Garden City Field Office 2508 Johns Street Garden City, Kansas 67846-2804



Phone: (620) 276-2901 Fax: (620) 276-9315 www.agriculture.ks.gov Sam Brownback, Governor

Jackie McClaskey, Secretary David W. Barfield, Chief Engineer Michael A. Meyer, Water Commissioner

April 11, 2017

JEAN A POWELL 502 N 11<sup>TH</sup> GARDEN CITY KS 67846

RE: Application to Change the Place of Use File Nos. 6230

Dear Mrs. Powell:

Enclosed you will find a Summary Order Approving Application for Change in Place of Use for the above referenced files. Since these orders modify the original documents, it should be recorded at the County Register of Deeds.

These orders modify the authorized acres that can be irrigated by these files. The authorized place of use is as shown on the plats within the change approvals.

A condition of this order is that an acceptable flow meter must be properly installed on the diversion works authorized under the referenced file number in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12. This water flow meter shall be used to provide information required on the annual water use report (including the meter reading at the beginning and end of the report year).

This order shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order. The date of service is the date listed on the enclosed *Certificate of Service*.

Should you have any questions, please feel free to call this office or arrange an appointment for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

Thomas P. Makens

Assistant Water Commissioner

TPM:tpm Enclosures GMD#3

### CERTIFICATE OF SERVICE

On this 12<sup>+k</sup> day of April 2017, I hereby certify that the attached original Approval of Application to Change the Place of Use under Water Right 6230 dated April 11, 2017, was provided to the following:

JEAN A POWELL 502 N 11<sup>TH</sup> GARDEN CITY KS 67846

Copy provided to GMD3

Division of Water Resources

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.

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					+ or groundwat within one-half	er sources, snov	w an wens (inc osed point of o	luding domestic) diversion and the
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					- water sources	: show the na	ames and ad	ldresses of the id one-half mile
			•		upstream from	your property lir	nes.	

(a) Does the undersigned represent all owners of the Yes ☐ No (If no, all owners much			e(s) of use	identified in this applic	eation?
(b) Will the ownership interest of any owner of the affected if this application is approved as reques ☐ Yes ☐ No (If yes, all owners much	sted?		s) of use	identified in this applic	ation be adversely
(c) If this application is not approved expeditiously,  ☐ Yes ☐ No (If no, all owners must			nage to pr	operty, public health or	safety?
If the application proposes a surface water change in policy or a change in place of use, the application must be signed agent (attach notarized statement authorizing representation)	ed by all owners	a groundwat s of the curre	er change ently autho	in point of diversion g prized place of use, or t	reater than 300 feet, their duly authorized
I hereby verify, being first duly sworn upon my age and the owner, the spouse of the owner, or their behalf, in regard to the water right(s) to w contained in this application are true, correct an	a duly author hich this app	ized agent dication p	t of the c ertains.	wner(s) to make th I further verify tha	is application on t the statements
Dated at <u>Darden City</u> K Jaun A. Poserell  (Owner)	_, Kansas, this	24 <sup>th</sup>	day of	Servery	, 2017
& Leun a. Powell				J	
(Owner)	<del></del>			(Spouse)	
jean a powell (Please Print)				(Please Print)	
(Owner)				(Spouse)	
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State of Kansas  County of SS  I hereby certify that the foregoing application was 20 17	signed in my	presence	and swo	rn to before me this	$\frac{H_1}{34}$ day of
JULIE JONES My Appointment Expir December 15, 2018	} <b>[</b>	(	Jalii ()	Nojary Public	
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To accurate information; maps, if necessary, must be included; signa he appropriate fee must be paid.	itures of all the ap	propriate own	ple portions pers' must b	of the application form me e affixed to the application	ust be completed with and notarized; and
Each application to change the place of use or the point of orth in the schedule below: Make checks payable to: Kar  (1) Application to change a point of diversion 300  (2) Application to change a point of diversion more  (3) Application to change the place of use	nsas Departme feet or less e than 300 feet .	r this section nt of Agricu	ulture		\$100

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

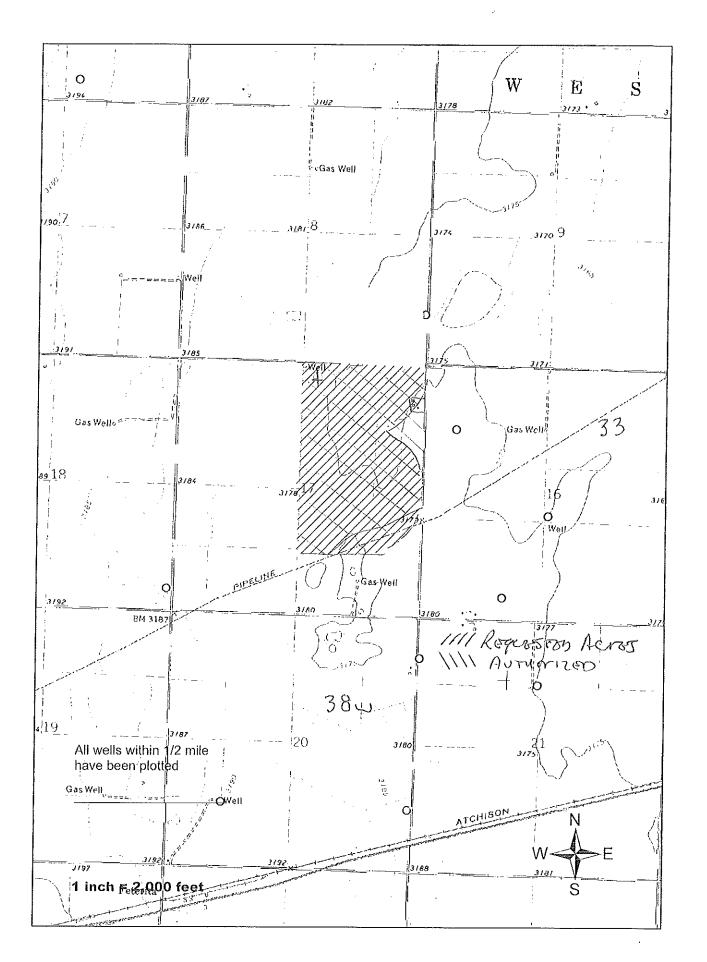
# SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A.* 82a-701 et. seq., and rules and regulations promulgated thereunder, K.A.R. 5-1-1 et.seq. With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 6230 A change application was received on FERUARY 27, 2017 requesting that the place of diversion authorized under the above-referenced file number be changed as described in the application. 2017 requesting that the place of use and / or point of On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. ☐ Not Applicable The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a radius of the authorized point(s) of diversion. The point(s) of diversion authorized herein shall not actually be located more than authorized point(s) of diversion. 

Applicable feet from the previously authorized point(s) of diversion. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a 5. tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance Not Applicable with K.A.R. 5-6-13. ☐ Applicable The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2017, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.

Applicable

Not Applicable Installation of the works for diversion of water shall be completed on or before December 31, 2017, or within any authorized extension of time. By March 1, 2018 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed. To the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Not Applicable Applicable Not Applicable The completed well log shall be submitted with the required notice. ☐ Applicable All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable \(\sigma\) Not Applicable 10. Additional Conditions are attached. ☐ Yes PT No 11. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND You have the right to a hearing in accordance with K.A.R. 5-14-3 SUMMARY ORDER ISSUED before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Topeka, Kansas 66502, within 155 add bearts. If a hearing the chief the chi Duly Authorized Designee of the Chief Engineer shown on the Certificate of Service attached hereto. If a hearing P. MAKENS Homas is not requested in accordance with K.A.R. 5-14-3, this Summary (Print Name): Order will become effective on the 15th day after the date shown Division of Water Resources - Kansas Department of Agriculture on the Certificate of Service. Date of Issuance: For Use by Register of Deeds State of Kansas SS Acknowledged before me on SCHRA Nolany Publicano Commerciano . XXX 8 61 JULIE JONES NOTARY My Appointment Expires PUBLIC December 15, 2018 铀小钛 My commission expires: (Notary Seal)





Garden City Field Office 2508 Johns Street Garden City, Kansas 67846-2804

Jackie McClaskey, Secretary David W. Barfield, Chief Engineer Michael A. Meyer, Water Commissioner

Fax: (620) 276-9315 www.agriculture.ks.gov

Phone: (620) 276-2901

Sam Brownback, Governor

February 27, 2017

Southwest Kansas Groundwater Management District No 3 409 Campus Drive, Suite 106 Garden City KS 67846

Re: Water Right file number 6230

Dear Mr. Norquest;

Jean Powell has applied to alter the acres authorized and relocate one pivot and overlap. The base acres are 210 for all files in combo.

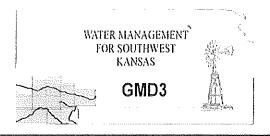
We are delaying action for 15 days on the change application to allow you time to review and provide a recommendation if you feel one is warranted. I have enclosed a copy of the change for your perusal.

Thank you and as always feel free to call or write us at any time.

Sincerely;

Thomas P Makens

encs.



## Southwest Kansas Groundwater Management District No. 3

2009 E. Spruce Street

Garden City, Kansas 67846 (620) 275-7147 phone (620) 275-1431 fax

www.gmd3.org

March 6, 2017

Thomas P. Makens Division of Water Resources 2508 N Johns Street Garden City, Kansas 67846

RECEIVED

MAR 07 2017

RE: Application for Change in Point of Diversion

Water Right, File No. 6230

Garden City Field Office Division of Water Resources

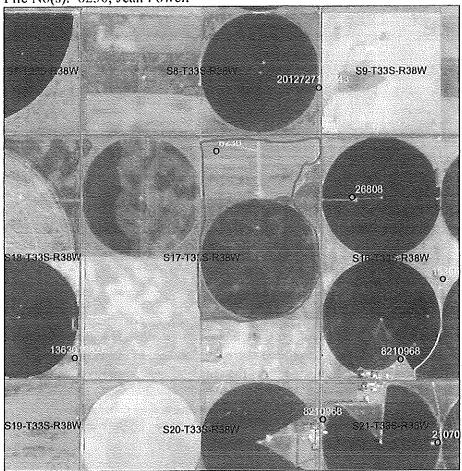
Dear Thomas:

We have completed a review of the application for the above referenced water right. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed change in place of use is in accordance with K.A.R. 5-5-11(b). It is therefore recommended that the applications be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,

Jason L. Norquest Assistant Manager Change Application(s); PU File No(s); 6230; Jean Powell



Currently Authorized 210 acres.

Base acres are 210 acres (agree with Thomas, DWR)

Proposing 216 acres.

Taking 3 acres in NE NE and 8 acres in SE NE. Adding 17 acres in NE SE.

Neighboring wells: NA Domestic wells: NA

Regulation(s) Reviewed: KAR 5-5-11

**Board Review Date:** NA **Board Recommendation:** NA

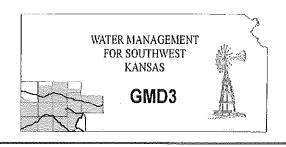
Waiver Reason: NA

Final Recommendation: After review of all available information, it appears the area

rules are met. Staff therefore recommends approval of the application.

MAR 0.7 2017

Garden Cit.: Field Office
Dickly: 1997 or Resources



# Southwest Kansas Groundwater Management District No. 3 2009 E. Spruce Street Garden City, Kansas 67846

(620) 275-7147 phone (620) 275-1431 fax www.gmd3.org

March 6, 2017

Thomas P. Makens Division of Water Resources 2508 N Johns Street Garden City, Kansas 67846

RECEIVED

MAR 1 6 2017

RE:

Application for Change in Point of Diversion

Water Right, File No. 6230

Garden City Field Office Division of Water Resources

## Dear Thomas:

We have completed a review of the application for the above referenced water right. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed change in place of use is in accordance with K.A.R. 5-5-11(b). It is therefore recommended that the applications be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,

Jason L. Norquest Assistant Manager

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