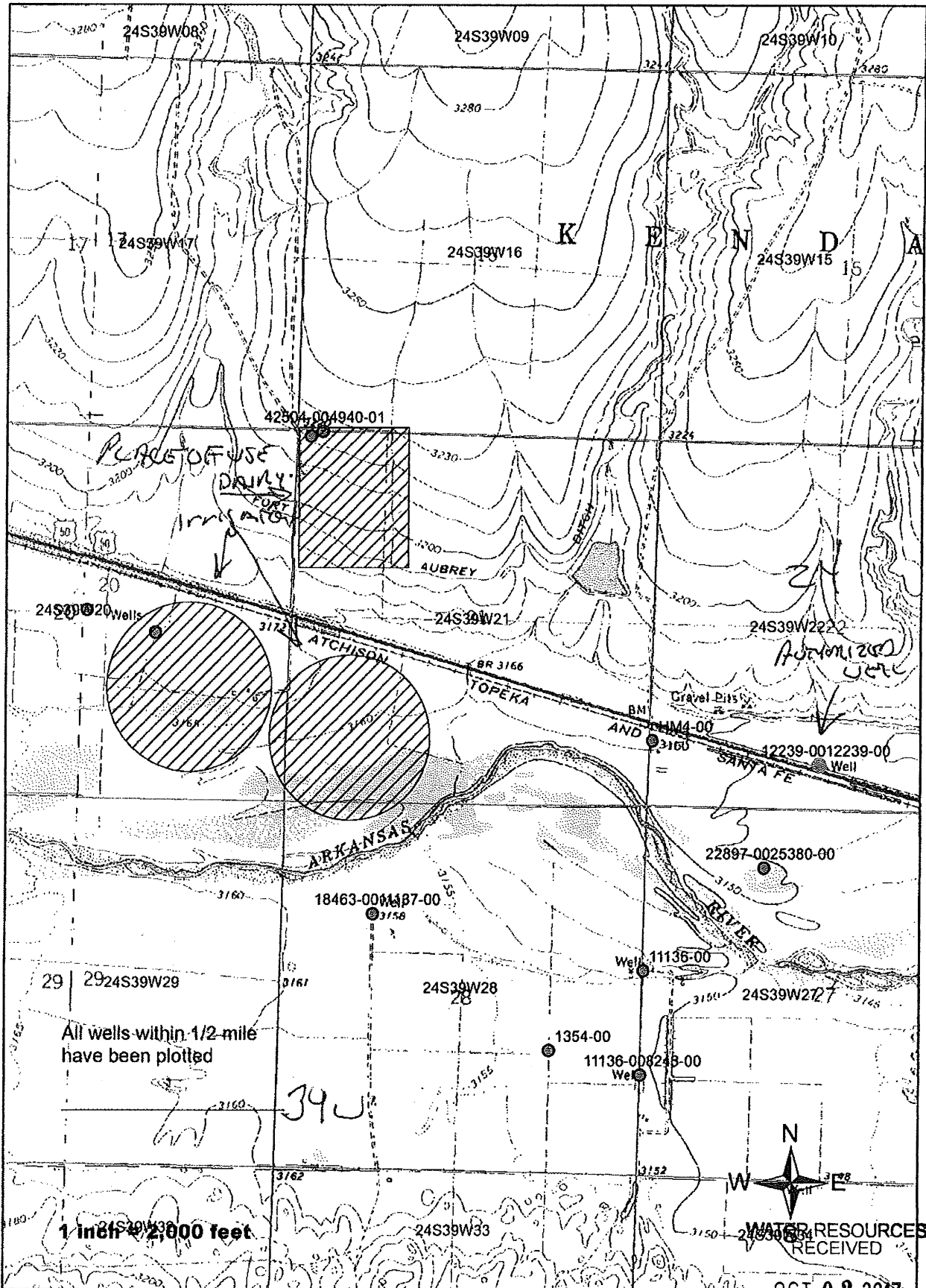
WATER RESOURCES
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Page 2 of 2

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12239



Krueger, Richelle [KDA]

From: Krueger, Richelle [KDA]
Sent: Monday, December 11, 2017 10:09 AM
To: Meyer, Mike [KDA]
Subject: RE: Request for Recommendation Change in UMW File No. 12239 and Term Permit Application File No. 20179066 George Kohman

Will do, thanks Mike!

From: Meyer, Mike [KDA]
Sent: Monday, December 11, 2017 10:09 AM
To: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Subject: Re: Request for Recommendation Change in UMW File No. 12239 and Term Permit Application File No. 20179066 George Kohman

Yes just put a reminder in the transmittal letter the authorized aces ...
And limit term to base right amount

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Krueger, Richelle [KDA]" <Richelle.Krueger@ks.gov>
Date: 12/11/17 10:06 AM (GMT-06:00)
To: "Meyer, Mike [KDA]" <Mike.Meyer@ks.gov>
Cc: "Makens, Thom [KDA]" <Thom.Makens@ks.gov>, "Turney, Brent [KDA]" <Brent.Turney@ks.gov>
Subject: FW: Request for Recommendation Change in UMW File No. 12239 and Term Permit Application File No. 20179066 George Kohman

Hi Mike,
This is just a friendly reminder on this change app and term permit for Kohman Dairy, do you recommend approval?
Thanks,
Richelle

From: Krueger, Richelle
Sent: Wednesday, November 15, 2017 9:26 AM
To: Meyer, Mike <Mike.Meyer@ks.gov>
Cc: Makens, Thom <Thom.Makens@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>
Subject: Request for Recommendation Change in UMW File No. 12239 and Term Permit Application File No. 20179066 George Kohman

Hi Mike,
Attached are draft memos for the Kohman Dairy, do you recommend approval?

Thanks,
Richelle

Krueger, Richelle

From: Makens, Thom
Sent: Thursday, November 2, 2017 9:33 AM
To: Krueger, Richelle
Subject: RE: File No. 12239 Change in UMW George Kohman Term Permit File No. 20179066

You should have the term by now too. I think they sent it up without a check or signature so I resent it to the consultant and he told me they got it sent right up that same day.

From: Krueger, Richelle
Sent: Thursday, November 2, 2017 9:28 AM
To: Makens, Thom <Thom.Makens@ks.gov>
Subject: RE: File No. 12239 Change in UMW George Kohman Term Permit File No. 20179066

Good Morning Thom!

Gotcha, I think I understand what you're saying, as long as they know they are taking an overall reduction in quantity we should be good on that, thanks! It's one of those you say tomatoy to I say tomaato things lol!

From: Makens, Thom
Sent: Thursday, November 2, 2017 9:15 AM
To: Krueger, Richelle <Richelle.Krueger@ks.gov>; Meyer, Mike <Mike.Meyer@ks.gov>
Cc: Turney, Brent <Brent.Turney@ks.gov>; Baum, Kristen <Kristen.Baum@ks.gov>
Subject: RE: File No. 12239 Change in UMW George Kohman Term Permit File No. 20179066

good morning, quick comment as I recall in order to get 41 c ft stock they have to convert 50 from irrigation Due to consumptive use.

From: Krueger, Richelle
Sent: Thursday, November 2, 2017 9:05 AM
To: Meyer, Mike <Mike.Meyer@ks.gov>; Makens, Thom <Thom.Makens@ks.gov>
Cc: Turney, Brent <Brent.Turney@ks.gov>; Baum, Kristen <Kristen.Baum@ks.gov>
Subject: File No. 12239 Change in UMW George Kohman Term Permit File No. 20179066

Hi Mike and Thom,

I pulled this app, I still need to track down the term permit, but was going to try to get this done since it is only a umw change.

Wanted to touch base with you guys on this.

- Paragraph 3 of the application indicates they want to convert 50 acre-feet but Paragraph 13 indicates they want 41.55 acre-feet. The term permit also indicates 41.55 acre-feet. Do you know if 41.55 acre-feet is the right number they want to convert? Do they know they will have to take a reduction in overall quantity of the right from 190 acre-feet to 181.55 acre-feet (Par. 14 not completed)?
- Par 13 also indicates they want to keep their current irrigation acreage and want us to consider they use up to 25 m.g.y. (76.72 AF). Are you okay with that?
- Looks like they would have enough rate to pump additional quantity so doesn't look like propose any additional rate for stock use.

Krueger, Richelle

From: Meyer, Mike
Sent: Thursday, November 2, 2017 10:21 AM
To: Krueger, Richelle; Makens, Thom
Cc: Turney, Brent; Baum, Kristen
Subject: RE: File No. 12239 Change in UMW George Kohman Term Permit File No. 20179066

Obviously they need to confirm P. 14 and reduce

I am okay with no more rate

I am okay with retaining the acres with their effluent evacuation

We will need to stress to them that the authorized acres needs to be held. In the past we found them irrigating larger pivots than authorized.

Mike

From: Krueger, Richelle
Sent: Thursday, November 2, 2017 9:05 AM
To: Meyer, Mike <Mike.Meyer@ks.gov>; Makens, Thom <Thom.Makens@ks.gov>
Cc: Turney, Brent <Brent.Turney@ks.gov>; Baum, Kristen <Kristen.Baum@ks.gov>
Subject: File No. 12239 Change in UMW George Kohman Term Permit File No. 20179066

Hi Mike and Thom,

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- Looks like they would have enough rate to pump additional quantity so doesn't look like propose any additional rate for stock use.

Thanks for any info and your help, as always!

Richelle



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

November 3, 2017

FILE COPY

LEWIS FARMS
W D LEWIS DDS
PO BOX 828
SYRACUSE KS 67878-0828

RE: Water Right, File No. 12,239

Dear Sir or Madam:

This is to advise you that George and Teresa Kohman have filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized use made of water under the above referenced file number.

Effective July 1, 2016, Senate Bill No. 337 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced application for change.

If you have any questions, please contact me at (785) 564-6635. 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: Garden City Field Office
George and Teresa Kohman

SCANNED

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

FILE COPY

GEORGE & TERESA KOHMAN
PO BOX 52
SYRACUSE, KS 67878

10/4/2017

RE: File No 12239

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use UMW
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Brent A. Tournay".

Brent Tournay, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: GARDEN CITY Field Office GMD