

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

Document Signature LPL

1. File Number: 4,839	2. Status Change Date: <i>11/16/2017</i>	3. Change Num: 1	4. Field Office: 04	5. GMD: 01
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6. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

7. Filing Date of Change: _____

8a. Applicant(s) Person ID **34989**
 New to system Add Seq# _____

**ANTHONY G & JENNIFER L WINTER
 MORRIS DEAN & BETTY L WOODROOF
 FAM TR
 501 S 8TH ST
 LEOTI KS 67861-9005**

8c. Landowner(s) Person ID **12021**
 New to system Add Seq# _____

**RICHARD W & REBECCA A MILLER
 PO BOX 7B
 LEOTI KS 67861-0602**

8b. Landowner(s) Person ID *65866*
 New to system Add Seq# 1

**ANTHONY G & JENNIFER L WINTER
 501 S 8TH ST
 LEOTI KS 67861-9005**

8d. WUC Person ID _____
 New to system Add Seq# _____

NC

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/18** N & P Date to Comply: _____

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: **11/14/17** By: **BAT**
 Date Entered: *11/16/2017* By: *CCM*

File No. **4839** 11. County: **WH** Basin: Stream: Formation Code: Special Use:

12. Points of Diversion										Rate and Quantity						
										Authorized		Additional				
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
MOD			64582	NWSWNE	23	16S	36W	5	3475	2525		1110	440	1110	440	9149

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										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	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
MOD			2863	23	16S	36W	1	40	40	40	40																	160	8b	NO	9149		
ENT			51390	23	16S	36W	4											20	40								60	8a	NO	9149			
DEL			29975	23	16S	36W	2													40	40	40	40				160	8c	NO	25232			

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: November 15, 2017

FROM: Brent A. Turney

RE: Water Right
File Nos. 4,839 and 9,149

Anthony G. and Jennifer L Winter on behalf of the Morris Dean and Betty L Woodroof Family Trust, owner of the above referenced water rights has filed an application for approval to change the place of use under Water Right, File No. 4,839 and a reduction in the authorized place of use and quantity of water under File No. 9,149. The application and reduction request propose to add and remove authorized places of use to create a complete overlap in the authorized place of use between the two water rights.

The referenced files do not appear to be abandoned as per K.S.A. 82a-718.

The change in place of use under File No. 4,839 proposes to remove 160 acres and add 60 acres of land currently authorized by file No. 9,149, and the reduction in place of use under File No. 9,149 proposes to remove the same 160 acres of land to create a complete overlap in the places of use for a total of 220 acres. The reduction in acres under both files required that the quantity of water under both water rights be reduced to a total of 440 acre-feet. While File No. 9,149 which is authorized two wells authorized 221 acre-feet and a reduced 440 acre-feet, it will be limited to 440 acre-feet when combined with the 440 acre-feet authorized under File No. 4,839.

In an letter dated, September 8, 2017, Kyle Spencer, Manager, GMD No. 1, recommended that the application for change in place of use be approved along with the reduction to File No. 9,149.

In an email dated todays date, Mike Meyer, Water Commissioner, Garden City Field Office, recommended that the application be approved.

A check valve will be required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur and that the new application will account for any increase in the consumptive use, it is recommended that the referenced application be approved.


Brent A. Turney
Change Application Unit Supervisor

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 16, 2017

ANTHONY G & JENNIFER L WINTER
MORRIS DEAN & BETTY L WOODROOF FAM TR
501 S 8TH ST
LEOTI KS 67861-9005

FILE COPY

RE: Water Right
File Nos. 4,839 and 9,149

Dear Mr. Mrs. Winter:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under Water Right, File No. 4,839 and the findings and order reducing the authorized place of use under Water Right, File No. 9,149.

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 flow meter must be installed on the diversion works authorized under Water Right, File No. 4,839. Please return the required notification of completion of the diversion works and installation of the required meters as soon as these actions are completed.

Since these orders modify the original documents referred to above, they 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 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 black ink, appearing to read "Brent A. Turney".

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

BAT
Enclosures
pc: Garden City Field Office
GMD No. 1
Richard and Rebecca Miller



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. 4,839**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Anthony G. and Jennifer L Winter on behalf of the Morris Dean and Betty L Woodroof Family Trust, 501 S 8th Street, Leoti, Kansas 67861, received in this office on August 2, 2017, for approval of a change in the location of the place of use and the Request to Reduce a Portion of an Existing Water Right, Received in this office on July 21, 2017 under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the order of the Chief Engineer dated March 13, 2000, approving the application to change the authorized point of diversion, 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 shall be reduced to a total quantity not to exceed 440 acre-feet (143.37 million gallons) per calendar year.

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

Sec Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
23 16S 36W	40	40	40	40							20	40					220

a total of 220 acres in Section 23, Township 16 South, Range 36 West, Wichita County, Kansas,

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

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. 4,839, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated October 22, 1974, and as modified and amended by the aforementioned order.

Ordered this 16th day of November 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Water Appropriation 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 16th day of November, 2017, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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

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

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

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

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

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

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

CERTIFICATE OF SERVICE

On this ^{16th} day of *November*, 2017, I hereby certify that the attached Approval of Application to Change the Authorized Place of Use, File No. 4,839, dated *November 16th* 2017, was mailed postage prepaid, first class, US mail to the following:

ANTHONY G & JENNIFER L WINTER
MORRIS DEAN & BETTY L WOODROOF FAM TR
501 S 8TH ST
LEOTI KS 67861-9005

With photocopies to:

RICHARD W & REBECCA A MILLER
PO BOX 7B
LEOTI KS 67861-0602

Garden City Field Office
GMD No. 1


Staff

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.

Call for address:

Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.
 Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

File No. 4839

RECEIVED
 4:25pm
 AUG 2 2017

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

Garden City Field Office
 Division of Water Resources

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: ANTHONY G & JENNIFER L WINTER

501 S 8TH ST LEOTI KS 67861-9005

Phone Number: ()

Email address: _____

Name and address of Water Use Correspondent: ANTHONY G & JENNIFER L WINTER

501 S 8TH ST LEOTI KS 67861-9005

Phone Number: ()

Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: ANTHONY G & JENNIFER L WINTER

ADDRESS: 501 S 8TH ST LEOTI KS 67861-9005

(If there is more than one landowner, attach supplemental sheets as necessary.)

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	
23	16	36w	40	40	40	40													160

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: ANTHONY G & JENNIFER L WINTER

ADDRESS: 501 S 8TH ST LEOTI KS 67861-9005

(If there is more than one landowner, attach supplemental sheets as necessary.)

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	
23	16	36w	40	40	40	40													160
23	16	36w														20	40		60

For Office Use Only: Code CPU Fee \$ 200 TR # _____ Receipt Date 8/2/17 Check # 5883

FO4 GMD3

Wt County

IRE-G

10/15/17
 Reviewer *[Signature]*

SCANNED

8/8/17 DW

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

6. **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 _____ Depth of well _____ (feet)
 (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 _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

7. Why do you need a new point of diversion? _____
 no change to wells _____

8. If a well, is the test hole log attached? Yes No

9. When do you propose to complete the new point of diversion?
 na _____

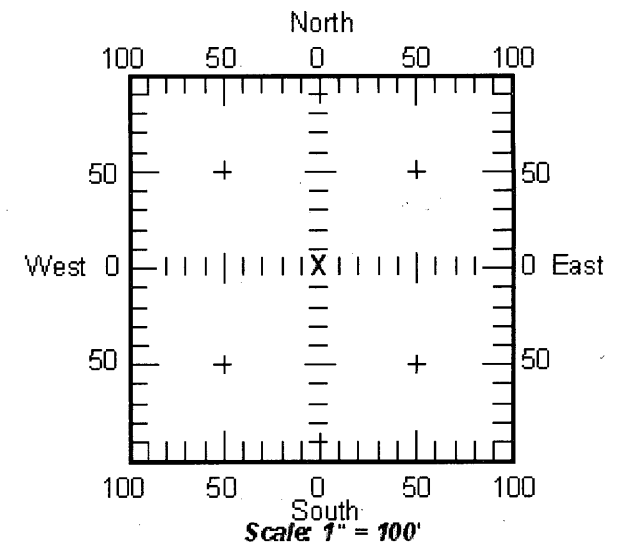
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?

 (b) When will this be done? _____

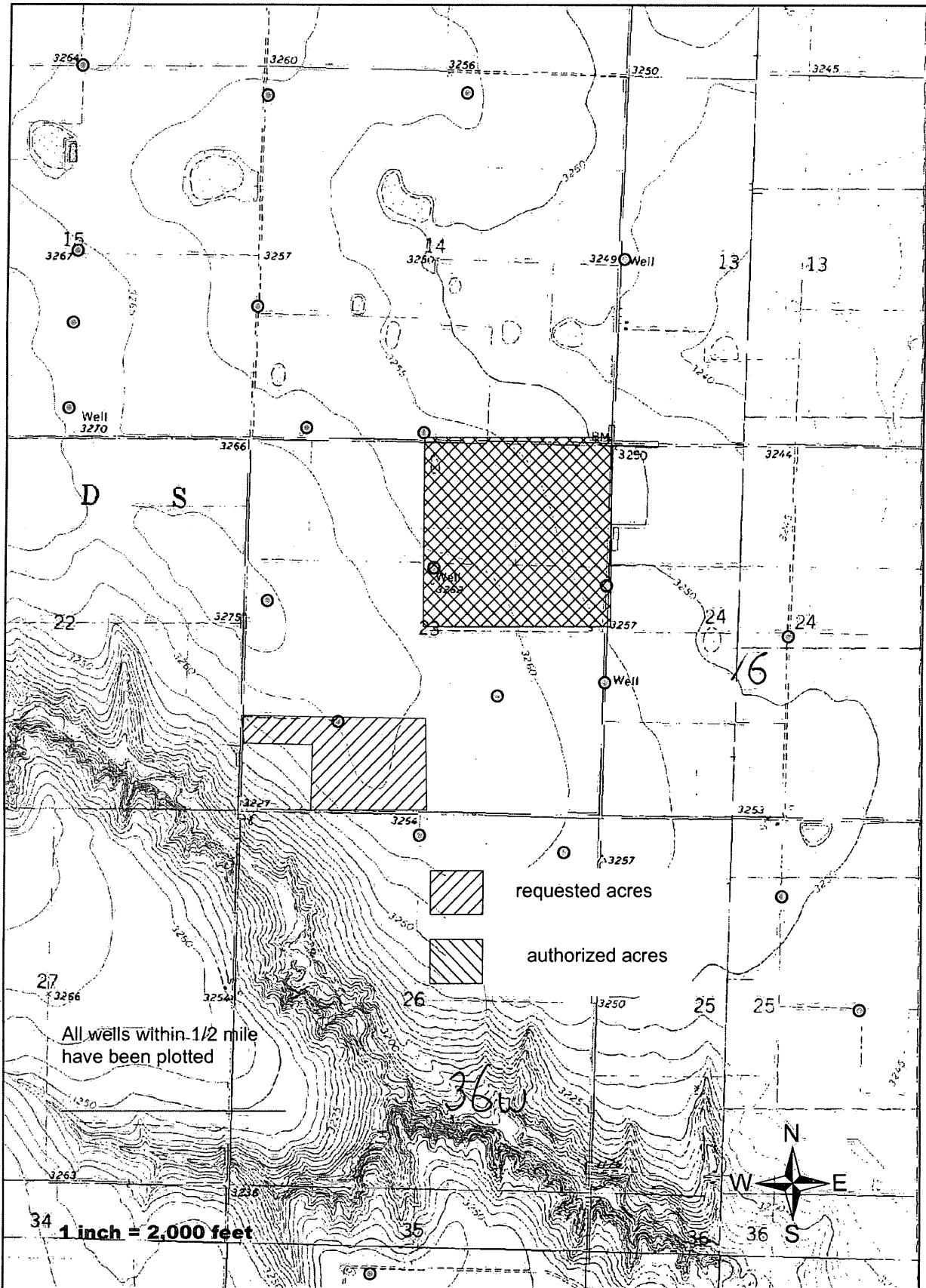
11. Groundwater Management District recommendation attached? Yes No

12. Assisted by tpm/az _____

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines.



14. If the proposed groundwater point of diversion is 300 or fewer feet from existing point of diversion, complete the following:

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regard to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Lardon City, Kansas, this 2nd day of August, 20 17.

X Anthony G Winter
(Owner)

X Jennifer L Winter
(Spouse)

ANTHONY G & WINTER
(Please Print)

JENNIFER L WINTER
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas

County of Finney } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 2nd day of August, 20 17.



My Commission Expires _____

Julie Jones
Notary Public

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (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

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**REQUEST TO REDUCE A PORTION OF AN EXISTING WATER RIGHT
(NO FEE REQUIRED)**

Identify the file which is the subject of this request:

- Vested Right, File No. _____
- (CHECK ONE) Water Right, File No. 4839
- Appropriation of Water, File No. _____

To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
109 SW 9th Street, Second Floor
Topeka, KS 66612-1283

Kansas Dept of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, KS 66502

From: (Names and addresses of owners of authorized place of use. Please see instructions on back.)

ANTHONY G & JENNIFER L WINTER 501 S 8TH ST LEOTI KS 67861-9005

RICHARD W & REBECCA A MILLER PO BOX 7B LEOTI KS 67861-0602

REQUEST

The above listed owners request a:

[Complete only the sections that apply. Check only the boxes that apply. Fill in only the blanks that apply.]

A. REDUCTION IN AUTHORIZED MAXIMUM ANNUAL QUANTITY OF WATER. ~~WATER~~

It is requested that the maximum annual quantity of water be reduced to 440 AF
(acre-feet or million gallons; circle one) per calendar year.

B. REDUCTION IN AUTHORIZED MAXIMUM RATE OF DIVERSION OF WATER.

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

DUPLICATE

RECEIVED

JUL 17 2017

RECEIVED

OCT 24 2017

Assisted by: tpm

WATER RESOURCES
RECEIVED

OCT 26 2017

I, the undersigned owner of this water right or permit declare that: (1) I am freely and voluntarily choosing to reduce the water right listed; and (2) I am waiving any rights to a hearing or an appeal that I may have had regarding the reduction of the water right listed.

I declare that I am an owner, as identified herein, or that I represent an owner, as identified herein, and am authorized to make this request on his or her behalf.

Dated at Marionetah, Kansas, this 14th day of July, 2017
(City) (Month) (Year)

Anthony G Winter
(Owner)

(Spouse)

Anthony G Winter
(Please Print)

(Please Print)

Jennifer L Winter
(Owner) Spouse

(Spouse)

Jennifer L Winter
(Please Print)

(Please Print)

Paul Miller
(Owner)

Rebecca J Miller
(Spouse)

Richard Miller
(Please Print)

Rebecca Miller
(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

14th day of July, 2017
(Month) (Year)

Lisa K Ridder
Notary Public

My Commission expires 9-28-19



RECEIVED

JUL 17 2017

WATER RESOURCES
RECEIVED

OCT 26 2017

RECEIVED

OCT 24 2017

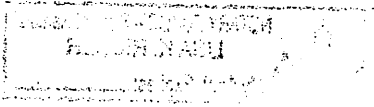
KS DEPT OF AGRICULTURE
Garden City Field Office
Division of Water Resources

INSTRUCTIONS:

The request must be signed by each owner of the place of use authorized by the water right or permit and his or her spouse, if married. All water right or permit owners, including spouses, must sign this request for it to be valid. Unless the water right or permit has been legally severed from the authorized place of use, the owners of the water right or permit are the owners of the authorized place of use. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as owner until such time as the contract is completed.

In the event that all owners cannot sign together in front of one notary public, they may, as necessary, sign appropriate copies of the request in front of any notary public conveniently available to them. All copies signed in this manner shall be accepted as valid parts of the request.

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.



DEVELOPMENT

YUE 1 8 10



WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

September 8, 2017

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

Re: Application: File # 4839

Dear Mr. Turney:

After reviewing the referenced application GMD1 recommends approval contingent on reducing the authorized quantity for the Water Right to 2 acre feet per acre for a total of 440 acre feet. Via communication with the Garden City Field Office it is the District's understanding this request for reduction in authorized quantity has been or is in the process of being submitted.

If you have questions or need additional information please contact me at (620) 872-5563.

Sincerely,

Kyle Spencer
District Manager

ks/vr

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

August 28, 2017

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 3
2009 E SPRUCE STREET
GARDEN CITY KS 67846

FILE COPY

Re: Water Right
File No. 4,839

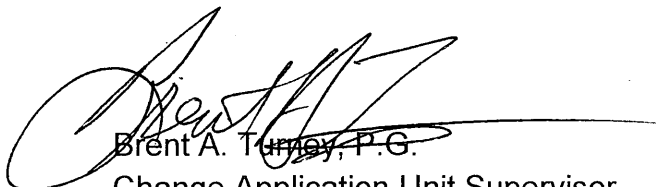
Dear Sir or Madam:

We are enclosing a copy of the application referred to above, received in the office of the Chief Engineer August 2, 2017, which appears to be in proper form.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendation concerning this application.

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. 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,



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

BAT
Enclosures

pc: Garden City Field Office

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

ANTHONY G & JENNIFER L WINTER
501 S 8TH ST
LEOTI, KS 67861

8/7/2017

FILE COPY

RE: File No 4839

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.

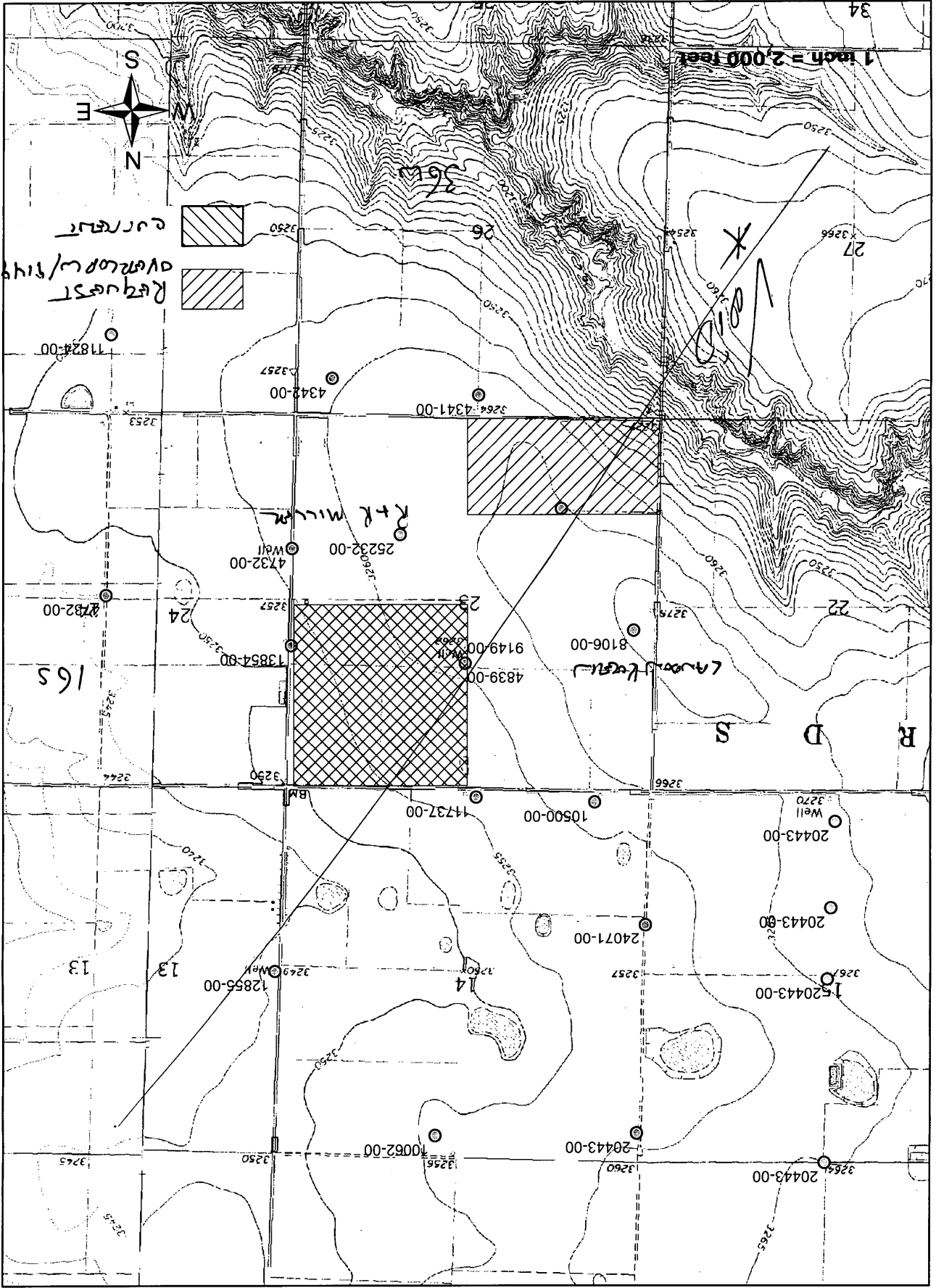
Sincerely,

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

BAT: DLW
pc: GARDEN CITY Field Office GMD3

XBAT 8-16-17

SCANNED



4839

Turney, Brent

From: Meyer, Mike
Sent: Wednesday, November 15, 2017 8:07 AM
To: Turney, Brent
Subject: RE: Winter change

Approve and expedite sir. There is a small typo first paragraph of the file number of 4839
Thanks for your work

Mike

From: Turney, Brent
Sent: Tuesday, November 14, 2017 2:12 PM
To: Meyer, Mike <Mike.Meyer@ks.gov>
Subject: Winter change

Mike,
Give this a look and give me a recommendation.
Thanks,
Brent

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**REQUEST TO REDUCE A PORTION OF AN EXISTING WATER RIGHT
(NO FEE REQUIRED)**

Identify the file which is the subject of this request:

- Vested Right, File No. _____
- (CHECK ONE) Water Right, File No. 4839
- Appropriation of Water, File No. _____

To: ~~CHIEF ENGINEER~~
 Division of Water Resources
 Kansas Department of Agriculture
 109 SW 9th Street, Second Floor
 Topeka, KS 66612-1283

Kansas Dept of Agriculture
 Division of Water Resources
 1320 Research Park Drive
 Manhattan, KS 66502

From: (Names and addresses of owners of authorized place of use. Please see instructions on back.)

ANTHONY G & JENNIFER L WINTER 501 S 8TH ST LEOTI KS 67861-9005

RICHARD W & REBECCA A MILLER PO BOX 7B LEOTI KS 67861-0602

WATER RESOURCES
RECEIVED

JUL 21 2017

KS DEPT OF AGRICULTURE

REQUEST

The above listed owners request a:

[Complete only the sections that apply. Check only the boxes that apply. Fill in only the blanks that apply.]

A. REDUCTION IN AUTHORIZED MAXIMUM ANNUAL QUANTITY OF WATER.

It is requested that the maximum annual quantity of water be reduced to _____
(acre-feet or million gallons; circle one) per calendar year.

B. REDUCTION IN AUTHORIZED MAXIMUM RATE OF DIVERSION OF WATER.

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

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JUL 17 2017

Assisted by: tom

- C. REDUCTION IN THE SIZE OF THE AUTHORIZED **PLACE OF USE** OF WATER.
 (A reduction in place of use may result in a reduction of the authorized rate and quantity to reflect reasonable needs.)

It is requested that the authorized place of use be reduced to:

Owner of Land - NAME: ANTHONY G & JENNIFER L WINTER
 ADDRESS: 501 S 8TH ST LEOTI KS 67861-9005

IRRIGATION USE

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	
23	16	36w	40	40	40	40												160	

OR

NON IRRIGATION USE

Describe:

(If more space is needed, attach additional sheets as necessary.)

A copy of a topographic map is attached showing the place of use after the requested reduction.

- D. REDUCTION IN THE NUMBER OF **POINTS OF DIVERSION** AUTHORIZED.
 (A reduction in the point(s) of diversion may result in the reduction of the rate and quantity authorized by the amounts associated with those points of diversion.)

It is requested that the number of authorized points of diversion be reduced to:

_____ located as follows:
 (No. of points of diversion) (wells, pumps, or other works for diversion of water)

One in the ____ quarter of the ____ quarter of the ____ quarter of Section ____, more particularly described as being near a point ____ feet North and ____ feet West of the Southeast corner of said section, in Township ____ South, Range ____ East/West (circle one), _____ County, Kansas, and

One in the ____ quarter of the ____ quarter of the ____ quarter of Section ____, more particularly described as being near a point ____ feet North and ____ feet West of the Southeast corner of said section, in Township ____ South, Range ____ East/West (circle one), _____ County, Kansas.

(If more space is needed, attach additional sheets as necessary.)

A copy of a topographic map is attached, showing the location of the remaining point(s) of diversion after the requested reduction.

- E. REDUCTION IN THE **TYPES OF BENEFICIAL USE** AUTHORIZED.

It is requested that the types of beneficial use of water be reduced to: _____

I, the undersigned owner of this water right or permit declare that: (1) I am freely and voluntarily choosing to reduce the water right listed; and (2) I am waiving any rights to a hearing or an appeal that I may have had regarding the reduction of the water right listed.

I declare that I am an owner, as identified herein, or that I represent an owner, as identified herein, and am authorized to make this request on his or her behalf.

Dated at Marionethal, Kansas, this 14th day of July, 2017
(City) (Month) (Year)

Anthony G. Winter
(Owner)

(Spouse)

Anthony G. Winter
(Please Print)

(Please Print)

Jennifer L. Winter
(Owner) Spouse

(Spouse)

Jennifer L. Winter
(Please Print)

(Please Print)

Paul Miller
(Owner)

Rebecca Miller
(Spouse)

Richard Miller
(Please Print)

Rebecca Miller
(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

14th day of July, 2017
(Month) (Year)

Lisa K. Ridder
Notary Public

My Commission expires 9-28-19



WATER RESOURCES
RECEIVED

JUL 21 2017

KS DEPT OF AGRICULTURE

RECEIVED

JUL 17 2017

INSTRUCTIONS:

The request must be signed by each owner of the place of use authorized by the water right or permit and his or her spouse, if married. All water right or permit owners, including spouses, must sign this request for it to be valid. Unless the water right or permit has been legally severed from the authorized place of use, the owners of the water right or permit are the owners of the authorized place of use. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as owner until such time as the contract is completed.

In the event that all owners cannot sign together in front of one notary public, they may, as necessary, sign appropriate copies of the request in front of any notary public conveniently available to them. All copies signed in this manner shall be accepted as valid parts of the request.

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.

