

File No. **28,495** 11. County: **ED** Basin: **Rattlesnake Creek** Stream: Formation Code: Special Use:

12. Points of Diversion
 T
 MOD
 DEL PDIV
 ENT Qualifier S T R ID 'N 'W Comment
 Rate and Quantity
 Authorized Additional
 Rate Quantity Rate Quantity
 gpm/cfs af/mgy gpm/cfs af/mgy Overlap PD Files

NO CHANGE

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

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use 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 68269 13 24S 16W																	38	40	17	13	108	8a & 8b	NONE
DEL 24345																							

Comments: **Remove overlap in PU with File Nos. 1,978 & 37,499**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: March 14, 2017

FROM: Austin McColloch

RE: Change Application, File No. 28,495

Kenneth Sewing has filed the referenced change application for a place of use intends to remove the place of use overlap with Water Right, File Nos. 1,987 & 37,499. Also filed with this change application were voluntary reductions for Water Right, File Nos. 1,987 & 37,499 to remove irrigated acres overlapping the new place of use. There is no proposed change in the rate or quantity for File No. 28,495.

The file does not appear to be abandoned as per K.A.R. 82a-718.

A field office change in point of diversion was recently approved making the current authorized point of diversion: one (1) well located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13, more particularly described as being near a point 1,673 feet North and 1,294 feet West of the Southeast corner of said Section, in Township 24 South, Range 16 West, Edwards County, Kansas.

The change in place of use for File No. 28,495 will remove 108 currently authorized acres in the Southwest Quarter (SW $\frac{1}{4}$) of Section 13, Township 24 South, Range 16 West and add 46 acres in the Southeast Quarter (SE $\frac{1}{4}$) of Section 13, Township 24 South, Range 16 West, for a combined net reduction of 62 irrigated acres from the authorized place of use. This will remove an overlap in place of use with Water Right, File Nos. 1,987 & 37,499 which will irrigate the SW $\frac{1}{4}$ of Section 13. The proposed place of use is owned by Kenneth & Barbra Sewing and Judith Wineland, all signatures required to change the place of use have been received.

Although this change in place of use is removing 62 acres the quantity and rate will not change because of the perfection and certification of Water Right, File No. 28,495. File No. 28,495 has 110 base acres and was certified 90 acre-feet at a rate of diversion of 1,045 gallons per minute. This change in place of use is essentially reverting the file back to its original certified state.

The applicant identified 1 domestic well within a half mile of the point of diversion for the new application. Effective July 1, 2016, Senate Bill No. 337 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. Nearby notification letters were sent out on January 25, 2017. No response of any kind was received.

The point of diversion is located within the Big Bend Groundwater Management District No. 5. A copy of the file and request for recommendation was sent to GMD No. 5 on February 9, 2017. In a letter dated February 28, 2017, Orrin Feril, Manager, GMD No. 5, stated the application complied with K.A.R. 5-25-5 and recommended the file be approved.

In a March 14, 2017 e-mail, Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the change application with the following conditions that were also outlined in the FO Change in PD approval documents:

1. If the water flowmeter is replaced with a new flowmeter then the owner of the authorized place(s) of use shall properly install an anti-reverse totalizing water flowmeter which meets or exceeds specifications adopted by the Chief engineer.
2. 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 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.

Based on the above discussion, that the change is reasonable, the historical consumptive use will not substantially be increased due to the perfection and certification of the water right, impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced application be approved.



Austin McColloch
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

KENNETH A & BARBARA A SEWING
635 E VICKERS ST
STAFFORD KS 67578-1839

March 27, 2017

FILE COPY

RE: Water Right, File No. 28,495

Dear Mr. or Mrs. Sewing:

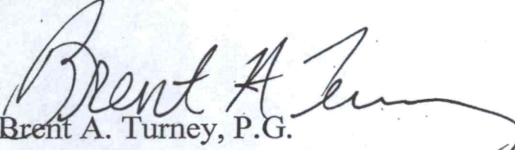
Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the referenced file. Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change.

Since this order modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

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.

If you have any questions, please contact me at (785) 564-6640. 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, P.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT:am

Enclosures

pc: Judith & Ronald Wineland
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 PLACE OF USE
WATER RIGHT, FILE NO. 28,495**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Kenneth A. Sewing, 635 E Vickers St., Stafford, Kansas 67578-1839, received in the office of the Chief Engineer on October 17, 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 Orders of the Chief Engineer dated June 18, 2001, approving the application to change the authorized place of use, and by the Orders of the Chief Engineer dated March 11, 2011, approving the application to change the authorized place of use, and by the Orders of the Chief Engineer dated December 12, 2016, approving the application to change the authorized point of diversion, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The application, therefore, is approved subject to the conditions as set forth by the Summary Order Approving Application for Change in Point of Diversion pursuant to File No. 28,495, issued December 2, 2016, described as follows:

If the water flowmeter is replaced with a new flowmeter then the owner of the authorized place(s) of use shall properly install an anti-reverse totalizing water flowmeter which meets or exceeds specifications adopted by the Chief engineer.

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 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.

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					
13 24S 16W																	38.00	40.00	17.00	13.00	108.00

a total of 108.00 acres in Section 13, Township 24 South, Range 16 West, Edwards 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

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 28,495, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated December 28, 1998.

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 20th day of March, 2017, at Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 20th day of March, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

CERTIFICATE OF SERVICE

On this 27th day March, 2017, I hereby certify that the attached Approval of Application for Change in Place of Use, Water Right, File No. 28,495 dated, March 20th, 2017, was mailed postage prepaid, first class, US mail to the following:

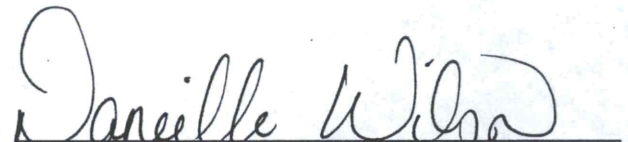
KENNETH A & BARBARA A SEWING
635 E VICKERS ST
STAFFORD KS 67578-1839

With photocopies sent to:

JUDITH M & RONALD O WINELAND
505 MONTEREY PL
HUTCHINSON KS 67502-2229

GMD NO. 5

Stafford Field Office


Division of Water Resources

APPLICATION COMPLETE

3/14/17

Reviewer AM

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

OCT 17 2016

12:39

KS DEPT OF AGRICULTURE

File No. 28495

2. Name of applicant: Kenneth A Sewing

Address: 635 E Vickers St

City, State and Zip: Stafford KS 67578-1839

Phone Number: (620)546-4241 E-mail address: _____

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

Name of water use correspondent: Kenneth A & Barbara A Sewing

Address: 635 E Vickers St

City, State and Zip: Stafford KS 67578-1839

Phone Number: (620) 546-4241 E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): This change will accommodate a new center pivot system. It will also separate out the water right from two currently associated permits for ownership reasons

The change(s) will be completed by Spring 2017 (Date)

For Office Use Only:							
F.O.	<u>2</u>	GMD	<u>5</u>	Meets K.A.R. 5-5-1	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Use	<u>IRR</u>
Code	<u>CPU</u>	Fee \$	<u>200</u>	TR #	<u>400</u>	Source	<input checked="" type="checkbox"/> G <input type="checkbox"/> S County
						Receipt Date	<u>10/13/16</u>
						By	<u>KAB</u> Date <u>10/17/16</u>
						Check #	<u>2238</u>

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SCANNED

OCT 13 2016

10/18/2016 ULM

4. The presently authorized place of use is:

Owner of Land — NAME: Kenneth A & Barbara A Sewing

Ronald O. +
// Judith M Wineland

ADDRESS: 635 E Vickers St, Stafford KS 67578-1839 // 505 Monterey Pl, Hutchinson KS 67502-2229

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	
13	24	16W									40	32	16	20	6	39	16	1	170

List any other water rights that cover this place of use. 1978, 37499 & 20127190-MF

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: Kenneth A & Barbara A Sewing

Ronald O. +
// Judith M Wineland

ADDRESS: 635 E Vickers St, Stafford KS 67578-1839 // 505 Monterey Pl, Hutchinson KS 67502-2229

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	
13	24	16W													38	40	17	13	108

List any other water rights that cover this place of use. 20127190-MF

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. _____

RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY 2013 2016

- 6. The presently authorized point(s) of diversion is one well and diversion works
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) ---
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:** *A change in P/D will be filed in the FO at the same time as this P/U change*

One in the SW Quarter of the NW NE Quarter of the SE Quarter of Section 13, Township 24 South, Range 16 W, in Edwards County, Kansas, 1,690 feet North 2,635 feet West of Southeast corner of section. Authorized Rate 1,045 gpm Authorized Quantity 90 AF
*1294 * AM 2-28-17*

(DWR use only: Computer ID No. 2 GPS 1,588 feet North 2,584 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 20127190-MF

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

WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

OCT 17 2016

OCT 13 2016

* Approved change PD done at Stafford FO

SCANNED KS DEPT OF AGRICULTURE

Stafford Field Office Division of Water Resources

12. The presently authorized use of water is for Irrigation purposes.
It is proposed that the use be changed to --- purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
The proposed place of use is less than the base of 110 acres as determined by the Stafford Field Office. However, the
authorized quantity of 90 acre-feet is below what might be considered reasonable on the proposed acres. Therefore, the
change is being processed in headquarters.

(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to --- gallons per minute (--- c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

No impairment is 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 expected.

RECEIVED

OCT 13 2016

Stafford Field Office
Division of Water Resources

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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 _____, Kansas, this _____ day of _____, 20_____.

[Handwritten Signature]

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Stafford } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 13 day of October, 2016



[Handwritten Signature]

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
 OCT 17 2016
 RECEIVED
 SCANNED OCT 13 2016
 KS DEPT OF AGRICULTURE
 Stafford Field Office
 Division of Water Resources

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 _____, Kansas, this _____ day of _____, 20_____.

_____	<i>Barbara Casey</i>
(Owner)	(Spouse)
_____	_____
(Please Print)	(Please Print)
_____	_____
(Owner)	(Spouse)
_____	_____
(Please Print)	(Please Print)
_____	_____
(Owner)	(Spouse)
_____	_____
(Please Print)	(Please Print)

State of Kansas }
County of Stafford } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 13 day of October, 2016.



Michaela Kirmer
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.**

RECEIVED
OCT 13 2016
Stafford Field Office
Division of Water Resources
SCANNED

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OCT 17 2016

KS DEPT OF AGRICULTURE

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Hutchinson, Kansas, this 13th day of October, 20 2016.

Ronald O. Wineland
(Owner)

Judith M. Wineland
(Spouse)

Ronald O. Wineland
(Please Print)

Judith M. Wineland
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)



State of Kansas }
County of Reno } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 13th day of October, 20 16.

Lynn M. Nisly
Notary Public

My Commission Expires 2/27/2020

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.**

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**RECEIVED
OCT 17 2016
Stafford Field Office
Division of Water Resources**

McColloch, Austin

From: Lanterman, Jeff
Sent: Tuesday, March 14, 2017 8:39 AM
To: McColloch, Austin
Cc: Conant, Cameron
Subject: FW: Recommendation, Change PU File No. 28,495
Attachments: 28495_Memo.doc

Austin; I am ok with approval of this change application.

Please see discussion below regarding requiring anti reverse gears and sealing the meter to the pipe. We believe that these conditions should be reinforced on this change approval.

Thanks
Jeff

From: Conant, Cameron
Sent: Tuesday, March 14, 2017 8:02 AM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>
Subject: FW: Recommendation, Change PU File No. 28,495

Have you finished this one yet?

From: Conant, Cameron
Sent: Friday, March 10, 2017 11:20 AM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>
Subject: FW: Recommendation, Change PU File No. 28,495

Jeff, this is a p/u change application from Kenny Sewing. It was not processed at the FO, it was routed through HQ because it is proposing to irrigate 110 acres with 90AF (MRQ and delegation of authority for us was a potential issue). Also, there were 2 voluntary reductions on previously overlapped place of use files that needed to be worked through HQ so the whole package went through HQ.

Base acres on this file are 110 acres. Basically this change application was filed in an effort to clean up potential future ownership. They want to split this file out and modify the p/u to what this application was certified on. The reductions on the other 2 files cut all ties with this file, in a sense making 2 separate parcels of irrigated land.

Because this was certified at 110 acres and 90AF I think I'm ok with taking it back to the original even though MRQ is far from met in this case. GMD#5 recommended approval on these grounds as well.

That said the recent p/d change was done while the MYFA was still active so we added the additional conditions about sealing to pipe and AR gears if the meter is ever replaced. I think it's appropriate to maintain the additional conditions and make sure they are included with approval of this change even though the 2012 MYFA has expired and they did not re-enroll.

We can discuss more if you want but I guess I'm good with approval of this with additional conditions to seal and AR if the meter is ever replaced. This should be done in conjunction with the 2 voluntary reductions. Pass on to Austin if you agree. (Per Austin-all owners have signed and the p/d location was revised to properly show the location of the well after the p/d was approved. What I saw in docuware did not show the revision or all owners signature)

Cameron

From: McColloch, Austin
Sent: Tuesday, March 7, 2017 3:01 PM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron <Cameron.Conant@ks.gov>
Subject: Recommendation, Change PU File No. 28,495

Jeff,

Attached is my draft memo for a PU change for File No. 28,495 submitted by Kenneth Sewing. Please let me know your recommendation on the change.

Thanks,

Austin McColloch, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
Ph: (785) 564-6643
austin.mccolloch@ks.gov
<http://agriculture.ks.gov/>

Darrell Wood - Edwards (Pres.)
Fred Grunder - Pratt (V Pres.)
John Janssen - Kiowa (Treas.)
Jerry Cullop - Rice
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

February 28, 2017

Austin McColloch
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502

RE: Water Right File No. 28495
Change in the Place of Use

Dear Mr. McColloch,

Big Bend Groundwater Management District #5 has reviewed the above referenced application to change the place of use. It is the understanding of the District that this change is intended to provide more efficient irrigation of the authorized acres and to revert this water right to the acres previously authorized prior to the overlap with Water Right File Nos 1978 & 37499. Therefore, the application appears to be consistent with 5-25-20(b) and is recommended for approval.

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

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Base Acre Review

File No. 28,495 13-24S-16W
Edwards Co.

Permit Approval Date: 3/3/1978

Permit Acres Authorized: _____

YEAR	ACRES REPORTED
1954	
1955	
1956	
1957	
1958	
1959	
1960	
1961	
1962	
1963	
1964	
1965	
1966	
1967	
1968	
1969	
1970	
1971	
1972	
1973	
1974	
1975	
1976	
1977	
1978	
1979	
1980	
1981	
1982	
1983	
1984	60
1985	60
1986	60
1987	60
1988	60
1989	60
1990	60
1991	70
1992	67
1993	110
1994	120*110

Base Acres = 110
Year = 1993

Reviewer: CRC Date: 11/24/2014

Comments: *In 1994, only 110 acres were authorized to be irrigated. 120 cannot be used. Apparently in 1993, they irrigated all of the authorized land north of the RR tracks.

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

February 9, 2017

BIG BEND KANSAS GMD #5
ORRIN FERIL
125 S MAIN ST
STAFFORD KANSAS 67578

FILE COPY

Re: Change Application Water Right,
File No. 28,495

Dear Mr. Feril:

We are enclosing a copy of the referenced application, which was submitted by Ken Sewing and appears to be in proper form, for your review.

The referenced change application for a place of use intends to remove the place of use overlap with Water Right, File Nos. 1,987 & 37,499. Also filed with this change application were voluntary reductions for Water Right, File Nos. 1,987 & 37,499 to remove irrigated acres overlapping the new place of use.

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 this application. Please submit your recommendation within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (785) 564-6643. If you wish to discuss a specific file, please have the file number ready to that I may help you more efficiently.

Sincerely,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosure
pc: Stafford Field Office

SCANNED

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

January 25, 2017

GARALDINE SHEPARD LIVING TRUST
ATTN GARY W SHEPARD
2219 CLAY LN
WICHITA KS 67207

FILE COPY

RE: Water Right, File No. 28,495

Dear Mr. Shepard:

This is to advise you that Kenneth Sewing has filed with the Division of Water Resources, Kansas Department of Agriculture, an application to change the place of use pursuant to Water Right, File No. 28,495. The applicant proposes to change the authorized place of use from 170 acres in Section 13, Township 24 South, Range 16 West to 108 acres in Section 13, Township 24 South, Range 16 West. A map of the proposed place of use is included with this letter.

Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposal locations of the applicant's place of use. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter.

If you have any questions, please contact me at 785-564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stafford Field Office
Groundwater Management District No. 5

SCANNED

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

FILE COPY

October 17, 2016

KENNETH A SEWING
STAFFORD
KS, 67578-1839

RE: File No. 28495

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.

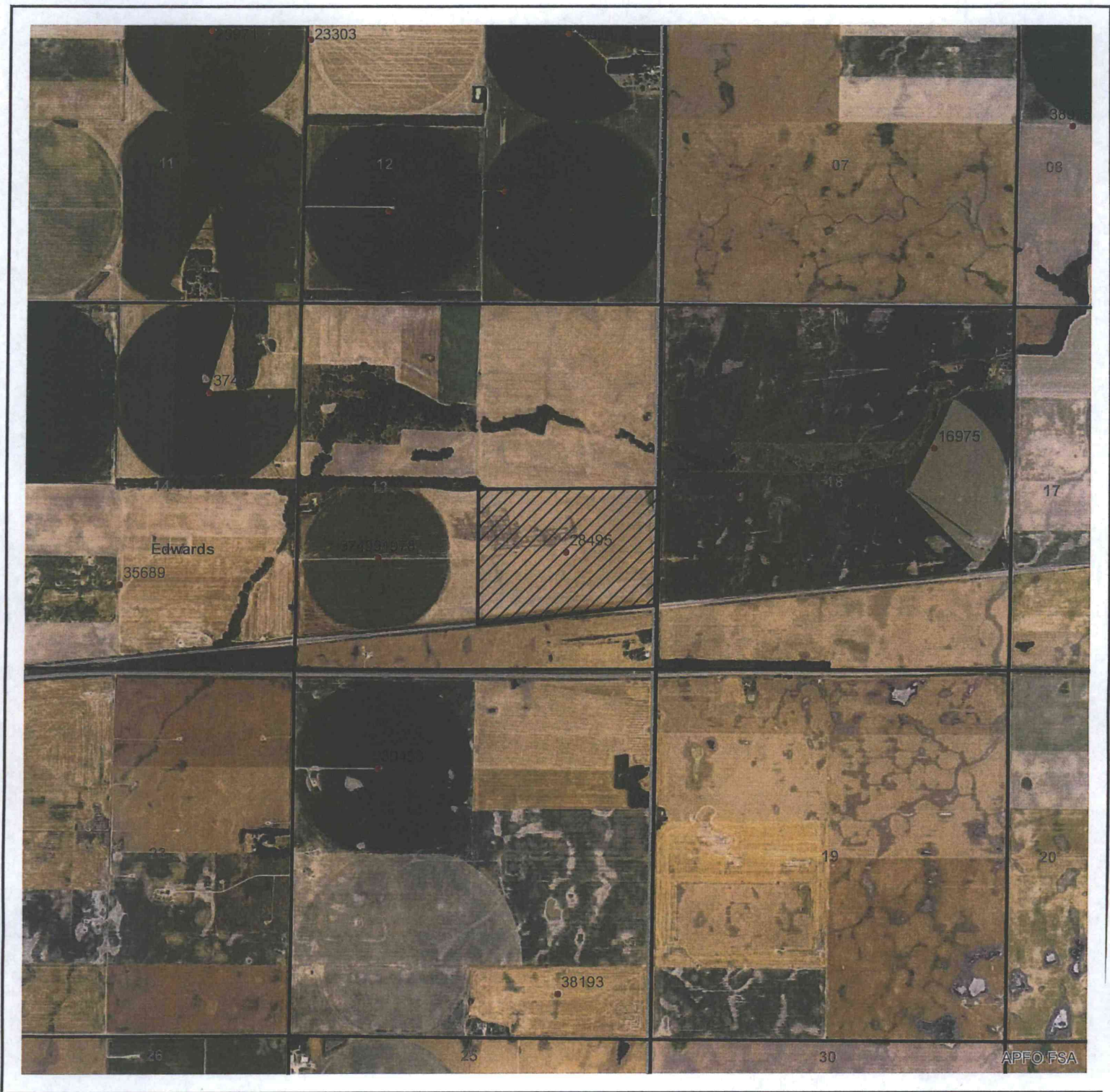
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

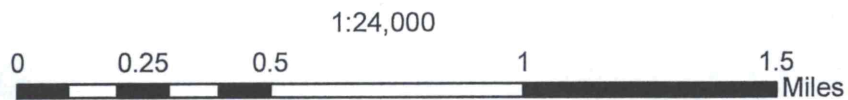
BAT: dlw
pc: STAFFORD Field Office GMD 5

SCANNED



Legend

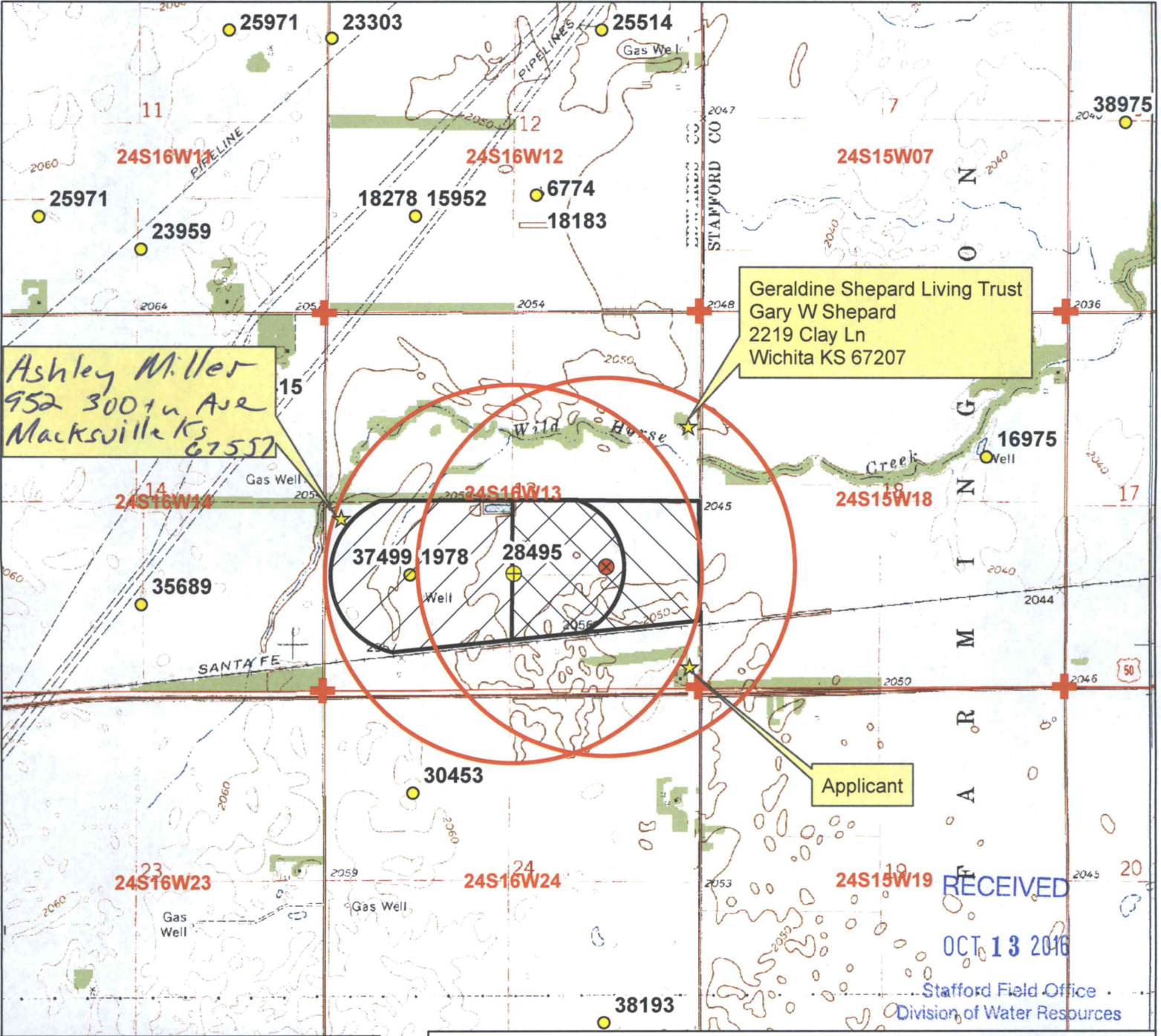
- Point of Diversion
- Place of Use



Change Application, File No. 28,495
Change in Place of Use
13-24S-16W Edwards County, KS

SCANNED

AM/DWR
Date: 1/25/2017



Ashley Miller
 952 300th Ave
 Macksville KS
 67557

Geraldine Shepard Living Trust
 Gary W Shepard
 2219 Clay Ln
 Wichita KS 67207

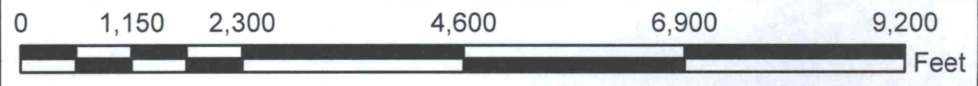
Applicant

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Stafford Field Office
 Division of Water Resources

Legend

- Water Appropriations
- ⊕ Actual Point of Diversion
- ⊗ Proposed Point of Diversion
- ★ Domestic Well
- ⊕ Section Corner
- Half Mile Circle
- Section Line



Water Right, File No. 28495

Change in Place of Use Application Map
 13-24-16W // Edwards County

To the best of my knowledge, all of the domestic wells within 1/2 mile of the authorized and proposed point of diversion (as of 9/1/16) have been shown.

Signature

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