

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/D WORKSHEET & Order In the Matter of PU

Document Signature DWB

1. File Number: 28268	2. Status Change Date: <i>8/4/2016</i>	3. Change Num: C2	4. Field Office: 02	5. GMD: 05	
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: 4/29/2016	
8a. Applicant(s) New to system <input type="checkbox"/> RICHARD L JOSEFIAK 1345 280TH AVE ROZEL KS 67574-7400		Person ID 8914 Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/> 		
8b. Landowner(s) New to system <input type="checkbox"/> E D & J INC PO BOX 1005 GREAT BEND KS 67530-1005		Person ID 28585 Add Seq# _____	8d. WUC New to system <input type="checkbox"/> RICHARD L JOSEFIAK 1345 280TH AVE ROZEL KS 67574-7400		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/16 <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/16					
<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: 7/22/16 By: LI Date Entered: <i>8/8/2016</i> By: <i>UM</i>					

File No. **28268** 11. County: **PN** Basin: **pawnee river** Stream: Formation Code: Special Use: **020**

12. Points of Diversion										Rate and Quantity						
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
DEL	9623			NE NE SE	30	21	18W	8	2230	495						NONE
MOD	46867			LT 3 NW SW	30	21	18W	9	2661	5102		1040	104 446	1040	0	NONE

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) **REMAINS AS ENTERED**
 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 T MOD DEL ENT	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				
NO CHANGE PU CORECTION IS FOR DOCUMENT ONLY																				

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: August 1, 2016

FROM: Leslie Ireland

RE: Water Right
File No. 28,268

David Marmie, President and Jerry L Marmie, Vice-President of ED & J Incorporated, as owners of the referenced file completed an application for change in point of diversion. The application to change this irrigation right was received on April 29, 2016.

The referenced file was found to be in good standing, as per K.S.A. 82a-718 and 82a-732. The application appears to comply with K.A.R. 5-5-2a.

Water Right, File No. 28,268 authorizes two (2) wells that have a complete overlap in the points of diversion. The quantity and rates are assigned per well authorizing a total 164 acre-feet (AF) and 1,040 gallons per minute. The well located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ approximately 2,230 feet North and 495 feet West of the Southeast corner of Section 30 is authorized 42 acre-feet at 215 gpm. The well located in Lot 3 of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ approximately 2,639 feet North and 5,100 feet West of the Southeast corner of Section 30 is authorized 122 acre-feet at 825 gpm. Both wells located in Township 21, Range 18 West, Pawnee County and the Pawnee IGUCA. The source of supply has not been specifically designated for the referenced file. A review of information on file and the WIMAS database would indicate the wells are both the alluvium of the Pawnee River. The right provides no additional quantity, and only 835 gallons per minute, as it is limited to 738 AF and 4,135 GPM with File Nos. PN 012; 12,434; 15,167 & 21,461, which all serve the same 491.8 acres in Pawnee County. These rights are comprised of surface and groundwater rights. The referenced file is located within the boundaries of the Big Bend Groundwater Management District No. 5, (GMD 5).

The change will consolidate quantity and rate of the existing wells authorized by the referenced file, which will reduce the right from two (2) to one (1) authorized point of diversion. The request moves all of the 42 AF and 215 gpm authorized by the East well 4,681 feet to the West well. The proposed existing well has been determined by DWR to be located 2,661 feet North and 5,102 feet West of the Southeast corner of Section 30, Township 21 South, Range 18 West. The approval will authorized this well 164 acre-feet at 1,040 gpm, and remain limited to 738 AF and 4,135 GPM with File Nos. PN 012; 12,434; 15,167 & 21,461.

The WRIS database indicates a well authorized by Water Right, File No. 12,434 is approximately 1,241 feet from the proposed existing well. The well to well spacing per K.A.R. 5-25-2 requires 1,320 feet from non-domestic wells with an earlier priority. The owners requested a **waiver of K.A.R. 5-25-2**. The proposed change does not comply with part (a) of K.A.R. 5-25-2a, *Change in point of diversion*, as the well exceed the maximum allowable distance to move of 2,640 feet by 2,041 feet as the wells are 4,681 feet apart. A **waiver of part (a) of K.A.R. 5-25-2a** as requested. The Board of GMD 5 recommended approval of the requested waivers. A waiver of K.A.R. 5-25-2 and K.A.R. 5-25-2a have been completed.

The Pawnee Valley IGUCA does not preclude approval of the requested change.

The change will move the diversion of water away from the Pawnee River. The proposed change complies with K.A.R. 5-5-13, *Relocation of alluvial wells*.

The owner of the referenced file are also the owners of the irrigation well authorized under File No. 12,434, and all other diversion of water within one-half ($\frac{1}{2}$) mile of the proposed well. No letters were sent for comment on the proposed change.

On July 21, 2016, the Office of the Chief Engineer received a letter from Orrin Feril, Manager of the Big Bend Groundwater Management District No. 5, who indicated their Board recommended approval of the application for change with the requested waivers.

Jeff Lanterman, Water Commissioner, Stafford Field Office was contacted for a comment on the proposed change. He reviewed the proposal and recommend approval of the change per his email dated August 1, 2016.

Conditions of the approval will require the installation of a water flowmeter and check valve if chemigating. A water level measurement tube and WWC-5 are not applicable, as no new wells have been authorized to be drilled. The application indicates the old well located will be plugged.

Based on the above discussion, it appears the requested change is reasonable, the change should not cause impairment of existing rights and the source of supply will remain the same, it is recommended that the referenced application be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: July 25, 2016

FROM: Leslie Ireland

RE: Vested Right, File Nos. PN 012
Water Right, File Nos. 15,167;
12,434; 21,461 & 28,268

It has been determined that the November 19, 2015, change approval for the place of use authorized for irrigation use, incorrectly described the authorized place of use as it failed to list the Lots in Section 30. The 2015 change was to overlap all of the referenced files.

An application for File No. 28,268 submitted in April 2016, requesting to change the point of diversion also requested the place of use be correct.

The error is only on the field office approval documents. It appears the database shows the correct description for the authorized place of use under the referenced files and no modification to the place of use in the database is needed.

Correctional orders have been drafted to correct the error and worksheets to show the correctional order has been issued have been completed for the database.



Leslie Ireland
Environmental Scientist
Change Application Unit

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

WAIVER OF REGULATION K.A.R. 5-25-2

Date: 8/4/10

RE: Water Right, File No. 28,268

1. That K.A.R. 5-25-2, *Well spacing* states in part that non-domestic wells shall be 1,320 feet from all other non-domestic wells and propose non-domestic wells that carry an earlier priority.
2. That the application to change the point of diversion, is requesting to consolidate the two wells to one existing well that is approximately 1,241 feet from an existing well authorized by File No. 12,434.
3. The well to well spacing is only 79 feet less than allowed. Both files, along with File Nos. PN 012; 15,167 & 21,461, all serving the same place of use that is under sole ownership.
4. The proposed existing well is approximately 160 feet deep and has had a static water level of 33 feet. The log of the new well for File No. 12,434, indicates gray shale at 221 feet.
5. That the change will result in a reduction in the number of wells in the Pawnee Intensive Groundwater Area.
6. That K.A.R. 5-25-20(d) provides that the District may submit to the Chief Engineer a written recommendation of an exemption from, or waiver of regulation.
7. That the Big Bend Groundwater Management District No. 5, Board of Directors recommend approval of the proposed change and a waiver of K.A.R. 5-25-2.
8. The approval of the change should not result in the impairment of the neighboring water right nor shall the change adversely affect the public interest.

Comments:

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

WAIVER OF REGULATION K.A.R. 5-25-2a

Date: 8/4/10

RE: Water Right, File No. 28,268

1. That K.A.R. 5-25-2a states in part that the location of a well requested in an application to change a point of diversion shall be no more than 2,640 feet from the point of diversion currently authorized.
2. That the application to change the point of diversion, requests to consolidate all of the assigned quantity and rate authorized by the two wells which are 4,647 feet apart, exceeding the maximum distance allowed to change the point of diversion.
3. The wells were developed under the same right, so they have the same priority and source of supply.
5. That K.A.R. 5-25-20(d) provides that the District may submit to the Chief Engineer a written recommendation of an exemption from, or waiver of regulation.
6. That the Big Bend Groundwater Management District No. 5, Board of Directors recommend approval of the proposed change and a waiver of K.A.R. 5-25-2.
7. The approval of the change should not result in the impairment of any existing domestic or water rights nor shall the change adversely affect the public interest.

Comments:

A handwritten signature in black ink that reads "David W. Barfield".

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: 28,268

FO: 2

GMD: 5

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	4/9/2016	42	GMD 5	Change Approval	Maximum Move Distance
Rule Number	Date Granted	Date Denied	Justification:	GMD 5 Board recommends approval as the change is to consolidate the same rights quantity and rate authorized by two wells to one well.	
K.A.R. 5-25-2a	8/4/2016				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
				K.A.R.		

Date Prepared 7/26/2016 By LI

Date Entered 8/8/2016 By LCM

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: 28,268

FO: 2

GMD: 5

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	4/29/2016	41	GMD 5	Well Spacing Non-domestic	Well to well Spacing Non-domestic
Rule Number	Date Granted	Date Denied	Justification:	The wells are less than 80 feet short of the required well to well spacing, both served the same place of use. The area has sufficient saturated thickness that should prevent well to well impairment. GMD 5 Board recommends.	
K.A.R. 5-25-2	8/4/2016				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
				K.A.R.		

Date Prepared 7/26/2016 By LI

Date Entered 8/8/2016 By LLM

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

RICHARD L JOSEFIK
1345 280TH AVE
ROZEL KS 67574-7400

FILE COPY

RE: Water Right, File No. 28,268

Dear Mr. Josefiak:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the referenced file.

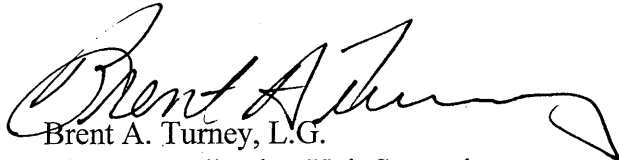
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval. A condition of the approval is that an acceptable water flowmeter must be installed on the diversion works authorized. Please return the required enclosed form for the *Notification of the Completion of the Diversion Works and/or Report of Flowmeter Installation* prior to December 31, 2016.

The abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact Leslie Ireland, Environmental Scientist, at (785) 564-6633. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Brent A. Turney, L.G.
Change Application Unit Supervisor

BAT:LI:li:

Enclosures

pc: Stafford Field Office
Groundwater Management District No. 5



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN POINT OF DIVERSION
AND
ORDER IN THE MATTER OF THE AUTHORIZED PLACE OF USE
WATER RIGHT
FILE NO. 28,268**

FILE COPY

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of David D. Marmie, President and Jerry K. Marmie, Vice President both on behalf of E D & J Inc., PO Box 1005, Great Bend, Kansas 67530, received in this office on April 29, 2016, for approval of a change in the authorized points of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Correctional Order of the Chief Engineer dated September 13, 2000, to correct the authorized points of diversion and by the order of the Chief Engineer dated November 19, 2015, approving the application to change the place of use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply 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 point of diversion shall be:

one (1) well located in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 30, more particularly described as being near a point 2,661 feet North and 5,102 feet West of the Southeast corner of said section, at a quantity not to exceed 164 acre-feet per calendar year and at a diversion rate not in excess of 1,040 gallons per minute (2.32 c.f.s.), in Township 21 South, Range 18 West, Pawnee County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the point of diversion.

This order more accurately describes the authorized place of use to be:

Sec.	Twp.	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
30	21S	18W	15.00	40.00	25.80	4.50	25.30	Lot 1 9.50	Lot 2 27.70	10.00	40.00	Lot 3 35.02	Lot 4 35.28	40.00	13.20	40.00	40.00	30.50	431.80
25	21S	19W				23.00								35.00				2.00	60.00

a total of 491.8 acres in Section 30, Township 21 South, Range 18 West,
and in Section 25, Township 21 South, Range 19 West,

all in Pawnee County, Kansas.

Installation of the works for diversion of water shall be completed on or before December 31, 2016, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

The water right owner shall properly install an acceptable water meter on each of 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.

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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 28,268, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated August 18, 1982, as modified and amended by the aforementioned orders.

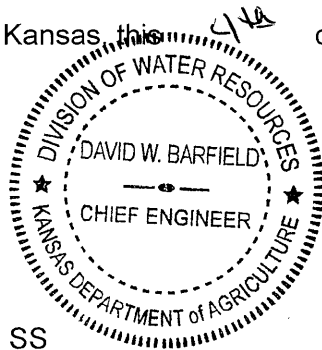
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

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, 109 SW 9th Street, 4th Floor, Topeka, Kansas 66612, Fax: (785) 368-6668.

Dated at Topeka, Kansas, this 4th day of August, 2016.



David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Shawnee)

The foregoing instrument was acknowledged before me this 4th day of August, 2016, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter
Notary Public

CERTIFICATE OF SERVICE

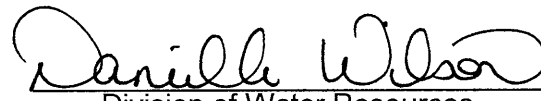
On this 8 day of August, 2016, I hereby certify that the attached Approval of Application for the Change in Point of Diversion and Order in the Matter of the Authorized Place of Use for Water Right, File No. 28,268, dated August 4, 2016 was mailed postage prepaid, first class, US mail to the following:

Richard L. Josefiak
1345 280TH AVE
Rozel, KS 67574-7400

FILE COPY

With a Photocopy to:

Stafford Field Office
Groundwater Management District No. 5


Division of Water Resources

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

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



State of Kansas

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

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

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

- Place of Use
(Check one or more) Point of Diversion
 Use Made of Water

WATER RESOURCES
RECEIVED

APR 29 2016

11:50

KS DEPT OF AGRICULTURE

File No. 28,268

2. Name of applicant: Richard Josefiak

Address: 1345 280th Avenue

City, State and Zip: Rozel, KS 67574-7400

Phone Number: (620)923-5461 E-mail address: _____

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

Name of water use correspondent: Richard Josefiak

Address: 1345 280th Avenue

City, State and Zip: Rozel, KS 67574-7400

Phone Number: (620) 923-5461 E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): We would like to move the rate and quantity authorized by the east well to the west well. We do not use the east well and wish to move the rate and quantity to a more productive well that fits into our current farming practices. The east well will be plugged.

The change(s) will be completed by as soon as the application is approved.
(Date)

For Office Use Only:		F.O. <u>2</u> GMD <u>5</u> Meets K.A.R. 5-5-1 (YES / NO) Use <u>FRR</u> Source <u>(G) S</u> County <u>PN</u> By <u>ASW</u> Date <u>4/29/16</u>	
Code	<u>CGT</u>	Fee \$ <u>200</u>	TR # _____ Receipt Date <u>4/29/16</u> Check # <u>10088</u>

APPLICATION COMPLETE
7/22/16
Reviewer LI

SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: ED & J INC

ADDRESS: PO Box 1005, Great Bend, KS 67530-1005

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	Lot 1	Lot 2	SE¼	NE¼	Lot 3	Lot 4	SE¼	NE¼	NW¼	SW¼	SE¼	
30	21	18	15	40	25.8	4.5	25.3	9.5	27.7	10	40	35.02	35.28	40	13.2	40	40	30.5	431.8
25	21	19				23									35			2	60

List any other water rights that cover this place of use. PN-012, 12434, 15167, 21461 (modify above, better described with Lots)

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: NO CHANGE

ADDRESS: NO CHANGE

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. _____

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

WATER RESOURCES RECEIVED
APR 29 2016 SCANNED

12. The presently authorized use of water is for Irrigation 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.

No change.

(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to N/A gallons per minute (N/A 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.

This file is authorized 2 wells and for lack of better information, each appear to have been originally completed in the unconfined Dakota. The proposed move will remove one well site from production while giving authority to increase use at the other well location. We do not believe impairment will occur and understand that we don't meet normal spacing requirements for unconfined Dakota wells. Please note the wells that don't meet spacing are under common ownership and are utilized together to irrigate the same land.

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.

5-25-2a The proposed move is more than 1/2 mile (distance moved=4,681'). This is the same file and should be considered same, local source even though the proposed move is more than 1/2 mile.

5-25-2(b)(2) Unconfined Dakota well, does not meet spacing to 12434 & 21461 which are also Dakota and under common ownership.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES
DIVISION

SCANNED

APR 29 2016

KS DEPT OF AGRICULTURE

- 6. The presently authorized point(s) of diversion are 2 wells, 2 motors, 2 pumps
(Provide description and number of points)
- 7. The proposed point(s) of diversion is 1 well, 1 motor, 1 pump
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NE Quarter of the NE Quarter of the SE Quarter of Section 30, Township 21 South, Range 18 (W), in Pawnee County, Kansas, 2,230 feet North 495 feet West of Southeast corner of section.
 Authorized Rate 215 gpm Authorized Quantity 42 acre-feet
(DWR use only: Computer ID No. 8 GPS 2,078 feet North 458 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 Lot 3 Quarter of Section 30, Township 21 South, Range 18 (W), in Pawnee County, Kansas, 2,661 feet North 5,102 feet West of Southeast corner of section.
 Proposed Rate See #9 Proposed Quantity See #9
 This point is: Additional Well Geo Center List other water rights that will use this point none

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the Lot 3 NW SW Quarter of Section 30, Township 21 South, Range 18 (W), in Pawnee County, Kansas, 2,639 feet North 5,100 feet West of Southeast corner of section.
 Authorized Rate 825 gpm Authorized Quantity 122 acre-feet
(DWR use only: Computer ID No. 9 GPS 2,661 feet North 5,102 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 Lot 3 Quarter of Section 30, Township 21 South, Range 18 (W), in Pawnee County, Kansas, 2,661 feet North 5,102 feet West of Southeast corner of section.
 Proposed Rate 1040 gpm (combined & limited) Proposed Quantity 164 acre-feet (combined & limited)
 This point is: Additional Well Geo Center List other water rights that will use this point none

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. The east well will be properly plugged as soon as the change is approved.

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 Great Bend, Kansas, this 26th day of April, 20 16.

E.D. of By [Signature]
(Owner) _____ (Spouse) _____

David D. Mermie Agr.
(Please Print) _____ (Please Print) _____

ED+J Inc by Guy J Mermie V.P.
(Owner) _____ (Spouse) _____

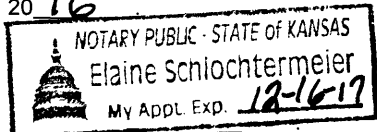
Jerry L Mermie
(Please Print) _____ (Please Print) _____

(Owner) _____ (Spouse) _____

(Please Print) _____ (Please Print) _____

State of Kansas }
County of Barton } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 26 day of April, 20 16



Elaine Schlochtermeyer
Notary Public

My Commission Expires _____

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
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APR 29 2016

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

2661 ft N and 5105 ft W of the SE Corner of Section 30, T 21S, R 18W

Located at: 99.350130 West Longitude and 38.197081 North Latitude

PWS NO. 281268

PROPOSED POINT OF DIVERSION

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (mi)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A_ 2506	00	IRR	NK	G	1.96	NC	S2	SE	SE	400	750	14	21	19W	2	90.00	90.00	AF
A_ 3138	00	IRR	NK	G	1.75	--	SW	NW	NE	4308	2570	1	22	19W	7	140.00	140.00	AF
A_ 4945	00	IRR	NK	G	1.94	--	--	CW	NE	3960	2525	23	21	19W	2	79.00	79.00	AF
A_ 6097	00	IRR	NK	G	1.12	--	NW	NW	SE	2550	2548	36	21	19W	5	383.00	37.50	AF
A_ 7340	00	IRR	NK	G	1.75	--	SW	NW	NE	4308	2570	1	22	19W	7	121.00	121.00	AF
A_ 7803	00	IRR	NK	G	1.36	--	SW	SW	NW	2825	5125	36	21	19W	6	217.50	66.00	AF
A_ 9388	00	IRR	NK	G	1.63	--	NW	SW	SW	1048	5278	36	21	19W	7	360.00	92.30	AF
A_ 12434	00	IRR	NK	G	1.56	--	SW	SE	SW	100	3640	30	21	18W	5	218.00	218.00	AF
Same					12.14'	--	--	--	--	1454	5113	30	21	18W	12	175.00	175.00	AF
A_ 12466	00	IRR	NK	G	1.38	--	SW	SW	NW	2725	5278	20	21	18W	2	42.00	42.00	AF
Same					1.77	--	NW	NW	NW	5275	5192	20	21	18W	4	402.00	402.00	AF
A_ 15614	00	IRR	NK	G	1.00	--	SW	NW	SW	1635	5190	25	21	19W	2	57.00	57.00	AF
A_ 18168	00	IRR	NK	G	1.27	--	NW	SE	NE	3928	1302	26	21	19W	5	154.00	154.00	AF
A_ 21461	00	IRR	NK	G	.99	--	SE	SE	SE	80	540	30	21	18W	11	109.00	79.00	AF
A_ 22103	00	IRR	NK	G	1.75	--	SW	NE	NW	4216	3797	26	21	19W	6	150.00	150.00	AF
A_ 24228	00	IRR	NK	G	1.59	--	NE	SE	SE	1280	48	31	21	18W	7	108.00	12.00	AF
A_ 24229	00	IRR	NK	G	1.34	--	NE	NW	NW	4835	4045	32	21	18W	8	120.00	.00	AF
A_ 26009	00	IRR	NK	G	1.38	--	SW	SW	NW	2725	5278	20	21	18W	2	54.00	.00	AF
A_ 28268	00	IRR	NK	G*	.88	--	NE	NE	SE	2230	495	30	21	18W	8	42.00	.00	AF
Same					.00	--	--	--	--	2639	5100	30	21	18W	9	122.00	.00	AF
A_ 30896	00	IRR	NK	G	1.18	--	SW	SE	NE	3133	1177	31	21	18W	8	122.00	122.00	AF
Same					1.02	--	SW	SE	NW	2751	3819	31	21	18W	9	101.00	101.00	AF
A_ 35948	00	IRR	NK	G	1.94	--	--	CW	NE	3960	2525	23	21	19W	2	60.00	.00	AF
A_ 36896	00	IRR	NK	G	1.80	--	--	--	--	4560	1415	6	22	18W	5	77.00	.00	AF
VPN 13	00	IRR	AA	G	1.29	--	SW	NW	SE	1605	2622	31	21	18W	5	230.00	230.00	AF
VPN 15	00	IRR	AA	G	1.78	--	SW	SW	SW	140	5250	32	21	18W	9	218.00	218.00	AF
VPN 29	00	IRR	AA	G	.98	--	SE	SW	NE	-----	-----	36	21	19W	1	337.00	337.00	AF
VPN 30	00	IRR	AA	G	1.12	--	NW	NW	SE	2550	2548	36	21	19W	5	350.00	350.00	AF
VPN 59	00	IRR	AA	G	1.73	--	--	--	--	4200	4950	6	22	18W	1	120.00	120.00	AF
VPN 60	D1	IRR	AA	G	1.59	--	NE	SE	SE	1280	48	31	21	18W	7	96.00	96.00	AF
VPN 60	D2	IRR	AA	G	1.80	--	--	--	--	4560	1415	6	22	18W	5	104.00	104.00	AF

NEARBY IS OWNER OF APPLICABLE J INC

PROPOSED

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	2137.80	.00
Total Vested Amount (AF) =	1455.00	.00
TOTAL AMOUNT (AF) =	3592.80	.00

MOVE > 2640 - 5-25-2(R) WAIVER NEEDED -
4,681' MOVE
QA 122 TO 164 AF BA -

An * after the source of supply indicates a pending application for change for the file number.

An * after the ID indicates a 15 AF exemption was granted for the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

PROPOSED WELL PROVIDES ADDITIONAL NO Q

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

Q AND

WHEN ALL SR RTS PUMPED

OVER -

CENT

Q

R

ID 8

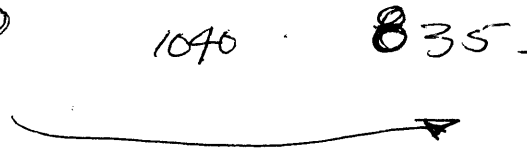
ID 9

• LIMIT 4,135 GPM FOR 730 AP.

	<u>AVM</u>	<u>Q</u>	<u>ADL</u>	<u>AVM</u>	<u>R</u>	<u>ADL</u>
PN-12	142	142	1800	1800		
15167	124	124	1600	1600		
12,434	393	393	2500	2500		
21,461	109	79	800	800		
28,268	164	0	1040	835		

LIMIT TO 738 AP
w/ PN12-12,434/15167.

• Remains limit to



LIMIT TO 738 AP
@ 4135 GPM

w/ SR RES.

Ireland, Leslie

From: Lanterman, Jeff
Sent: Monday, August 01, 2016 2:00 PM
To: Ireland, Leslie
Cc: Conant, Cameron
Subject: FW: Recommendation for Change in PD File No. 28,268 Josefiak
Attachments: 28268 PD Qshift exsiting _2_5.docx

Sorry about this leslie. I thought I had this one done.

Go ahead and approve it.

Jeff

From: Conant, Cameron
Sent: Monday, August 1, 2016 1:28 PM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>
Subject: FW: Recommendation for Change in PD File No. 28,268 Josefiak

Jeff, I thought you recommended approval of this to Leslie. We briefly discussed it. I filled it out and you were at the GMD#5 meeting where it was discussed and recommended for approval with spacing waiver and distance moved waiver.

If you haven't already done so, based on our past discussion, I think you can pass this on to Leslie.

Cameron

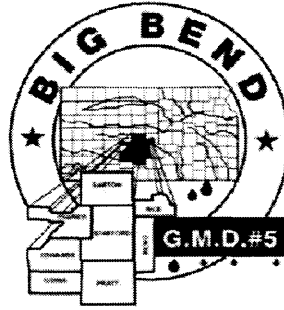
From: Ireland, Leslie
Sent: Friday, July 22, 2016 4:03 PM
To: Lanterman, Jeff
Cc: Conant, Cameron
Subject: Recommendation for Change in PD File No. 28,268 Josefiak

Please let me know if you would recommend the change in point of diversion that will consolidate the two wells under this right. It will require the waiver of KAR 5-25-2 & 5-25-2a, both of which have been recommend by the GMD.

As always comments and concerns are welcome.

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

Darrell Wood - Edwards (Pres.)
Fred Grunder - Pratt (V Pres.)
John Janssen - Kiowa (Treas.)
Curtis Tobias - Rice (Sec.)
Justin Gatz - Reno
Kent Lamb - Stafford
Phil Martin - Barton
Bob Standish - Pawnee
Tom Taylor - At-Large



Orrin Feril, Manager
125 South Main Street
Stafford, Kansas 67578
ph: (620) 234-5352
fx: (620) 234-5718
gmd5@gmd5.org
www.gmd5.org

July 21, 2016

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

RE: Water Right File No. 28268
Change in the Point of Diversion

Dear Ms. Ireland,

The Big Bend Groundwater Management District #5 has reviewed the above referenced application to change the point of diversion. The application was presented to the Board of Directors at the July regular board meeting for review. As presented, this application does not meet the requirements for a change application on wells completed in the Dakota aquifer. Based upon information received in the District office and provided at the board meeting, the Board voted to waive K.A.R. 5-25-2 and 5-25-2a to recommend approval of this application.

The application to change is subject to the District's well equipment regulation K.A.R. 5-25-5 for a required flow meter.

Please feel free to give me a call if you have any questions.

Sincerely,

Orrin Feril
Manager

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

June 22, 2016

BIG BEND GROUNDWATER
MANAGEMENT DISTRICT #5
ORRIN FERIL MANAGER
125 S MAIN ST
STAFFORD KS 67578

Re: Application for Change, Water Right, File No. 28,268

Dear Mr. Feril:

We are enclosing a copy of the application referred to above which appears 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 your recommendation concerning the application.

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 us.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Ireland".

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li

Enclosure

pc: Stafford Field Office
Richard Josefiak

FILE COPY



1320 Research Park Drive
Manhattan, Kansas 66502
Jackie McClaskey, Secretary

Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

RICHARD JOSEFIK
1345 280TH AVENUE
ROZEL KS 67574

May 2, 2016

RE: File No. 28268

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 PD
- 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.

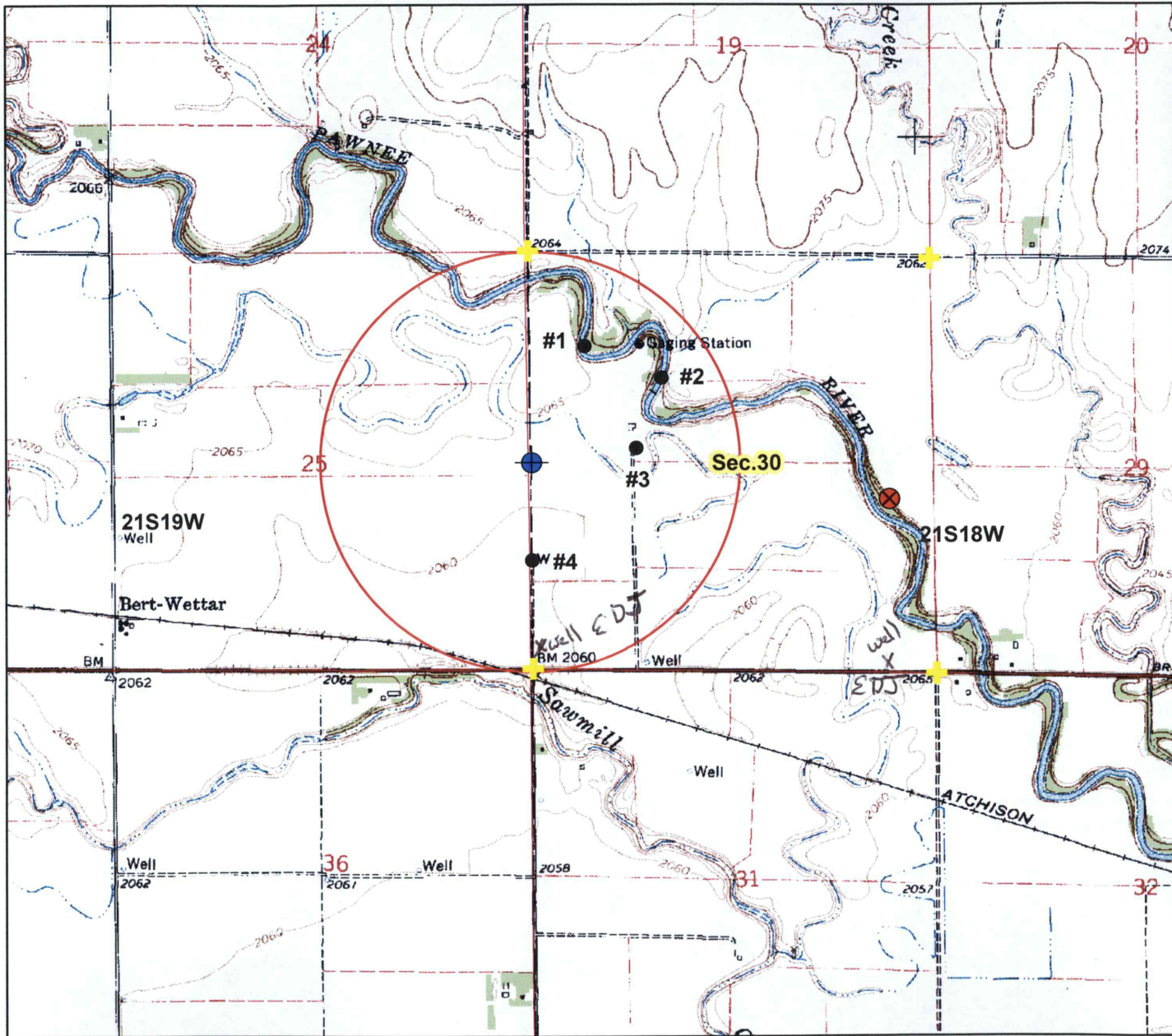
Sincerely,

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

BAT: DLW
pc: STAFFORD Field Office GMD 5

SCANNED

28,268 P/D Change Application Map Section 30-T21S-R18W in Pawnee County



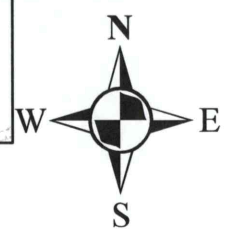
⊗ authorized p/d
 28268 ID#8
 2078'N & 458'W
⊕ proposed & existing p/d
 28268 ID#9
 2661'N & 5102'W
● nearby water rights/wells
+ section corners
 1/2 mile circle around proposed well

#1 & #2: Surface water rights
 PN-012 & 15167
 owned by ED & J Inc
 #3: Domestic well
 owned by ED & J Inc
 #4: Water Right, File No. 12434 ID#4
 owned by ED & J Inc

By signing below I agree that all wells, including domestic within 1/2 mile of the proposed well are shown on the map.

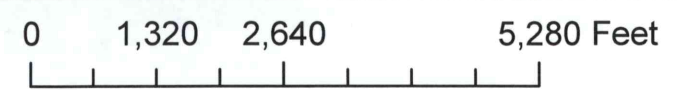
Jay Z Mani D.P. 4-26-16

signature _____ date _____



map created on 4/5/16 scale 1:24,000

WATER RESOURCES RECEIVED
 APR 29 2016
 KS DEPT OF AGRICULTURE
 SCANNED



28,268 P/D Change Application Map
Section 30-T21S-R18W in Pawnee County

WATER RESOURCES RECEIVED

APR 29 2016

SCANNED



- ✗ authorized p/d
28268 ID#8
2078'N & 458'W
- ⊕ proposed & existing p/d
28268 ID#9
2661'N & 5102'W
- nearby water rights/wells
- ⊕ section corners
- ◯ 1/2 mile circle around proposed well

#1 & #2: Surface water rights
PN-012 & 15167
owned by ED & J Inc

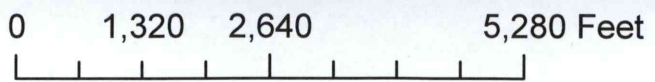
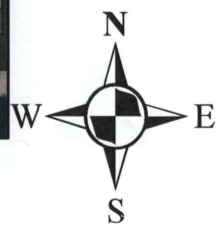
#3: Domestic well
owned by ED & J Inc

#4: Water Right, File No. 12434 ID#4
owned by ED & J Inc

By signing below I agree that all wells, including domestic within 1/2 mile of the proposed well are shown on the map.

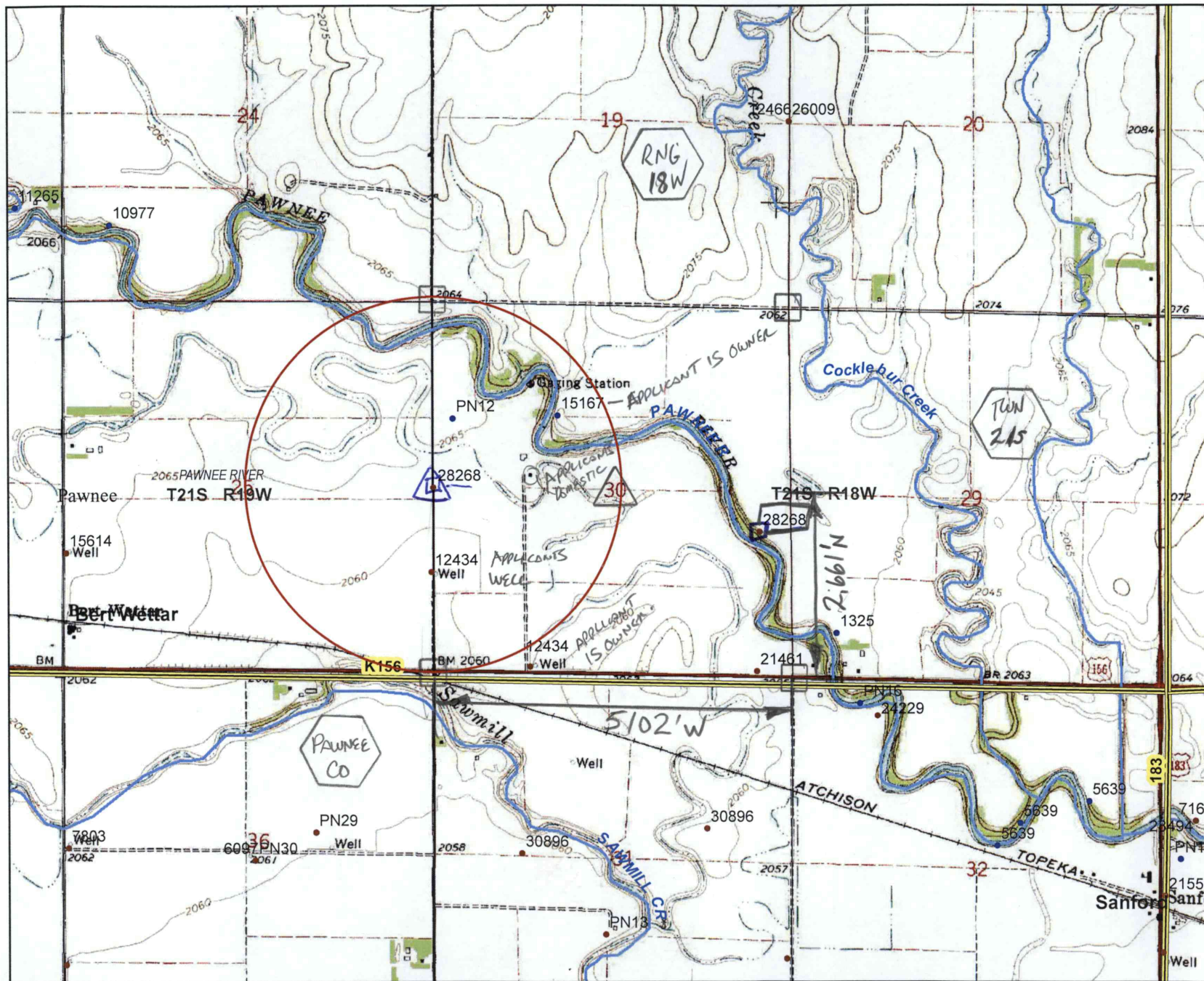
Jay L M... 4-26-16

signature date



map created on 4/5/16 scale 1:24,000

Change in Point of Diversion, Water Right, File No. 28,268



Legend

WIMAS_PD

S_UMW

• G_IRR

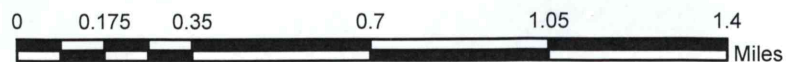
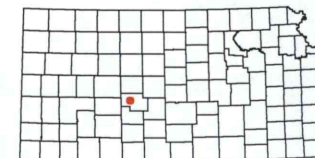
• S_IRR

▣ AUTHORIZED

▣ PROPOSED

⓪ DOMESTIC APPLICANT

Index Map



This map was created by L.Ireland in WIMAS on 6/21/2016