

Kansas Department of Agriculture
Division of Water Resources
CHANGE: PU WORKSHEET & WUC & OWNERSHIP & Order in Matter of Quantity

1. File Number: 4107	2. Status Change Date:	3. Change Num: C1	4. Field Office: 04	5. GMD: 03
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: 11/25/2019
8a. Applicant(s) New to system <input type="checkbox"/> NAIRN & NAIRN FARMS PO BOX 268 JOHNSON, KS 67855		Person ID 51074 Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/> 	
8b. Landowner(s) New to system <input type="checkbox"/> R & E FAMILY FARMS LP GARY FLOYD 6190 N ROAD G JOHNSON, KS 67855-8861		Person ID 58646 Add Seq# _____	8d. WUC New to system <input type="checkbox"/> 2A 8B	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/20 <input type="checkbox"/> N & P Date to Comply: 12/31/20				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input 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: 3/5/2020 By: li Date Entered: 3/19/2020 By: LMoody				

File No. **4107** 11. County: **ST** Basin: **NF CIMARRON RIVER** Stream: **NA** Formation Code: **NA** Special Use:

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files
ENT												Rate gpm/cfs	Quantity af	Rate gpm/cfs	Quantity af/mgy	
MOD	26097												640		554	NONE

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: **954** af/yr at _____ gpm (_____ cfs) when combined with file number(s) **FILE NO 4019 AT PU HEREIN** _____
 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	NE ¼	NW ¼	SW ¼	SE ¼				
ENT	MOD	DEL	ENT	36172	31	28	39W	2		40	37	40	40					40	40	40	40	40	40	40	40	477	8A	YES	4019
				DEL	6754																								

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: File

DATE: March 4, 2020

FROM: Leslie Ireland

RE: Water Right, File Nos. 4019; 4107 & 9043

Keegan Narin representing Narin & Narin Farms submitted applications on November 25, 2019, to change the irrigated place of use under File Nos. 4019 & 4107, and also signed a request to reduce the place of use with Gary Floyd on behalf of R & E Family Farms LP for File No. 9043.

The referenced rights appear not be abandoned as per K.S.A. 82a-718, and in compliance with K.S.A. 82a-732. The required notice of well owners has been completed, complying with K.S.A. 82a-1906. It appears the applications for change comply with K.A.R. 5-5-1a and the requested reduction with K.A.R. 5-7-5.

Currently File Nos. 4019 & 9043 authorize 477 acres in the Northeast Quarter (NE ¼) of Section 31 and the West Half (W½) of section 32, all in Township 28, Range 39 West, Stanton County with a combined total of 954 acre feet, equating to 2 acre-foot per acre. The quantities are assigned per right with no overlapping limitations. File No. 4107 authorizes 320 acres in the South Half (S½) of Section 31 with an annual quantity of 640 acre feet, also providing 2 acre-feet per acre. The rights are not located within a special use area but are within the boundaries of Southwest Kansas Groundwater Management District No. 3. The maps depicting the current place of use were corrected as File No. 4019 it didn't show the Northeast Quarter (NE¼) of Section 31 and File No. 4107, should show the South Half (S½) of Section 31.

The requested reduction will leave File No. 9043 to stand on its own to authorize 320 acres in the West Half (W½) of Section 32 with its developed 554 acre-feet, resulting in an irrigation ratio of 1.73 acre-feet per acre. This request complies with K.A.R. 5-3-23, *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right*. The reduction results in R&E Family Farms LLC as owner of File No. 9043.

The requested reduction leaves File No. 4019, authorized 157 acres in the Northeast of Section 31 to be irrigated with 400 acre-feet to be overlapped with File No. 4107 that authorizes 320 acres located in the South Half (S¼) of Section 31, authorized to be irrigated with 640 acre-feet. Together, File Nos. 4019 & 4107 will authorize 477 acres with a combined total of 1,040 acre-feet. The proposed changes are to make a complete overlap of the authorized acres without any modifications to the irrigated acres. The applications will be processed by Part b(1) of K.A.R. 5-5-11 *Applications for change in place of use for irrigation purposes*. The rights are all certified and the applications were filed to make an **identical place of use with each right**. It appears the determination of base acres is not necessary per the regulation. However, the requested change will result in an irrigation ration of 2.18 acre-foot per acre. To comply with K.A.R. 5-3-23, *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right*, per part (c) the maximum certified was found to be two (2) acre-feet per acre. The owner, Keegan Narin was contacted by email February 18, to review the proposal, the regulation and our standard of applying a quantity limitation on the junior right, and send a copy of the modified application. In an email dated February 19, Keegan indicated Narin & Narin Farms was "OK" with the additional limitation on File No. 4107, limiting the quantity to 954 acre-feet for the requested approval of the place of use changes.

As the place of use will not be increasing and the quantity under File No. 4107 will be limited to not exceed 2 acre-feet per acre as developed by the appropriations, the changes should not result in an increase in the consumptive use, thus complying with K.A.R. 5-5-3, *Change in consumptive use*.

A *Compliance Investigation* completed by DWR staff on October 13, 2016 on the well under File No. 4019 determined the well to be within 20 feet of authorized. The approval under this right will update the well, ID 4, to be located 5,124 feet North and 2,006 feet West of the Southeast corner of Section 31, Township 28 South, Range 39 West, Stanton County. The actual location complies with part (a) of K.A.R. 5-5-6, *Failure to construct diversion works at authorized location*.

In a letter dated February 26, 2020, Jason Norquest, Assistant Manager, Southwest Kansas Groundwater Management District No. 3, recommend approval of the applications with the limitation on File No. 4107, and reduction in place of use on File No. 9043.

It appears there may be a domestic well in the area, an old nonauthorized irrigation well, in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 31, which is owned by one of the applicants. As required by KSA 82a-1906, notification was sent to Welch-Barber Resources LP, owner of the two irrigation rights, File Nos. 478 & 9428, located to the North of this project.

Michael Meyer, Water Commissioner of the Garden City Field Office area reviewed the proposed applications. In an email dated March 3, 2020, he requested the notification be reviewed as well as double checking the corrections to the maps. He recommended approval of the package.

Water flowmeters will be required for the change approvals pursuant to K.A.R. 5-5-11(e)(2). Check valves will be required, if chemigating. As no new wells will be drilled a water level measurement tube and WWC-5 will not be a condition of the approvals.

Based on the above discussion, that the changes will create a place of use that is reasonable, and the historical consumptive use will not be increased, that impairment to existing water rights are unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced applications be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

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**

NOV 25 2019

1:24

KS Dept Of Agriculture

File No. 4107

2. Name of applicant Nairn & Nairn Farms

Address: PO Box 268

City, State and Zip: Johnson, Kansas 67855

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

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 change the place of use and overlap land

The change(s) (was) (will be) completed by _____ (Date)

For Office Use Only:															
F.O.	<u>4</u>	GMD	<u>3</u>	Meets K.A.R. 5-5-1	(YES) <u>(YES)</u> (NO)	Use	<u>IRR</u>	Source	<u>G/S</u>	County	<u>ST</u>	By	<u>BAM</u>	Date	<u>11-25-19</u>
Code	<u>CPU</u>	Fee	<u>\$ 200</u>	TR #		Receipt Date	<u>11-25-19</u>	Check #	<u>2298</u>						

Main body of faint, illegible text, possibly a letter or report, covering most of the page.

KS Dept of Agriculture
NOV 29 2011
Received
Water Resources

6. The presently authorized point(s) of diversion (is) (are) _____
(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 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 _____

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 _____

Water Resources
Received

NOV 25 2015

SCANNED

KS Dept Of Agriculture

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.
Meets K.A.R. 5-5-11 477 ACRES w/ 1040 AF * PROVIDES AN IRRIGATION RATIO OF
2.18 AF/A. SO FILE NO 4107 WILL BE LIMITED TO 954 AF OF WATER
PER YEAR WITH FILE NO. 4019 ON PLACE OF USE AUTHORIZED BY THIS APPROVAL.
THIS WILL ASSURE COMPLIANCE WITH KAR 5-3-24. * CONFIRMED VIA KN. EMAIL
OF 2/19/20
XLT/MLR -

(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

Water Resources
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NOV 25 2019

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.

No change

107

Water Resources
Received

NOV 25 2010

RS Dept Of Agriculture

4. The presently authorized place of use is:

Owner of Land — NAME: Same

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		
31	28	39																		320

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. _____

**Water Resources
Received**

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

NOV 25 2019

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

Owner of Land — NAME: Nairn & Nairn Farms

KS Dept Of Agriculture

ADDRESS: PO Box 268, Johnson, Kansas 67855

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		
31	28	39	40	37	40	40														477

List any other water rights that cover this place of use. 4019

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 MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

X LF 1 Due 2/14/20

SCANNED

Water Resources
Received

NOV 25 2012

KS Dept Of Agriculture

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 Johnson, Kansas, this 20 day of November, 2019.

Naïra 1/2 Naïra Farms by [Signature]
(Owner) (Spouse)

Naïra 1/2 Naïra Farms by Keegan Naïra
(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

State of Kansas }
County of Stanton } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 20th day of Nov., 2019.

[Signature]

My Commission Expires Feb 4 2023

Notary Public **BLANCA M. GONZALEZ**
Notary Public - State of Kansas
My Appt. Expires Feb 4 2023

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

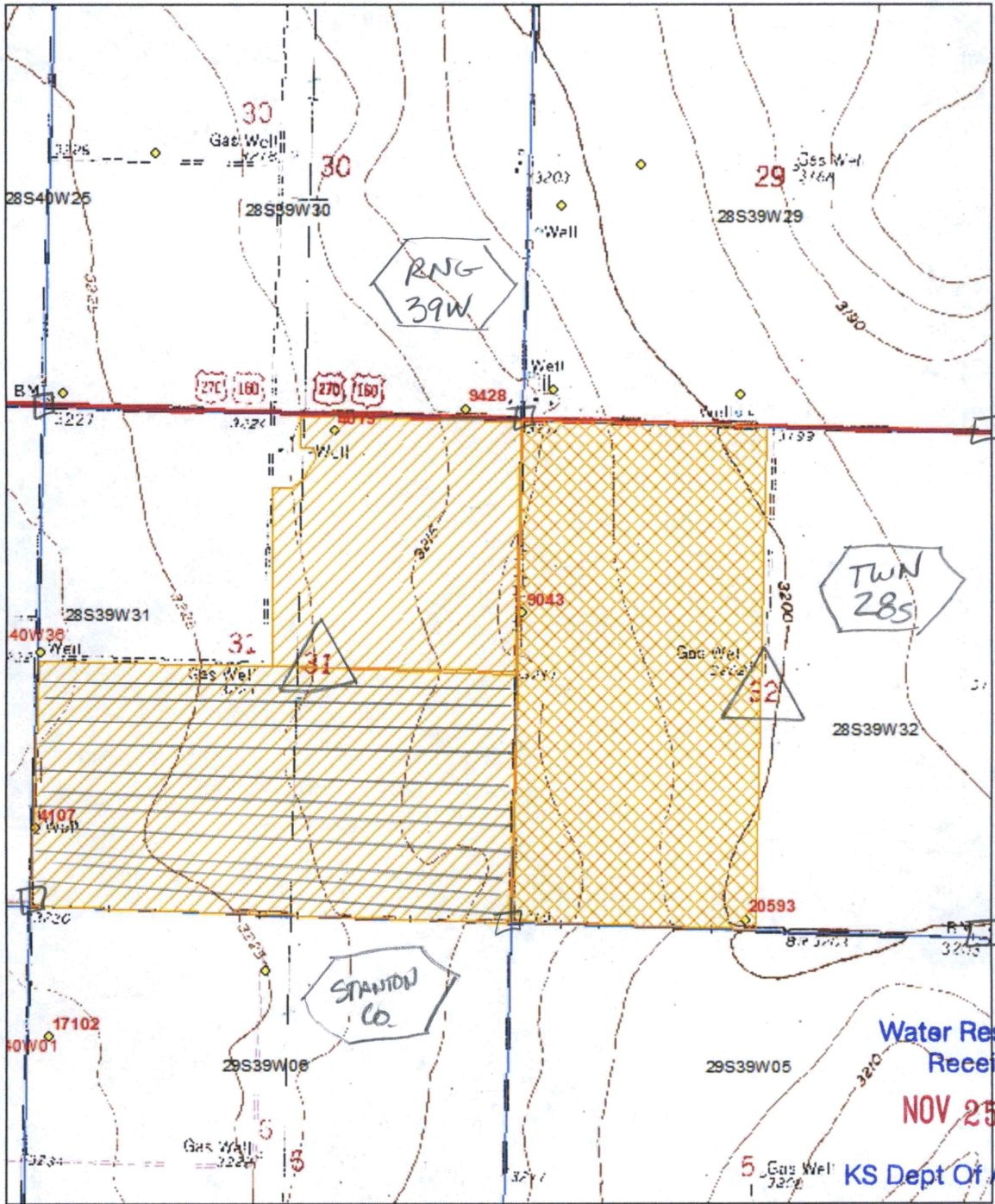
**Water Resources
Received**

NOV 25 2019

SCANNED KS Dept Of Agriculture

Make check payable to Kansas Department of Agriculture.

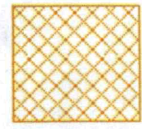
4107
Change in Place of Use for Water Right 4017



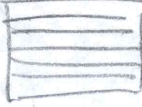
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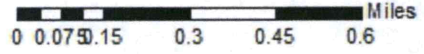
Proposed PU



~~Authorized PU~~



AUTHORIZED PU *
 FWR NO. 4107 *



* LI DWR 2/17/20

* corrected PER WRS & CERTIFICATE - APP.

This map was generated using the best information available on November 15, 2019

SCANNED

STATE OF KANSAS
DEPARTMENT OF AGRICULTURE

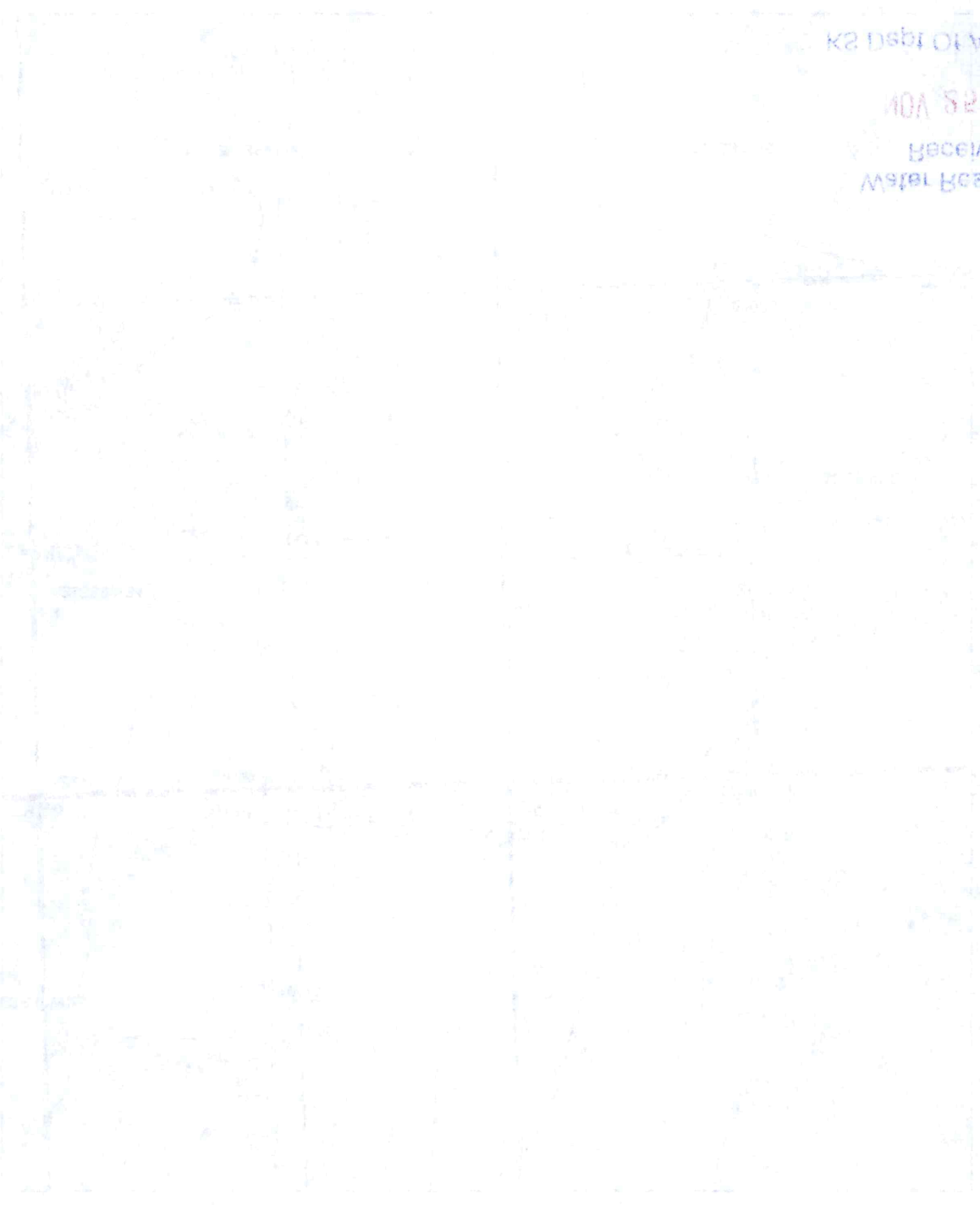
1900

1900

KS DEPT OF AGRICULTURE

NOV 22 1900

Received
Water Resources



DEPARTMENT OF AGRICULTURE

Ireland, Leslie [KDA]

From: Meyer, Mike [KDA]
Sent: Monday, March 2, 2020 5:03 PM
To: Ireland, Leslie [KDA]
Subject: RE: Recommendation for File Nos. 4019xx PU comp_IRR with reduction 9103_

4107

Did we correct the maps to show the actual authorized palce of use (farmsteads removed etc)
I don't think your 82a 1603 reference is correct is it?
Please double check statute on notifications and approve
thanks

Mike

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Monday, March 2, 2020 4:23 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Recommendation for File Nos. 4019xx PU comp_IRR with reduction 9103_

Mike,

Please let me know if you would recommend these changes with the reduction.

As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

Ireland, Leslie [KDA]

From: Keegan Nairn <keegannairn@gmail.com>
Sent: Wednesday, February 19, 2020 1:47 PM
To: Ireland, Leslie [KDA]
Subject: Re: Water Right, File Nos. 4019 & 4107

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.

Looks good! Thanks Leslie!

On Tue, Feb 18, 2020 at 10:41 AM Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov> wrote:

Keegan,

The change overlapping of the place of use in Section 31 to authorize 477 acres under the files 4019 (400 AF) & 4107 (640 AF), will result in 1,040 acre-feet of water per year as certified under these two rights. This would result in 2.18 AF/acre. Due to the regulation KAR 5-3-23, requiring the maximum reasonable annual quantity for this area to be 2 acre-feet per acre the junior file, File No. 4107, should have a quantity limitation added. It will limit the quantity to 954 acre-feet and the approval for the requested change under File No. 4107 will state the limitation as:

This appropriation right is further limited to a quantity of water which when combined with the water right set forth in the Certificate of Appropriation issued pursuant to File No. 4,019 will provide a total quantity not to exceed 954 acre-feet of water per calendar year for irrigation use at the location described herein.

The modification to Part 13 of application has been attached, and the correction to the map of the currently authorized.

The rules are located on the web as a at https://agriculture.ks.gov/docs/default-source/statues-water/kwaa_rules_regs57C3ADA8D515.pdf?sfvrsn=fb12aac1_20

Please send me an email to let me know if you want to proceed with the changes with the approval stating the limitation on the quantity as listed above. Should you have any questions please give us a call. I've pc'd Mike Meyer should you want to talk with him.

Leslie Ireland, Environmental Scientist

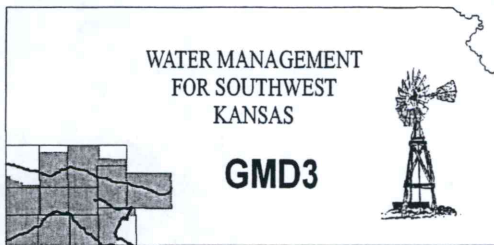
Kansas Department of Agriculture

Division of Water Resources - Change Unit

(785) 564-6633

Leslie.Ireland@ks.gov

www.agriculture.ks.gov



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

February 26, 2020

Leslie Ireland
Kansas Department of Ag
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

RE: Application for Change in Place of Use
Water Right, File Nos. 4019 & 4107
Reduction Request, Water Right File No. 9043

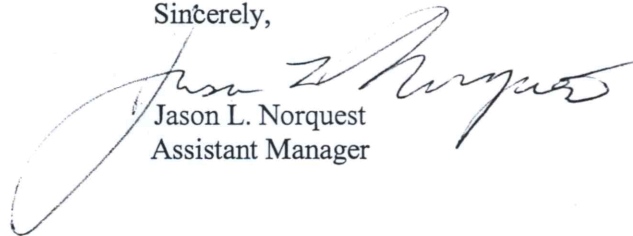
Dear Leslie:

We have completed a review of the applications for the above referenced water rights. The proposed change in place of use is in accordance with current area rules, K.A.R. 5-5-11(b)(1).

The changes in place of use for File Nos. 4019 & 4107 will make a complete overlap in currently authorized acres, so no new acres are proposed. The limitation on 4107 meets the current area rules criteria. The reduction request for File No. 9043 will separate the land from the previous two water rights to better represent present ownership/management. It is therefore recommended that the applications and reductions request 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

MAR 02 2020

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

February 20, 2020

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 3
ATTN MARK RUDE
2009 E SPRUCE
GARDEN CITY KS 67846

FILE COPY

Re: Reduction Request,
File No. 9,043
Applications for Change,
Water Right, File Nos. 4,019 & 4,107

Dear Mr. Rude:

We are enclosing a copy of each of the applications referred to above which appear to be in proper form.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit a recommendation concerning the applications referenced above.

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact our office.

Sincerely,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li
Enclosures

pc: Garden City Field Office

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

March 4, 2020

WELCH-BARBER RESOURCES LP
223 N PINE GROVE ST
WICHITA, KS 67212

FILE COPY

RE: Water Right, File Nos. 4019; 4107 & 9043

Dear Sirs:

This letter is to **provide notice** as required by K.S.A. 82a-1906, which became effective on July 1, 2016. This notice is to inform you that the owners of the referenced appropriations of water have filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

The applications propose a change in place of use to irrigated acres all authorized and proposed in Sections 31 & 32, Township 28 South, Range 39 West, Stanton County, Kansas. The original overall footprint of the irrigated acres will not change or be increased, just the water rights serving the acres will be switched:

File Nos. 4019 & 9043, are authorized on 477 acres in Sections 31 & 32, and
File No. 4107 is authorized to irrigate 320 acres in Section 31,

to:

File Nos. 4019 & 4107 to authorize the irrigation of 477 acres in Section 31, and
File No. 9043, to authorize the irrigation of 320 acres in Section 32.

If you have any questions, please contact our office, my desk phone is (785) 564-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

Sincerely,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li

pc: Garden City Field Office
Groundwater Management District No. 3

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, Secretary

Laura Kelly, Governor

NAIRN & NAIRN FARMS
GARY NARIN
PO BOX 268
JOHNSON, KS 67855

March 20, 2020

FILE COPY

RE: Water Right, File Nos. 4,019 & 4,107

Dear Mr. Narin:

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.


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.

Your attention is directed to the enclosures and to the terms and conditions specified in these approvals for change. A condition of the approvals is that an acceptable water flowmeter must be installed on the diversion works authorized under the referenced files. Please be reminded that the quantity of water authorized under File No. 4,107, is limited with the senior right listed herein.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, submit your reports online at www.kswaterusereport.org.

If you have any questions, please contact me at (785) 566-6635. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,


Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK:LI:li
Enclosures
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
 Christopher W. Beightel, Acting Chief Engineer

**APPROVAL OF APPLICATION
 FOR
 CHANGE IN PLACE OF USE
 AND
 ORDER IN THE MATTER OF THE AUTHORIZED QUANTITY OF WATER
 WATER RIGHT, FILE NO. 4,107**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Keegan Narin on behalf of Nairn & Nairn Farms, PO Box 268, Johnson, Kansas 67855, and Gary Floyd on behalf of the R & E Family Farms LP, 6190 N. Road G, Johnson, Kansas 67855-8861, received in the office of the Chief Engineer on November 25, 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 Findings and Order of the Chief Engineer dated February 19, 1981, in the matter of the location of the point of diversion, and by the Order of the Chief Engineer dated January 13, 1992, approving the application 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 place of use for irrigation use shall be:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
31 28 39W	40.00	37.00	40.00	40.00					40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	477.0

a total of 477.0 acres in Section 31, Township 28 South, Range 39 West,
 Stanton County, Kansas,

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

This appropriation right is further limited to a quantity of water which when combined with the Water Right set forth in the Certificate of Appropriation issued pursuant to File No. 4,019, will provide a total quantity not to exceed 954 acre-feet (310.86 million gallons) per calendar year for irrigation use at the location described herein.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 4,107, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated December 27, 1962, as modified and amended by the aforementioned orders.

Ordered this 16th day of March, 2020, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 16th day of March 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Katie N Anderson

Notary Public



RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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

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

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

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

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

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

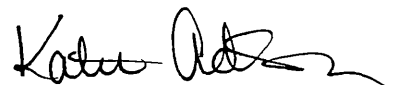
CERTIFICATE OF SERVICE

On this 20th day March, 2020, I hereby certify that the attached Approval of Application for Change in Place of Use and Order in the Matter of the Authorized Quantity of Water, Water Right, File No. 4,107 dated, March 16, 2020 was mailed postage prepaid, first class, US mail to the following:

NAIRN & NAIRN FARMS
PO BOX 268
JOHNSON, KS 67855

With copies to:

Garden City Field Office
Groundwater Management District No. 3



Division of Water Resources