Kansas Department of Agriculture Division of Water Resources

CHANGE: P/U WORKSHEET

1. File Number: 22279	2. Status Change Date:	3. Change Num:	4. Field Office: 04	5. GMD: 01
6. Status: Approved Den	ied by DWR/GMD 🛛 Dis	4	igned 3-1-2021 eived 3-1-2021	7. Filing Date of Change: 2/26/2021
8a. Applicant(s) New to system □	Person ID 50587 Add Seq#	8c. Landov New to	vner(s) system □	Person ID Add Seq#
C & W LIMITED PARTNE PO BOX 327 LEOTI, KS 67861	RSHIP			
8b. Landowner(s) New to system □ LELA F KNEDLIK 1814 I ST BELLEVILLE, KS 66935	Person ID 58190 Add Seq#	Mew to BRAI PO B	system □ D WHITHAM OX 327 FI, KS 67861	Person ID 65501 Add Seq#
9. Documents and Enclosure(s): DN Anti-Reverse Meter Meter Conservation Plan Date Require	Seal	□ N & P Form	☐ Water Tube ☐ [Oriller Copy
10. Use Made of Water From:		To: _		
NO INFO ON BACK			Date Prepared: 3/3/2 Date Entered:	1 By: MAM By:

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 3, 2021

C & W WHITHAM LIMITED PARTNERSHIP PO BOX 327 LEOTI, KS 67861

RE: Water Right, File Nos. 664, 6815, 7959, 8799, 22279, 25033

Dear Mr. Whitham:

Enclosed are the Findings and Orders by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, which dismisses the Application for Approval to Change the Place of use under the referenced file numbers that were received in our office on February 16, 2021 and requested to be dismissed on March 1, 2021.

If you have any questions, please contact us at 620-276-2901. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Michael A. Meyer Water Commissioner

MAM

Enclosures

pc: Groundwater Management District No. 1

Brad Whitham PO Box 327 Leoti, KS 67861

KANSAS DEPARTMENT OF AGRICULTURE Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCESEarl D. Lewis Jr., Chief Engineer

FINDINGS AND ORDER
IN THE MATTER OF THE DISMISSAL
OF AN APPLICATION FOR APPROVAL
TO CHANGE THE AUTHORIZED
PLACE OF USE
UNDER WATER RIGHT, FILE NO. 22279

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

FINDINGS

- 1. That on October 31, 2000, the Chief Engineer, in accordance with K.S.A. 82a-714, issued a Certificate of Appropriation pursuant to Water Right, File No. 22279, for permit to appropriate water for irrigation use.
- That on February 16, 2021 an Application for Approval to Change the Place of Use for the file described in paragraph No. 1 of these findings was received in the office of the Chief Engineer.
- 3. That by means of a written request dated March 1, 2021, received in the office of the Chief Engineer on March 1, 2021, Brad Whitham, PO Box 327, Leoti, Kansas 67861, owner of the authorized place of use, requested that the Application for Approval to Change Place of Use, Water Right, File No. 22279 received on March 1, 2021, described in Finding No. 2 above be dismissed.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, the Application for Approval to Change the Place of Use under an Existing Water Right, received in the Office of the Chief Engineer on February 16, 2021, under Water Right, File No. 22279, shall be dismissed and its priority forfeited.

In all other respects, the Certificate of Appropriation for Beneficial Use of Water, issued pursuant to irrigation use under Water Right, File No. 22279, dated October 31, 2000, remains as authorized.

Ordered this 3rd day of March, 2021, in Garden City, Finney County, Kansas.

Michael A. Meyer
Water Commissione
Division of Water Resources
Kansas Department of Agriculture

State of Kansas

County of Finney

The foregoing instrument was acknowledged before me this 3 day of March 2021, by, Michael A. Meyer, Water Commissioner, Division of Water Resources, Kansas Department of Agriculture.

JULIE JONES

My Appointment Expires

December 15, 2022

SS

Notary Public

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77 601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas. The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

CERTIFICATE OF SERVICE

On this 3rd day of March 2021, I hereby certify that the foregoing Findings and Order in the Matter of the Dismissal of Application to Change the Place of Use under Water Right, File No. 22279, dated March 3, 2021 was mailed postage prepaid, first class, US mail to the following:

C & W LIMITED PARTNERSHIP PO BOX 327 LEOTI, KS 67861

With photocopies to:

BRAD WHITHAM PO BOX 327 LEOTI, KS 67861

Garden City Field Office
Groundwater Management District No. 1

Division of Water Resources

KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

MEMORANDUM

TO: Files

DATE: March 2, 2021

FROM: Michael A. Meyer

Water Commissioner

RE: Water Right,

File Nos. 664, 6815, 7959, 8799,

22279, 25033

On February 16, 2021, Brad Whitham with C & W Limited Partnership, filed six applications proposing a change in place of use to have a complete overlap in place of use with all files and authorized wells. Mr. Whitham changed his mind to overlap the place of use with another landowner.

The owner has requested the change applications be dismissed. This will allow only his land to remain completely overlapped in place of use and not be joined with another landowner.

Based on the above discussion, it is recommended that the applications to change the place of use filed on February 16, 2021, be dismissed by a Findings and Order.

Michael A. Meyer

Water Commissioner

Meyer, Mike [KDA]

From:

Meyer, Mike [KDA]

Sent:

Monday, March 1, 2021 11:05 AM

To:

bcwhitham@gmail.com

Subject:

water right form to complete

Attachments:

20210301105235917.pdf

Importance:

High

Brad,

please see the attached form if you can sign and return. this is a request to dismiss the applications filed on section 10, 11, 14 and 22. recall our conversation that sections 10,11, and 14 are already tied together and it is your request not to include section 22 at this time. please sign and return so we can dismiss this applications.

let me know if you get this email

thank you

Michael A. Meyer, PG Kansas Department of Agriculture Division of Water Resources Garden City Field Office 4532 W Jones Ave, Suite B Garden City KS 67846 Lat 37.98820, Lon -100.944470 (620)-276-2901 mike.meyer@ks.gov

VOLUNTARY DISMISSAL OF AN APPLICATION FOR CHANGE

То:	Chief Engineer Kansas Department of Agriculture Division of Water Resources 1320 Research Park Drive Manhattan, Kansas 66502	V	oppropriation of Water Vater Right Vested Right Ferm Permit	X
	Mainattali, Narisas 00002	File No.	664,6815,7959,	8799, 22279,
	Application to Change: Place of Use	☐Point of Diversion	☐Use Made of Water	25033
	Application filed with DWR on:	2/16/2021 Date	atomic .	
voluntarily indicating for change The signal	signed owner(s) and/or authorized agent(s) request that the application for change de my understanding and agreement that I amb. Sure(s) below represent all present owners plicate copies of this document as necessa	escribed above be dism in relinquishing all right, (or an authorized agen	issed. By signing this w title and interest in said	valver, I am application
regarding submitted change.	ure(s) below also indicate(s) a walver of a the dismissal of the application for chang to the Division of Water Resources, it will following if applicable:	e described above. I/v	ve recognize that if this	request is
☐ Proces	sing dismissal is contingent upon approval	of: New or Chang	ge Application, etc., include F	lle Nc.
B.	Signature of Owner or Authorized Agent ad ry Chint Name	Signature of Sp	ouse or Title of Authorized Agen	
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MM/GCFO

DWR Initials

Submit completed application to: Kansas Department of Agriculture Division of Water Resources Field Office for your area. Call for address:

Topeka -- (785) 296-5733 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787 Garden City -- (620) 276-2901 http://agriculture.ks.gov/dwr

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended. Fee Schedule is on the third page of this application form.

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APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. 22279 MAKE ADDITIONAL COPIES AS NECESSARY

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DWR 1-121-2 (Rev. 01/23/2008)

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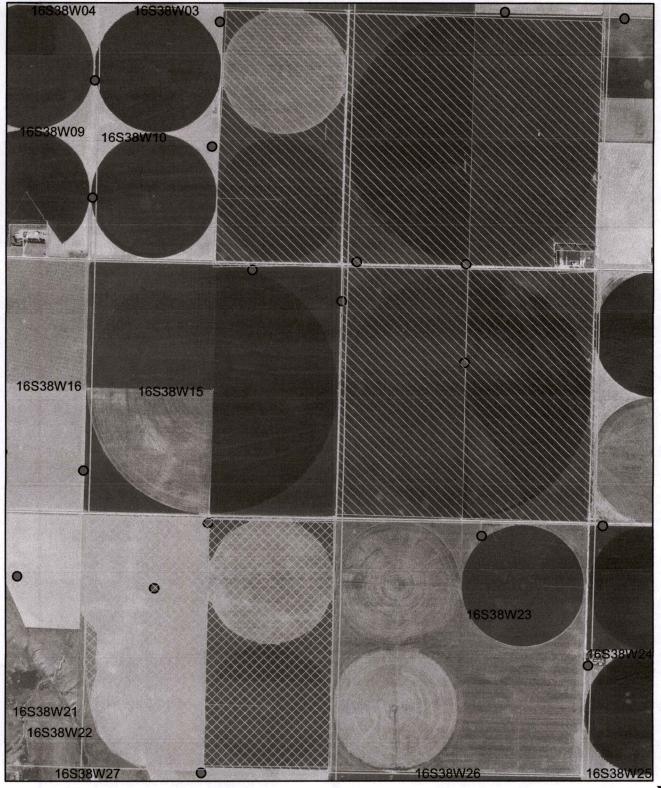
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14. If the proposed groundwater point of diversion is 300 or fewer feet from	n the existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently author Yes No (If no, all owners must sign this applica-	
 (b) Will the ownership interest of any owner of the currently authorized 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 subs ☐ Yes ☐ No (If no, all owners must sign this application)	
If the application proposes a surface water change in point of diversion, a or a change in place of use, the application must be signed by all owners agent (attach notarized statement authorizing representation).	groundwater change in point of diversion greater than 300 fee of the currently authorized place of use, or their duly authorize
I hereby verify, being first duly sworn upon my oath or affirmating age and the owner, the spouse of the owner, or a duly authorize their behalf, in regards to the water right(s) to which this application are true, correct and complete.	red agent of the owner(s) to make this application or
Dated at <u>Sanden City</u> , Kansas, this _	8th day of Jelmany, 20 21.
- MINS	
(Owner)	(Spouse)
Bradley C. Whitham	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas County of SS	
I hereby certify that the foregoing application was signed in my	presence and sworn to before me this day of
My Commission Expires December 15, 2022	Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all o accurate information; maps, if necessary, must be included; signatures of all the appropriate fee must be paid.	f the applicable portions of the application form must be completed with oropriate owners' must be affixed to the application and notarized; and
FEE SCHEDUI Each application to change the place of use or the point of diversion under	
forth in the schedule below: Make checks payable to: Kansas Departme (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 feet	nt of Agriculture \$100 \$200
DIAID 4 404 (Davids of 04/5/0040)	Fil- N-

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

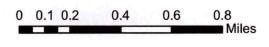
pro	s Summary Order is issued under authority of K.S.A. 82a-7 visions of the <i>Kansas Water Appropriation Law, K.S.A. 82a</i> h the exception of those conditions expressly contained hed limitations of File No. 22279	-701 et. seg., and rules and regulati	ons promulgated thereunder.
1.	A change application was received on diversion authorized under the above-referenced file num	requesting that the aber be changed as described in the	place of use and / or point of application.
2.	On and after the effective date of this summary order, the on the topographic map accompanying the application to	authorized place(s) of use shall be lo	ocated substantially as shown
3.	The change in point of diversion shall not impair existing rig previously authorized. The point of diversion authorized radius of the authorized point(s) of diversion. Applica	by this summary order shall be locat	source or sources of water as ed within a foot
4.	The point(s) of diversion described herein is administrative Positioning System (GPS), as described in the application	rely corrected to be more accurately n. Applicable Not Applicable	described using the Global
5.	The point(s) of diversion authorized herein shall not actually authorized point(s) of diversion. Applicable	be located more thanNot Applicable	feet from the previously
6.	As required by K.A.R. 5-3-5d, if the works for diversion is tube or other device suitable for making water level accordance with K.A.R. 5-6-13.	measurements shall be installed,	allons per minute or more, a operated and maintained in
7.	The owner of the authorized place(s) of use shall pr December 31, 20, or before the first use of water operated and maintained in accordance with K.A.R. 5-1 and K.A.R. 5-3-5e, the owner shall maintain records and water diverted annually to the Chief Engineer by March 1 Applicable Not Applicable	, whichever occurs first. The water -4 through 5-1-12. As required by k report the reading of the water flow r	flow meter shall be installed, K.S.A. 82a-732, as amended, neter and the total quantity of
8.	Installation of the works for diversion of water shall be authorized extension of time. By March 1, 20 the works for diversion has been completed, on the form proving Applicable Not Applicable	applicant shall notify the Chief Eng	ineer that construction of the
9.	The completed well log shall be submitted with the requ	ired notice.	☐ Not Applicable
10.	All diversion works into which any type of chemical or other with an in-line, automatic, quick-closing check valve capa check valve(s) shall be installed, operated and mainta Applicable	able of preventing pollution of the sou	arce of the water supply. The
11.	Additional Conditions are attached. Yes No		
12.	In accordance with K.S.A. 82a-708a, as amended, and K./water appropriated under the above-referenced file num limitations, as amended and/or supplemented by this Sur Appropriation Law and the Rules and Regulations prom result in civil penalties pursuant to K.S.A. 82a-737, as ar water or appropriation right or any other enforcement active.	ber are responsible for compliance water order, and with applicable prougated thereunder. Failure to comprended, and/or the suspension or re	with its terms, conditions and ovisions of the Kansas Water oly with these provisions may
	Administrative Appeal and Effective Date of Order		
you Eng Agr filed adm day revi File Leg 665	ou are aggrieved by this order, pursuant to K.S.A. 82a-1901, may request an evidentiary hearing before the Chief lineer or request administrative review by the Secretary of iculture. A request for hearing by the Chief Engineer must be within 15 days of service of this Order and a request for ninistrative review by the Secretary must be filed within 30 is pursuant to K.S.A. 77-531. Any request for administrative ew must state a basis for review pursuant to K.S.A. 77-527. any request with Kansas Department of Agriculture, al Division, 1320 Research Park Drive, Manhattan, KS 02. Failure to timely request a hearing or review may	By: Duly Authorized Designer (Print Name): Division of Water Resources - Kar	PROVED AND ER ISSUED e of the Chief Engineer nsas Department of Agriculture
pred	clude review under the Kansas Judicial Review Act.	Date of Issuance:	
	For Use by Register of Deeds	State of Kansas County of)) SS
		Acknowledged before me on by	
		Signature:No	otary Public
DIA.	2.4.404 (During 4.04/5/0040)		
וואט	R 1-121 (Revised 04/5/2018) Pag	ge 4	File No

Change in Place of Use for Water Right 22279





Authorized place of use





Proposed place of use

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

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