

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: PU WORKSHEET

1. File Number: 23872	2. Status Change Date: 7/1/2019	3. Change Num: C5	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: 15-APR-2019
8a. Applicant(s) New to system <input type="checkbox"/> CHESTER A & MILDRED E CLINE LIVING TR ROGER CLINE 661 LILAC DRIVE LIBERAL KS 67901-2023		Person ID <u>36170</u> Add Seq# <u>1</u>		
8b. Landowner(s) New to system <input type="checkbox"/> CHESTER A & MILDRED E CLINE LIVING TR ROGER CLINE 661 LILAC DRIVE LIBERAL KS 67901-2023		Person ID <u>36170</u> Add Seq# <u>1</u>		
8c. Landowner(s) New to system <input type="checkbox"/> CLINE LAND CO LLC ROGER CLINE 661 LILAC DRIVE LIBERAL KS 67901-2023		Person ID <u>2964</u> Add Seq# <u>1</u>		
8d. WUC New to system <input type="checkbox"/> NO CHANGE		Person ID <u>2964</u> Add Seq# <u>1</u>		
8d. WUC New to system <input type="checkbox"/> CLINE LAND CO LLC ROGER CLINE 661 LILAC DRIVE LIBERAL KS 67901-2023		Person ID <u>2964</u> Add Seq# <u>1</u>		
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: 6/19/19 By: RAK Date Entered: 7/8/2019 By: UJ				

File No 23872	11. County: SV	Basin: CIMARRON RIVER	Stream:	Formation Code:	Special Use:																			
12. Points of Diversion CHK MOD DEL PDIV ENT			Rate and Quantity Authorized Additional Rate gpm/cfs Quantity af/mgy Rate gpm/cfs Quantity af/mgy Overlap PD Files																					
Qualifier	S	T	R	ID	'N' 'W' Comment (AKA Line)																			
NO CHANGES																								
13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																								
14. Limitation: _____ 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							
MOD 21430 1 33S 35W 1		30.00	30.00	30.00	30.00													30.00	30.00	30.00	30.00	240.00	8C ^{NO}	17248; 23101; 23872; 39356 & 50238
ENT 69377 11 33S 35W 2																		28.50	28.50	28.50	28.50	114.00	8B	NO 17248; 23101; 23872; 39356 & 50238
ENT 40000 12 33S 35W 1		30.50	30.50	30.50	30.50	30.50	30.50	30.50	30.50	30.50	30.50	30.50	30.50	30.50	30.50	30.50	30.50	30.50	30.50	30.50	30.50	488.00	8B	NO 17248; 23101; 23872; 39356 & 50238
DEL 24522 1 33S 35W 2																		32.50	32.50	32.50	32.50	130.00		
Base Acres:		Year:		Minimum Reasonable Quantity:																				
Comments:																								

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: June 19, 2019

FROM: Richelle A. Krueger

RE: Water Right
File Nos. 17,248; 23,101;
23,872 and 39,356

Roger Cline, on behalf of Chester A. and Mildred E. Cline Living Trust, water right owner, filed applications for approval to change the authorized place of use for File Nos. 17,248; 23,101; 23,872 and 39,356, authorized groundwater for irrigation use in the Cimarron River drainage basin. The referenced change application was filed in conjunction with Application, File No. 50,238 processed by Austin McCullough, Assistant Water Commissioner of the Garden City Field Office.

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

File Nos. 17,248; 23,101 and 39,356 have no current overlaps in point of diversion and are authorized a limited total of 1,054 acre-feet of groundwater for irrigation of the same 572.5 acres in Section 12, Township 33 South, Range 35 West, Stevens County. File No. 23,872 has no overlaps in the point of diversion or place of use and is authorized 520 acre-feet for irrigation of 260 acres in the East Half (E½) of Section 1 of the aforementioned township and range. The referenced change applications propose to create an exact overlap in place of use along with File No. 50,238, dropping and adding new acres for a total of 842 acres in Sections 1, 11 and 12 of the aforementioned township and range. The new application was filed for additional rate only on the well authorized by File No. 39,356. Base acres are 832 acres as indicated on the applications, so the application complies with K.A.R. 5-5-11

The total authorized quantity under the referenced file numbers, 1,574 acre-feet, can irrigate the proposed 842 acres with 1.87 acre-feet per acre, which appears reasonable since the maximum acre-feet per acre allowed in Stevens County is 2.0 acre-feet per acre.

No nearby well owners were notified since the applications create an exact overlap in place of use.

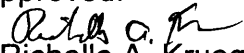
The same local source of supply will not change.

In a letter dated May 6, 2019, Jason Norquest, Assistant Manager of Southwest Kansas Groundwater Management District No. 3, recommended approval of the applications at this time.

Mike Meyer, Water Commissioner of the Garden City Field Office, recommended approval of the applications in a June 19, 2019 e-mail.

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, and that no change in the local source of supply will occur, it has been recommended the change applications be approved.


Richelle A. Krueger
Environmental Scientist

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



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

Mike Beam, Secretary

Laura Kelly, Governor

CHESTER A & MILDRED E CLINE LIVING TR July 10, 2019
CLINE LAND CO LLC
ROGER CLINE
661 LILAC DRIVE
LIBERAL KS 67901-2023

FILE COPY

RE: Water Right, File Nos. 17,248; 23,101; 23,872 and 39,356

Dear Mr. Cline:

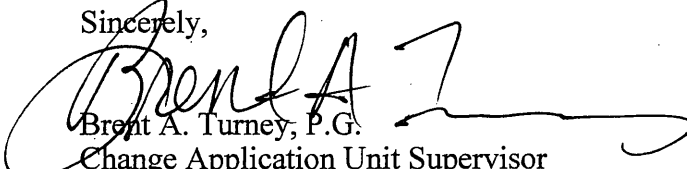
Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

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 the 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



THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
 Mike Beam, 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. 23,872**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Roger Cline, on behalf of Chester A. and Mildred E. Cline Living Trust, and Cline Land Company, L.L.C., 661 Lilac Drive, Liberal, Kansas 67901-2023, received in this office on April 15, 2019, 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 June 30, 2003, June 7, 2004, May 17, 2016 and February 16, 2017, approving the applications to change the point of diversion, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the irrigation 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	
1	33S	35W	30.00	30.00	30.00	30.00									30.00	30.00	30.00	30.00	240.00
11	33S	35W													28.50	28.50	28.50	28.50	114.00
12	33S	35W	30.50	30.50	30.50	30.50	30.50	30.50	30.50	30.50	30.50	30.50	30.50	30.50	30.50	30.50	30.50	30.50	488.00

a total of 842.00 acres in Township 33 South, Range 35 West, Stevens 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. 23,872, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated May 22, 2001, 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 1st day of July, 2019, in Manhattan, Riley County, Kansas.

Lane P. Letourneau
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 1st day of July, 2019, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

CERTIFICATE OF SERVICE

On this 10th day of July, 2019, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 23,872, dated July 1st, 2019 was mailed postage prepaid, first class, US mail to the following:

CHESTER A & MILDRED E CLINE LIVING TR
CLINE LAND CO LLC
ROGER CLINE
661 LILAC DRIVE
LIBERAL KS 67901-2023

With photocopies to:

Garden City Field Office
Groundwater Management District No. 3

Danielle Wilson
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.

WATER RESOURCES
RECEIVED

APR 15 2019

1-22

KS DEPT OF AGRICULTURE

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)

File No. 23872

2. Name of applicant: CLINE LAND CO LLC - ROGER CLINE

Address: 661 LILAC DRIVE

City, State and Zip: LIBERAL KS 67901-2023

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: SAME AS ABOVE

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): CREATE A COMPLETE OVERLAP WITH WR FILE NOS. 17248; 23872; 23101 AND A NEW APPLICATION WHICH IS BEING FILED CONCURRENTLY

The change(s) (was) (will be) completed by 12/31/2019

(Date)

For Office Use Only:

F.O. 4 GMD 3 Meets K.A.R. 5-5-1 (YES / NO) Use IRR Source G/S County SV By DAW Date 4/15/19
Code CPD Fee \$ 200.00 TR # _____ Receipt Date 4-10-19 Check # 1632

APPLICATION COMPLETE

516 / 119
Reviewer RAIC

4/16/2019 SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: CLINE LAND CO LLC - ROGER CLINE

ADDRESS: 661 LILAC DRIVE LIBERAL KS 67901-2023

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	
1	33S	35W	32.5	32.5	32.5	32.5													260

List any other water rights that cover this place of use. NONE

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: CHESTER A & MILDRED E CLINE LIVING TR - ROGER CLINE

ADDRESS: 661 LILAC DRIVE LIBERAL KS 67901-2023

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	
12	33S	35W	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	488
11	33S	35W																	114

List any other water rights that cover this place of use. 17248; 39356; 23101 AND NEW APP # 50238

Owner of Land — NAME: CLINE LAND CO LLC - ROGER CLINE

ADDRESS: 661 LILAC DRIVE LIBERAL KS 67901-2023

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	
1	33S	35W	30	30	30	30													240

List any other water rights that cover this place of use. 17248; 39356; 23101 AND NEW APP # 50238

** Pay/own 6/19/19*

6. The presently authorized point(s) of diversion is ONE (1) WELL
(Provide description and number of points)

7. The proposed point(s) of diversion is ONE (1) WELL
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SE Quarter of the SE Quarter of the NE Quarter of Section 1, Township 33 South, Range 35 (W), in STEVENS County, Kansas, 2707 feet North 56 feet West of Southeast corner of section.
 Authorized Rate 1130 GPM Authorized Quantity 520
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 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 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 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 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 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.

APR 15 2019

12. The presently authorized use of water is for IRR purposes.
It is proposed that the use be changed to NO CHANGE purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
17248; 23101; 23872 AND 39356 COMBINED BASE ACRES = 832 ACRES *MM/GCFO REVIEWED
INCREASE IN 10 ACRES TO 842 ACRES PER K.A.R. 5-5-11(b)

(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to NA 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). 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

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.

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.

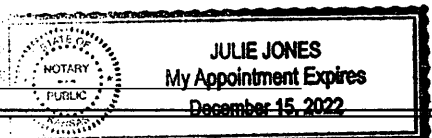
Dated at Garden City, Kansas, this 10th day of April, 20 19.

<u>Roger Cline</u> (Owner)	_____	(Spouse)
<u>Roger Cline</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Kansas }
County of Stinson } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 10th day of April, 20 19.

My Commission Expires _____



Julie Jones
Notary Public

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 15 2019

KS DEPT OF AGRICULTURE

SCANNED

Krueger, Richelle [KDA]

From: Meyer, Mike [KDA]
Sent: Wednesday, June 19, 2019 6:30 AM
To: Krueger, Richelle [KDA]; McColloch, Austin [KDA]
Subject: RE: Recommendation New Application File No 50238

Approve
thanks

Mike

From: Krueger, Richelle [KDA]
Sent: Tuesday, June 18, 2019 4:38 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Subject: RE: Recommendation New Application File No 50238

Hi Mike,
Attached is a revised draft memo for the referenced change, do you recommend approval?

Also, Austin I wonder if we should change all the ownership to Roger W. Cline Rev Trust since that's what Stevens ORKA shows?

Thanks,
Richelle

From: Meyer, Mike [KDA]
Sent: Monday, June 17, 2019 5:08 PM
To: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Subject: RE: Recommendation New Application File No 50238

I recommend approval. Not sure why GMD3 contacted neighbors over one half mile when there were no effects in their mind...

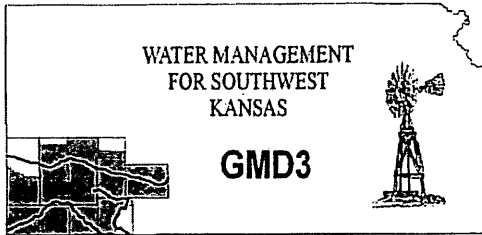
Mike

From: McColloch, Austin [KDA]
Sent: Monday, June 17, 2019 2:39 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Recommendation New Application File No 50238

Mike,

Attached is my draft memo for the above referenced file. This is for rate only overlapping WR 39536 for 15%. HQ change apps have also been filed to overlap all place of use (see Richelle rec request on 5/9 that is still pending I think). Also attached is the GMD rec. Let me know if you have any questions.

Thanks,



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

May 6, 2019

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

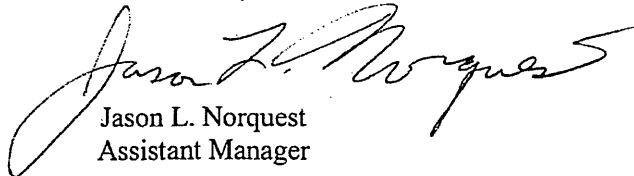
RE: Change Applications
Water Right, File Nos. 17248, 23101, 23872 & 39356

Dear Richelle:

We have completed a review of the applications for the above referenced water rights. 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). The proposal will bring in 114 acres of ground currently not authorized by eliminating acres that are currently authorized and increasing by 10 acres over the base 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
MAY 06 2019
KS Dept Of Agriculture

GMD3 Change Review

File No(s): 17248, 23101, 23872 & 39356.

DWR office: HQ.

App filed to change: PU.

Is Landowner(s) correct in WRIS: Chester & Mildred Cline Living Trust.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? Yes.

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			
$a^2 + b^2 = c^2$	0	0	0		

GPS for proposed PD: Lat: Long: .

Is proposed PD stacking on existing WRs? .

Is Proposed PU overlapping existing WRs? Making a complete overlap on all the WRs involved.

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: 832 combined.

Perfected Acres: .

Irr. Return-Flow %

Reducing acres on the current IRR in Sections 12 and 1 so that a pivot can be placed in the SE of 11-33-35.

Current authorized acres combined is 832.2.

Proposed acres is 842, which is within the 10 acres or 10% whichever is less rules.

Is a waiver needed: Proposal meets the current area rules.

Recommendation: New acres are being proposed along with a complete overlap and meets criteria in KAR 5-5-11. Staff therefore recommends approval of the applications.

Water Resources
 Received
MAY 06 2019
 KS Dept Of Agriculture



1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



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

Mike Beam, Secretary

Laura Kelly, Governor

SOUTHWEST KANSAS GROUNDWATER April 26, 2019
MANAGEMENT DISTRICT NO 3
ATTN JASON NORQUEST
2009 E SPRUCE ST
GARDEN CITY KS 67846

FILE COPY

Re: Water Right, File Nos. 17,248; 23,101; 23,872 and 39,356

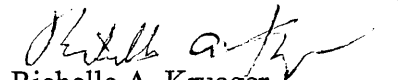
Dear Jason:

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

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



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

Mike Beam, Interim Secretary

Laura Kelly, Governor

ROGER CLINE
661 LILAC DRIVE
LIBERAL, KS 67901

April 17, 2019

RE: File No 23872

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.

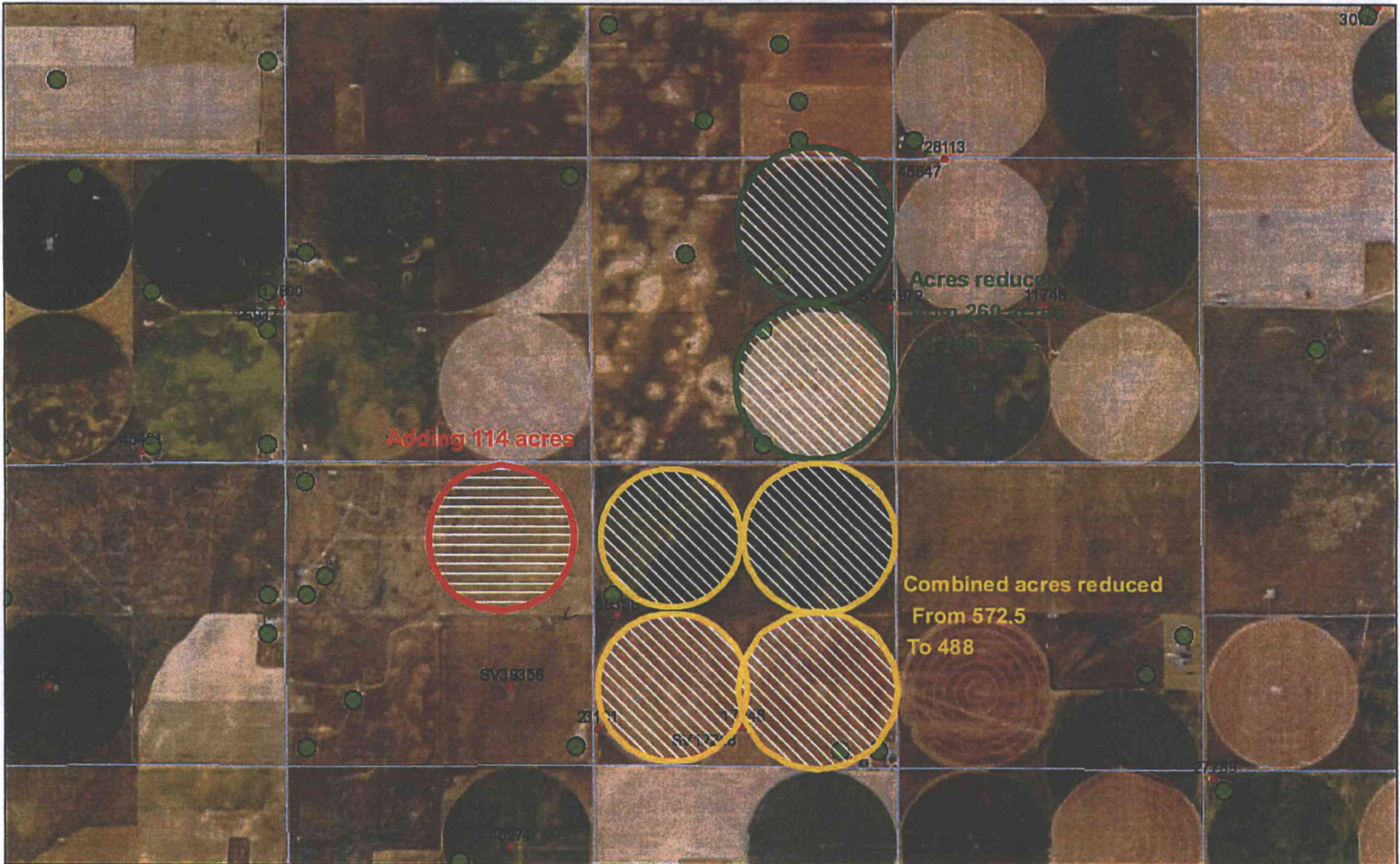
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT: DLW3

SCANNED



May 6, 2019
13:52 PM

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.

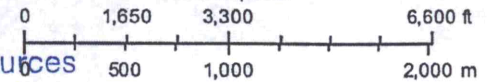
- Wells**
- | | | | | | | | |
|---|-------|---|-----|---|-----|---|-----------------|
| + | CON | ■ | FPR | ▲ | MUN | ⚡ | THX |
| ? | Other | ⊠ | DEW | + | HYD | ⚡ | REC |
| ● | IRR | ▲ | DOM | ★ | IND | ⊗ | STK |
| | | ● | | ● | | ● | WWC5 WELLS GMD3 |

□ Sections

Water Resources
Received

MAY 06 2019

1:36,112



Krueger, Richelle [KDA]

From: Jason Norquest <norquest@gmd3.org>
Sent: Monday, May 6, 2019 4:01 PM
To: Krueger, Richelle [KDA]
Subject: Cline Changes
Attachments: 2019_May6_ReviewMat_PU.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.

Good afternoon Richelle, hope you had a good weekend. I got caught out mowing last night when we got a little storm. Only lasted 30 minutes or more and gave us a half inch at my place. In town barely got a drop. Sounds like more storms tonight scattered around.

Attached is the review for this change in place of use for you. If you have questions, just let me know. I will put the signed cover in the mail to you.

Have a good day.

Jason Norquest

Assistant Manager, GMD3

Cell: 620-271-1289

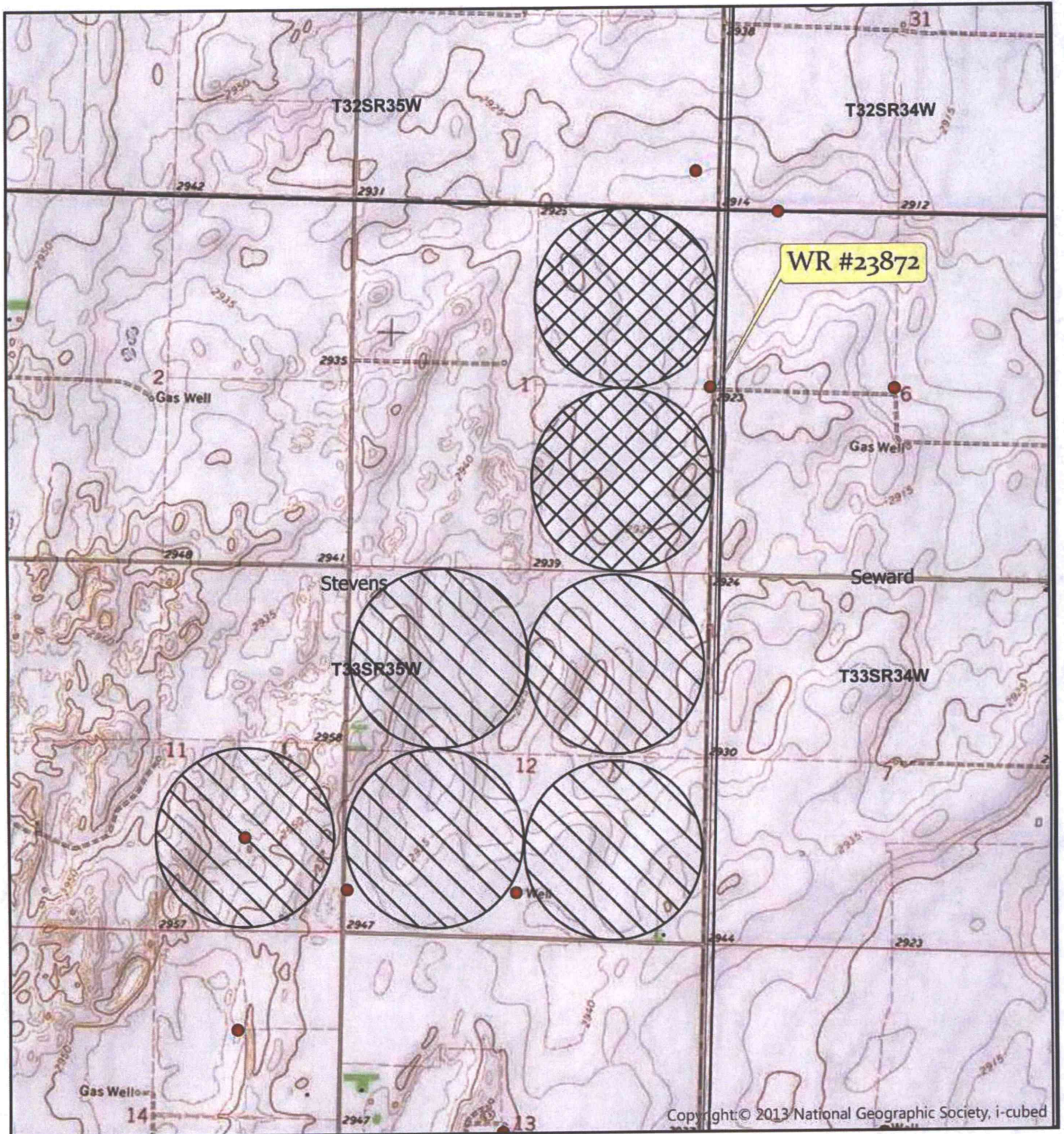
Office: 620-275-7147

www.gmd3.org

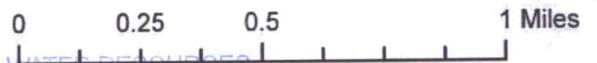
Water Resources
Received
MAY 06 2019
KS Dept Of Agriculture

SCANNED

WR FILE NO. 23872 CHANGE IN PLACE OF USE



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WATER RESOURCES
RECEIVED

APR 15 2019

KS DEPT OF AGRICULTURE



Created By: AM/GCFO

- POINT OF DIVERSION
-  AUTHORIZED PLACE OF USE
-  PROPOSED PLACE OF USE

SCANNED