

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

1. File Number: <b>41785</b>	2. Status Change Date: <b>7/12/2018</b>	3. Change Num: <b>C1</b>	4. Field Office: <b>04</b>	5. GMD: <b>03</b>
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: <b>09-APR-2018</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>HARRISON KREY 1760 ROAD 20 ROLLA KS 67954-1115</b>		Person ID <b>61447</b> Add Seq# <b>1</b>		
8b. Landowner(s) New to system <input checked="" type="checkbox"/>  <b>ETHAN C AND JAYCEE R BRULAND GLEN AND TAMMY WEIDNER PO BOX 565 HUMPHREY NE 68642</b>		Person ID <b>60157</b> Add Seq# _____		
<del>Ownership change</del>		8c. Landowner(s) New to system <input type="checkbox"/>  <b>HARRISON KREY 1760 ROAD 20 ROLLA KS 67954-1115</b>		
		Person ID <b>61447</b> Add Seq# <b>1</b>		
8d. WUC New to system <input type="checkbox"/>  <b>HARRISON KREY 1760 ROAD 20 ROLLA KS 67954-1115</b>				
<b>NO CHANGE</b>				
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/18</b> <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input checked="" 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: <b>NO CHANGE</b> To: _____				
Date Prepared: <b>07/09/18</b> By: <b>RAK</b> Date Entered: <b>7/16/2018</b> By: <b>LM</b>				

File No. **41785**      11. County: **MT**      Basin: **CIMARRON RIVER**      Stream:      Formation Code: **100/211**      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 Files

**MOD 51620 SW¼ SE¼ SW¼ 25 34 40W 2 65 3589 970 g.p.m. 420 AF 970 g.p.m. 420AF 20137039 (expired)**

**better describe pd with GPS feet distances per 2/14/18 compliance investigation GCFO**

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	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files		
		S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
√	23477	19	34	39W	1															8B YES 41785;42399;43153 20137004MF (EXPIRED) 20137039MF(EXPIRED)			
	L-3 (NW SW), L-4 (SW SW)									31.25	Lot 3 31.25	Lot 4 31.25	31.25						125.00				
	MOD 20289	25	34	40W	2			38.00	22.00				22.00	38.00			22.00	38.00	40.00	38.00	22.00	280.00	8B YES 41785;42399;43153 20137004MF (EXPIRED) 20137039MF(EXPIRED)
	DEL 60551	25	34	40W	3								35.50			5.00	36.00	40.00	12.00	4.50	133.00	8B YES 41785;42399;43153 20137004MF (EXPIRED) 20137039MF(EXPIRED)	

Base Acres:      Year:      Minimum Reasonable Quantity:  
 Comments : **MAIN ACTION TRAIL ENTRY FINDINGS & NUNC PRO TUNC ORDER: P/U**

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**MEMORANDUM**

**TO:** Files  
**FROM:** Richelle A. Krueger

**DATE:** July 10, 2018  
**RE:** Water Right  
File Nos. 41,785; 42,399  
and 43,153

Harrison Krey, Ethan and Jaycee Bruland, and Glen and Tammy Weidner, have filed applications to change the authorized place of use under the above referenced files.

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

The certificates authorize a limited total of 670 acre-feet of groundwater for irrigation of the same 405 acres in Section 19, Township 34 South, Range 39 West and Section 25, Township 34 South, Range 40 West, Morton County, Kansas. File Nos. 42,399 and 43,153 overlap in their authorized point of diversion and File No. 41,785 has no point of diversion overlap. Garden City Field Office staff recently discovered during a review of aerial photos that the pivot located in Section 25, Township 34 South, Range 40 West, Morton County, is not in the approved location. The original approval documents, the 1998 change in place of use maps, and the map on the June 30, 1999 Field Inspection Report all show the location of the pivot in Section 25 as authorized. However, 2002 aerial photography taken during the perfection period of the three files shows the pivot as it is actually located today. In addition, an aerial photo submitted with a July 3, 2007 memorandum to the files by Garden City Field Office staff shows the pivot as it is located today, but the discrepancy between the legal description of the pivot and the actual pivot location was not identified at that time. There are no records to indicate that the water right owner was ever notified that the pivot is in the wrong location so that actions could have been taken during the perfection period to correct the error. Based upon this information it appears that the changes should be approved nunc pro tunc as June 30, 1999, the date of the Field Inspection Report, to authorize the pivots as actually installed.

The referenced change application will not change the number of authorized acres, just the location of the acres. The authorized 670 acre-feet will still irrigate the 405 acres with 1.65 acre-feet per acre, which appears reasonable.


The same local source of supply will not change, previously determined to be Quaternary System (100)/Ogallala Formation (211).

The application and attachments was sent for review to Southwest Kansas Groundwater Management District No. 3. In a letter dated June 27, 2018, Jason Norquest, Assistant Manager of Southwest Kansas Groundwater Management District No. 3 indicated that the proposal is not in conflict with their regulations and recommended approval.

In an e-mail dated July 9, 2018, Michael Meyer, Water Commissioner of the Garden City Field Office, recommended the referenced applications for change be approved and requested that the meters be sealed to the pipe on both wells. The wells will be better described as per February 14, 2018 compliance investigations.

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

Based on the above discussion, that the change approvals are approved nunc pro tunc, that the changes are reasonable, that impairment of existing water rights is unlikely, and that no change in the local source of supply will occur, it has been recommended that the referenced change 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

ETHAN AND JAYCEE BRULAND  
GLEN AND TAMMY WEIDNER  
PO BOX 565  
HUMPHREY NE 68642

**FILE COPY**

July 16, 2018

RE: Water Right, File Nos. 41,785; 42,399 and 43,153

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. Seals will be placed on the water flowmeters by the Division of Water Resources in such a manner as to render the meters non-removable from the measuring chambers without breaking the seals. If the seals are broken without the written permission of the Chief Engineer, it shall constitute a violation of the orders of the Chief Engineer.

Since these orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office. If you 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  
Harrison Krey

KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER  
IN THE MATTER OF THE  
APPROVAL OF APPLICATION  
FOR CHANGE IN PLACE OF USE AND  
BETTER DESCRIBING THE  
AUTHORIZED POINT OF DIVERSION  
AND A NUNC PRO TUNC ORDER  
UNDER WATER RIGHT  
FILE NO. 41,785**

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

**FINDINGS**

1. That on July 16, 1996, the Chief Engineer approved an application pursuant to File No. 41,785, for permit to appropriate water for beneficial use which authorized the diversion of groundwater by means of one (1) well located in the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 25, more particularly described as being near a point 30 feet North and 3,692 feet West of the Southeast corner of said section, in Township 34 South, Range 40 West, Morton County, Kansas, at a maximum diversion rate not in excess of 1,800 gallons per minute (4.01 c.f.s.) and in a quantity not to exceed 564 acre-feet of water per calendar year, for irrigation use at the following described location:

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
25 34S 40W	8.00	20.00	40.00	36.00	8.00			36.00	36.00			5.00	36.00	40.00	12.00	5.00	282.00

a total of 282.00 acres in Section 25, Township 34 South, Range 40 West, Morton County, Kansas.

2. That the file described in these findings is located within the boundaries of Southwest Kansas Groundwater Management District No. 3 and overlaps the place of use of Water Right, File Nos. 42,399 and 43,153.
3. That on May 15, 1998, the Chief Engineer approved an application to change the place of use after which the location of the authorized place of use was described as follows:

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
19 34S 39W									40.00	Lot 3 38.02	Lot 4 38.08	40.00					156.10
25 34S 40W	8.00	20.00	36.00	40.00	8.00			36.00	36.00			5.00	36.00	40.00	5.00	12.00	282.00

a total of 438.10 acres in Morton County, Kansas.

4. That on September 21, 1998, the Chief Engineer issued a Correctional Order after which the location of the authorized place of use was described as follows:

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
19 34S 39W									40.00	Lot 3 38.02	Lot 4 38.08	40.00					156.10
25 34S 40W	8.00	20.00	40.00	36.00	8.00			36.00	36.00			5.00	36.00	40.00	12.00	5.00	282.00

a total of 438.10 acres in Morton County, Kansas.

5. That on June 30, 1999, a field inspection was conducted as required by K.S.A. 82a-714 on the well authorized by File No. 41,785. The well was found to be located as follows: one (1) well located in the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 25, more particularly described as being near a point 63 feet North and 3,595 feet West of the Southeast corner of said section, in Township 34 South, Range 40 West, Morton County, Kansas. The place of use was described on the field inspection report as:

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
19 34S 39W									31.25	Lot 3 31.25	Lot 4 31.25	31.25					125.00
25 34S 40W	7.50	20.00	40.00	36.00	8.00			35.50	35.50			5.00	36.00	40.00	12.00	4.50	280.00

a total of 438.10 acres in Morton County, Kansas.

6. That on February 22, 2008, the Chief Engineer, in accordance with K.S.A. 82a-714, issued a Certificate of Appropriation pursuant to File No. 41,785, for beneficial use which authorized the diversion of groundwater by means of a well located in the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 25, more particularly described as being near a point 69 feet North and 3,595 feet West of the Southeast corner of said section, in Township 34 South, Range 40 West, Morton County, Kansas, at a diversion rate not in excess of 970 gallons per minute (2.16 c.f.s.) and a quantity not to exceed 420 acre-feet of water per calendar year for irrigation use on the following described property:

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
19 34S 39W									31.25	Lot 3 31.25	Lot 4 31.25	31.25					125.00
25 34S 40W	7.50	20.00	40.00	36.00	8.00			35.50	35.50			5.00	36.00	40.00	12.00	4.50	280.00

a total of 405.00 acres in Morton County, Kansas.

7. That a review of aerial photography by Garden City Field Office staff discovered that the pivot located in Section 25, Township 34 South, Range 40 West, Morton County, Kansas, is not located as authorized. The original approval documents, the 1998 change in place of use documents, and the map on the June 30, 1999 Field Inspection Report all show the location of the pivot in Section 25 as authorized. However, 2002 aerial photography shows the pivot as it is located today. In addition, an aerial photo submitted with a July 3, 2007 memorandum to the files by Garden City Field Office staff shows the pivot as it is located today, but the discrepancy between the legal description of the pivot location and the actual pivot location was not identified at that time.
8. That there are no records to indicate that the water right owner was notified that the pivot is in the wrong location, so that actions could be taken at that time to correct the error in the description of the authorized place of use such as the filing of a change application.
9. That on April 9, 2018, the office of the Chief Engineer received an application for approval to change the place of use for File No. 41,785 from Harrison Krey, 1760 Road 20, Rolla, Kansas, 67954, and Ethan and Jaycee Bruland, and Glen and Tammy Weidner, P.O. Box 565, Humphrey, Nebraska, 68642, requesting approval to change the location of the place of use to where the pivots are actually located:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
19 34S 39W									31.25	Lot 3 31.25	Lot 4 31.25	31.25					125.00
25 34S 40W			38.00	22.00				22.00	38.00			22.00	38.00	40.00	38.00	22.00	280.00

a total of 405.00 acres in Morton County, Kansas.

10. That it has been determined by the Chief Engineer that said application as described in Paragraph No. 9 of these findings is in proper form and should be approved subject to three conditions: 1) 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. 2) 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. 3) A seal shall be placed on the water flowmeter by the Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. If the seal is broken without the written permission of the chief engineer, this shall create a rebuttable presumption that the point of diversion had been unlawfully operated in violation of the order of the chief engineer and that the water right holder had been acting in violation of the conditions of his or her water right. If any such violation occurs, a written order shall be issued by the chief engineer stating the nature of the violation and the civil penalty, suspension of water right or modification to the water right, or any combination of these to be imposed.

11. That the application for approval to change the place of use for File No. 41,785 received in the office of the Chief Engineer on April 09, 2018, should be approved nunc pro tunc "now for then" to henceforth be considered as having been approved on June 30, 1999, the date of the field inspection.
12. That during a February 14, 2018 compliance investigation by personnel from the Garden City Field Office, it was determined with the use of a global positioning device that the irrigation well described in Paragraph No. 6 of these findings is actually located as follows:

one (1) well located in the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 25, more particularly described as being near a point 65 feet North and 3,589 feet West of the Southeast corner said section, in Township 34 South, Range 40 West, Morton County, Kansas.

13. That K.A.R. 5-5-6(a) states:

(a) If an application to appropriate water for beneficial use is approved by the chief engineer, the location of the point of diversion shall be limited to a specific tract of land and to within 300 feet of a point identified in distances measured in feet north and west from the southeast corner of the legal section.

14. The actual location of the point of diversion described in Paragraph No.12 is in compliance with K.A.R. 5-5-6(a).

**ORDER**

NOW, THEREFORE, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, hereby orders that the written application of Harrison Krey, 1760 Road 20, Rolla, Kansas, 67954, and Ethan and Jaycee Bruland, and Glen and Tammy Weidner, P.O. Box 565, Humphrey, Nebraska, 68642, for approval to change the location of the place of use authorized by File No. 41,785, be approved nunc pro tunc with a retroactive approval date of June 30, 1999, after which the authorized place of use shall be:

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
19 34S 39W									31.25	Lot 3 31.25	Lot 4 31.25	31.25					125.00
25 34S 40W			38.00	22.00				22.00	38.00			22.00	38.00	40.00	38.00	22.00	280.00

a total of 405.00 acres in Morton County, Kansas, and the location of the authorized point of diversion will be better described as follows:

one (1) well located in the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 25, more particularly described as being near a point 65 feet North and 3,589 feet West of the Southeast corner said section, in Township 34 South, Range 40 West, Morton County, Kansas.



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.

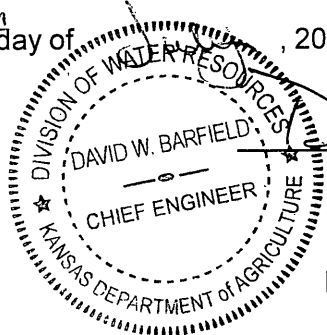
The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of 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.

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

In all other respects, the Certificate of Appropriation for Beneficial Use of Water, issued pursuant to Water Right, File No. 41,785 dated February 22, 2008, remains as authorized.

This is a final agency action as defined in K.S.A. 77-607(b). You may pursue judicial review of this Order as provided in the Kansas Judicial Review Act, K.S.A. 77-601 et seq. A petition for judicial review must be filed in a Kansas court of competent jurisdiction within 30 days after service of this Order as provided in K.S.A. 77-613. The agency officer designated to receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture is the Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Dr. Manhattan, KS 66502.

Ordered this 12<sup>th</sup> day of July, 2018, in 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        )  
                                  ) SS  
County of Riley        )

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of July, 2018, by David W. Barfield, P. E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



*Karen Hunter*  
\_\_\_\_\_  
Notary Public

**CERTIFICATE OF SERVICE**

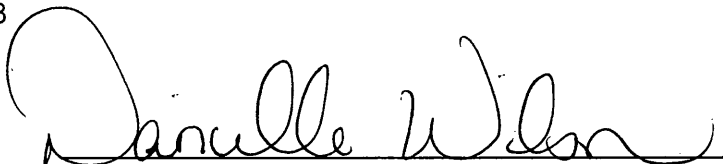
On this 16<sup>th</sup> day of July, 2018, I hereby certify that the foregoing Findings and Order, File No. 41,785, dated July 12, 2018 was mailed postage prepaid, first class, US mail to the following.

ETHAN AND JAYCEE BRULAND  
GLEN AND TAMMY WEIDNER  
PO BOX 565  
HUMPHREY NE 68642

With photocopies to:

HARRISON KREY  
1760 ROAD 20  
ROLLA, KS 67954

Garden City Field Office  
Groundwater Management District No. 3

  
Division of Water Resources

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
http://agriculture.ks.gov/dwr

APPLICATION FOR APPROVAL TO  
CHANGE THE PLACE OF USE, THE  
POINT OF DIVERSION OR THE USE  
MADE OF THE WATER UNDER AN  
EXISTING WATER RIGHT



State of Kansas

Filing Fee Must Accompany the Application  
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- Point of Diversion
- Use Made of Water

(Check one or more)

Water Resources  
Received

APR 09 2018

11:25

KS Dept Of Agriculture

File No. 41785

2. Name of applicant: HARRISON KREY

\* Address: ~~PO BOX 939~~ 1760 Rd 20

\* City, State and Zip: ~~HUGOTON KS 67951~~ Rolla KS 67954

Phone Number: ( ) \_\_\_\_\_ E-mail address: \_\_\_\_\_

What is your relationship to the water right;  owner  tenant  agent  other? If other, please explain. \_\_\_\_\_

Name of water use correspondent: NO CHANGE

Address: \_\_\_\_\_

City, State and Zip: \_\_\_\_\_

Phone Number: ( ) \_\_\_\_\_ E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific): \_\_\_\_\_

TO CORRECT THE PLACE OF USE

The change(s) (was) (will be) completed by \_\_\_\_\_ (Date)

\* per File Nos 42399 & 43153 Par 2

For Office Use Only:	
F.O. <u>1</u> GMD <u>3</u> Meets K.A.R. 5-5-1 (YES/NO) Use <u>IRR</u> Source <u>S</u> County <u>MT</u> By <u>AtW</u> Date <u>4/9/10</u>	
Code <u>cpu</u> Fee \$ <u>200</u> TR # _____ Receipt Date <u>4/9/10</u> Check # <u>3134</u>	

\* Per/Over  
7/9/18  
APPLICATION COMPLETE  
7.12.18  
Reviewer RAI  
APPLICATION COMPLETE

RECEIVED

SCANNED

APR 02 2018

Assisted by: MM/Over

DWR 1-120 (Revised 06/16/2014)

Garden City Field Office  
Division of Water Resources

4/10/2018 UM

4. The presently authorized place of use is:

Owner of Land — NAME: ETHAN & JAYCEE BRULAND, GLEN & TAMMY WEIDNER

ADDRESS: \*PO Box 565, Humphrey NE 68642

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			
19	34	39W										** Lot 3	** Lot 4						125		
25	34	*40W 39W	7.5	20	40	36	8				35.5	35.5				5	36	40	12	4.5	280

List any other water rights that cover this place of use. \*42399, 43153 (prev 20137004 MF & 20137039 MF)

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES		
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼			

List any other water rights that cover this place of use. \_\_\_\_\_

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: ETHAN & JAYCEE BRULAND, GLEN & TAMMY WEIDNER

ADDRESS: \*PO Box 565, Humphrey NE 68642

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			
19	34	39W										** Lot 3	** Lot 4								125
25	34	40W			38	22					22	38				22	38	40	38	22	280

List any other water rights that cover this place of use. \*42399, 43153 (previous 20137004 MF & 20137039 MF)

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES		
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼			

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Water Resources  
Received

APR 02 2018

APR 09 2018

Garden City Field Office  
Division of Water Resources

List any other water rights that cover this place of use. \_\_\_\_\_

KS Dept Of Agriculture

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

\* per WHIS \* RAK/own 6/20/18

\* per Manton Co Orka Appraisers \* RAK/own 6/20/18

\*\* Correction Lots per  
certificated dated 2/22/08  
SCANNED  
\*\* RAK/own  
7/5/18

- 6. The presently authorized point(s) of diversion (is) (are) CONTINUED  
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) \_\_\_\_\_  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

9. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

10. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. \_\_\_\_\_ RECEIVED

Water Resources

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

APR 09 2018

APR 02 2018

\* RAKLOW 6/20/18

12. The presently authorized use of water is for IRR purposes.  
It is proposed that the use be changed to NC purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  
TO CORRECT THE PLACE OF USE, APPEARS THAT A CORRECTION NEEDS MADE  
A NUNC PRO TUNC MAY NEED TO BE CONSIDERED AS THE CERTIFICATE OF APPROPRIATION WAS  
NOT CORRECT FOR THE PLACE OF USE  
NO CHANGE IN CONSUMPTIVE USE, NO CHANGE IN NET ACRES

(Please show any calculations here.)

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

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

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 ([www.usgs.gov](http://www.usgs.gov)). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- a. If a change in the location of the point(s) of diversion is proposed, show:
  - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
  - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
  - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

NO CHANGE IN LOCAL SOURCE OF SUPPLY

Water Resources

Received

APR 09 2018

KS Dept Of Agriculture

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

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APR 02 2018

Garden City Field Office  
Division of Water Resources

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

\* Mark/DWR 6/20/18

SCANNED

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

[Signature]  
(Owner)

[Signature]  
(Spouse)

Ethan Bruland  
(Please Print)

Jaycee Bruland  
(Please Print)

Glen Weidner  
(Owner)

Tammy Weidner  
(Spouse)

Glen Weidner  
(Please Print)

Tammy Weidner  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

State of Kansas }  
County of \_\_\_\_\_ } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23 day of March, 2018.



Kelly Brandl  
Notary Public

My Commission Expires 9-7-2020

**FEE SCHEDULE**

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less ..... \$100
- (2) Application to change a point of diversion more than 300 feet ..... \$200
- (3) Application to change the place of use ..... \$200
- (4) Application to change the use made of the water ..... \$300

Make check payable to Kansas Department of Agriculture.

Water Resources  
Received  
APR 09 2018  
KS Dept Of Agriculture

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APR 02 2018  
SCANNED  
Garden City Field Office  
Division of Water

RECEIVED

RECEIVED  
MAY 10 1964

RECEIVED  
MAY 10 1964



## Property Details for PID: 0652041900000005000

QuickRef ID :	R3430
Owner Name :	BRULAND, ETHAN C & JAYCEE R, ETAL
Location:	
Abbreviated Boundary Description:	S19 , T34 , R39W , ACRES 157.1 , SW
<b>Owner Information:</b>	
Owner	BRULAND, ETHAN C & JAYCEE R, ETAL
Mailing Address	P O BOX 565 HUMPHREY, NE 68642
<b>Property Information:</b>	
Type	Agricultural Use
Status	Active
Taxing Unit	060 ROLLA TOWNSHIP
Neighborhood Code	420.0

## Secondary Address Details

Address 00000, , KS

## Market Land Details:

Actual Width:	0
Eff. Width	0
Eff. Depth	0
Acres	0
Square Feet	0

No Permit Details found

## Deed Book Page Details

Book	Page
185	293

## Property Details for PID: 065197250000000100A

QuickRef ID :	R3347
Owner Name :	BRULAND, ETHAN C & JAYCEE R, ETAL
Location:	
Abbreviated Boundary Description:	S25, T34, R40W, ACRES 140.4, NE LESS TR BEG NE 1100'W NE CRNR; W1040'; S800'; E1040'; N800' TO POB
<b>Owner Information:</b>	
Owner	BRULAND, ETHAN C & JAYCEE R, ETAL
Mailing Address	P O BOX 565 HUMPHREY, NE 68642
<b>Property Information:</b>	
Type	Agricultural Use
Status	Active
Taxing Unit	060 ROLLA TOWNSHIP
Neighborhood Code	420.0

## Secondary Address Details

Address 02465 BLVD F, Rolla, KS 67954

## Market Land Details:

Actual Width:	0
Eff. Width	0
Eff. Depth	0
Acres	0
Square Feet	0

## No Permit Details found

## Deed Book Page Details

Book Page

## Property Details for PID: 065197250000000100C

QuickRef ID :	R3349
Owner Name :	BRULAND, ETHAN C & JAYCEE R, ETAL
Location:	
Abbreviated Boundary Description:	S25, T34, R40W, ACRES 79.5, E/2SW
<b>Owner Information:</b>	
Owner	BRULAND, ETHAN C & JAYCEE R, ETAL
Mailing Address	P O BOX 565 HUMPHREY, NE 68642
<b>Property Information:</b>	
Type	Agricultural Use
Status	Active
Taxing Unit	060 ROLLA TOWNSHIP
Neighborhood Code	420.0

## Secondary Address Details

Address 00000, , KS

## Market Land Details:

Actual Width:	0
Eff. Width	0
Eff. Depth	0
Acres	0
Square Feet	0

No Permit Details found

## Deed Book Page Details

Book	Page
161	538

## Property Details for PID: 065197250000000100B

QuickRef ID :	R3348
Owner Name :	BRULAND, ETHAN C & JAYCEE R, ETAL
Location:	
Abbreviated Boundary Description:	S25 , T34 , R40W , ACRES 78.2 , E/2NW
<b>Owner Information:</b>	
Owner	BRULAND, ETHAN C & JAYCEE R, ETAL
Mailing Address	P O BOX 565 HUMPHREY, NE 68642
<b>Property Information:</b>	
Type	Agricultural Use
Status	Active
Taxing Unit	060 ROLLA TOWNSHIP
Neighborhood Code	420.0

## Secondary Address Details

Address 00000, , KS

## Market Land Details:

Actual Width:	0
Eff. Width	0
Eff. Depth	0
Acres	0
Square Feet	0

## No Permit Details found

## Deed Book Page Details

Book	Page
185	293

## Property Details for PID: 065197250000000100D

QuickRef ID :	R3350
Owner Name :	BRULAND, ETHAN C & JAYCEE R, ETAL
Location:	
Abbreviated Boundary Description:	S25, T34, R40W, ACRES 160.4, SE
<b>Owner Information:</b>	
Owner	BRULAND, ETHAN C & JAYCEE R, ETAL
Mailing Address	P O BOX 565 HUMPHREY, NE 68642
<b>Property Information:</b>	
Type	Agricultural Use
Status	Active
Taxing Unit	060 ROLLA TOWNSHIP
Neighborhood Code	420.0

## Secondary Address Details

Address 00000, , KS

## Market Land Details:

Actual Width:	0
Eff. Width	0
Eff. Depth	0
Acres	0
Square Feet	0

## No Permit Details found

## Deed Book Page Details

Book	Page
161	538

## Krueger, Richelle

---

**From:** Krueger, Richelle  
**Sent:** Monday, July 9, 2018 1:27 PM  
**To:** Meyer, Mike [KDA]  
**Subject:** RE: Request for Recommendation Change in PU File Nos. 41785; 42399 and 43153 Harrison Krey etal

Okay, I will also better describe wells with gps feet distances obtained this past February.....

---

**From:** Meyer, Mike [KDA]  
**Sent:** Monday, July 9, 2018 12:58 PM  
**To:** Krueger, Richelle <Richelle.Krueger@ks.gov>  
**Subject:** RE: Request for Recommendation Change in PU File Nos. 41785; 42399 and 43153 Harrison Krey etal

Yes approve

Please add the condition that meter sealed to the pipe on both wells  
They are existing, we need to reaffirm with the condition

thanks

*Mike*

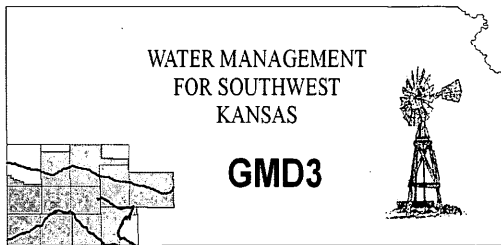
---

**From:** Krueger, Richelle  
**Sent:** Monday, July 9, 2018 10:35 AM  
**To:** Meyer, Mike [KDA] <[Mike.Meyer@ks.gov](mailto:Mike.Meyer@ks.gov)>  
**Cc:** Makens, Thom [KDA] <[Thom.Makens@ks.gov](mailto:Thom.Makens@ks.gov)>; Turney, Brent <[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)>  
**Subject:** Request for Recommendation Change in PU File Nos. 41785; 42399 and 43153 Harrison Krey etal

Hi Mike,

Attached is a draft memo for the referenced change apps, 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

June 27, 2018

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

Water Resources  
Received

**JUL 02 2018**

RE: Change Application, Place of Use  
Water Right, File Nos. 41785, 42399 & 43153

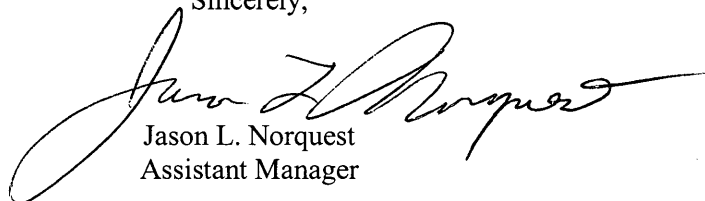
KS Dept Of Agriculture

Dear Richelle:

We have completed a review of the applications for the above referenced water rights. The proposals for change in place of use, in order to correct the current place of use, is 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. There is no change to the consumptive use or net acres. 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,

A handwritten signature in cursive script, which appears to read "Jason L. Norquest".

Jason L. Norquest  
Assistant Manager

## Krueger, Richelle

---

**From:** Jason Norquest <norquest@gmd3.org>  
**Sent:** Wednesday, June 27, 2018 2:51 PM  
**To:** Krueger, Richelle  
**Subject:** 41785+  
**Attachments:** 41785+\_ReviewMat\_PU\_062718.pdf

Good afternoon Richelle. Sounds like you had some rough weather over in your home area. We have done pretty good here and got rain over the weekend that probably totaled around 4.5" or so. My only problem was a weak spot somewhere in our power lines. We didn't have power for a few hours each night Friday through Sunday when the storms came in. Luckily only for a few hours each time.

Here is the review for you. I will put the signed copy of the cover in the mail today. Have a good day.

### *Jason Norquest*

Assistant Manager, GMD3

Office: 620-275-7147 Cell: 620-271-1289

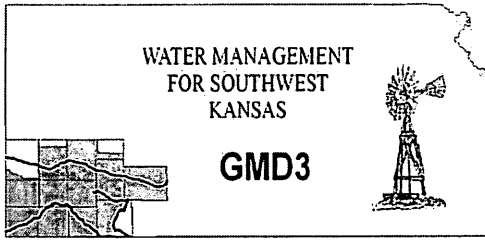
[norquest@gmd3.org](mailto:norquest@gmd3.org)

[www.gmd3.org](http://www.gmd3.org)

WATER RESOURCES  
RECEIVED  
JUN 27 2018  
KS DEPT OF AGRICULTURE

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

June 27, 2018

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

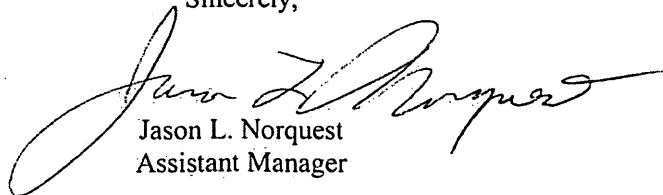
RE: Change Application, Place of Use  
Water Right, File Nos. 41785, 42399 & 43153

Dear Richelle:

We have completed a review of the applications for the above referenced water rights. The proposals for change in place of use, in order to correct the current place of use, is 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. There is no change to the consumptive use or net acres. 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  
RECEIVED

JUN 27 2018

KS DEPT OF AGRICULTURE

## GMD3 Change Review

File No(s): 41785, 42399 & 43153.

DWR office: HQ.

App filed to change: PU.

Is Landowner(s) correct in WRIS: Applications show Bruland & Weidner.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? Harrison Krey.

If NO, is documentation included?

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

Point of diversion ID No(s)    being changed.

	ft. North	ft. West			
Authorized PD					
Proposed PD					
Difference	0	0			
a2 + b2 = c2	0	0	0		

GPS for proposed PD: Lat:    Long:   .

Is proposed PD stacking on existing WRs?   .

Is Proposed PU overlapping existing WRs? All three currently overlap and proposed to still 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: 280 & 125 between the water rights.

Irr. Return-Flow   %

**Applications is to correct the place of use from what was certified to what is actually being watered. Keep same base acres and NET acres.**

Is a waiver needed: No.

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

area rules are met. Staff therefore recommends approval of the applications.

WATER RESOURCES RECEIVED

JUN 27 2018

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 June 21, 2018  
MANAGEMENT DISTRICT NO 3  
ATTN JASON NORQUEST  
2009 E SPRUCE ST  
GARDEN CITY KS 67846

**FILE COPY**

Re: Water Right, File Nos. 41,785; 42,399 and 43,153

Dear Jason:

We are enclosing copies of the applications to change the place of use for the referenced 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**

## Krueger, Richelle

---

**From:** Meyer, Mike [KDA]  
**Sent:** Wednesday, June 20, 2018 12:43 PM  
**To:** Krueger, Richelle [KDA]  
**Cc:** Turney, Brent; Philip, Charlotte  
**Subject:** Re: Changes in PU File Nos. 41785;42399 and 43153 Harrison Krey

Good!

Sent from my Verizon, Samsung Galaxy smartphone

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

**From:** "Krueger, Richelle [KDA]" <Richelle.Krueger@ks.gov>  
**Date:** 6/20/18 12:34 PM (GMT-06:00)  
**To:** "Meyer, Mike [KDA]" <Mike.Meyer@ks.gov>  
**Cc:** "Turney, Brent" <Brent.Turney@ks.gov>, "Philip, Charlotte" <Charlotte.Philip@ks.gov>  
**Subject:** RE: Changes in PU File Nos. 41785;42399 and 43153 Harrison Krey

Hi Mike,

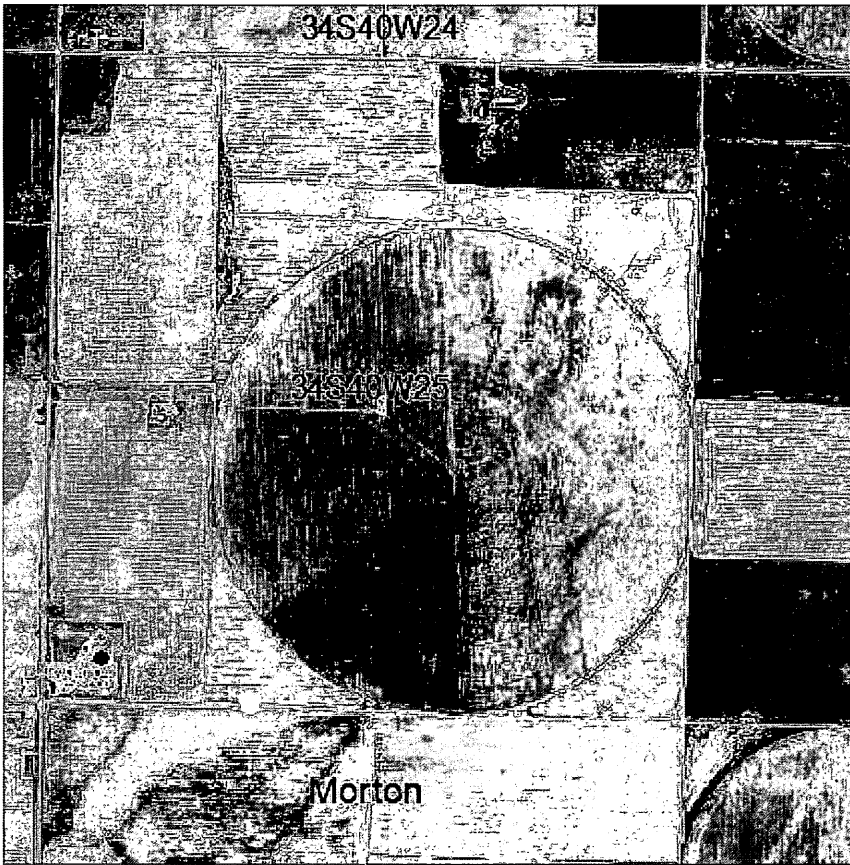
If you are good with us showing that the owner could have fixed this during perfection period if he would have known about the error, then I would think we would be okay to do a combo nun pro tunc change approval orders on this, do you agree? WRIS shows perfect by date of 12/31/2006 for File Nos. 41785 and 42399 while File No 43153 shows a perfect by date of 12/31/2003 so the photo you have below is within the perfection period.....

Richelle

---

**From:** Meyer, Mike [KDA]  
**Sent:** Wednesday, June 20, 2018 12:05 PM  
**To:** Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>  
**Subject:** RE: Changes in PU File Nos. 41785;42399 and 43153 Harrison Krey

2002 calendar



*Mike*

---

**From:** Krueger, Richelle [KDA]  
**Sent:** Wednesday, June 20, 2018 11:45 AM  
**To:** Meyer, Mike [KDA] <[Mike.Meyer@ks.gov](mailto:Mike.Meyer@ks.gov)>  
**Cc:** Makens, Thom [KDA] <[Thom.Makens@ks.gov](mailto:Thom.Makens@ks.gov)>; Turney, Brent <[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)>  
**Subject:** Changes in PU File Nos. 41785;42399 and 43153 Harrison Krey

Hi Mike,

I have been reviewing the referenced changes which propose to correct the place of use.

The original approval maps, 1998 change in pu maps, map on the Field Inspection Reports in 1999 by Jim Congrove show the pivot in Section 25 as is shown as currently authorized on the map with the 2018 change apps.

Chuck Schmidt's 2007 aerial photo accompanying his memo show the pivot as actually located but did not pick up on the discrepancy between legal description and actual pivot location.

Do you think we should do a nunc pro tunc on this? Do we have aerial imagery or other info that shows the pivot was always located as it currently is located?

What are the individual and combined base acres on these?

Thanks for any info you have on these!

Richelle

STATE OF KANSAS

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

HARRISON KREY  
PO BOX 939  
HUGOTON, KS 67951

April 10, 2018

RE: File No ~~3134~~ 41785

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.

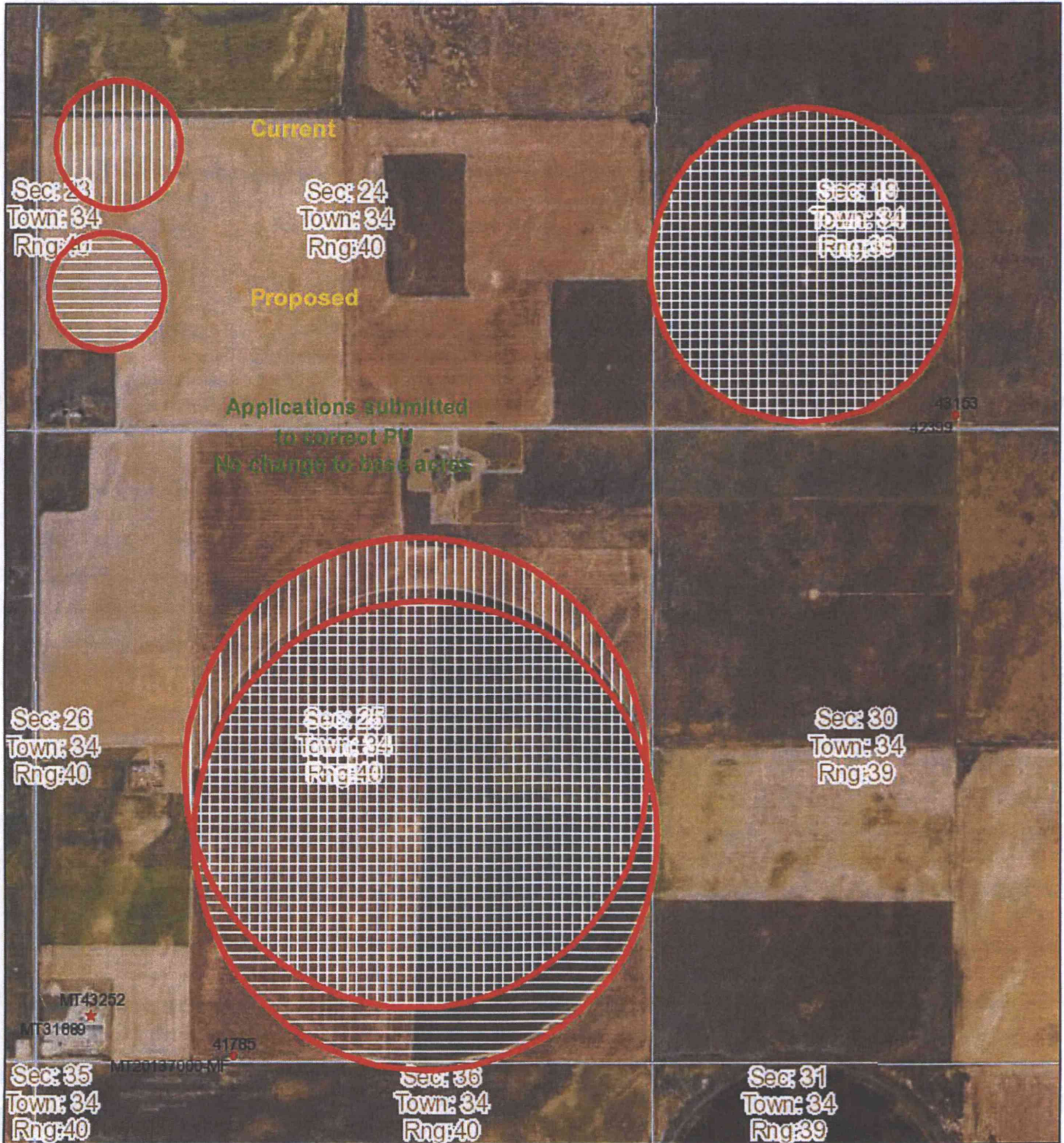
Sincerely,

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

BAT: DLW  
pc: GARDEN CITY Field Office GMD3

SCANNED

# 41785, 42399 & 43153 Review; PU



June 27, 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

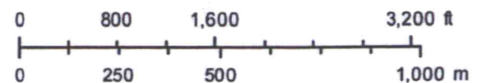
- ⊗ STK
- ⚡ THX
- ? Empty
- Sections

WATER RESOURCES RECEIVED

JUN 27 2018

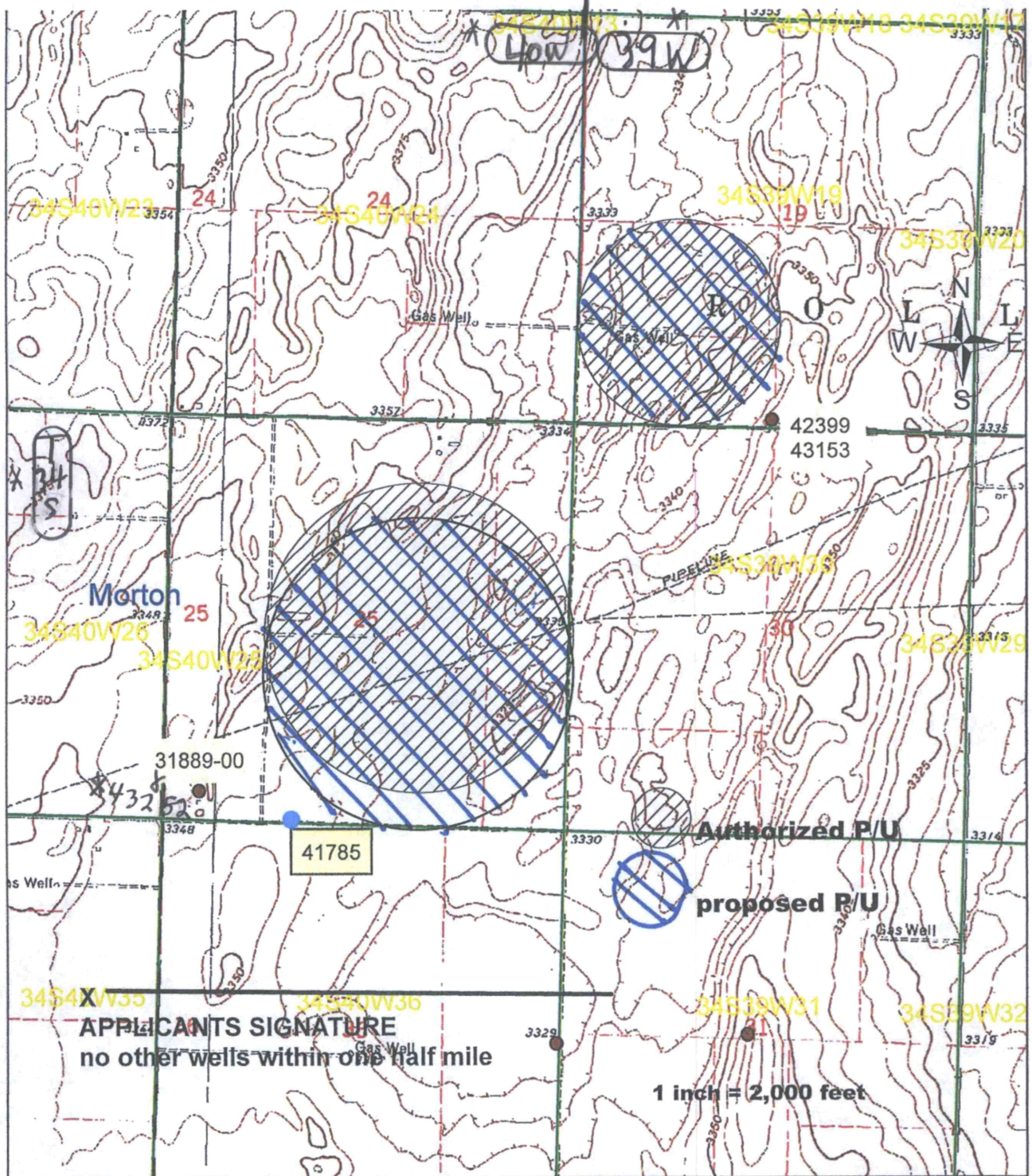
KS DEPT OF AGRICULTURE

1:18,056



GMD FSA 2016

SCANNED



**APPLICATION , TO CHANGE THE PLACE OF USE  
FILE NOS. 41785, 42399, 43153**

*X per WRLS  
\* RAK/pwr 6/20/18*

Water Resources  
Received  
**APR 09 2018**  
KS Dept Of Agriculture

**RECEIVED**  
**SCANNED**  
**APR 02 2018**

Garden City Field Office  
Division of Water Resources