

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

1. File Number: 42971	2. Status Change Date: <u>1-31-19</u>	3. Change Num: C1	4. Field Office: 04	5. GMD: 03
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 1/10/19
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8a. Applicant, Landowner
 New to system

Person ID **1835**
 Add Seq# **1**

**CHARLES P BRECHEISEN ESTATE
 CATHY L STARR - EXECUTRIX
 PO BOX 7114
 SPRINGFIELD MO 65801**

8c. WUC
 New to system

Person ID **59134**
 Add Seq# **1**

**WARREN M & AMANDA R WILLIS
 613 ROAD N
 HUGOTON KS 67951**

8b. Landowner(s)
 New to system

Person ID _____
 Add Seq# _____

8d. WUC
 New to system

Person ID _____
 Add Seq# _____

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/19** N & P Date to Comply: **12/31/20**

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **1/31/19** By: **MAM**
 Date Entered: _____ By: _____

File No. **42971** 11. County: **sv** Basin: **CIMARRON** Stream: Formation Code: **211** Special Use:

12. Points of Diversion										Rate and Quantity				
CHK MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files
										Rate gpm	Quantity af	Rate gpm	Quantity af	
ENT		NESWSW	9	35	38 W	1073"	4301'			885	238	0	238	18246
DEL 5559		NCSW	9	35	38 W	1320"	4060'			885	238	0	238	18246

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										NE¼								NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files				
CHK MOD DEL ENT	PUSE	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		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	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼								

Base Acres: Year: Minimum Reasonable Quantity:

Comments:

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



Phone: 620-276-2901
Fax: 620-276-9315
www.agriculture.ks.gov

Mike Beam, Interim Secretary

Laura Kelly, Governor

January 31, 2019

CHARLES P BRECHEISEN ESTATE
CATHY L STARR - EXECUTRIX
PO BOX 7114
SPRINGFIELD MO 65801

RE: Water Right, File Nos. 18246 & 42971

Dear Madam:

Enclosed are orders executed by the designee of 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 are that acceptable water flowmeter must be installed on the diversion works authorized under the referenced file numbers and meet current specifications. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

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.

Should you have any questions, please feel free to call this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Meyer".

Michael A. Meyer
Water Commissioner

MAM:
enclosures

pc:

WARREN M & AMANDA R WILLIS
613 ROAD N
HUGOTON KS 67951

GROUNDWATER MANAGEMENT DISTRICT NO. 3

CERTIFICATE OF SERVICE

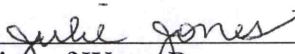
On this 31st day of January, 2019, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File Nos. 18,246 and 42,971, dated 31st day of January, 2019 was mailed postage prepaid, first class, US mail to the following:

CHARLES P BRECHEISEN ESTATE
CATHY L STARR - EXECUTRIX
PO BOX 7114
SPRINGFIELD MO 65801

With photocopies to:

WARREN M & AMANDA R WILLIS
613 ROAD N
HUGOTON KS 67951

GROUNDWATER MANAGEMENT DISTRICT NO. 3



Division of Water Resources Staff

5. **Presently authorized point of diversion:**
 One in the _____ Quarter of the NC Quarter of the SW Quarter
 of Section 9, Township 35 South, Range 38 W,
 in STEVENS County, Kansas, 1320 feet North 4060 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well ≈ 380 (feet)
(DWR use only: Computer ID No. 1 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the NE Quarter of the NE SW Quarter of the SW Quarter
 of Section 9, Township 35 South, Range 38 W,
 in STEVENS County, Kansas, 1073 feet North 4301 feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) ≈ 600
 This point is: Additional Well Geo Center List other water rights that will use this point WR 18246

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

7. The changes herein are desired for the following reasons?
 (please be specific) REPLACE EXISTING WELL

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

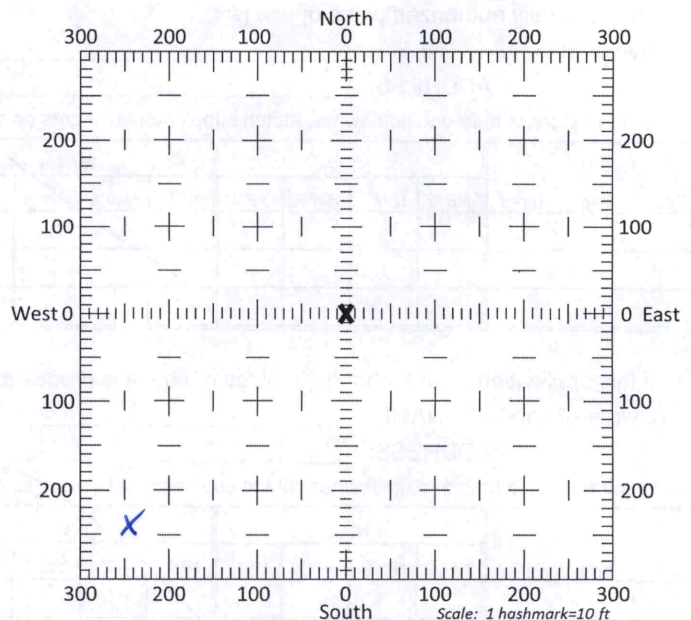
9. The change(s) (was)(will be) completed by?
UPON APPROVAL

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
CAP/PLUG
 (b) When will this be done? UPON COMPLETION

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by BSC

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines



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

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

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at REPUBLIC, Missouri Kansas, this 4th day of JANUARY, 20 19.

Cathy Starr, Executive
(Owner) _____ (Spouse) _____

CATHY STARR, EXECUTRIX
(Please Print) _____ (Please Print) _____

(Owner) _____ (Spouse) _____

(Please Print) _____ (Please Print) _____

(Owner) _____ (Spouse) _____

(Please Print) _____ (Please Print) _____



State of ~~Kansas~~ Missouri
County of Greene } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 4 day of January, 20 19.

Caitlin E. Stallworth
Notary Public

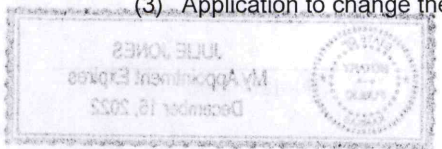
My Commission Expires Aug. 19, 2022.

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

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



SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 92971.

1. A change application was received on January 10, 2019 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 50 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than _____ feet from the previously authorized point(s) of diversion. Applicable Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2019**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable
8. **Installation of the works for diversion of water shall be completed on or before December 31, 2019**, or within any authorized extension of time. By March 1, 2020 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
9. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
11. Additional Conditions are attached. Yes No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

FOR OFFICE USE ONLY
**APPLICATION APPROVED AND
 SUMMARY ORDER ISSUED**

By: Michael A. Meyer
 Duly Authorized Designee of the Chief Engineer

(Print Name): MICHAEL A. MEYER
 Division of Water Resources - Kansas Department of Agriculture

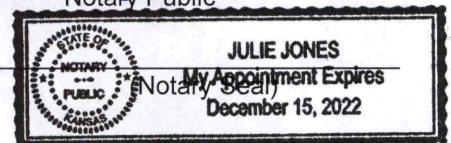
Date of Issuance: January 31, 2019

State of Kansas)
) SS
 County of Tinney)

Acknowledged before me on January 31, 2019
 by Michael A. Meyer

Signature: Julie Jones
 Notary Public

My commission expires: _____

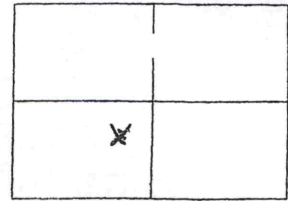


GSPF IRRIGATION SERVICE

HYDRO RESOURCES

710 W Taylor Jones Rd
Holcomb, KS 67851
Phone: 620-277-2503
Fax: 620-277-2581

WARREN WILLIS 620-4881063
HUGOTON, KS



Customer Name: CHARLES BRECHEISEN, ESTATE Date: 11/7/18
 Address: P.O. Box 7114 ATT: CATHY STARR Test # _____ E Log _____
 City & state: SPRINGFIELD, MISSOURI 65801 Driller: Dana Vogts
 County: Stevens Quarter: SW Section: 9 Township: 35 Range: 38
 Location: GPS N 37.01311 W 101.46134 Elev: 3202
247' SOUTH & 241' WEST of EXISTING WELL Rig# 1 WO# _____

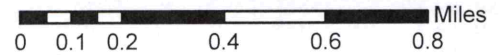
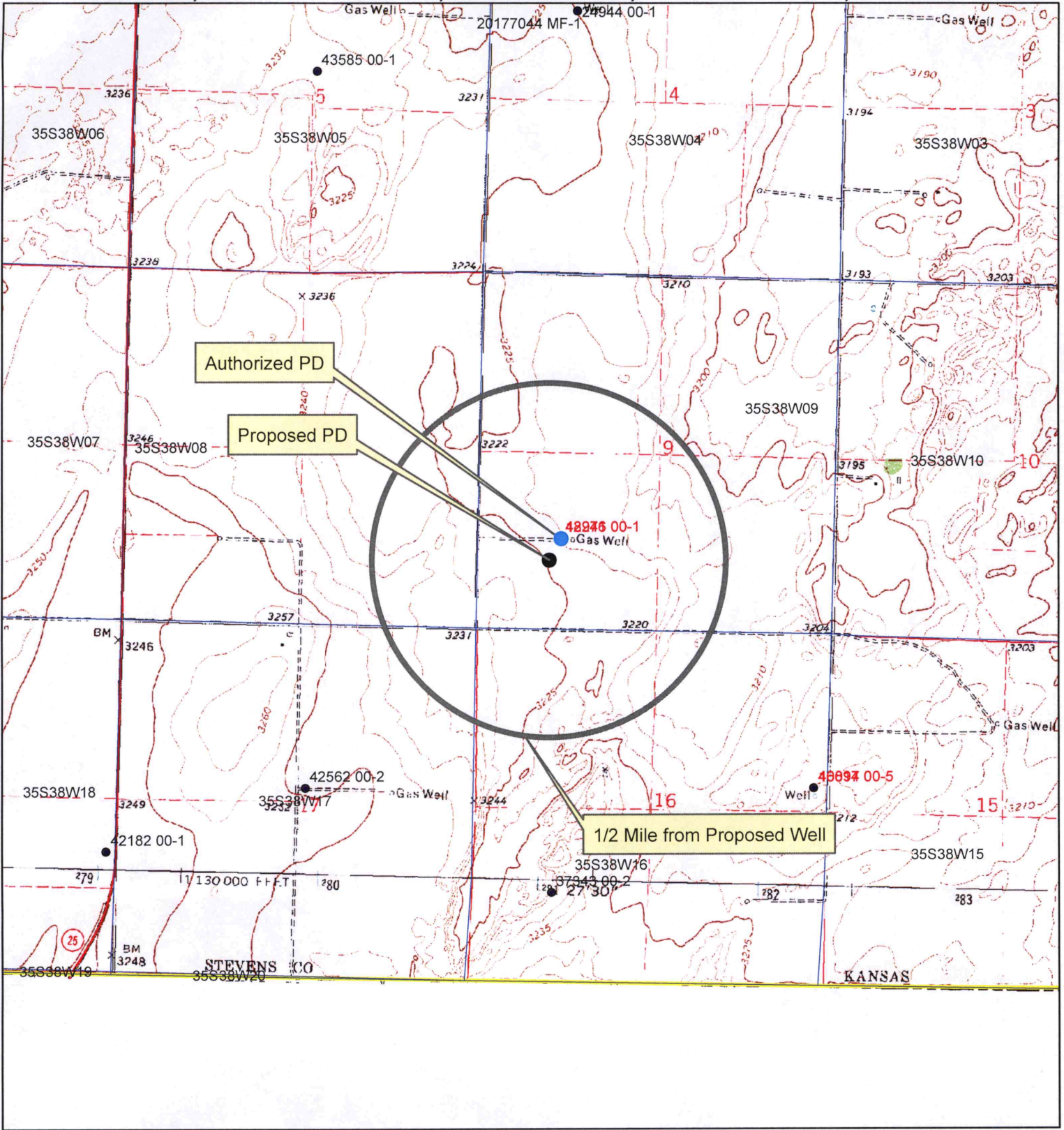
%	From	Pay	To	Description of Strata	WELL LOCATION	Static Water Level <u>232</u>	Proposed Well Depth <u>620'</u>
	0		2	Sandy topsoil			<u>INCLUDING 20' SUMP</u>
	2		71	Sandy clay + Fine sand			
	71		83	Sand F-M			
	83		138	Sandy clay			
	138		157	Fine sand			
	157		173	Sand FMC			
	173		208	Sandy clay			
	208		232	Sand F-m Few clay strips			
	232		245	Sand FMC			
	245		248	Tan clay			
	248		257	Sand F-m thin clay strips			
	257		277	Sand FMC			
	277		291	Sand FMC Few clay strips			
	291		297	Sand Fine w/sandy Red clay			
	297		390	Sand FMC Few clay strips			
	390		394	Sandy Red clay			
	394		404	Sand Fine w/sandy clay			
	404		415	Sand F-m			
	415		433	Sand F-m w/sandy clay 15%			
				Continued			

RECEIVED

NOV 28 2018

Garden City Field Office
Division of Water Resources

CHANGE IN POINT OF DIVERSION
WR 18246 and 42971
SECTION 9, TOWNSHIP 35 SOUTH, RANGE 38 WEST, STEVENS COUNTY, KANSAS



All wells within 1/2 miles are on this map.

X _____
applicant signature



Meyer, Mike [KDA]

From: Meyer, Mike [KDA]
Sent: Monday, January 14, 2019 10:56 AM
To: 'Norquest, Jason (Norquest@gmd3.org)'
Subject: RECOMMENDATION FOR CHANGE APPLICATION, FILE NOS. 18246 & 42971
Attachments: 20190114104901179.pdf

Tag your it.
Change in pd recommendation request attached.

Mike

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



Phone: 620-276-2901
Fax: 620-276-9315
www.agriculture.ks.gov

Mike Beam, Interim Secretary

Laura Kelly, Governor

Jan. 10
November 4, 2018

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO. 3
409 CAMPUS DRIVE, SUITE 106
GARDEN CITY KS 67846

Re: Water Right File Nos. 18246 and 42971

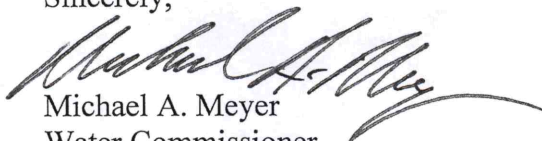
Dear Mr. Norquest;

This is to advise you that Charles P. Brecheisen Estate have filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion for the above referenced files.

We are delaying action on the change application to allow you time to review and provide a recommendation. Based on information in the files, it appears there are no wells within one half mile. Please submit a recommendation within 15 days.

Thank you and as always feel free to contact this office at any time.

Sincerely,


Michael A. Meyer
Water Commissioner

MAM
Enclosures