

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

Document Signature LLP

1. File Number: 16666	2. Status Change Date: <i>5/26/2017</i>	3. Change Num: C1	4. Field Office: 04	5. GMD: 01
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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: 4/10/17
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8a. Applicant(s) New to system <input checked="" type="checkbox"/> Person ID <u>105534</u> Add Seq# <u>1</u> LONG LIVING TRUST LEWIS T LONG DIANA K LONG TRUSTEES 501 W L ST LEOTI KS 67861-9415	8c. Landowner(s) New to system <input checked="" type="checkbox"/> Person ID _____ Add Seq# _____ 8A
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8b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	8d. WUC New to system <input checked="" type="checkbox"/> Person ID _____ Add Seq# _____ 8A
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: 12/31/17 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: _____

Date Prepared: **5/23/17** By: **LI**
 Date Entered: *5/30/2017* By: *LLM*

File No. **16666** 11. County: **WH** Basin: **LADDER CREEK** Stream: **NA** Formation Code: **NA** Special Use: **NA**

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

NO CHANGE

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) **NONE NO CHANGE 5 YR ALLOCATION**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type **B3** Start Year **2017** 5 YR Amount **565** Amount Unit **AF** Base Acres **80** Comment **B31721 5 YR ALLOC-565 AF LTM ALLOCATION ID#392**

16. Place of Use T 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								
MOD 29306 17 17 35W 2																	40	40	40	40	160	8a	YES	NONE

Comments: **80 ACRES OF REVERSION ACRAGE IS E 1/2 OF SECTION.**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files **DATE:** May 23, 2017
FROM: Leslie Ireland **RE:** Water Right
File No. 16,666

Matt Long, tenant, along with Lewis Todd Long, Trustee and Diana K. Long, Trustee of the Long Living Trust, the new owner of the referenced water right have filed an application requesting that a change in the authorized irrigated place of use which was received in the office of the Chief Engineer on April 10, 2017.

A review of the reported water use finds that the water right is in compliance with K.S.A. 82a-732 and the application complies with K.A.R. 5-5-2(a).

The referenced file currently is authorized to irrigate 80 acres in Wichita County with 160 acre-feet of water at a maximum rate of 1,055 gallons per minute. The right has no overlaps in point of diversion or place of use and is not in a special use area, but is in Western Kansas Groundwater Management District No. 1, (GMD1). The right has been determined to have 80 base acres. It is authorized to irrigate the East half of the Southeast Quarter (E½ SE¼) of Section 17, Township 17 South, Range 35 West, Wichita County, but appears to have been irrigating the Southeast Quarter (SE ¼) under a full pivot.

The application is needed to authorized the pivot so the change in place of use will be processed according to K.A.R. 5-5-11(b)(3); **Necessity to install a more efficient irrigation system; limited quantity**, which will allow an increase under a five(5) year allocation. The requested change is in conjunction with enrolling the right into the Wichita County Water Conservation Area, (WCWCA).

- The Western Kansas Groundwater Management District No. 1 (GMD) will assume monitoring responsibility, as per the memorandum of understanding between the Division of Water Resources and the GMD. The owners have worked with the GMD and completed an agreement of monitoring dated April 7, 2017.
- The "base acres" were determined by the Garden City Field Office to be 80 acres. The applicant has proposed an increase of 80 acres above the "base acres" to 160 acres.
- As there is no recent history of overpumping it (it does appear the 160 acre-feet maximum was exceeded in 2009-10 under a previous owner). As the application is to authorize land that has been historically irrigated without a permit, a Kansas Water Office water conservation plan was not requested.
- Limitations: The annual authorized 160 acre-feet will be allowed, but the **five year total authorized quantity will be limited to a fixed 565 acre-feet (AF)**.

1.21 AF (50% NIR for Wichita Co.) ÷ 0.85 (irrigation efficiency) x 80 base acres = 112.94 AF
112.94 AF x 5 years = 565 AF allocated for use during the 5 years irrigation cycle.

- The right will be restricted to 565 AF over the five year period and use in excess of this quantity shall result in a two-year suspension of all water use under the referenced right and subsequent restriction of the authorized place of use to the base acres which have been indicated on the map and irrigation acreage table. The owners have requested the 80 base acres be the acres in the East half of the Southeast Quarter (E½ SE¼) of Section 17, Township 17 South, Range 35 West, Wichita County.

The five year allocated quantity will provide an average annual quantity of 113 AF. The irrigation of 160 acres will provide 0.706 acre-feet per acre. It would appear however, that the irrigation will be mainly under the pivot. A standard pivot radius of 1,320 feet would result in the irrigation of 126 acres, providing an irrigation ratio of approximately 0.90 AF of water per acre. This irrigation ratio is still less than the net irrigation requirement at the 50 percent chance of rain of 1.20 AF per acre, it would appear the owners have been operating the pivot for some time and are familiar with their cropping needs. Both trustees have signed the summary agreement that details the conditions of the approval.

Additionally, they have signed the Application for the WCWCA. This details the agreement and based on the 2009 to 2015 water use.

The required notice to nearby well owners was sent to Simons Farms, Inc., on May 16, 2017. On May 17, 2017, the Office of the Chief Engineer received a letter from John Simons on behalf of Simons Farms Inc., stating that they support the approval of the proposed change.


A Compliance Investigation completed on June 9, 2015, by Mitch French, DWR Staff, Garden City Field Office determined by GPS protocol the feet distances that were missing for the authorized point of diversion to be 2,681 feet North and 1,378 feet West of the Southeast corner of 17-17S-35W. The Compliance Investigation did not appear to list the correct section so the data may not be accurate for an update of the location of the well.

Pursuant to the Rules and Regulations of the Western Kansas Groundwater Management District No. 1 effective on September 22, 2000, the district's rules and regulations have been met. A recommendation supporting the allocation was received from Kyle Spencer, District Manager of GMD No. 1 on April 21, 2017.

The Water Commissioner, Michael Meyer, has reviewed the proposed change, and in an email dated May 22, 2017, he recommended approval of the proposed allocation.

A water flowmeter will be required as per K.A.R. 5-5-11(e) and a check valve will be required if chemigating. A water level measurement tube and WWC-5 will not be conditions of the approval as no new wells have been authorized.

Based on the above discussion, that the change is reasonable, that impairment of existing water rights is unlikely, that no change in the local source of supply will occur, that the local groundwater management district will continue monitoring responsibilities for the allocation, the change is recommended for approval



Leslie Ireland
Environmental Scientist
Water Appropriation Program

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

May 31, 2017

FILE COPY

LONG LIVING TRUST
LEWIS T LONG AND/OR DIANA K LONG TRUSTEES
501 W L ST
LEOTI KS 67861-9415

RE: Water Right, File No. 16,666

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 referenced file.

Your attention is directed to the enclosures and to the terms, conditions, and limitations 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. Please return the required notification of installation of the meter as soon as this action is completed.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

Approval of the application does not allow the diversion of water in excess of the authorized quantity per calendar year or rate of diversion.

Please be advised that K.S.A. 82a-728 of the Kansas Water Appropriation Act states in pertinent part:

... it shall be unlawful ... 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.

Your attention should be drawn to the fact that the approval has been issued solely for the purpose of allowing the operation of a more efficient irrigation system on the irrigated land within the authorized place of use, limited to a fixed allocation of water, 565 acre-feet in this case, over a five (5) year period. Non-compliance with the terms of the approval will result in substantial penalties.

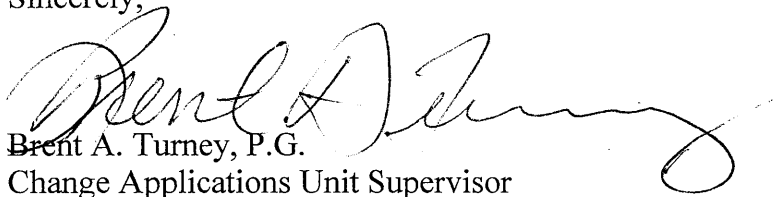
RE: File No. 16,666

Page 2

I have sent your paperwork for the consent agreement to participate in the Wichita County Water Conservation Area to Michael Meyer, Water Commissioner, of the Garden City Field Office for the necessary processing.

If you have any questions, please contact your area water commissioner, Michael Meyer, at (620) 276-2901 or me at (785) 564-6640. 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, appearing to read "Brent A. Turney". The signature is written in black ink and is positioned above the printed name and title.

Brent A. Turney, P.G.
Change Applications Unit Supervisor

BAT:LI:li

Enclosures

pc: Garden City Field Office
Groundwater Management District No.1



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE
WATER RIGHT, FILE NO. 16,666**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Lewis Todd Long, Trustee, and Diana K. Long, Trustee, of the Long Living Trust, 501 W L Street, Leoti, Kansas, 67861-9415, received in the office of the Chief Engineer on April 10, 2017, 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 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					
17 17S 35W																	40.00	40.00	40.00	40.00	160.0

a total of 160.0 acres in Section 17, in Township 17 South, Range 35 West, Wichita County, Kansas, located substantially as shown on the topographic map accompanying the application to change the place of use.

By this approval, the water right becomes subject to the following conditions:

1. That the quantity of water authorized for under Water Right, File No. 16,666, shall not exceed 565 acre-feet per five (5) year period; the first period being calendar years 2017 through 2021, the second period being calendar years 2022 through 2026, ad infinitum.
2. That the quantity of water authorized under Water Right, File No. 16,666, shall not exceed 160 acre-feet per calendar year, provided that 565 acre-feet per five (5)-year period is not exceeded.
3. That the use of water in excess of 565 acre-feet per five (5) year period shall result in a two (2) year suspension of all water use under this water right, effective the next two (2) calendar years, and a subsequent reduction of the authorized place of use to the following described property.

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL					
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼						
17 17S 35W																	40.00				40.00	80.0

a total of 80.0 acres in Section 17, in Township 17 South, Range 35 West, Wichita County, Kansas, located substantially as shown on the topographic map accompanying the application to change the place of use.

4. That if the Western Kansas Groundwater Management District No. 1 and/or the Division of Water Resources terminate their Memorandum of Understanding (MOU) pertaining to K.A.R. 5-5-11(b), (3), (4), and (5), by which the District assumes monitoring responsibility, then the place of use authorized by this change approval, which was issued by the Division pursuant to the MOU shall revert to the property described in paragraph No. 3, above, starting the calendar year following the year of termination.

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 each of 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.

A seal shall be placed on the water flowmeter by the Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. If the seal is broken without the written permission of the Chief Engineer, this shall create a rebuttable presumption that the point of diversion had been unlawfully operated in violation of the order of the chief engineer and that the water right holder had been acting in violation of the conditions of his or her water right.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 16,666, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated August 7, 1974.

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.

Ordered this 26 day of May, 2017, at Topeka, Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 26th day of May, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

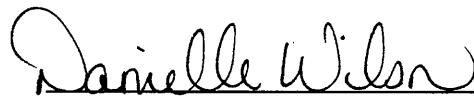
CERTIFICATE OF SERVICE

On this *31st* day *May*, 2017, I hereby certify that the attached Approval of Application for Change in Place of Use under Water Right, File No. 16,666 dated, *May 26, 2017*, was mailed postage prepaid, first class, US mail to the following:

Long Living Trust
Lewis Todd Long, and /or Diana K. Long, Trustees
501 W L ST
Leoti, KS 67861-9415

With photocopies to:

Garden City Field Office
Groundwater Management District No. 1



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

APR 10 2017

12:41
KS DEPT OF AGRICULTURE

File No. 16666

2. Name of applicant: Long Living Trust – Lewis T. Long and Diana K. Long

Address: 501 West L St., Leoti, KS 67861

City, State and Zip: _____

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: NO CHANGE

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 EXPAND THE PLACE OF USE WITHIN THE GUIDELINES OF KAR 5-5-11, AND ASK FOR A
FIVE YEAR ALLOCATION

The change(s) (was) (will be) completed by 2017

(Date)

For Office Use Only:							
F.O. <u>4</u>	GMD <u>1</u>	Meets K.A.R. 5-5-1 (YES/NO) Use <u>IRR</u>	Source <u>GDS</u>	County <u>WHT</u>	By <u>AGW</u>	Date <u>4/10/17</u>	
Code <u>CPU</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>4/10/17</u>	Check # <u>0307</u>			

APPLICATION COMPLETE
5/17/17
Reviewer LF

4/13/2017 WM

4. The presently authorized place of use is:

Owner of Land — NAME: LONG LIVING TRUST

ADDRESS: 501 W L ST, LEOTI KS 67861-9415

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	17	35W																	40				40	80

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 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: LONG LIVING TRUST

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						
17	17	35W																	40	40	40	40	160	

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. _____

WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

APR 10 2017

KS DEPT OF AGRICULTURE
SCANNED

12. The presently authorized use of water is for IRR purposes.
It is proposed that the use be changed to NO CHANGE purposes.

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

FOLLOWING KAR 5-5-11(b)(3)(E)(i)

THE FIVE YEAR LIMITED ALLOCATION IS CALCULATED TO BE 565 AF

80 acres = base acres

* KAR 5-5-12 50% NIR WH CO ~ 1.20' ~ 14.4" (1.20/0.85) 80 ACRES = 112.94 AF
112.94 x 5/8 = 564.71 AF/5 YRS W/ 160 AF PER YR NOT EXCEEDED
(Please show any calculations here.)
→ 565 AF OVER 5 YRS * LIT/WR

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

15. It is requested that the maximum rate of diversion of water be reduced to NA gallons per minute (NA 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.

WILL NOT IMPAIR EXISTING WATER RIGHTS AS WE ARE LIMITING USE
NO CHANGES IN LOCAL SOURCE OF SUPPLY PROPOSED

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.

NO PROPOSED WIAVERS REQUESTED OR KNOWN

WATER RESOURCES
RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

APR 10 2017

SCANNED
KANSAS DEPARTMENT OF AGRICULTURE

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 Leoti, Kansas, this 7th day of APRIL, 2017.

LONG LIVING TRUST
Rena Long Long TRUSTEE
(Owner)
LONG LIVING TRUST
LEWIS TODD LONG TRUSTEE
(Please Print)

Long Living Trust
Diana Long Trustee
(Spouse)
Long Living Trust
Diana Long, Trustee
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

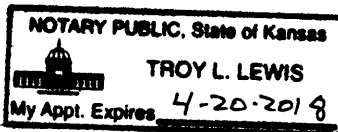
(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Wichita } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 7th day of April, 2017.

Troy L Lewis
Notary Public

My Commission Expires 4-20-2018

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.**

WATER RESOURCES
RECEIVED

APR 10 2017

KS DEPT OF AGRICULTURE
SCANNED

- 6. The presently authorized point(s) of diversion (is) (are) NO CHANGE
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) _____
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section 17, Township 7 South, Range 35 (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 _____ 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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY APR 10 2017

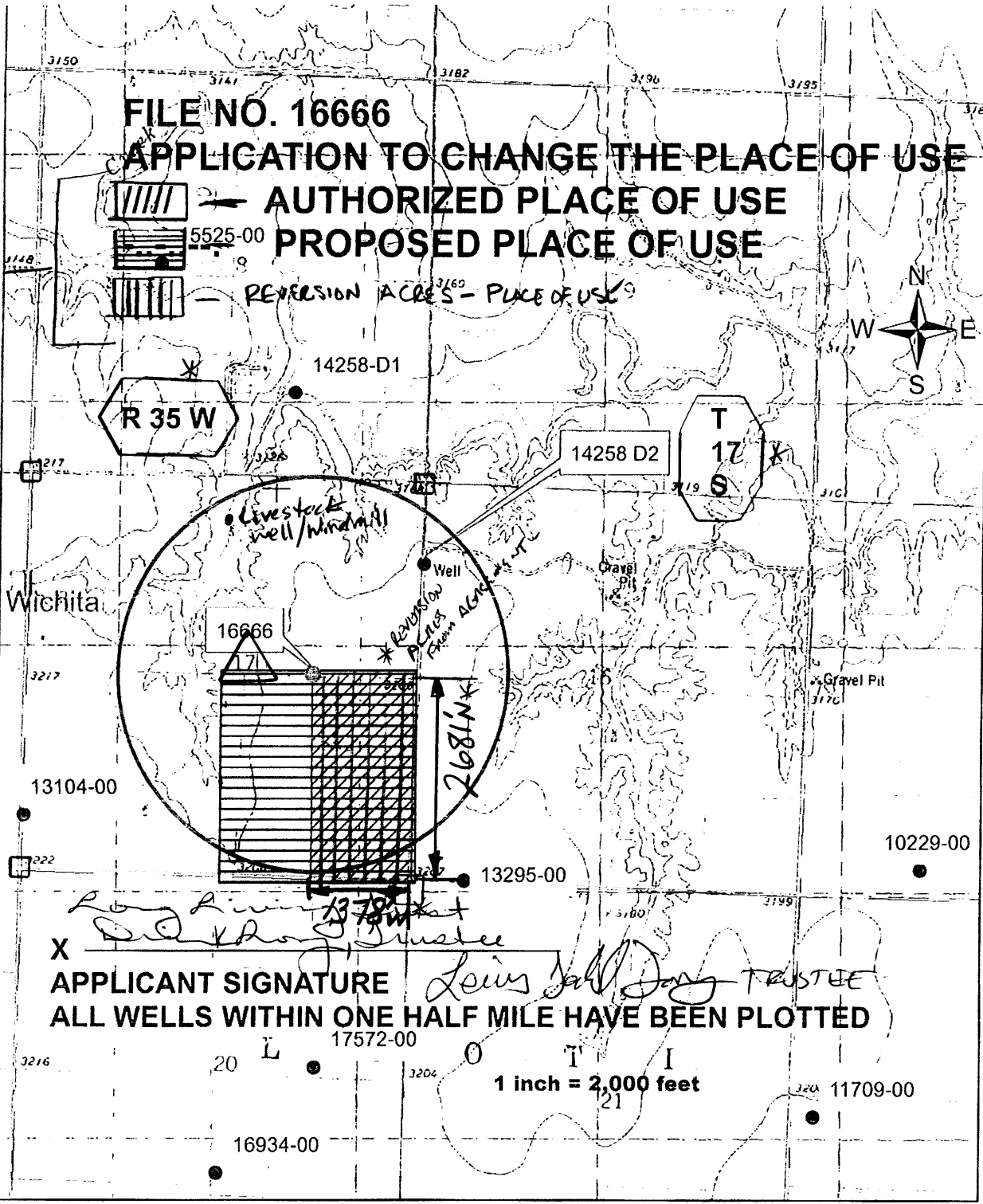
FILE NO. 16666

APPLICATION TO CHANGE THE PLACE OF USE

AUTHORIZED PLACE OF USE
PROPOSED PLACE OF USE

REVERSION ACRES - PLACE OF USE

LEGEND X



X *Long River Trust*
 APPLICANT SIGNATURE *Leius J. Long TRUSTEE*
 ALL WELLS WITHIN ONE HALF MILE HAVE BEEN PLOTTED

Livestock well is owned by same owner as WR # 14258-
 SIMONS FARMS Inc.
 763 North County Road 20
 Marienthal, KS 67863

X LI/awr
 5/22/17

WATER RESOURCES
 RECEIVED

APR 10 2017

KS DEPT OF AGRICULTURE

SCANNED

Ireland, Leslie

From: Meyer, Mike
Sent: Monday, May 22, 2017 3:49 PM
To: Ireland, Leslie
Subject: RE: Recommendation for Change, File No.16666, Long Living Trust

Approve please

Mike

From: Ireland, Leslie
Sent: Monday, May 22, 2017 3:09 PM
To: Meyer, Mike <Mike.Meyer@ks.gov>
Cc: Turney, Brent <Brent.Turney@ks.gov>
Subject: Recommendation for Change, File No.16666, Long Living Trust

Mike,

Please let me know if you would recommend this change.

As always comments and concerns are welcome.

Brent is going to give you a call about the paperwork we have for the WCWCA.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov



WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

April 19, 2017

Brent A. Tourney, L.G.
Change Application Unit Supervisor
Water Appropriation Program
1320 Research Park Drive
Manhattan, KS 66502

WATER RESOURCES
RECEIVED

APR 21 2017

KS DEPT OF AGRICULTURE

Re: Application: File No. 16666 – Long Living Trust

Dear Sir:

At the April 18, 2017 Western Ks Groundwater Management District No. 1's board meeting, the Board reviewed the referenced application for additional Place of Use. The District's Board agrees to assume the monitoring requirements as specified in the Memorandum of Understanding agreement between the District and the Division of Water Resources. They also recommend approval contingent upon no objectionable response from the notification letter sent to the nearby well owner.

If you have any questions or need additional information, please contact this office.

Sincerely,

Kyle Spencer

District Manager

ks/vr

File Number 16,666

K.A.R. 5-5-11

The items listed below have been reviewed with me by the Western Kansas Groundwater Management District No.1 pertaining to the approval of my application to change the place of use authorized under my water right.

1) **Flow Meter Requirement.** I understand that flow meters will have to be installed and maintained on each well covered by this application and that I will have to report these meter readings annually to the DWR on the water use report forms.

2) **Monitoring requirements.** The District, under the monitoring requirement with the Division of Water Resources, will make three visits annually to this farm. Reports of verification of compliance and status reports will be completed by the District and submitted to the Division.

3) **Water requirements.** The District has reviewed the amount of water required to irrigate the acreage proposed under this change application with me. The five-year allocation, if required, has been reviewed with me and I understand the amount of water to which I am limited is 567 acre-feet per five-year period.

4) **Base acres.** The proposed increase in authorized acres for a crop rotation shall be limited to not exceed 80 acres. Under this condition, I understand that I am limited to the approved or certified annual quantity of water under my water right and that the number of acres irrigated any one calendar year, cannot be more than my base acres.

5) **Understanding.** Pursuant to K.A.R. 5-5-11 section 3 (D) ii and 4 (D) ii, the approval of the above stated application shall be conditioned so that the use of water in excess of the five year allocation, or, on more than the maximum number of acres authorized to be irrigated in any one calendar year, shall result in a two-year suspension of all water use under this water right, and a subsequent restriction of the authorized place of use to the base acreage at the following location.

Location of the reversion acreage, not to exceed the base acres shall include:
1/2 of section 17, Township 17 South, Range 35 West.
(40 acres in NESE) (40 acres in SESE)

A total of 80 acres.
Long Lewis Trust
Trustee
Signature Leslie Dale Long TRUSTEE

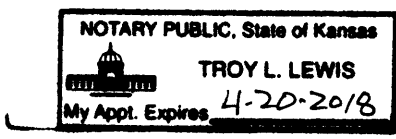
4-7-2017
Date

State of Kansas,
County of Wichita

I hereby certify that the foregoing was signed in my presence and sworn before me this 7th day of April, 2017.

Troy L Lewis
Notary Public

My commission expires 4-20-2018



WATER RESOURCES RECEIVED

APR 10 2017

KS DEPT OF AGRICULTURE

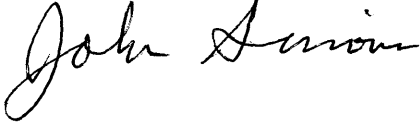
SCANNED

5-13-17

Attention: Brent Turney
Kansas Division of Water Resources

In regards to expand the place of use with in the guidelines of KAR 5-5-11 and ask for a five year allocation. File number 16666 belonging to Long Living Trust-Lewis T Long and Diane K Long. We fully support and have no disagreement with this proposal.

John Simons
Simons Farms Inc



WATER RESOURCES
RECEIVED

MAY 17 2017

KS DEPT OF AGRICULTURE

* J. SIMONS HOME PHONE
* (620) 872-5363

* LI/DWR

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

May 16, 2017

FILE COPY

SIMONS FARMS INC.
JAMES D SIMONS
892 E COUNTY ROAD K UNIT B
MARIENTHAL KS 67863-6369

RE: Water Right, File No. 16,666

Dear Mr. Simons:

This is to advise you that the Trustees of the Long Living Trust have filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use under the above referenced file.

The application proposes the following change in the place of use to operate the irrigation system under a perpetual five (5) year allocation that will limit the quantity not to exceed 565 acre-feet over a five year period with the authorized quantity of 160 acre-feet not to be exceeded in any one(1) calendar year. This proposed change is allowed by K.A.R. 5-5-11. The place of use will change

from: 80 acres in the East half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$)

to: 160 acres in the Southeast Quarter (SE $\frac{1}{4}$)

both in Section 17, Township 17 South, Range 35 West, Wichita County, Kansas.

You are being notified of the proposed change so that you may furnish this office written comments or other information you may desire to submit. Such written comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact our office, my desk phone is (785)564-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

Sincerely,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

pc: Garden City Field Office
Groundwater Management District No. 1
Long Living Trust

SCANNED

Subject Property: 1020841700000002010

QuickRef ID : R302144 [Click here to locate on Map](#)

Owner Name : LONG LIVING TRUST No property photo available

Location : COUNTRY PARCEL, Leoti, KS 67861.

Legal Desc : S17, T17, R35, ACRES 158.6, SE4 LESS RD R/W SECTION 17 TOWNSHIP 17 RANGE 35.

The legal description displayed above is not adequate for use in legal documents

Owner Information

Owner :

LONG LIVING TRUST

Mailing Address :

501 WEST L STREET LEOTI, KS 67861

Property Details

Property Type :	Property Status :	Taxing Unit :	Neighborhood Code :
Agricultural Use	Active	RURAL PARCEL	007

Market Land Details

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

No Permit Details found.

Value Details

Current Final Value (Agricultural) :	Year :	2016
	Land :	\$59,610
	Building :	\$0
	Total :	\$59,610

Deed Book/Page

Book / Page List and Misc Legal Description Info :

Book :	Page :
58xxx	555
59xxx	601

No Sale Details found. (Please log in to view this data.)

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

April 11, 2017

LONG LIVING TRUST - LEWIS & DIANA LONG
501 WEST L ST
LEOTI, KS 67861

RE: File No. 16666

FILE COPY

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 PU
- 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. Turney".

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

BAT: DLW
pc: GARDEN CITY Field Office GMD 1

April 7, 2017

Brent Turney, P.G.
Change Application Unit Supervisor
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502-5000

Subject: Application to Change the Place of Use & Wichita County Water Conservation Area Enrollment
Pertaining to File No. 16,666
Long Living Trust, Wichita County

Dear Mr. Turney:

The subject application and associated documentation is submitted on behalf of the owner, Long Living Trust. This application proposes to increase the place of use and establish a 5-year fixed allocation in accordance with the provisions of K.A.R. 5-5-11. This change will allow the approved place of use and the place of use required for efficient operation of the irrigation system to be identical.

Approval of the enclosed change application is required before we can enroll in the Wichita County Water Conservation Area (WCWCA). It is therefore vital that we receive approval prior to this date so that we can finalize the application to the WCWCA. Anything that can be done to speed the approval process would be very much appreciated. Please contact me if you need any additional information to facilitate this process.

Thank you for your consideration of this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Matt Long", is written over a large, empty oval shape.

Matt Long - Tenant
620-872-4842

**WATER RESOURCES
RECEIVED**

APR 10 2017

KS DEPT OF AGRICULTURE

cc: Mike Meyer, Water Commissioner, Garden City Field Office, DWR
Lane Letourneau, Water Appropriation Program Manager, DWR

SCANNED