

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

Document Signature LPL

1. File Number: 36789	2. Status Change Date: 7/19/2016	3. Change Num: C1	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: 4/25/16	
8a. Applicant(s) New to system <input type="checkbox"/> JERRY L MARMIE 136 NE 20 AVE GREAT BEND KS 67530		Person ID 11068 Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/> E D & J INC PO BOX 1005 GREAT BEND KS 67530-1005		
8b. Landowner(s) New to system <input type="checkbox"/> NORTHGLENN LTD PO BOX 1005 GREAT BEND KS 67530-1005		Person ID 54887 Add Seq# _____	8d. WUC New to system <input type="checkbox"/> NORTHGLENN LTD PO BOX 1005 GREAT BEND KS 67530-1005		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/16 <input type="checkbox"/> N & P Date to Comply: _____					
<input checked="" type="checkbox"/> Anti-Reverse Meter <input checked="" 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: 7/6/16 By: LI Date Entered: 7/20/2016 By: CLM					

File No. **36789** 11. County: **BT** Basin: Stream: Formation Code: Special Use:

12. Points of Diversion										Rate and Quantity				
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files
										Rate gpm	Quantity af	Rate gpm	Quantity af	
CK	12970	NC W2	3	20	13W	3	2840	3960		775	129	775	129	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) **REMOVE " 5 YR ALLOCATION" NONE**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type **B3** Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment **TERMINATE 5 YR ALLOCATION ALLOCATION ID 213 TERMINATION EFFECTIVE ON DATE OF C1 CHANGE APPROVAL**

16. Place of Use T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files		
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
ENT	12906	3	20	13W	1													32	34	32.5	30.5	129	8b	YES	27517		
MOD	40834	3	20	13W	3					LT 3 8.00	LT 4 8.00	38.5	38.5	19.0	18.5		0.5					131	8C	YES	27517		

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: July 11, 2016

FROM: Leslie Ireland

RE: Water Right
File Nos. 21,517 & 36,789

Jerry L. Marmie on behalf of Northglenn Ltd., and ED & J Inc., current owners of the referenced files authorized for irrigation use have submitted applications to change the place of use. The applications were submitted with new deeds showing the applicant is the owner of the places of use as of early April 2016. Both applications were received on April 25, 2016.

The subject water rights are located in an area subject K.S.A. 82a-718, and are therefore not abandoned. The rights are in compliance with K.S.A. 82a-732. The applications comply with K.A.R. 5-5-2a, *Complete change application*.

The change approvals propose a complete overlap in two(2) full pivots that comprise the place of use with the currently authorized acres reassigned. The application under File No. 36,789, requests the termination of the K.A.R. 5-5-11(b)(3) allocation monitoring agreement with Big Bend Groundwater Management District No. 5. The applications for change will be processed by ***K.A.R. 5-5-11, Applications for change in place of use for irrigation purposes.***

Water Right, File No. 21,517, is authorized 210 acre-feet (AF) at a maximum rate of 1,800 gallons per minute (gpm) from one(1) well for the irrigation of 160 acres in the Southeast Quarter of Section 3, Township 20 South, Range 13 West, Barton County. It has no overlaps in the point of diversion or the place of use. The right was inspected in January 2003 and found to be in compliance. The location of the point of diversion was determined to be 1,403 feet North and 2,641 feet West of the Southeast Corner of Section 3, approximately 48 feet from the authorized location of 1,360 feet North and 2,620 feet West of the Southeast Corner of Section 3. The qualifier descriptors will remain as near the center of the west side of the Southeast Quarter (CW SE $\frac{1}{4}$) of Section 3. The order will correct the location of the authorized point of diversion will be corrected to the actual location per K.A.R. 5-5-6, *Failure to construct diversion works at authorized location*.

Water Right, File No. 36,789, is authorized 129 AF at a maximum rate of 775 gpm for the irrigation of 130 acres on the West Half of Section 3, Township 20 South, Range 13 West, Barton County. It has no overlaps in the point of diversion or the place of use. The place of use is authorized under a five (5) year allocation per K.A.R. 5-5-11(b)(3). The allocation agreement was with the previous owner, Clarence Burns, and has been requested to be discontinued by the new owner. The term of the agreement would have been completed in 2018. The previous and current owners have not utilized the allocated quantity that would preclude the agreements termination. The change approval will terminate the allocation.

Together the rights authorized the irrigation of 290 acres. The Stafford Field Office and records indicate the Base Acres for File No. 21,517 as 156 acres and 100 acres for File No. 36,789, for a total of 256 "Base Acres", as defined by K.A.R. 5-5-11. The proposed 260 acres complies with part (b) of K.A.R. 5-5-11 and the 4 acre increase above the *Base Acres is allowed by the regulation*. The approvals will also comply with K.A.R. 5-5-3, *Change in consumptive use* as the net consumptive will not increase as the number of acres irrigated will not significantly increase.

The proposed changes will result in a total of 339 acre-feet to irrigate 260 acres resulting in an irrigation ratio of 1.30 acre-foot per acre. It would appear this irrigation ratio is reasonable for Barton County as the quantity is just slightly less than the 1.4 acre-foot per acre per K.A.R. 5-3-24, *Reasonable quantity for irrigation use*, thus complying with K.A.R. 5-3-23, *Maximum reasonable annual quantity allowable for irrigation use for an application for change in place of use and a request to reduce a water right*.

On June 28, 2016, the Office of the Chief Engineer received a letter from the Big Bend Groundwater Management District No. 5, recommended approval of the applications for change, as they comply with K.A.R. 5-25-20(b). They further indicated the monitoring agreement between the District and the former land owner would be canceled upon their receipt of the approvals under the referenced file.

Jeff Lanterman, Water Commissioner of the Stafford Field Office, replied by E-mail on July 8, 2016, that he recommended the termination of the allocation agreement under File No. 36,789 and the approval of the changes under the referenced files with the additional requirement that the meters be sealed.

Water flowmeters will be required and check valves should be installed if the owners is chemigating. A water level measurement tube and well logs are not applicable, as no new wells have been authorized to be constructed. The approvals will contain the wording which pertains to the sealing for the sealing of the meter.

Based on the above discussion, that the changes are reasonable, impairment of existing water rights is unlikely, that no change in the local source of supply will occur, it is recommended that the referenced applications be approved.



Leslie Ireland
Environmental Scientist

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

NORTHGLENN LTD
ED & J INCORPORATED
JERRY L. MARMIE, VICE PRESIDENT
136 NE 20 AVENUE
PO BOX 1005
GREAT BEND, KS 67530-1005

FILE COPY

RE: Water Right, File Nos. 27,517 & 36,789

Dear Mr. Marmie:


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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is that an acceptable water flowmeter must be installed on the diversion works authorized. Please return the required notification of installation of the meter as soon as this action is completed.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties. Per the submitted change applications the Water Use Correspondent for the referenced files has been designated to be Rio Vista Farms LLC.

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 Applications Unit Supervisor

BAT:LI:li
Enclosures
pc: Stafford Field Office



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE
WATER RIGHT, FILE NO. 36,789**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Jerry L. Marmie, Vice President of Northglenn Ltd., 136 NE 20 Avenue, PO Box 1005, Great Bend, Kansas 67530-1005, received in the office of the Chief Engineer on April 25, 2016, 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 order of the Chief Engineer dated June 26, 1998, approving the application to change the place of use and by the Correctional Order of the Chief Engineer dated July 14, 1998 correcting the June 26, 1998 approval to change the place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

This order effectively removes the additional limitation which established the five year allocation on the quantity as set forth by the Approval of the Change in Place of Use under File No. 36,789 dated June 26, 1998.

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 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	
3 20S 13W					Lot 3 8.00	Lot 4 8.00	38.50	38.50	19.00	18.50		0.50	32.00	34.00	32.50	30.50	260

a total of 260.0 acres in Section 3, in Township 20 South, Range 13 West, Barton County, Kansas,

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

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.

A seal shall be placed on the water flowmeter by the Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. If the seal is broken without the written permission of the chief engineer, this shall create a rebuttable presumption that the point of diversion had been unlawfully operated in violation of the order of the chief engineer and that the water right holder had been acting in violation of the conditions of his or her water right.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 36,789, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated October 15, 1990, 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, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 – 6777.

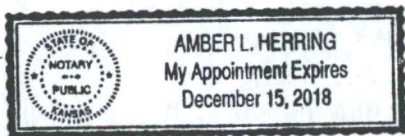
Ordered this 19th day of July, 2016, at Topeka, Shawnee County, Kansas.

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 19th day of July, 2016, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Amber L. Herring
Notary Public

CERTIFICATE OF SERVICE

On this 21 day July, 2016, I hereby certify that the attached Approval of Application for Change in Place of Use under Water Right, File No. 36,789 dated, July 19 was mailed postage prepaid, first class, US mail to the following:

Northglenn LTD
ED & J Incorporated
Jerry L. Marmie, Vice President
136 NE 20 Avenue
PO Box 1005
Great Bend, KS 67530-1005

With photocopies to:

Stafford Field Office
Groundwater Management District No. 5


Division of Water Resources

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APR 25 2016

12:40



State of Kansas

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**

*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.

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UNACCEPTABLE FOR PRIORITY

12:40

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

- Place of Use
- Point of Diversion
- Use Made of Water

(Check one or more)

File No. 36789

2. Name of applicant: Jerry Marmie

Address: PO Box 1005

City, State and Zip: Great Bend KS 67530-1005

Phone Number: (620)793-0139 E-mail address: jerrymarmie@yahoo.coms

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

Name of water use correspondent: Northglenn LTD

Address: PO Box 1005

City, State and Zip: Great Bend KS 67530-1005

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): The wells under File No. 27517 and 36789 will be tied together and the places of use will be overlapped. There will not be any physical changes to the acres being irrigated. Only the descriptions will change.

The change(s) will be completed by December 2016

(Date)

* LI/ave 6/21/16

For Office Use Only:

F.O. 2 GMD 5 Meets K.A.R. 5-5-1 (YES/NO) Use FRP Source S County BT By ASW Date 4/27/16
Code _____ Fee \$ 200 TR # 16043928 Receipt Date 4/25/16 Check # 10622

APPLICATION COMPLETE
6/29/16
Reviewer LI

SCANNED
5/3/2016 UM

4. The presently authorized place of use is:

Owner of Land — NAME: ED & J Inc

JERRY L. MARMIE, V.P. &

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

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	
						Lot 3	Lot 4												
3	20	13W				11	11	38	38	16	16								130

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

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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

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

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

Owner of Land — NAME: Northglenn Ltd

JERRY L. MARMIE, V.P. &

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

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	
3	20	13W												32	34	32.5	30.5		129

List any other water rights that cover this place of use. 27517

Owner of Land — NAME: ED & J Inc

JERRY L. MARMIE, V.P. &

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

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	
						Lot 3	Lot 4												
3	20	13W				8	8	38.5	38.5	19	18.5	0.5							131
																		Total	260

List any other water rights that cover this place of use. 27517

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* LI/aw
6/21/16

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- 6. The presently authorized point(s) of diversion is one well
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) no change
(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 CW W2 Quarter
 of Section 3, Township 20 South, Range 13 W,
 in Barton County, Kansas, 2840 feet North 3960 feet West of Southeast corner of section.
 Authorized Rate 775 gpm Authorized Quantity 129 AF
 (DWR use only: Computer ID No. 3 GPS N/A feet North N/A 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. N/A

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.
Base acres will not be increased by more than 10 acres for either file. File No. 27517 has a base of 155 acres and File No. 36789 has a base of 100 acres per the Stafford Field Office. The total acres proposed is 260.
There is currently a place of use monitoring agreement on File No. 36789 that is no longer needed if this change is approved.

Confidential - ** 4/20/16 * MEAD TO FILE SAYS 156 ACRES*
(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 (--- 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.

Impairment is not anticipated.

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 waivers are anticipated.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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SCANNED

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** LI/awr 6/21/16*

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.

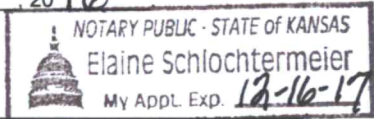
I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application 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 21st day of April, 2016.

<u>Jerry L Mammil V.P.</u> (Owner)	_____	(Spouse)
<u>Jerry L Mammil</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(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 21 day of April, 2016.



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 RECEIVED

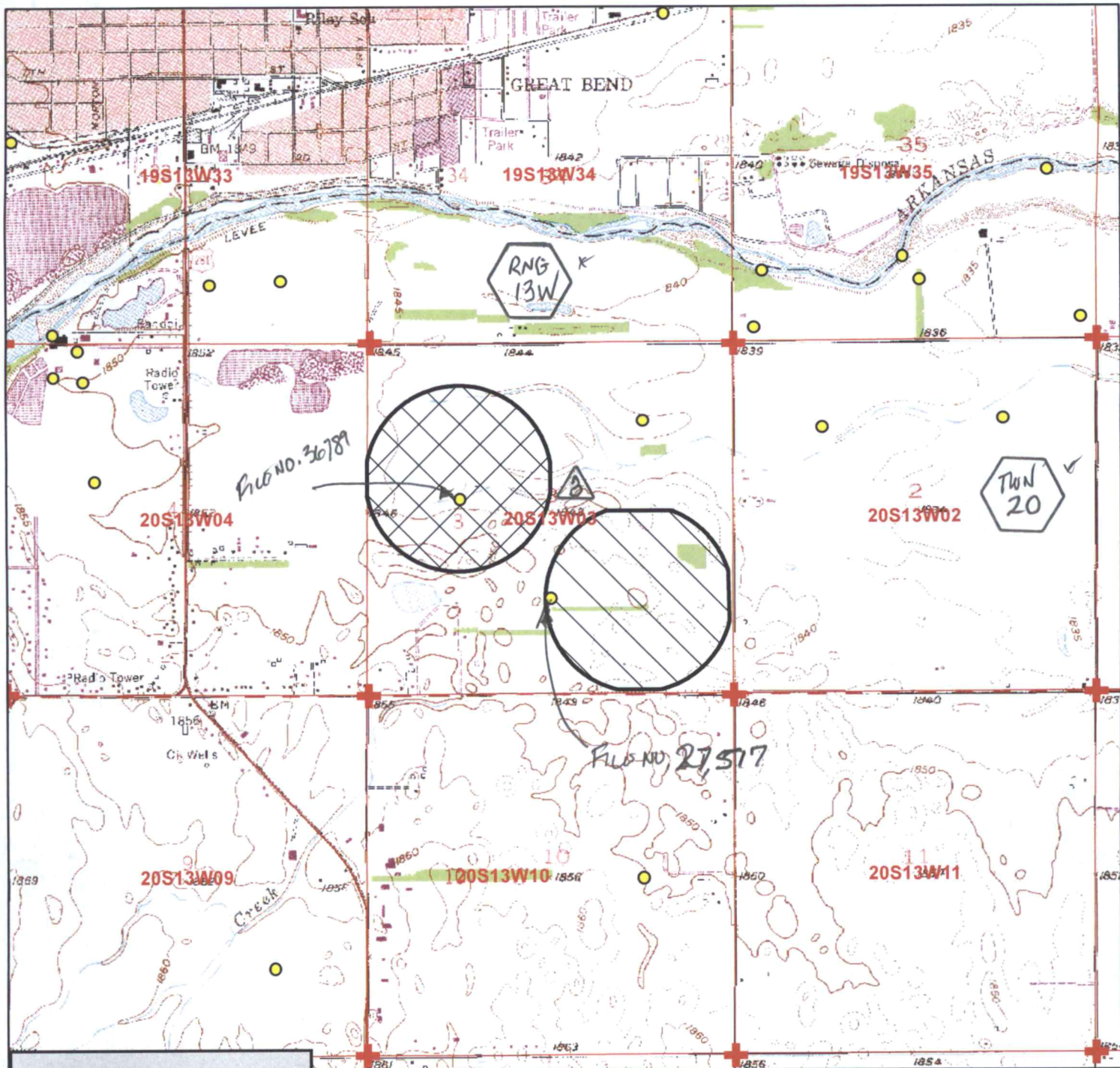
APR 25 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

UNACCEPTABLE FOR PRIORITY APR 25 2016

SCANNED KS DEPT OF AGRICULTURE



Legend

- Water Appropriations
- + Section Corner
- Section Line

Place of Use

- / Authorized
- \ Proposed



Water Right, File No. 36789

* LIDAWN 6/20/14

Change in Place of Use Application Map
 Creating an Overlap with File No. 27517
 3-20S-13W

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

Barton County

APR 25 2016

UNACCEPTABLE FOR PRIORITY
 4/20/16 EKF-SFFO



KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE

SCANNED

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

June 28, 2016

Leslie Ireland
Division of Water Resources
Kansas Department of Agriculture
300 S. Main Street
Stafford, Kansas 67578-1342

RE: Water Right File Nos. 27517 & 36789
Change in the Places of Use

Dear Ms. Ireland,

Big Bend Groundwater Management District #5 has reviewed the above referenced applications to change the places of use. The applicant is proposing to create a complete overlap of these two water right files. Additionally, it is the understanding of the District that there will not be an increase in the total irrigated acres between these two water rights. As such, there should not be an increase in net consumptive use through these changes. Therefore, the application appears to be consistent with 5-25-20(b) and is recommended for approval.

The District will terminate the monitoring agreement between the District and the former landowner for Water Right File Number 36789 dated January 2, 2015 upon approval of these two applications as presented. Until such time, the monitoring agreement will remain in effect.

The applications to change are subject to the District's well equipment regulation K.A.R. 5-25-5 for required flow meters.

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

Sincerely,

Orrin Feril
Manager

WATER RESOURCES
RECEIVED

JUN 28 2016

KS DEPT OF AGRICULTURE

Ireland, Leslie

From: Orrin Feril <oferil@gmd5.org>
Sent: Tuesday, June 28, 2016 2:59 PM
To: Ireland, Leslie
Subject: Applications for Change, Water Right, File Nos. 27517 & 36789
Attachments: 27517 36789 2016-06-28 Rec.pdf

Leslie,
I'm attaching the recommendation requested by your office in a letter dated June 21, 2016. Please let me know if you have any questions.

Thank you for your consideration in this matter,

Orrin

--
Orrin Feril
Manager
Big Bend GMD#5
Email: oferil@gmd5.org
Phone: (620) 234-5352
Mobile: (620) 388-0172
Fax: (620) 234-5718
www.gmd5.org

**WATER RESOURCES
RECEIVED**

JUN 28 2016

KS DEPT OF AGRICULTURE

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 21, 2016

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

Re: Applications for Change, Water Right, File Nos. 27,517 & 36,789

Dear Mr. Feril:

We are enclosing a copy of the applications 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 recommendations concerning the applications.

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,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li

Enclosure

pc: Stafford Field Office
Jerry Marmie

FILE COPY



Entered in Transfer Record in my office this 30th day of March, A.D., 2016
Donna Zimmerman
County Clerk
by Bar Schneider, Asst. Deputy

REGISTER OF DEEDS PAM WORNKEY
BARTON COUNTY, KS

Book: 619 Page: 2863

Receipt #: 135388

Total Fees: \$15.00

Pages Recorded: 1

Date Recorded: 3/29/2016 9:43:42 AM

TRUSTEES DEED

Tom R. Burns, Trustee of the Clarence J. Burns Family Trust dated December 17, 2009 "Grantor", in consideration of Ten dollars and other valuable consideration, conveys, transfers and assigns all of the Trust's interest to Northglenn, Ltd., "Grantees", in and to the following property:

The Southeast Quarter (SE/4) of Section Three (3), Township Twenty (20) South, Range Thirteen (13) West, Barton County, Kansas, together with all mineral and water rights, subject to easements, leases, covenants and restrictions of record and the appurtenances, improvements and fixtures situated thereon;

and

all subsurface irrigation components, including, but not limited to, pipes, pumps, fittings and other fixtures.

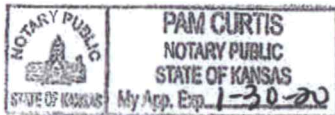
DATED this 24 day of March, 2016.

Tom R Burns Trustee
TOM R. BURNS, Trustee of the Clarence J. Burns Family Trust dated December 17, 2009

STATE OF KANSAS)
) ss:
COUNTY OF BARTON) ACKNOWLEDGMENT FOR TRUSTEE (KsOkCoNe)

The foregoing instrument was acknowledged before me this 24 day of March, 2016, by Tom R. Burns, Trustee of the Clarence J. Burns Family Trust dated December 17, 2009.

My Commission Expires: Pam Curtis
Notary Public



Index
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Plat Book
Military Book
Art of Inc Book
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WATER RESOURCES RECEIVED

MAY 10 2016

KS DEPT OF AGRICULTURE

DM4683.wpd



TRUSTEE'S AFFIDAVIT/CERTIFICATION

IN RE: SOUTHEAST QUARTER (SE/4) OF SECTION THREE (3), TOWNSHIP
TWENTY (20) SOUTH, RANGE THIRTEEN (13) WEST, BARTON COUNTY,
KANSAS

This certification is in regard to the Clarence J. Burns Family Trust dated December 17, 2009

STATE OF KANSAS; COUNTY OF BARTON ss:

Tom R. Burns, being of lawful age and duly sworn upon oath deposes and says:

1. That I am the Successor Trustee and currently acting Trustee under the Clarence J. Burns Family Trust dated December 17, 2009.
2. The current address of the Trustee is 126 SE 20 Road, Great Bend, Kansas 67530.
3. The Trust instrument grants to the Trustee the power to sell, mortgage or otherwise alienate real estate owned by the trust.
4. This trust was a revocable trust that became irrevocable upon the Grantor/Settlor Clarence J. Burns's death on October 27, 2015.
5. The Grantor/Settlor of the trust was Clarence J. Burns. Said Grantor/Settlor is deceased, having passed away on October 27, 2015.
6. Elizabeth M. Burns was the spouse of the Settlor; however, she predeceased the Settlor, passing away on May 11, 2012.
7. Tom R. Burns, Successor Trustee, has the authority to sign deeds, mortgages other documents concerning the above described real estate pursuant to the terms of the Trust.
8. Tom R. Burns, as Trustee, is authorized to sign this certification. This trust has not been amended, modified or revoked in any manner that would cause any of the statements above to be incorrect.

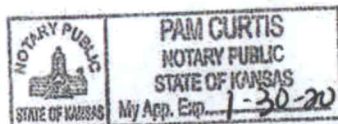
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 Plat Book _____
 Military Book _____
 Art of Inc Book _____
 Scanned 30

FURTHER AFFIANT SAITH NAUGHT.

Tom R Burns Trustee

TOM R. BURNS, Trustee of the Clarence J. Burns
Family Trust dated December 17, 2009

SUBSCRIBED AND SWORN to before me this 24 day of March, 2016 by
TOM R. BURNS.



MY COMMISSION EXPIRES

Pam Curtis

NOTARY PUBLIC

RECEIVED
WATER RESOURCES

Entered in Transfer Record in my office this

30th day of March, A.D., 2016
Denna Zimmerman
by Bev Schneider, Ass't. Clerk

Receipt #: 135388
Pages Recorded: 1

Date Recorded: 3/29/2016 9:43:43 AM



STATUTORY WARRANTY DEED

THIS DEED, made this 24 day of March, 2016, between Tom R. Burns and Kay Burns, husband and wife, as "First Party", and Northglenn, Ltd., a Kansas Corporation, P.O. Box 1005, Great Bend, Kansas 67530, as "Second Party."

WITNESSETH, that First Party, in consideration of Ten dollars and other valuable consideration, by these presents, conveys and warrants unto Second Party, its successors and assigns, all of the following described real estate situated in Barton County, Kansas, to-wit:

The Southeast Quarter (SE/4) of Section Three (3), Township Twenty (20) South, Range Thirteen (13) West, Barton County, Kansas, together with all mineral and water rights, subject to easements, leases, covenants and restrictions of record and the appurtenances, improvements and fixtures situated thereon;

and

all subsurface irrigation components, including, but not limited to, pipes, pumps, fittings and other fixtures.

IN WITNESS WHEREOF, First Parties have caused this Deed to be signed the day and year above written.

Index 20
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Military Book _____
Art of Inc Book _____
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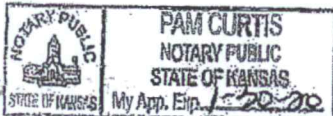
Tom R Burns
TOM R. BURNS

Kay Burns
KAY BURNS

STATE OF KANSAS
COUNTY OF BARTON

The foregoing instrument was acknowledged before me this 24 day of March 2016 by Tom R. Burns and Kay Burns, husband and wife.

My commission expires Pam Curtis
Notary Public



dm4684.wpd

A Kansas Real Estate Sales
Validation Questionnaire is
not required pursuant to
K.S.A. 79-1437e (a) (3).



TRUSTEE'S AFFIDAVIT/CERTIFICATION

IN RE: The Northwest Quarter (NW/4) and the North 53.2737 acres of the Southwest Quarter (SW/4) of Section Three (3), Township Twenty (20) South, Range Thirteen (13) West, Barton County, Kansas,

This Certification is in regard to the Clarence J. Burns Family Trust dated December 17, 2009.

STATE OF KANSAS; COUNTY OF BARTON ss:

Tom R. Burns, being of lawful age and duly sworn upon oath deposes and says:

1. That I am the Successor Trustee and currently acting Trustee under the Clarence J. Burns Family Trust dated December 17, 2009.
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5. The Grantor/Settlor of the trust was Clarence J. Burns. Said Grantor/Settlor is deceased, having passed away on October 27, 2015.
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8. Tom R. Burns, as Trustee, is authorized to sign this certification. This trust has not been amended, modified or revoked in any manner that would cause any of the statements above to be incorrect.

Index SD
 Numerical SD
 Gross _____
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 Military Book _____
 Art of Inc Book _____
 Scanned SD

FURTHER AFFIANT SAITH NAUGHT.

Tom R Burns Trustee

TOM R. BURNS, Trustee of the Clarence J. Burns Family Trust dated December 17, 2009

SUBSCRIBED AND SWORN to before me this 14th day of April, 2016 by Tom R. Burns.

ROSA L. BOESE
 Notary Public - State of Kansas
 My Appt. Expires 8/21/2018

MY COMMISSION EXPIRES

Rosa L. Boese

NOTARY PUBLIC

sg8438

WATER RESOURCES
RECEIVED

MAY 10 2016

KS DEPT OF AGRICULTURE



Entered in Transfer Record in my office this

15th day of April, A.D., 2016
Dana Zimmerman by Roxane Edwards
County Clerk Deputy

TRUSTEE'S DEED

Tom R. Burns, Trustee of the Clarence J. Burns Family Trust dated December 17, 2009 "Grantor", in consideration of exchange of real estate and other valuable consideration, conveys, transfers and assigns all of the Trust's interest to E.D. & J., Inc., "Grantee", in and to the following property:

That part of the Southwest Quarter of Section 3, Township 20 South, Range 13 West of the 6th Principal Meridian, Barton County, Kansas, described as follows:

Beginning at the northwest corner of the Southwest Quarter of said Section 3; thence on an assumed bearing of North 89 degrees 50 minutes 47 seconds East, along the north line of the Southwest Quarter of said section, a distance of 2647.10 feet to the northeast corner of the Southwest Quarter of said section; thence on a bearing of South 00 degrees 35 minutes 06 seconds West, along the east line of the Southwest Quarter of said section, a distance of 880.00 feet; thence on a bearing of South 89 degrees 59 minutes 45 seconds West, parallel to the south line of the Southwest Quarter of said section, a distance of 2648.14 feet to the west line of the Southwest Quarter of said section; thence on a bearing of North 00 degrees 39 minutes 31 seconds East, along the west line of the Southwest Quarter of said section, a distance of 873.11 feet to the point of beginning.

The above described tract of real estate contains 53.2737 acres.

together with all mineral and water rights, subject to easements, leases, covenants and restrictions of record and the appurtenances, improvements and fixtures situated thereon;

DATED this 14th day of April, 2016.

Tom R. Burns Trustee

TOM R. BURNS, Trustee of the Clarence J. Burns Family Trust dated December 17, 2009

STATE OF KANSAS)

) ss:

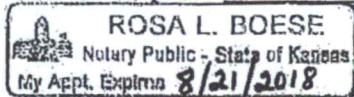
COUNTY OF BARTON)

) ACKNOWLEDGMENT FOR TRUSTEE (KsOkCoNe)

The foregoing instrument was acknowledged before me this 14th day of April, 2016, by Tom R. Burns, Trustee of the Clarence J. Burns Family Trust dated December 17, 2009.

My Commission Expires:

Rosa L. Boese
Notary Public



dm4739.wpd

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Plat Book
Military Book
Art of Inc Book
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Entered in Transfer Record in my office this

15th day of April, A.D., 2016

Dorena Zimmerman
By Roxane Edulinda Deputy County Clerk

REGISTER OF DEEDS PAM WORNKEY
BARTON COUNTY, KS

Book: 619 Page: 3088

Receipt #: 135612

Total Fees: \$15.00

Pages Recorded: 1

Date Recorded: 4/14/2016 9:32:32 AM

TRUSTEE'S DEED

Tom R. Burns, Trustee of the Clarence J. Burns Family Trust dated December 17, 2009 "Grantor", in consideration of Ten dollars and other valuable consideration, conveys, transfers and assigns all of the Trust's interest to **E.D. & J., Inc.**, "Grantee", in and to the following property:

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DATED this 14th day of April, 2016.


Tom R. Burns Trustee

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STATE OF KANSAS)
) ss:
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My Commission Expires:

	ROSA L. BOESE Notary Public - State of Kansas
My Appt. Expires: <u>8/21/2018</u>	<u>Rosa L. Boese</u>

Notary Public

WATER RESOURCES
RECEIVED

sg8442.wpd

MAY 10 2016

KS DEPT OF AGRICULTURE

- Index 33
- Numerical 33
- Cross _____
- DC Book _____
- Plat Book _____
- Military Book _____
- Art of Inc Book _____
- Scanned 33



Entered in Transfer Record in my office this
15th day of April, A.D., 2016
By Deanna Zimmerman
By Roxane Edwards, Deputy County Clerk

REGISTER OF DEEDS PAM WORNKEY
BARTON COUNTY, KS

Book: 619 Page: 3088

Receipt #: 135612

Total Fees: \$15.00

Pages Recorded: 1

Date Recorded: 4/14/2016 9:32:32 AM

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DATED this 14th day of April, 2016.

Tom R. Burns Trustee

TOM R. BURNS, Trustee of the Clarence J. Burns Family Trust dated December 17, 2009

STATE OF KANSAS)
) ss:
COUNTY OF BARTON) ACKNOWLEDGMENT FOR TRUSTEE (KsOkCoNe)

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My Commission Expires:

ROSA L. BOESE
Notary Public - State of Kansas
My Appl. Expires 8/21/2018

Rosa L. Boese
Notary Public

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WATER RESOURCES
RECEIVED

sg8442.wpd

MAY 10 2016

KS DEPT OF AGRICULTURE



Entered in Transfer Record in my office this

TRUSTEE'S DEED

15th day of April, A.D., 2016
Dana Zimmerman by Roxane Edwards
County Clerk Deputy

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STATE OF KANSAS)

) ss:

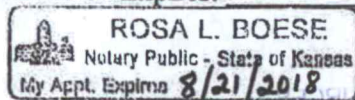
COUNTY OF BARTON)

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My Commission Expires:

Rosa L. Boese
Notary Public



RECEIVED WATER RESOURCES

dm4739.wpd

Index 30
Numerical 30
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DC Book
Plat Book
Military Book
Art of Inc Book
Scanned 30

MARMIE MOTORS INC.
PO BOX 1005
1724 10TH ST
GREAT BEND, KS 67530
DEALER #61619

PHONE: 620-792-2571
TOLL FREE: 800-239-7840

FAX: 620-791-6783
CELL: 620-793-0139



Jerry Marmie
Dealer

1724 10th Street · PO Box 1005 · Great Bend, Kansas 67530 · www.marmies.net



(620) 792-2571
(800) 239-7840
(620) 791-6783 (fax)
jerrymarmie@yahoo.com



Fax

ATTN: *Elizabeth Fitch* From: JERRY MARMIE
TO: Date: *5-9-16*
Fax #: Pages: *7*
Re: *Deeds* CC: NA

Urgent For Review Please Comment Please Reply Please Recycle

•Comments:

*We finally received the last deed today. Sorry it took so long.
Thanks,
Jerry.*

*file 27517
36789*

WATER RESOURCES
RECEIVED

MAY 10 2016

KS DEPT OF AGRICULTURE

Entered in Transfer Record in my office this
30th day of March, A.D., 2016
Denna Zimmerman
by Bar Schneider, Ass't. Clerk
County Clerk



STATUTORY WARRANTY DEED

THIS DEED, made this 24 day of March, 2016, between Tom R. Burns and Kay Burns, husband and wife, as "First Party", and Northglenn, Ltd., a Kansas Corporation, P.O. Box 1005, Great Bend, Kansas 67530, as "Second Party."

WITNESSETH, that First Party, in consideration of Ten dollars and other valuable consideration, by these presents, conveys and warrants unto Second Party, its successors and assigns, all of the following described real estate situated in Barton County, Kansas, to-wit:

The Southeast Quarter (SE/4) of Section Three (3), Township Twenty (20) South, Range Thirteen (13) West, Barton County, Kansas, together with all mineral and water rights, subject to easements, leases, covenants and restrictions of record and the appurtenances, improvements and fixtures situated thereon;

and

all subsurface irrigation components, including, but not limited to, pipes, pumps, fittings and other fixtures.

IN WITNESS WHEREOF, First Parties have caused this Deed to be signed the day and year above written.

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Art of Inc Book _____
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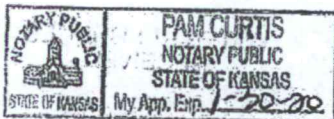
Tom R Burns
TOM R. BURNS

Kay Burns
KAY BURNS

STATE OF KANSAS
COUNTY OF BARTON

The foregoing instrument was acknowledged before me this 24 day of March 2016 by Tom R. Burns and Kay Burns, husband and wife.

My commission expires Pam Curtis
Notary Public



dm4684.wpd

A Kansas Real Estate Sales
Validation Questionnaire is
not required pursuant to
K.S.A. 79-1437e (a) (2).

UNLAWFUL TO REUSE

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

Place of Use Monitoring - Status Report

December 24, 2015

Clarence Burns
 126 SE 20 Rd
 Great Bend, KS 67530

RE: Status Report, File No. 36,789

Dear Mr. Burns:

On July 02, 1998, the Chief Engineer approved an application for a change in place of use for irrigation purposes. The Big Bend Groundwater Management District #5 (District) has agreed to monitor compliance with the conditions of that approval. A member of the staff of the District conducted an onsite verification of your operation on **September 21, 2015** to determine whether you were complying with the conditions of your change approval.

- (1) The required water flow meter is properly installed and in satisfactory operating condition.
- (2) You **were** complying with the conditions of the required conservation plan.
- (3) You **were** irrigating only authorized acres.

(4) **HISTORY OF WATER USE**

Five Year Allocation	589.00					
Annual Allocation	129.00					
Contract Period	2014-2018					
		2014 Year 1	2015 Year 2	2016 Year 3	2017 Year 4	2018 Year 5
Annual Water Used		92.56	123.60			
Annual Amount Remaining		36.44	5.40			
Total of 5 Year Allocation Used		92.56	216.16			
Total of 5 Year Allocation Remaining		496.44	372.84			

Please note: All water use figures are based on reported water use, except the current year.

- (5) You **were** in compliance with your maximum annual quantity.
- (6) You **were** in compliance with your five-year allocation of water.

SUMMARY

- (1) As of 9/21/2015, you had **5.40** acre-feet of additional water that may be used in calendar year **2015** if needed.

Enclosed with this letter is your copy of the place of use monitoring inspection sheet (Attachment A). Please review the attachment and notify our office immediately if you have questions or comments.

Sincerely,

Orrin Feril
 Manager

c: DWR – Stafford Field Office
 DWR – Headquarters, Topeka

Enclosure

**Report of Onsite Verification of Compliance with Conditions of Approval
of Change in Place of Use for Irrigation Purposes**

ATTACHMENT A

File #: 36,789 In compliance to DWR approval? Yes
 Insp. date: 09/21/15 Evidence of change to well or diversion works? No
 Is the meter properly installed? Yes
 Is the meter in operating condition? System Not Running
 Inspector: JH If no, Explain: _____
 Evidence of change to flow meter? No
 Landowner: Clarence Burns Any unauthorized acres being irrigated? No
 If yes, Explain: _____
 County: Barton Is the owner complying with the Conservation Plan? Yes

How many acres were planted/irrigated/harvested within the authorized place of use during the current calendar year?

Sec	Twn	Rng	NE4				NW4				SW4				SE4				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3	20	13					12	12	31	39	17	17							

Indicate the types of crops:

Quarter Sec. 3 Crop Type South half Corn. North half double crop corn.

Hour Meter Reading: 4,605.7 CP
 Hour Meter Reading: 2,392.8 Engine
 Current Meter Reading: 706.641
 Manufacturer: McCrometer
 Units: Acre-Foot Model: MD308-1300
 Mult. Factor: 0.001 Serial: 92-8-1869N

Preliminary Water Use
 Amount for Year as of: September 21, 2015

Beg. Reading: Acre-Foot	End Reading: Acre-Foot	YTD used: AF
583.043	706.641	123.60

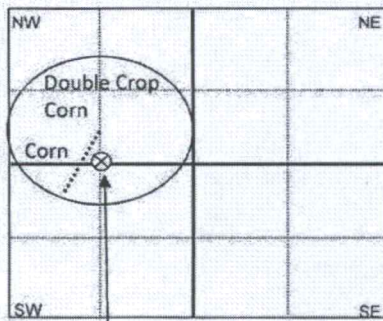
Meter Test

Ending Reading: 651 Time: 22.35 min:sec.10th
 Beginning Reading: 651 Rate 714.39 gpm
 Difference (Gallons): 15,967

Additional Comments:

Meter is located at the Center pivot. Meter tested in 2015 result was 5.92% High. Meter sealed to pipe.

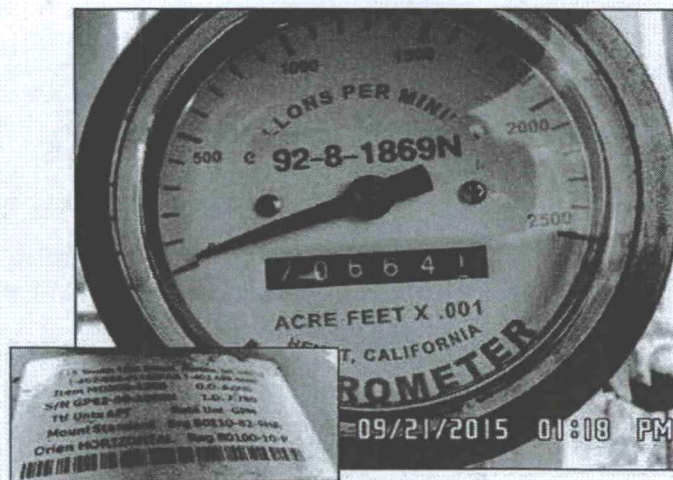
Location Map: (not to scale)



Please show approximate location of well, flow meter, access roads to well, etc.

- ⊗ Point of Diversion
- Center Pivot
- ← Access Road

Conducted By: JH
 Date: September 21, 2015
 Reviewed By: OF
 Date: December 22, 2015



John Hildebrand
[Signature]

47
 1849 / 2290

BIG BEND GROUNDWATER MANAGEMENT DISTRICT NO. FIVE
125 S. MAIN ST.
STAFFORD KANSAS 67578

When an application for a change in place of use for irrigation purposes is approved by the Chief Engineer, Division of Water Resources, for Water Right File No.(s) 36,789 the Big Bend Groundwater Management District No. 5 (GMD) will monitor compliance with the conditions of that approval. Monitoring by the GMD will take place only when the following service agreement is signed and returned to the GMD office.

SERVICE AGREEMENT

1. **Customer:** Clarence Burns
126 SE 20 Rd
Great Bend, KS 67530

2. **Term:** This agreement shall be for a five year term, beginning January 1, 2014, and ending December 31, 2018, subject to the annual fee.

3. **Fee schedule:** Customer will be billed for services performed at a rate of \$250.00 per year plus round trip mileage to site. Mileage rate will be based on State of Kansas adopted rate.

Payment shall be received in the GMD office upon receipt of the annual billing for services performed for that current year.

4. **On Site Monitoring:** Monitoring service will be performed by GMD staff and may include but shall not be limited to:

- a. Inspection of flow meter to ensure proper installation and satisfactory operating conditions.
- b. Compliance with conditions of required conservation plan.
- c. Irrigation of authorized acres.
- d. Compliance with water use limitations.
- e. Determination of crops grown on authorized place of use.

RECEIVED
JAN 02 2015
Big Bend GMD #5

5. **Landowner's responsibility:** Landowner agrees to prepay annually for services. A change approved pursuant to K.A.R. 5-5-11 (b)(4) will require certification of acreage with payment. A copy of the Water Use Report shall be sent to the GMD by March 1st each year throughout the duration of the agreement.

6. **Limitations of liability:** The GMD assumes responsibility for the safety of its personnel, property and equipment. The GMD shall not be responsible for any damages caused by the public or its employees except as provided in the Kansas Tort Claims Act, K.S.A. 1980 Supp. 75-6101 et seq.

7. **Termination:** This agreement may be terminated by the GMD if payment for services is not rendered.

Landowner Clarence Burns by Tom Burns POA, Dated 12-29-14

GMD #5 [Signature], Dated 1/2/15

Tom cell # 620-786-0619

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

JERRY MARMIE
PO BOX 1005
GREAT BEND KS 67530

May 2, 2016

RE: File No. 36789

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

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

Sincerely,

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

BAT: DLW
pc: STAFFORD Field Office GMD 5

SCANNED



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

Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
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