

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

Document Signature DWB

1. File Number: 14,744	2. Status Change Date: 3/8/2018	3. Change Num: C1	4. Field Office: 4	5. GMD: 1
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: 2/1/2017
8a. Applicant(s) New to system <input type="checkbox"/> WELSH FAMILY LLC 412 COYOTE BLVD WESKAN KS 67762-4002		Person ID 60278 Add Seq# 1	8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	
8b. Landowner(s) New to system <input type="checkbox"/> 8a.		Person ID _____ Add Seq# _____	8d. WUC New to system <input type="checkbox"/> 8a.	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/2018</u> <input type="checkbox"/> N & P Date to Comply: _____				
<input checked="" type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter				
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 2/8/2018 By: AM Date Entered: 3/12/2018 By: UM				

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: February 8, 2018

FROM: Austin McColloch

RE: Water Right
File Nos. 14,744 and 27,160

Welsh Family LLC, water right owners, have filed applications for approval to change the authorized place of use under the referenced files, authorized groundwater for irrigation use in the Ladder Creek basin.

The referenced water rights do not appear abandoned as per K.S.A. 82a-718.

The referenced water rights are each authorized their own point of diversion but form a complete overlap in their 565 acre place of use located in Section 8 and the Southwest Quarter (SW¼) of Section 9, both in Township 14 South, Range 42 West, Wallace County, Kansas. File No. 14,744 is authorized 320 acre-feet from a well overlapped by MYFA Application, File No. 20177032-MF and File No. 27,160 is authorized 180.4 acre-feet from a well authorized by MYFA Application, File No. 20177033-MF. The water right owners propose to drop and add acres for a total of 405 acres located in the East Half (E½) of Section 8 and Southwest Quarter (SW¼) of Section 9. The applications appear to meet K.A.R 5-5-3 based on DWR records and will create a complete overlap in place of use with each other and with File Nos. 20177032-MF and 20177033-MF. The applications also appear to meet K.A.R 5-5-11 with the base acres determined by the Garden City Field Office to be 405 acres. The net irrigation requirement for the 50% chance of rainfall in Wallace County with 85% efficiency is 1.4 acre-feet/acre. Therefore, the total quantity of water authorized by the above referenced file numbers, 500.4 acre-feet, can potentially irrigate the proposed 405 acres with 1.23 acre-feet per acre, which appears reasonable.

The same local source of supply will not change, as there is no proposed change in point of diversion.

In a letter dated February 2, 2018, Groundwater Management District No. 1 Manager, Kyle Spencer, recommended approval of the referenced applications.

In an email dated February 7, 2018, Mike Meyer, Water Commissioner of the Garden City Field Office, recommended approval of the referenced applications.

Water flow meters are required. Check valves are required if chemigating.

Based on the above discussion that the change is reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced applications be approved.


Austin McColloch
Environmental Scientist



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

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

Secretary Jackie McClaskey

Governor Jeff Colyer, M.D.

WELSH FAMILY LLC
412 COYOTE BLVD
WESKAN KS 67762-4002

March 12, 2018

FILE COPY

RE: Water Right, File Nos. 14,744 & 27,160

Dear Sir or Madam:

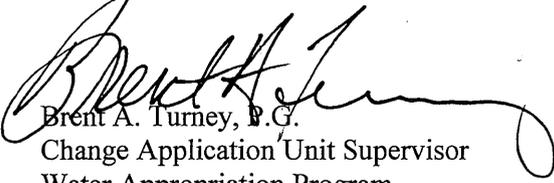
Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approval for change. Since the orders for the referenced file numbers modifies the original documents referred to above they should be recorded with the Register of Deeds as other instruments affecting real estate.

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.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,


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

BAT:am
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. 14,744**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Welsh Family LLC, 412 Coyote Blvd., Weskan, Kansas 67762-4002, received in the office of the Chief Engineer on February 1, 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, as modified and amended by the Orders of the Chief Engineer dated February 2, 1989, approving the application to change the authorized place of use, and by the Orders of the Chief Engineer dated August 13, 1990, approving the application to change the authorized place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The 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	
8 14S 42W			31.25	31.25					31.25	31.25	31.25	31.25	31.25	31.25	10.00	10.00	270.00
9 14S 42W									33.75	33.75	33.75	33.75					135.00

a total of 270.00 acres in Section 8, and 135.00 acres in Section 9, both in Township 14 South, Range 42 West, Wallace 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. 14,744, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated February 1, 1989.

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.

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.

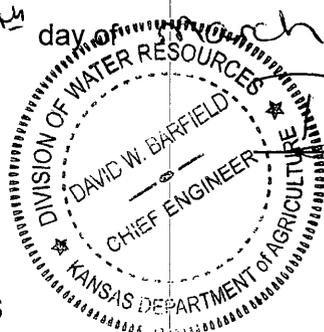
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal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

Ordered this 8th day of March, 2018, at Topeka, Shawnee County, Kansas.



David W. Barfield
 David W. Barfield, P.E.
 Chief Engineer
 Division of Water Resources
 Kansas Department of Agriculture

State of Kansas)
)
 County of Riley) SS

The foregoing instrument was acknowledged before me this 8th day of March, 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter
 Notary Public

CERTIFICATE OF SERVICE

On this 12th day March, 2018, I hereby certify that the attached Approval of Application for Change in Place of Use, Water Right, File No. 14,744 dated, March 8th, 2018, was mailed postage prepaid, first class, US mail to the following:

WELSH FAMILY LLC
412 COYOTE BLVD
WESKAN KS 67762-4002

With photocopies sent to:

Garden City Field Office

GMD No. 1


Division of Water Resources

APPLICATION COMPLETE

2/7/18

Reviewer AM

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



RECEIVED
STATE OF KANSAS

DEC 13 2017

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.

Garden City Field Office
Division of Water Resources

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.

RECEIVED
1:36 pm
FEB 01 2017

File No. 14744

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

Place of Use Point of Diversion

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

Garden City Field Office
Division of Water Resources

2. Name and address of Applicant: WELSH FAMILY LLC

1215 ROAD 5 WESKAN KS 67762-4029

Phone Number: ()

Email address: 412 KYLE COYOTE BLVD

Name and address of Water Use Correspondent: WELSH FAMILY LLC

1215 ROAD 5 WESKAN KS 67762-4029

Phone Number: ()

Email address: 412 COYOTE BLVD

WATER RESOURCES
RECEIVED

FEB 06 2017

KS DEPT OF AGRICULTURE

3. The presently authorized place of use is:

Owner of Land --- NAME: WELSH FAMILY LLC

ADDRESS: 1215 ROAD 5 WESKAN KS 67762-4029

(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		
8	14	42w			40	40	25	20	20			40	40	40	40	40	40	40	40	465
9	14	42w										5	40	40	15					100

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: WELSH FAMILY LLC

ADDRESS: 1215 ROAD 5 WESKAN KS 67762-4029

(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		
8	14	42w			40	40	25					31.25	31.25	31.25	31.25	40	40	40	40	425
9	14	42w			31.25	31.25						35	35	35	35	31.25	31.25	10	15	140
												33.75	33.75	33.75	33.75					135

For Office Use Only: Code CPU Fee \$ 200 TR # _____ Receipt Date 2/1/17 Check # 2396

FO: 4 AMD: 1 IPR G WA ASW

2396
WATER RESOURCES
RECEIVED
File No. _____

405

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 Warden City, Kansas, this 1st day of February, 2017.

X John Welsh Jr.
(Owner)

(Spouse)

(Please Print)

(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 1st day of February, 2017



Julie Jones
Notary Public

My Commission Expires _____

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**

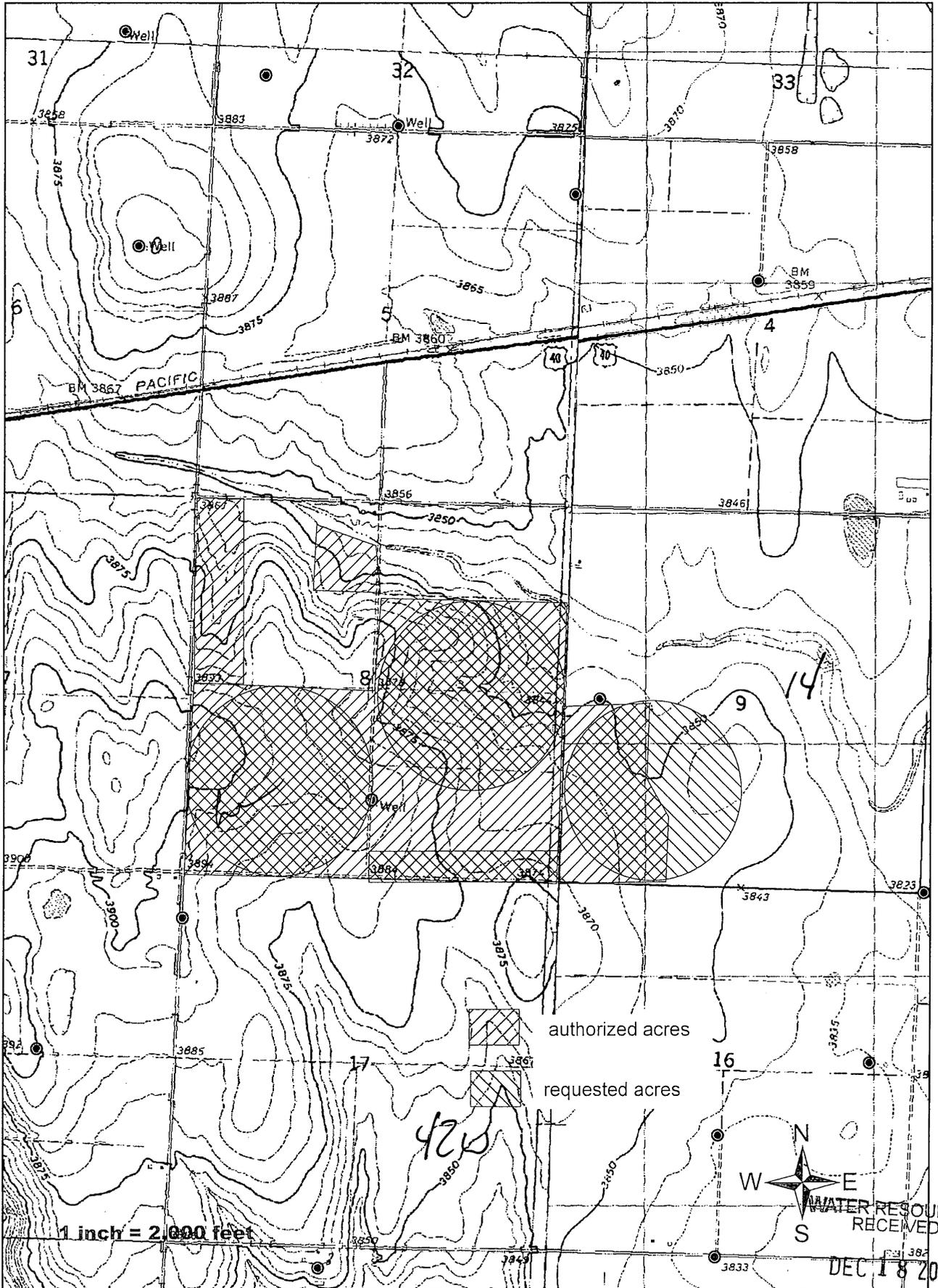
- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet **WATER RESOURCES** .. \$200
- (3) Application to change the place of use **RECEIVED** \$200

FEB 06 2017

KS DEPT OF AGRICULTURE

14744, 27160

NEW



McColloch, Austin [KDA]

From: Meyer, Mike [KDA]
Sent: Wednesday, February 7, 2018 4:24 PM
To: McColloch, Austin [KDA]
Cc: Makens, Thom [KDA]
Subject: RE: Recommendation Change Apps 14744 & 27160 MYFA 20177032 & 20177033

Place of use meets base acres correct?
Please approve

Mike

From: McColloch, Austin [KDA]
Sent: Wednesday, February 7, 2018 3:11 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Cc: Makens, Thom [KDA] <Thom.Makens@ks.gov>
Subject: Recommendation Change Apps 14744 & 27160 MYFA 20177032 & 20177033

Mike,

Attached is my draft memo for Change in Place of Use for File Nos. 14,744 & 27,160 submitted by Welsh Family LLC. Also attached is my draft memo for MYFA File Nos. 20177032-MF & 20177033-MF also submitted by Welsh Family LLC. Let me know if you have any questions.

Thanks,

Austin McColloch
Environmental Scientist
Ph: (785) 564-6643



WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

February 2, 2018

Austin McColloch
Environmental Scientist
Water Appropriation Program
1320 Research Park Drive
Manhattan, Kansas 66502

WATER RESOURCES
RECEIVED

FEB 07 2018

KS DEPT OF AGRICULTURE

Re: Change Application
File Nos. 14744 & 27160
MYFA Application
File Nos. 20177032-MF & 20177033-MF

Dear Mr. McColloch:

After reviewing the above applications, Western Ks
Groundwater Management District No 1 recommends
approval.

Sincerely,

Kyle Spencer
District Manager

ks/vr

Turney, Brent [KDA]

From: Makens, Thom [KDA]
Sent: Wednesday, December 13, 2017 3:43 PM
To: Turney, Brent [KDA]; McColloch, Austin [KDA]
Subject: RE: 14744, 27160 welch
Attachments: 14744 27160 welsh edits.pdf

good afternoon, here are the edits to the change. We are now proposing to do a 'regular' pu change to meet 405 base acres and cover the unauthorized pivot. And continue with the request for a myfa to cover his planned over pumping on his good well. Do you want me to approve the change in pu here, or send the edits back to you for review?

Thom Makens

KDA-DWR
2508 John St
Garden City KS 67846-2804

From: Turney, Brent [KDA]
Sent: Tuesday, December 12, 2017 11:18 AM
To: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>; Makens, Thom [KDA] <Thom.Makens@ks.gov>
Subject: RE: 14744, 27160 welch

Thom,
After a quick review of the change applications, he clearly wants to increase the place of use. What is not clear in the applications is if he wants to go into a 5 year allocation or do a rotation? If he wants a 5 year allocation, he can't get the MYFA, if they are proposing a rotation of base acres then he can have both. IF he wants the change we will have to complete it for either a 5 year allocation or a rotation of base acres. If he wants to get the MYFA, he will need to sign "Attachment A". Of course, which ever application he wants to pursue, he will have to withdraw the other. Supposedly Mike has talked to him about this. Let me know if you need anything else.
Brent

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@ks.gov
www.agriculture.ks.gov

From: McColloch, Austin [KDA]
Sent: Tuesday, December 12, 2017 11:01 AM
To: Turney, Brent [KDA] <Brent.Turney@ks.gov>
Subject: FW: 14744, 27160 welch

WATER RESOURCES
RECEIVED

DEC 13 2017

I don't think we sent him anything to sign, we need to figure out if he is doing a 5 year allocation on the changes or rotation with the MYFAs.

Austin McColloch
Environmental Scientist
Ph: (785) 564-6643

From: Ireland, Leslie [KDA]
Sent: Tuesday, December 12, 2017 10:57 AM
To: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Cc: Makens, Thom [KDA] <Thom.Makens@ks.gov>
Subject: FW: 14744, 27160 welch

Looks like this is your package... could you get with Thom and these scanned?? If they aren't I didn't look...a

From: Makens, Thom [KDA]
Sent: Tuesday, December 12, 2017 10:26 AM
To: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Subject: 14744, 27160 welch

John Welch called he says HQ sent him something to sign in regards to his request for a PU change. He wants me to explain it to him. I see nothing in docuware about it. Do you have any insight into what he is talking about?

Thom Makens

KDA-DWR
2508 John St
Garden City KS 67846-2804

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 Warden City, Kansas, this 1st day of February, 2017.

X John Welch Mgr.
(Owner)

(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

RECEIVED

(Spouse)

FEB 13 2017

Garden City Field Office
Division of Water Resources

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Stimney } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 1st day of February, 2017.



Julie Jones
Notary Public

My Commission Expires _____

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 WATER RESOURCES .. \$200
- (3) Application to change the place of use RECEIVED \$200

FEB 06 2017

KS DEPT OF AGRICULTURE
WATER RESOURCES
RECEIVED
File No. _____

SCANNED

DEC 18 2017

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. 14744

RECEIVED
 1:36pm
 FEB 01 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: WELSH FAMILY LLC

WATER RESOURCES
 RECEIVED

1215 ROAD 5 WESKAN KS 67762-4029

Phone Number: () _____

Email address: _____

FEB 06 2017

Name and address of Water Use Correspondent: WELSH FAMILY LLC

1215 ROAD 5 WESKAN KS 67762-4029

Phone Number: () _____

Email address: _____

KS DEPT OF AGRICULTURE

3. The presently authorized place of use is:

Owner of Land ---- NAME: WELSH FAMILY LLC

ADDRESS: 1215 ROAD 5 WESKAN KS 67762-4029

(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	
8	14	42w			40	40	25	20	20			40	40	40	40	40	40	40	465
9	14	42w										5	40	40	15				100

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: WELSH FAMILY LLC

ADDRESS: 1215 ROAD 5 WESKAN KS 67762-4029

(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	
8	14	42w			40	40	25					40	40	40	40	40	40	40	425
9	14	42w										35	35	35	35				140

For Office Use Only: Code <u>CPV</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>2/1/17</u>	Check # <u>2396</u>
FO: <u>4</u>	GMD: <u>1</u>	IRR _____	G _____	WA <u>AJW</u>

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 water 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?

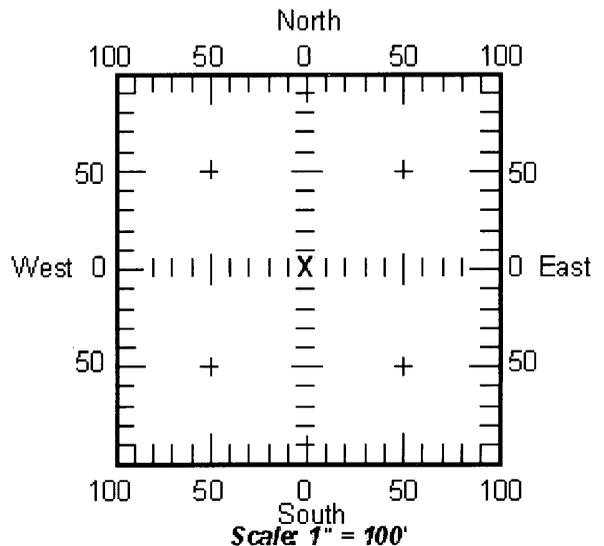
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?

 (b) When will this be done? _____

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by tpm _____

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.

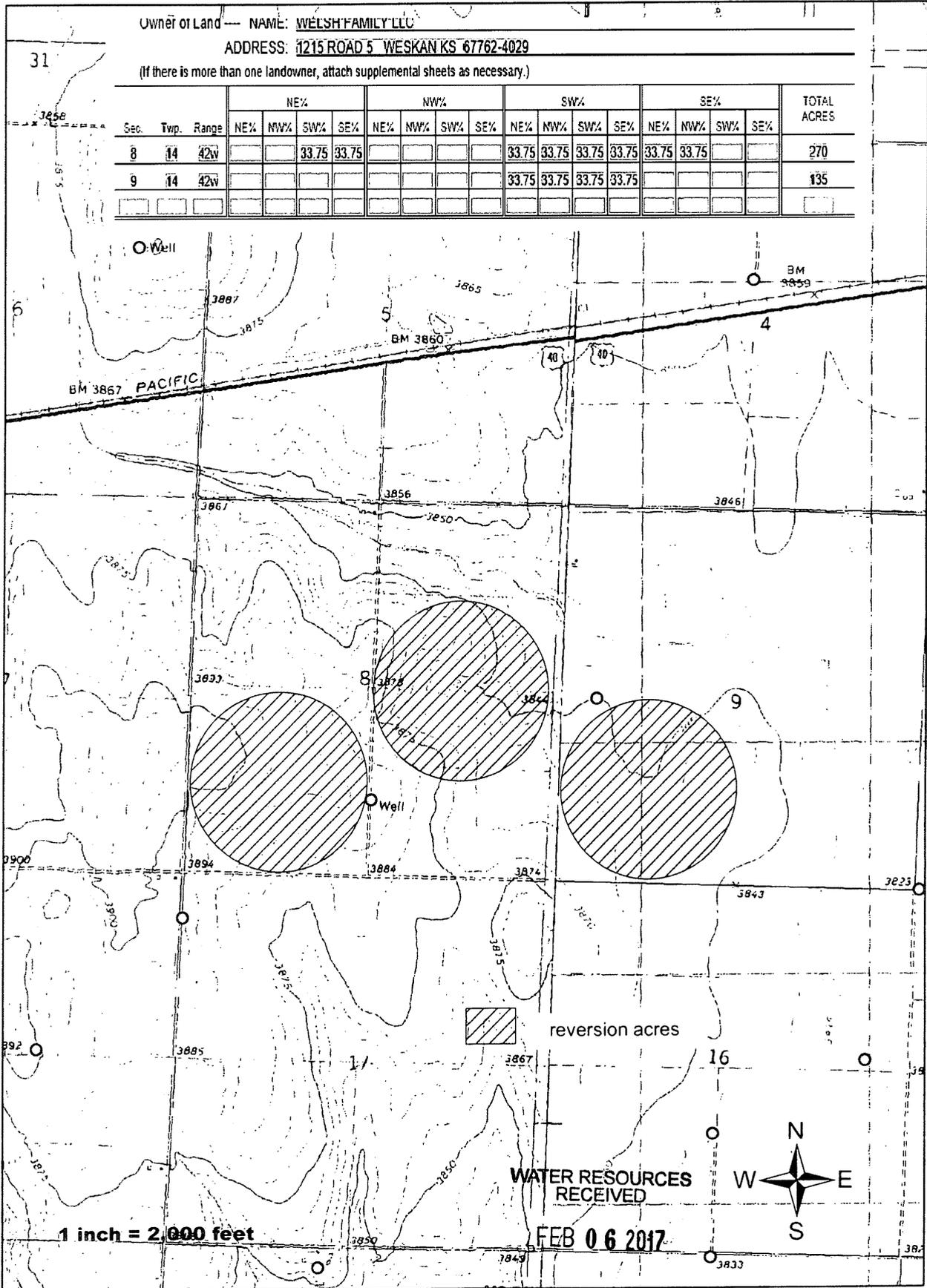
14744, 27160

Owner of Land NAME: WELSH FAMILY LLC

ADDRESS: 1215 ROAD 5 WESKAN KS 67762-4029

(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	
8	14	42W			33.75	33.75					33.75	33.75	33.75	33.75	33.75	33.75			270
9	14	42W								33.75	33.75	33.75	33.75						135



KS DEPT OF AGRICULTURE

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

January 30, 2018

FILE COPY

GROUNDWATER MANAGEMENT DISTRICT #1
P.O. BOX 604
SCOTT CITY, KS 67871

Re: Change Application,
File Nos. 14,744 & 27,160
MYFA Application,
File Nos. 20177032-MF & 20177033-MF

Dear Sir or Madam:

We are enclosing a copy of the referenced applications, which were submitted by Welsh Family, LLC and appears to be in proper form, for your review.

The change applications propose to meet the 405 base acres and cover an unauthorized pivot. Once that is completed they have submitted applications for a MYFA on the wells authorizing the new place of use.

We are delaying any further action for a period of 30 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) 564-6643. If you wish to discuss a specific file, please have the file number ready to that I may help you more efficiently.

Sincerely,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosure
pc: Garden City Field Office

SCANNED

McColloch, Austin

From: Makens, Thom
Sent: Tuesday, October 17, 2017 8:36 AM
To: McColloch, Austin
Subject: RE: Welsh Family LLC base acres

Good morning, easy one Mike Meyer already had it figured. He determined 405 base acres for these two files together.

From: McColloch, Austin
Sent: Tuesday, October 17, 2017 8:31 AM
To: Makens, Thom <Thom.Makens@ks.gov>
Subject: Welsh Family LLC base acres

Thom,

Can I get the base acres for these two files. They are 14,744 & 27,160 out in Wallace County.

Thanks,

Austin McColloch
Environmental Scientist
Ph: (785) 564-6643

Kansas Department of Agriculture / Division of Water Resources
Garden City Field Office

TO: HEADQUARTERS (BRENT TURNEY)

RE Vested Right; Water Right; Appropriation of Water; Application
File No(s). 14744, 27160 County _____

Enclosed are the following checked items:

A _____ FIR Full Partial Inspection Return to Field Office
 Proposed Certificate to deliver to Certificate Unit

A Compliance Check Inspection on _____
 Meter Install New App Chg App Other _____
 In Compliance Not in Compliance, why _____
Modify Point of Diversion No Yes, document attached
Indicate all overlapping p/d files _____

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- An application and judgment sheet with recommendation.
- A memorandum dated _____
- A request for an extension of time to perfect or complete.
- A verified report.
- A closure request.
- A field investigation report.
- Notice of Non-Compliance
- An ownership change (name(s) and address(es) below).
- A water use report for _____
- A letter dated _____

A copy of an **Approval** to Change the place of use and/or point of diversion,
 Filing Fee attached.

An Advanced **copy** of a change application and the filing fee, to be processed at the field office.

An original field office change **application** and the filing fee needing headquarters office review and further processing.

Other: EDITS TO ORIGINAL APPLICATION

JPM _____ 12/13/17
Water Commissioner Date

Makens, Thom

From: Meyer, Mike
Sent: Tuesday, January 31, 2017 8:42 AM
To: Makens, Thom
Subject: Fwd: 27160; 14744 MYFAs

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Ciro supposedly has appt with john today as per Brandy. You need to take this appt as it now gets complicated

Sent from my Verizon, Samsung Galaxy smartphone

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

From: WKGMD <gmd1@wbsnet.org>
Date: 1/31/17 8:34 AM (GMT-06:00)
To: "Meyer, Mike" <Mike.Meyer@ks.gov>
Subject: 27160; 14744 MYFAs

**WATER RESOURCES
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FEB 06 2017

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Mike,

John Welsh called yesterday wanting re-enroll in MYFAs for WRs 27160 and 14744. He was going to call your office and make an appointment. However he has an additional issue that needs to be worked out. Files 14744 and 27160 are overlapped on place of use, 465 acres in Sec 8 and 100 acres in sec 9 both 14-42: he said when they changed from flood to sprinkler on the 100 acre parcel they are actually watering 135 acres and he didn't realize the problem until just this year, evidently this has been occurring for several years.

He says they are not watering nor plan to water all of the 465 acre parcel. I told him there may be 2 options for bringing him into compliance. Option 1 would depend on the base acres as to if he might be able to give up some of the 465 acre parcel in exchange for the needed 35 acres or possibly this could qualify for an MOU with the GMD with DWR approval.

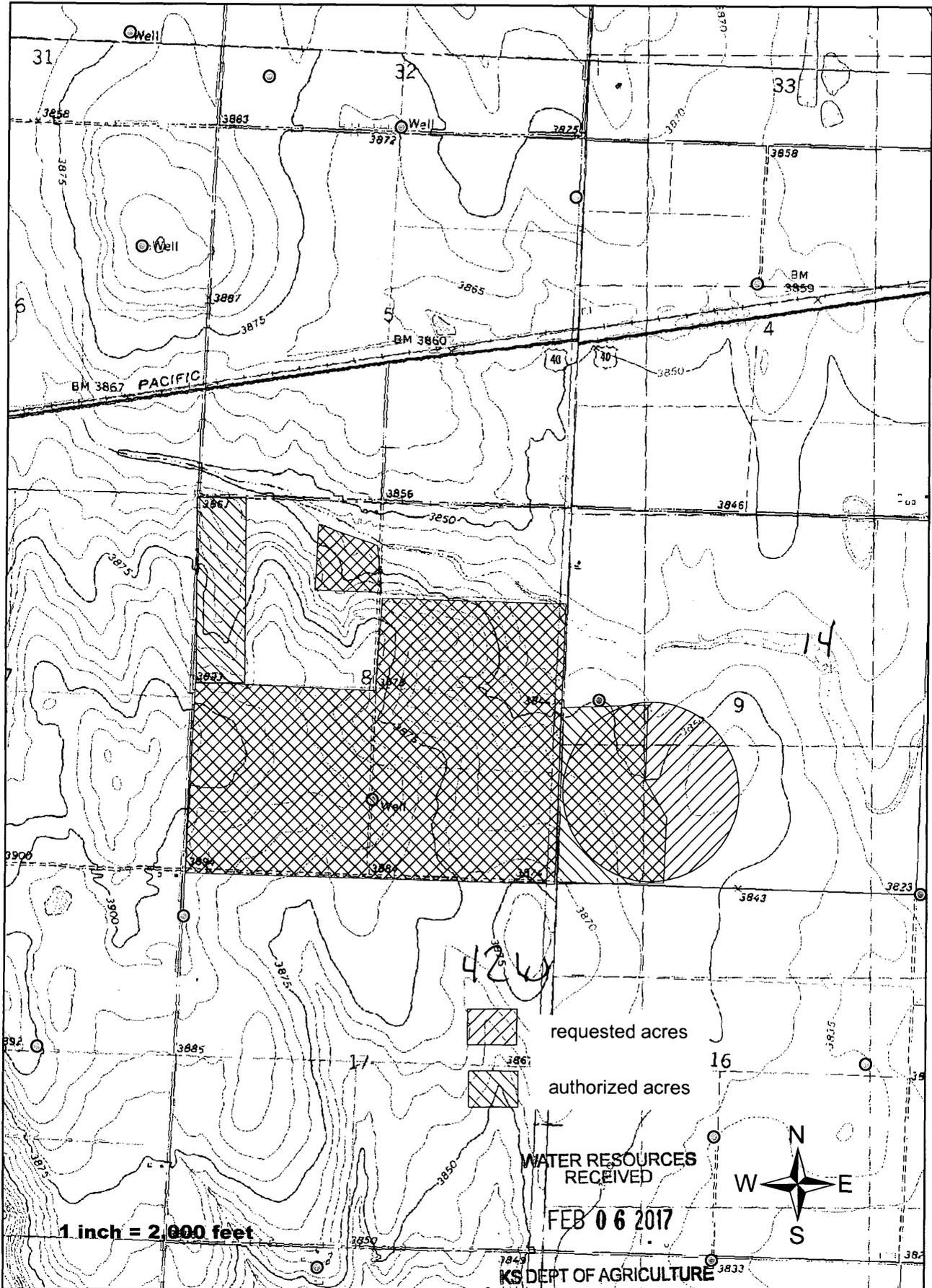
Although I have read the MOUs I'm still not 100% sure on how that process works for enrolling and if this situation would qualify, but would be willing to add to the compliance checks if it helps to legally solve the issue.

Any way I told him your office would have to verify the base acres so hence that is why he is making an appointment.

We are trying to finally get the water sensors installed, got 3 done yesterday and hope to finish the others today.

Thanks,
Kyle

14744, 27160



SCANNED

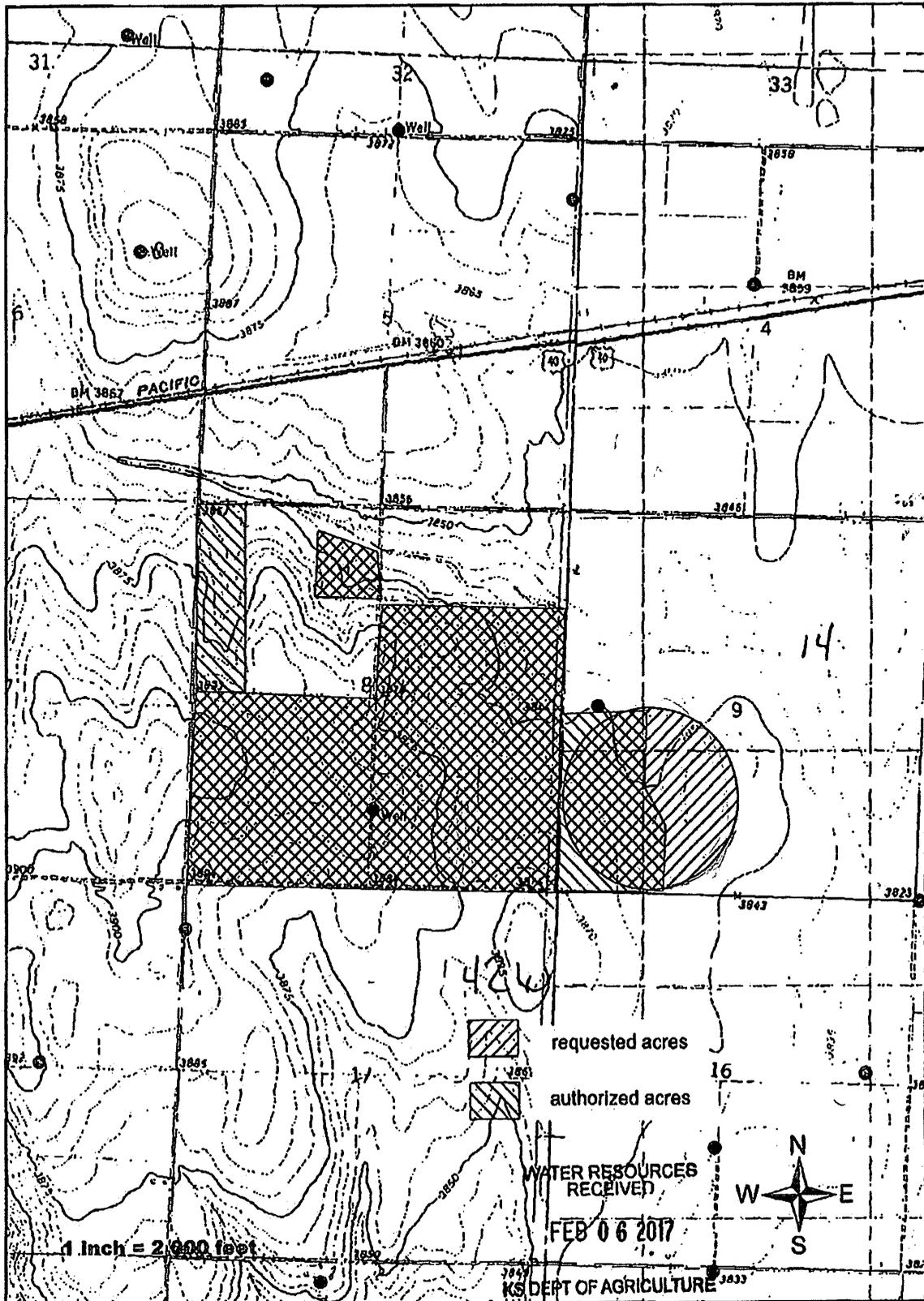
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DEC 13 2017

DISCARD

14744, 27160

Garden City Field Office
Division of Water Resources



WATER RESOURCES
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SCANNED

DEC 13 2017

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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 Warden City, Kansas, this 1st day of February, 2017.

John Welch, Jr.
(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)
Garden City Field Office
Division of Water Resources

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Stinson } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 1st day of February, 2017.



Julie Jones
Notary Public

My Commission Expires _____

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 **WATER RESOURCES** .. \$200
- (3) Application to change the place of use **RECEIVED** \$200

WATER RESOURCES RECEIVED

DEC 13 2017

FEB 06 2017

KS DEPT OF AGRICULTURE

DWR 1-121 (Revised 06/16/2014) KS DEPT OF AGRICULTURE

SCANNED

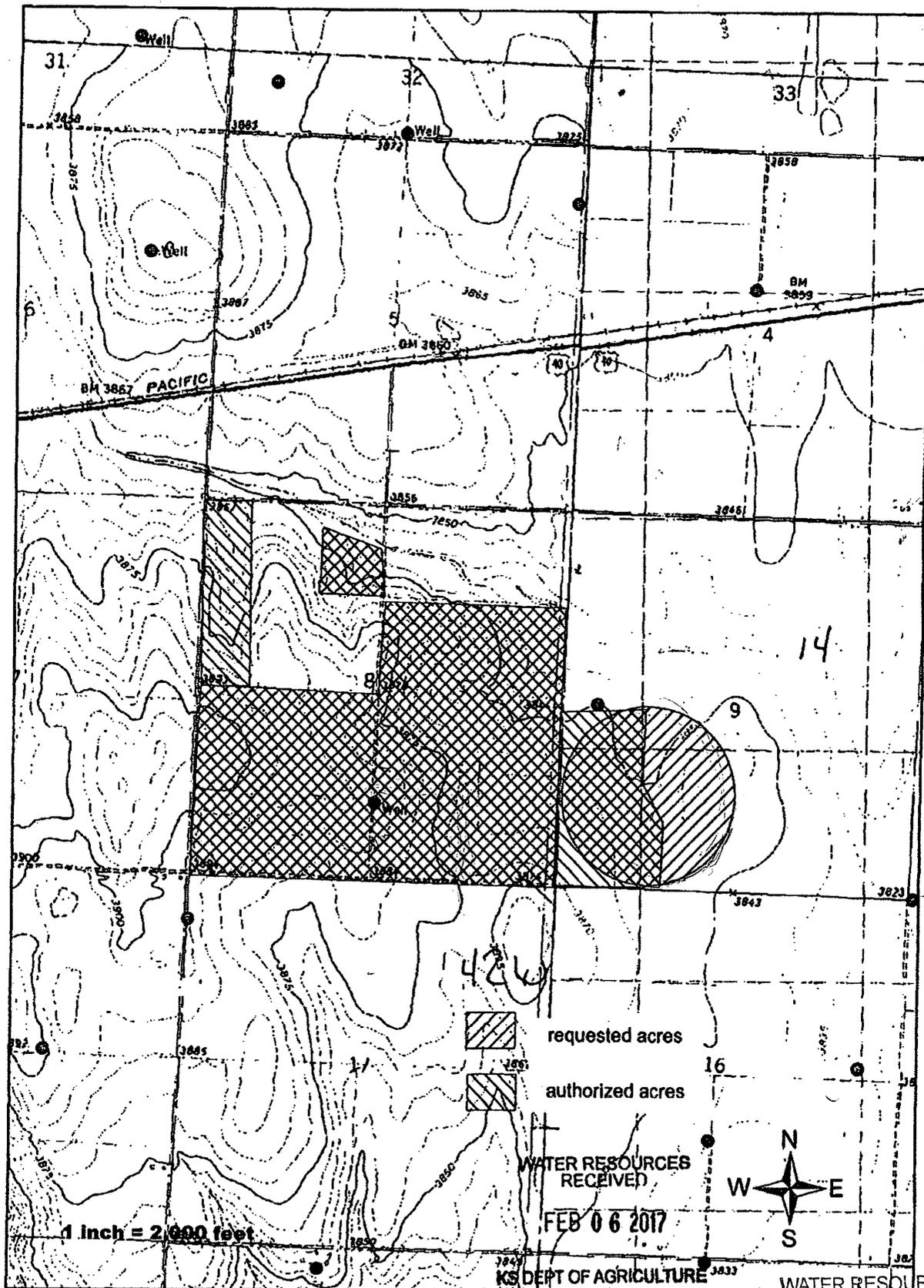
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DEC 13 2017

DISCARD

14744, 27160

Garden City Field Office
Division of Water Resources



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DEC 18 2017

KS DEPT OF AGRICULTURE

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

February 7, 2017

WELSH FAMILY LLC
1215 ROAD 5
WESKAN, KS

RE: File No. 14744

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