

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

1. File Number: 22577-D2	2. Status Change Date: 12/17/2018	3. Change Num: C8	4. Field Office: 04	5. GMD: 03
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 03-OCT-2018
8a. Applicant(s) New to system <input type="checkbox"/> JOHAN P & MARGARET LOEWEN PO BOX 1098 SUBLETTE KS 67877		Person ID <u>62080</u> Add Seq# <u>1</u>		
8b. Landowner(s) New to system <input type="checkbox"/> SANDYHILL ENTERPRISES LLC JACOB NEUFELD 10165 W RIVER RD HOLCOMB KS 67851		Person ID <u>64846</u> Add Seq# <u>1</u>		
8c. Landowner(s) New to system <input type="checkbox"/> JOHAN P & MARGARET LOEWEN PO BOX 1098 SUBLETTE KS 67877		Person ID <u>62080</u> Add Seq# <u>1</u>		
8d. WUC New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		
<u>8C</u> NO CHANGE				
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: _____ <input type="checkbox"/> N & P Date to Comply: _____ <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 12/03/18 By: RAK Date Entered: 12/18/2018 By: LLM				

File No. **22577-D2** 11. County: **FI** Basin: **ARKANSAS RIVER** Stream: Formation Code: Special Use:

12. Points of Diversion
 CHK
 MOD
 DEL PDIV
 ENT
 Qualifier S T R ID 'N 'W Comment (AKA Line) Rate gpm/cfs Quantity af/mgy Additional Rate gpm/cfs Quantity af/mgy Overlap PD File s

No changes

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 CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
ENT	704	14	26	34W	1									34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	272.00	8C	NO	22233; 22577-D2; 24813	
√	62457	24	26	34W	5					34.00	34.00	34.00	34.00									136.00	8C	NO	22233; 22577-D2; 24813	

Base Acres: Year: Minimum Reasonable Quantity:
 Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files
FROM: Richelle A. Krueger

DATE: December 6, 2018
RE: Water Right
File Nos. 16,157; 20,890; 22,233; 22,576-D2;
22,576-D3; 22,576-DA; 22,576-DB; 22,577-
(D1); 22,577-(D2); 22,578-D2; 24,050; 24,813;
28,620; 29,855-D1 and 30,157

Jacob and Aganetha Neufeld, on behalf of Sandyhill Enterprises, L.L.C., and Johan and Margaritha (Margaret) Loewen, water right owners, filed applications to change the place of use for the referenced file numbers along with a division request for File No. 22,577 and reductions in place of use for File Nos. 24,050 and 28,620. The ultimate goal of the submitted package is to remove the overlap in place of use which exists between Sandyhill Enterprises L.L.C.(Neufeld) and Loewen water rights; to create exact overlaps in place of use among water rights owned solely by Loewens (File Nos. 22,233; 22,577-D2; and 24,813); and to create exact overlaps in place of use among water rights owned solely by Sandyhill Enterprises L.L.C.(File Nos. 16,157; 20,890;22,576-D2; 22,576-D3; 22,576-DA; 22,576-DB; 22,577-D1; 22,578-D2; 24,050; 28,620; 29,855-D1 and 30,157).

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

The referenced files are all authorized groundwater for irrigation use in Finney County, Kansas. None of the referenced file numbers have overlaps in their authorized points of diversion and the following files have no overlaps in their authorized places of use: File Nos. 16,157(256 acres); 22,576 DA(136 acres); File No. 22,577-D2(136 acres); 29,855-D1 (272 acres) and 30,157 (136 acres). File Nos. 20,890 and 22,578-D2 overlap in their 272-acre place of use; File Nos. 22,576-DB; 22,576-D2 and 22,576-D3 overlap in their 408-acre place of use; File Nos. 22,577-D1; 24,050 and 28,620 overlap in their 952-acre place of use; and File Nos. 22,233 and 24,813 overlap in their 272-acre place of use.

The water right owners propose exact overlaps among rights owned solely by Sandyhill Enterprises and exact overlaps among water rights owned solely by the Loewens, pursuant to K.A.R. 5-5-11(b)(1) *Identical places of use*. The 4,611 acre-feet authorized by Sandyhill Enterprises water rights will irrigate their proposed 2,432-acre place of use with 1.89 acre-feet per acre and the 802 acre-feet authorized by Loewen water rights will irrigate their proposed 408-acre place of use with 1.96 acre-feet per acre. Both proposals appear reasonable since the 50% net irrigation requirement for the full irrigation of corn with 85% efficiency in Finney County is 1.42 acre-feet per acre. Feet distances for wells will be updated with g.p.s. feet distances per WRIS as appropriate.

No nearby well owners were notified of the proposed changes since the proposals are for exact overlaps in the authorized places of use.

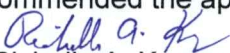
The same local source of supply will not change.

Southwest Kansas Groundwater Management District No. 3 recommended approval of the referenced applications in a letter dated November 27, 2018 from Jason Norquest, Assistant Manager.

In an e-mail dated November 29, 2018, Mike Meyer, Water Commissioner of the Garden City Field Office, recommended approval of the applications.

Water flow meters are required. Check valves are required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur, and if the reduction requests and division agreement are approved, it is recommended the applications be approved.


Richelle A. Krueger
Environmental Scientist

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

SANDYHILL ENTERPRISES LLC
JACOB AND AGANETHA NEUFELD
10165 W RIVER RD
HOLCOMB KS 67851

January 2, 2019

FILE COPY

RE: Water Right, File Nos. 16,157; 20,890; 22,233; 22,576-D2; 22,576-D3; 22,576-DA;
22,576-DB; 22,577-(D1); 22,577-(D2); 22,578-D2; 24,050; 24,813; 28,620; 29,855-D1 and
30,157

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 approvals for change. A condition of these approvals is that acceptable water flow meters must be installed on the diversion works authorized under the referenced file numbers. Please return the required notification of completion of the diversion works and/or installation of the required meters as soon as these actions are completed.

Since these orders modify the original document 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 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:rak

pc: Garden City Field Office
Groundwater Management District No. 3
Johan P. and Margaritha(Margaret) Loewen

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. 22,577-D2**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Johan P. and Margaret Loewen, P.O. Box 1098, Sublette, Kansas 67877, received in this office on October 3, 2018, 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 April 26, 1996, March 23, 2011, July 12, 2011, and October 13, 2011, approving applications to change the point of diversion, by the Order of the Chief Engineer dated November 14, 2016, approving the application to change the place of use, by the Orders of the Chief Engineer dated January 24, 2017 and October 1, 2018, approving applications to change the point of diversion, and by the Findings and Order of the Chief Engineer dated December 14, 2018, determining the interest in Water Right, File No. 22,577, 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 ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14	26S	34W									34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	272.00
24	26S	34W					34.00	34.00	34.00	34.00									136.00

a total of 408.00 acres in Township 26 South, Range 34 West, Finney County, Kansas,

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

All 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. 22,577-D2, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated August 17, 1983, as modified and amended by the aforementioned orders.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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

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

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

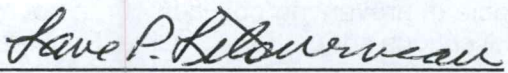
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal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

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

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

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

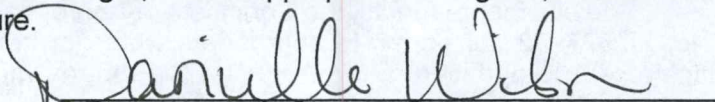
Ordered this 17th day of December, 2018, in Manhattan, Riley County, Kansas.


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

State of Kansas)
) SS
 County of Riley)

The foregoing instrument was acknowledged before me this 17th day of December, 2018, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.




 Notary Public

CERTIFICATE OF SERVICE

On this 31st day of December, 2018, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 22,577-D2, dated December 17th, 2018 was mailed postage prepaid, first class, US mail to the following:

JOHAN P & MARGARET LOEWEN
PO BOX 1098
SUBLETTE KS 67877

With photocopies sent to:

SANDYHILL ENTERPRISES LLC
JACOB AND AGANETHA NEUFELD
10165 W RIVER RD
HOLCOMB KS 67851

Garden City Field Office
Groundwater Management District No. 3



Division of Water Resources

Krueger, Richelle [KDA]

From: Meyer, Mike [KDA]
Sent: Thursday, November 29, 2018 3:50 PM
To: Krueger, Richelle [KDA]
Subject: RE: Request for Recommendation Change in PU File No. 16157 etal Sandyhill Enterprises LLC (Jacob Neufeld) ; Loewens

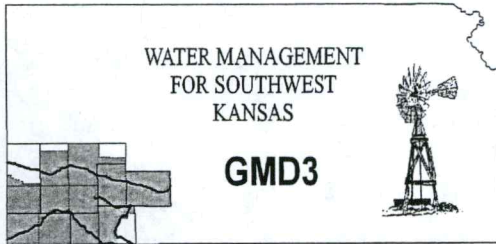
Approve thanks

Mike

From: Krueger, Richelle [KDA]
Sent: Thursday, November 29, 2018 12:22 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Request for Recommendation Change in PU File No. 16157 etal Sandyhill Enterprises LLC (Jacob Neufeld) ; Loewens

Hi Mike,
Attached is a draft memo for the referenced changes in pu, division and reductions in pu for the Sandyhill Enterprises and Loewen package. Do you recommend approval?

Thanks,
Richelle



**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

November 27, 2018

Richelle A. Krueger
Kansas Department of Ag
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

Water Resources
Received

NOV 30 2018

KS Dept Of Agriculture

RE: Change Application
Water Right, File Nos. 16157, 20890, 22233, 22576 D2, 22576 D3, 22576 DA, 22576 DB, 22577 (D1), 22577 (D2), 22578 D2, 24050, 24813, 28620, 29855 D1 & 30157

Dear Richelle:

We have completed a review of the applications for the above referenced water rights. The Division of 22577 and reduction requests for 24050 & 28260 is being applied for to separate out the land for the two owners. Then the proposals for change in place of use, will create a complete overlap in current place of use for the individual land owners. The proposals are not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3) and is in accordance with K.A.R. 5-5-11(b)(1). There is no new acres being proposed. It is therefore recommended that 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

SCANNED

Krueger, Richelle [KDA]

From: Jason Norquest <norquest@gmd3.org>
Sent: Tuesday, November 27, 2018 11:00 AM
To: Krueger, Richelle [KDA]
Subject: Neufeld apps
Attachments: 16157_ReviewMat_PU_112718.pdf

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Richelle, hope you are all thawed out up there. We really didn't get much snow, but a lot of wind. Seems we were right on the edge.

Attached is my review for all these applications. I will put the signed cover in the mail to you. Let me know if I missed something.

Have a good day.

Jason Norquest

Assistant Manager, GMD3
Cell: 620-271-1289
Office: 620-275-7147
www.gmd3.org

WATER RESOURCES
RECEIVED
NOV 27 2018
KS DEPT OF AGRICULTURE

SCANNED

PU changes



November 26, 2018

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

Legend

Wells

- ? Other
- IRR
- + CON
- ☒ DEW
- ◊ DOM

- FPR
- + HYD
- ★ IND
- ▲ MUN
- ◡ REC

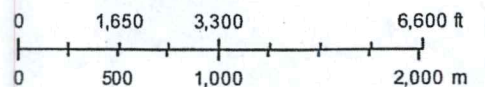
- STK
- ⚡ THX
- ? Empty
- Sections

WATER RESOURCES RECEIVED

NOV 27 2018

KS DEPT OF AGRICULTURE

1:36,112



GMD FSA 2016

SCANNED



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

November 27, 2018

Richelle A. Krueger
Kansas Department of Ag
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

RE: Change Application
Water Right, File Nos. 16157, 20890, 22233, 22576 D2, 22576 D3, 22576 DA, 22576 DB, 22577 (D1), 22577 (D2), 22578 D2, 24050, 24813, 28620, 29855 D1 & 30157

Dear Richelle:

We have completed a review of the applications for the above referenced water rights. The Division of 22577 and reduction requests for 24050 & 28260 is being applied for to separate out the land for the two owners. Then the proposals for change in place of use, will create a complete overlap in current place of use for the individual land owners. The proposals are not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3) and is in accordance with K.A.R. 5-5-11(b)(1). There is no new acres being proposed. It is therefore recommended that 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

WATER RESOURCES
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NOV 27 2018

KS DEPT OF AGRICULTURE

GMD3 Change Review

File No(s): 16157, 20890, 22233, 22576D2, 22576D3, 22576DA, 22576DB, 22577D1, 22577D2, 22578D2, 24050, 24813, 28620, 29855D1 & 30157. DWR office: HQ/GC.

App filed to change: PU, Division & reductions.

Is Landowner(s) correct in WRIS: Yes.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? ___.

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-5-11 & KSA 82a-742

Is Proposed PU overlapping existing WRs? Yes, after division and reductions, the applications will create complete overlap.

Land Owner(s) notified: ___.

Name ___. Name ___.

Address ___. Address ___.

Zip ___. Zip ___.

Neighboring certified well(s) notified: ___.

Name ___. Name ___.

Address ___. Address ___.

Zip ___. Zip ___.

Domestic well(s) notified: ___.

Name ___. Name ___.

Address ___. Address ___.

Zip ___. Zip ___.

Base Acres: ___.

Perfected Acres: ___.

Irr. Return-Flow ___%

The reductions will reduce acres only on 28620.

Division only on 22577.

Both needed to then separate ground to then be completely overlapped in place of used between the two owners, Loewen & Neufeld.

Lowen will have place of use overlap on WRs: 22233, 22577D2, 24813 & 28620.

Sandyhill Enterprises (Neufeld) will have place of use overlap on WRs: 16157, 20890, 22576D2, 22576D3, 22576DA, 22576DB, 22577D1, 22578D2, 24050, 29855D1 & 30157.

Is a waiver needed: No.

Final Recommendation: After review of all available information, it appears the applications meet current area rules. Staff therefore recommends approval of the applications, division and reductions.

WATER RESOURCES
RECEIVED

NOV 27 2018

KS DEPT OF AGRICULTURE

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

SOUTHWEST KANSAS GROUNDWATER November 8, 2018
MANAGEMENT DISTRICT NO 3
ATTN JASON NORQUEST
2009 E SPRUCE ST
GARDEN CITY KS 67846

Re: Water Right, File Nos. 16,157; 20,890; 22,233; 22,576-D2; 22,576-D3; 22,576-DA; 22,576-DB; 22,577-(D1); 22,577-(D2); 22,578-D2; 24,050; 24,813; 28,620; 29,855-D1 and 30,157

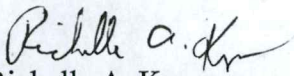
Dear Jason:

We are enclosing copies of the applications to change the place of use for the referenced file numbers along with a division request for File No. 22,577 and reductions in place of use for File Nos. 24,050 and 28,620. The ultimate goal of the applications is to remove the overlap in place of use which exists between Sandyhill Enterprises L.L.C.(Neufeld) and Loewens water rights; to create exact overlaps in place of use among water rights owned solely by Loewens (File Nos. 22,577-(D2); 22,233 and 28,620); and to create exact overlaps in place of use owned solely by Sandyhill Enterprises L.L.C.(Neufeld-remaining file numbers).

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

Please submit your recommendations within the allowed time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,


Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Garden City Field Office

SCANNED

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777

900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov



GOVERNOR JEFF COLYER, M.D.
JACKIE MCCLASKEY, SECRETARY OF AGRICULTURE

JOHAN P & MARGARET LOEWEN
PO BOX 1098
SUBLETTE, KS 67877

October 10, 2018

RE: File No 22577

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 Tourney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: GARDEN CITY Field Office GMD3

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. 22577 D2* (D2)

Water Resources
 Received

OCT 03 2018
 8:25
 KS Dept Of Agriculture

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

2. Name and address of Applicant: JOHAN P & MARGARET LOEWEN

PO BOX 1098 SUBLETTE KS 67877

Phone Number: (620)675-5055 Email address: _____

Name and address of Water Use Correspondent: JOHAN P & MARGARET LOEWEN

PO BOX 1098 SUBLETTE KS 67877

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: JOHAN P & MARGARET LOEWEN

ADDRESS: PO BOX 1098 SUBLETTE KS 67877

(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	
24	26	34w					34	34	34	34									136

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: JOHAN P & MARGARET LOEWEN

ADDRESS: PO BOX 1098 SUBLETTE KS 67877

(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	
14	26	34w									34	34	34	34	34	34	34	34	272
24	26	34w					34	34	34	34									136

For Office Use Only: Code CD Fee \$ 200.00 TR # _____ Receipt Date 9-28-18 Check # 2047
RECEIVED

5. **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: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 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 _____

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: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 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. The changes herein are desired for the following reasons?
 (please be specific) _____
 to overlap place of use, no change to water wells

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

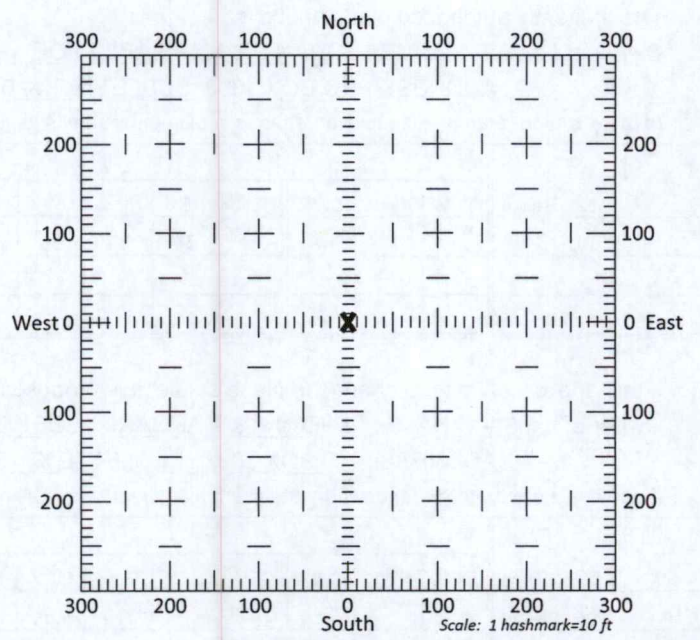
9. The change(s) (was)(will be) completed by?
 Fall 2018

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
 na
 (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 more than 300 feet but within 2,640 feet of 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




13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

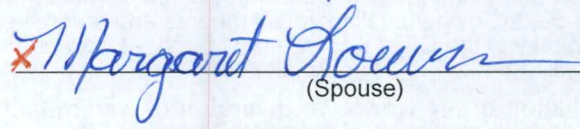
14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:
- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
 - (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 regards 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 Garden City, Kansas, this 27th day of September, 20 18.


 (Owner)


 (Spouse)

JOHAN P LOEWEN
 (Please Print)

MARGARET LOEWEN
 (Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

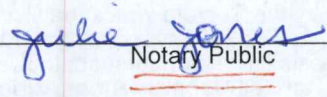
(Please Print)

(Please Print)

State of Kansas }
 County of Linney } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 27th day of September, 20 18.




 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 \$200
- (3) Application to change the place of use \$200