

# CHECK SHEET Short Change

(To be completed and attached to each application)

File No. 47613

Field Office No. 2

GMD No. \_\_\_\_\_

1. **Plugging agreement obtained for GMD?** Yes  No  Non Applicable
2. **Is Landowner correct as currently shown in WRIS?** Yes  No  **Address Change?** NO  
If applicable, list Place of Use Overlap File Nos. 46205, 47040
3. **Is Water Use Correspondent correct as currently shown in WRIS?** Yes  No  **Address Change?** NO  
Name of Former WUC \_\_\_\_\_ Name of New WUC \_\_\_\_\_
4. a. **Point of diversion computer ID No(s).** 10, 15 **for point(s) being changed.**

b. **Show feet distances from the** SE **corner of the section for the new point(s) of diversion:**

Action	PDIV ID	Geo Ctr?	Sec	Twp	Rng	'N	'W	County	Qualifiers
MOD	81720	YES	13	31S	1E	2548	3637	Sumner	NW NE SW
MOD	84600	YES	13	31S	1E	145	2690	Sumner	SE SE SW

c. **If multiple points of diversion exist and rates and quantities are individually assigned, show:**

	Old PDIV ID	Authorized Rate	Additional Rate	Authorized Quantity	Additional Quantity
(WRIS Correction)	<u>81720</u>	<u>400</u> gpm	<u>400</u> gpm	<u>270.6</u> af	<u>5.3</u> af
(WRIS Correction)	<u>84600</u>	<u>300</u> gpm	<u>300</u> gpm	<u>203</u> af	<u>5.3</u> af
	_____	_____ gpm/cfs	_____ gpm/cfs	_____ af/mgy	_____ af/mgy

d. **Name of Drainage Basin** NINNESCAH RIVER **Is this correctly shown in WRIS?**  Yes  No

e. **Formation Name & No.** QUATERNARY SYSTEM (100) **Special Use Area** \_\_\_\_\_

5. **Distances from the previous/original p/d:** \_\_\_\_\_ ' N / S \_\_\_\_\_ ' E / W

**6. WATER RIGHT ACTION TRAIL COMMENTS**

12/29/2016 Change Application Received (date accepted for priority)  
1 / 31 / 17 Change Approved  
 \_\_\_\_\_ Notice and Proof by \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
 \_\_\_\_\_ Completion Requirement Removed (Change No. C\_\_\_\_\_)

**7. METER ACTION TRAIL COMMENTS**

1 / 31 / 17 DWR Meter Required by 12/31/2017  
 \_\_\_\_\_ Anti-Reverse Meter Required by \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
 \_\_\_\_\_ Meter Seal Required by \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

8. Base Acres 366 - PERMIT (6 additional) Year PERFECTION NOT EXPIRED Minimum Reasonable Quantity 1.01 AF/acre

Date Created 1/20/17 by TJS  
 Date Entered \_\_\_\_\_ by \_\_\_\_\_

CHECK SHEET ATTACHMENT

File Number 47613

9. Changes to the place of use will be:

Action	Owner Person ID	Place Use ID #	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	
MOD	58414	57042	13	31S	1E	Acres Authorized								0.5 9 23 24.5								57
						New Acres																
MOD	57914/ 60837	61446	23	31S	1E	Acres Authorized												6.5				30
						New Acres																
MOD	57914/ 60837	57043	24	31S	1E	Acres Authorized				21.5 34.5 25 25				38.5 3 20 23								190.5
						New Acres																
MOD	57914/ 60837	59540	26	31S	1E	Acres Authorized				29.5 34.5 16 13												93
						New Acres																

Names and Address:

1. Person ID # <u>58414</u> LARRY D & CAROL WILKERSON 600 N 127TH ST E WICHITA KS 67206	2. Person ID # <u>57914</u> MARK E & KARLA LAWLESS PO BOX 515 BELLE PLAINE KS 67013	3. Person ID # <u>60837</u> DAVID E & JOI D LAWLESS 532 N OLIVER RD BELLE PLAINE KS 67013
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**GENERAL INSTRUCTIONS**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| 1. Give to Applicant: <ul style="list-style-type: none"> <li>a. <u>Original</u> application/approval</li> <li>b. Original receipt (one for <u>each</u> application)</li> <li>c. Information packet containing:                         <ul style="list-style-type: none"> <li>• Notice and Proof form</li> <li>• Water Meter Specifications</li> <li>• Acceptable Meter list</li> <li>• Water level measurement tube specifications</li> <li>• Check Valve specifications</li> <li>• Pink Sheet - K.S.A. 82a-728 letter</li> <li>• Form stating to record in Register of Deeds Office (OPTIONAL AS NEEDED)</li> </ul> </li> </ul> | 2. Send to headquarters: <ul style="list-style-type: none"> <li>a. Good, <b>scannable</b> copy of application and/or approval and this check sheet</li> <li>b. Original check and copy of receipt</li> <li>c. Test hole log</li> <li>d. GMD recommendation, if any</li> <li>e. Map or aerial photograph, if any</li> </ul> 3. Send to KDHE: Letter (KDHE.LT) advising of location of abandoned well. <input type="checkbox"/> | 4. Date stamp received and approved.<br>5. Complete ownership and WUC change information. |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|

CONDITIONS

ADDITIONAL PHOTOCOPIES

HQ \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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

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

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



STATE OF KANSAS

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

**Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions.** If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

RECEIVED  
 9:40am  
 DEC 29 2016

File No. 47613

Stafford Field Office  
 Division of Water Resources

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use       Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is:  Groundwater       Surface water

2. Name and address of Applicant: Mark Lawless

PO Box 515, Belle Plaine KS 67013

Phone Number: (316)617-3126

Email address: marklawless@sktc.net

Name and address of Water Use Correspondent: MARK E & KARLA LAWLESS

PO BOX 515, BELLE PLAINE KS 67013

Phone Number: (316)617-3126

Email address: marklawless@sktc.net

3. The presently authorized place of use is:

Owner of Land — NAME: A.) MARK E & KARLA LAWLESS // B.) DAVID E & JOI D LAWLESS

ADDRESS: A.) PO BOX 515, BELLE PLAINE KS 67013 // B.) 532 N OLIVER RD, BELLE PLAINE KS 67013

(If there is more than one landowner, attach supplemental sheets as necessary.) \* Cont. on Supplemental Sheet

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							
A,B) 23	31S	1E																	6				20	26	
A,B) 24	31S	1E					26	33	9	23	39			22	24										176
A,B) 26	31S	1E	28	33	24	17																			102

\* Cont. on Supplemental Sheet

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land — NAME: A.) MARK E & KARLA LAWLESS // B.) DAVID E & JOI D LAWLESS

ADDRESS: A.) PO BOX 515, BELLE PLAINE KS 67013 // B.) 532 N OLIVER RD, BELLE PLAINE KS 67013

(If there is more than one landowner, attach supplemental sheets as necessary.) \* Cont. on Supplemental Sheet

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						
A,B) 23	31S	1E																	6.5				23.5	30
A,B) 24	31S	1E					21.5	34.5	25	25	38.5	3	20	23										190.5
A,B) 26	31S	1E	29.5	34.5	16	13																		93

For Office Use Only: Code \_\_\_\_\_ Fee \$ 300.00 TR # \_\_\_\_\_ Receipt Date \_\_\_\_\_ Check # 8835



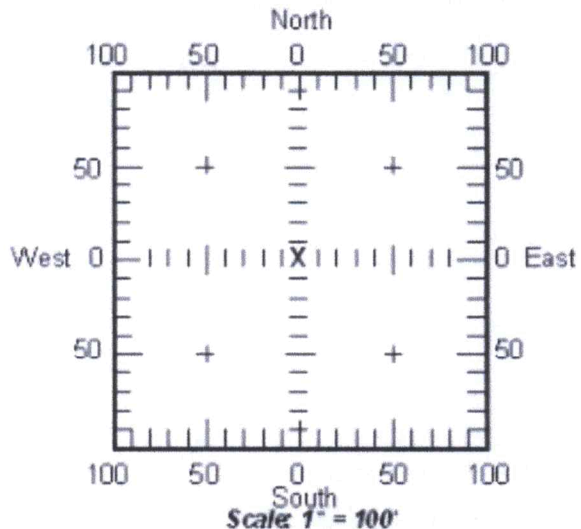
5. **Presently authorized point of diversion: (Geographic Center of Four (4) Wells)**  
 One in the NW Quarter of the NE Quarter of the SW Quarter of Section 13, Township 31 South, Range 1 E, in Sumner County, Kansas, 2548 feet North 3637 feet West of Southeast corner of section. Authorized Rate 400 GPM Authorized Quantity 270.6 AF(Limited) Depth of well N/A (feet)  
**(DWR use only: Computer ID No. 10 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 \_\_\_\_\_, in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section. Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

6. **Presently authorized point of diversion: (Geographic Center of Three (3) Wells)**  
 One in the SE Quarter of the SE Quarter of the SW Quarter of Section 13, Township 31 South, Range 1 E, in Sumner County, Kansas, 145 feet North 2690 feet West of Southeast corner of section. Authorized Rate 300 GPM Authorized Quantity 203 AF(Limited) Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. 15 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 \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

7. Why do you need a new point of diversion? N/A

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)

8. If a well, is the test hole log attached?  Yes  No N/A



9. When do you propose to complete the new point of diversion?  
N/A

10. If the point of diversion is a well:  
 (a) What are you going to do with the old well?  
N/A

(b) When will this be done? N/A

11. Groundwater Management District recommendation attached?  Yes  No

12. Assisted by TJS-SFFO

13b. If the proposed point of diversion will be relocated more than 100 feet but within 2640 feet from the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines.

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DEC 29 2016

Stafford Field Office

14. If the proposed groundwater point of diversion is 300 or fewer feet from existing point of diversion, complete the following:

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?  
 Yes     No    (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?  
 Yes     No    (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?  
 Yes     No    (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regard to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Belle Plaine, Kansas, this 28 day of December, 2016.

Mark Lawless  
(Owner)

Karla J Lawless  
(Spouse)

MARK LAWLESS  
(Please Print)

Karla J Lawless  
(Please Print)

David E Lawless  
(Owner)

Joi Lawless  
(Spouse)

DAVID E Lawless  
(Please Print)

Joi Lawless  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

State of Kansas }  
County of Sumner } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 28th day of December, 2016.

Beverly Scobee  
Notary Public

My Commission Expires 4/20/2020.

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

**FEE SCHEDULE**

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (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

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APPLICATION FOR APPROVAL TO CHANGE  
THE PLACE OF USE AND/OR POINT OF DIVERSION  
SUPPLEMENTAL SHEET  
FILE NO. 47613  
MAKE ADDITIONAL COPIES AS NECESSARY

3. Continued: The presently authorized place of use is:

Owner of Land --- NAME: C.) LARRY D & CAROL WILKERSON  
ADDRESS: C.) 600 N 127TH ST E, WICHITA KS 67206

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		
C.)	13	31S	1E									1	11	25	25					62

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	

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	

4. Continued: If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land --- NAME: C.) LARRY D & CAROL WILKERSON  
ADDRESS: C.) 600 N 127TH ST E, WICHITA KS 67206

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		
C.)	13	31S	1E									0.5	9	23	24.5					57

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	

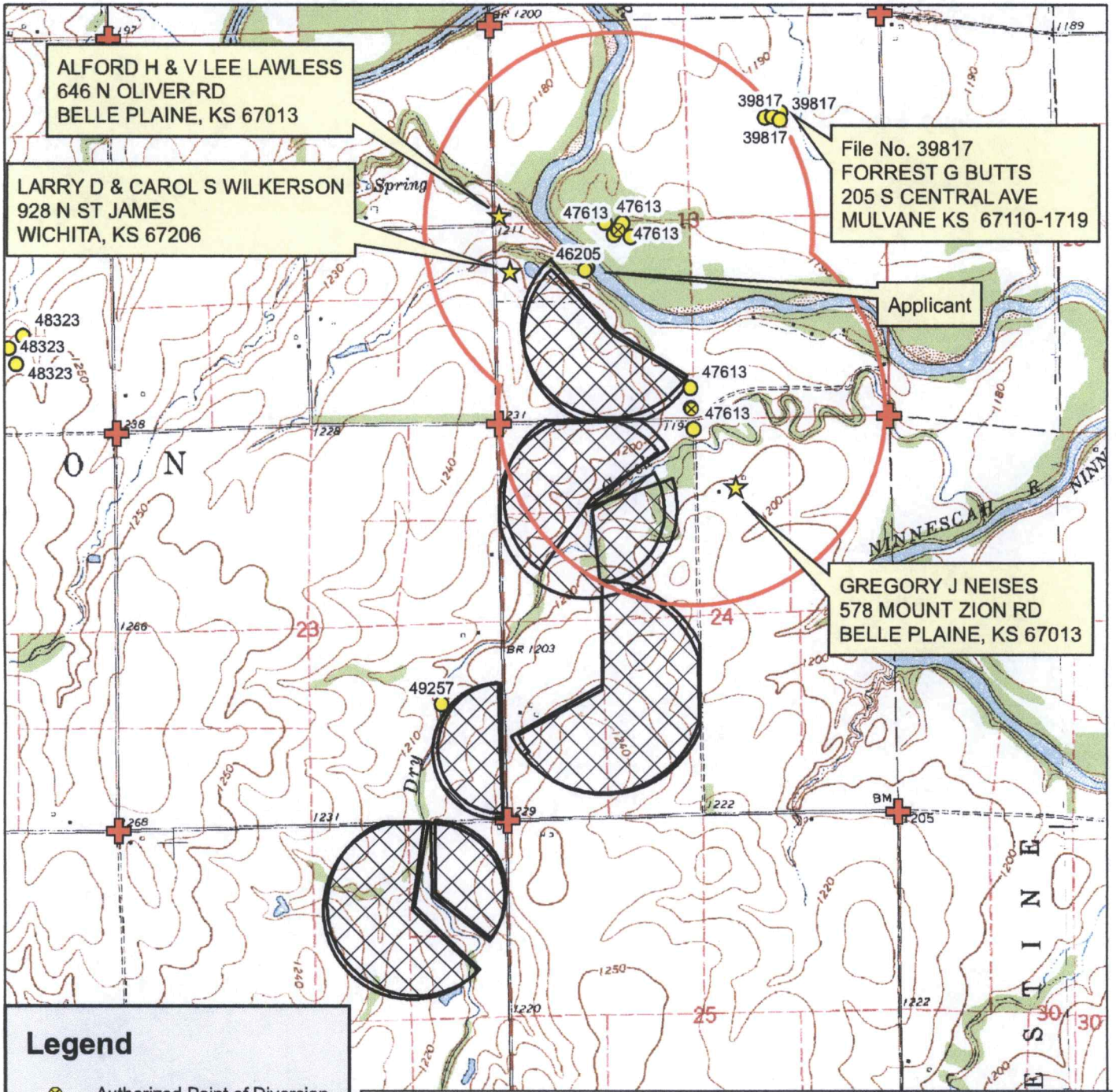
Owner of Land --- NAME: ---  
ADDRESS: ---

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	

RECEIVED

DEC 29 2016



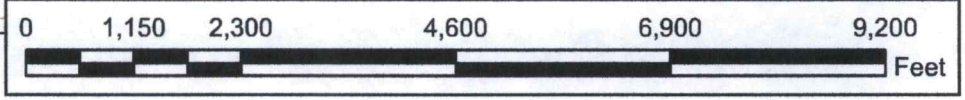


**Legend**

- ⊗ Authorized Point of Diversion
- Water Appropriations
- ⊕ Section Corner
- Section Line
- ★ Domestic Well
- 1/2 Mile Buffer

**Place of Use**

- ▨ Authorized
- ▩ Proposed



## Water Appropriation, File No. 47,613

Change in Place of Use Application Map  
 13, 23, 24, & 26-31S-1E // Sumner County

To the best of my knowledge, all water wells including domestic, within 1/2 mile of the authorized point of diversion have been shown.



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 DEC 29 2016

*[Handwritten Signature]*





Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521  
Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

February 1, 2017

MARK E & KARLA LAWLESS  
PO BOX 515  
BELLE PLAINE KS 67013

Re: Water Right, File No(s). 47613

Dear Water Right Owner:

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

Your attention is directed to the enclosures and to the terms, conditions and limitations specified in this approval for change. An acceptable water flow meter must be installed on your well before any water is applied as authorized under this change approval. A copy of the approved list of Certified Water Flowmeters as well as the regulations regarding the installation of flowmeters, measurement tubes and check valves can be found at <http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-flowmeters>. If you do not have access to the internet, please contact this office and we will send you a paper copy of the referenced information.

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

Should you have any questions, please feel free to contact this office. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Lanterman".

Jeff Lanterman  
Water Commissioner

Enclosures

pc: Water Rights Section  
LARRY D & CAROL WILKERSON  
DAVID E & JOI D LAWLESS



## CERTIFICATE OF SERVICE

On this **1 February 2017**, I hereby certify that the attached Change in Place of Use, File No. 47613 dated January 31, 2017 was mailed to the following:

MARK 3 & KARLA LAWLESS  
PO BOX 515  
BELLE PLAINE KS 67013

pc: WATER RIGHTS SECTION  
LARRY D & CAROL WILKERSON  
DAVID E & JOI D LAWLESS

  
-----  
Staff





# KANSAS DEPARTMENT OF AGRICULTURE

Division of Water Resources

Stafford Field Office

## MEMORANDUM

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**TO:** File

**DATE:** 1/3/2017

**FROM:** Tyler Saryerwinnie

**RE:** File Nos. 46205, 47040, & 47613

This is a memorandum regarding surrounding well owner notification on irrigation field office PU changes and pertains to decisions made during the Water Commissioner meeting which took place on 11/16/2016.

This is applicable to field office changes to increase the place of use by 10 acres or 10% (whichever is less) or a change in place of use to create a complete overlap in which no new acres are being irrigated.

During that meeting it was determined that no surrounding well owner notification will be sent under this type of Place of Use change. All well rates and quantities will remain unchanged and the referenced change will not cause impairment or impact surrounding well owners.

The change in place of use applications filed on 12/29/16 for the above referenced files meet this criteria and surrounding well owners will not be notified.



**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** January 24, 2017

**FROM:** Tyler Saryerwinnie

**RE:** Water Right, File Nos. 46205 & 47040  
Water Appropriation, File No. 47613

Mark Lawless on behalf of Mark E. & Karla Lawless and David E. & Joi D. Lawless, all as owners of the referenced files authorized for irrigation use, has submitted three (3) applications for approval to change the authorized place of use. A portion of the authorized place of use is owned by Larry D. & Carol Wilkerson, but a thirty-five year lease dated January 2006 transfers ownership interests to the Lawless family, members of DML Farms, LLC.

A review of the applications found that they comply with K.A.R. 5-5-1, *Filing an application for change*, with the lease serving as consent by the Wilkersons. Further discussion on the ownership of Section 13, Township 31 South, Range 1 East is outlined in an email on file from Aaron Oleen, KDA Attorney, dated January 24, 2017.

The referenced files do not appear abandoned as per K.S.A. 82a-718.

The three files referenced above currently have an overlapped place of use of 366 acres authorized in Sections 13, 23, 24, & 26, of Township 31 South, Range 1 East in Sumner County Kansas. The three (3) change applications, received on December 29, 2016, propose to maintain the complete overlap with an increase in acreage from 366 acres to 370.5 acres located in the aforementioned sections.

Water Right, File No. 46,205 is currently authorized 174.5 acre-feet of groundwater per calendar year at a rate not to exceed 1,120 gallons per minute. The point of diversion is one (1) well located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ) of Section 13, Township 31 South, Range 1 East in Sumner County, Kansas; more specially described as 2,010 feet North and 4,094 feet West of the Southeast corner of Section 13. A compliance inspection on July 19, 2012, found the water right to be in compliance.

Water Right, File No. 47,040 is currently authorized 417 acre-feet of surface water per calendar year at a rate not to exceed 1,335 gallons per minute, with the additional limitation on the quantity that it not exceed 463 acre-feet when combined with File No. 46,205 on the authorized place of use. The point of diversion is one (1) surface water diversion located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ) of Section 13, Township 31 South, Range 1 East in Sumner County, Kansas; more specifically described as 2,039 feet North and 4,070 feet West of the Southeast corner of Section 13. A compliance inspection on July 19, 2012 found the water right to be in compliance. File No. 47,040 is subject to minimum desirable streamflow requirements.

Water Appropriation, File No. 47,613 authorizes two groundwater well batteries:

- A battery of four (4) wells with a geographic center located in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ )



File Nos. 46205, 47040, 47613 cont.

1/24/17

of Section 13, Township 31 South, Range 1 East in Sumner County, Kansas; more particularly described as being near a point 2,548 feet North and 3,637 feet West of the Southeast corner of Section 13, at a quantity not to exceed 270.6 acre-feet per calendar year and a rate not in excess of 400 gallons per minute.

- o A battery of three (3) wells with a geographic center located in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE ¼ SE ¼ SW ¼) of Section 13, Township 31 South, Range 1 East in Sumner County, Kansas; more particularly described as being near a point 145 feet North and 2,690 feet West of the Southwest corner of Section 13, at a quantity not to exceed 203 acre-feet per calendar year and a diversion rate not in excess of 300 gallons per minute.

There is also an additional limitation applied to File No. 47,613 that the quantity of water is not to exceed 473.6 acre-feet when combined with Water Right, File Nos. 46,205 and 47,040 on the authorized place of use. A field inspection on May 12, 2015 determined the water appropriation to be in compliance.

Currently, the overlapped files authorize the irrigation of 366 acres. Records indicate the Base Acres for File No. 46,205 to be 340 acres irrigated in 2010 and the Base Acres for File No. 47,040 to be 360 acres irrigated in 2012 with a net addition of 20 Base Acres. For File No. 47,613, the permit authorizes a total of 366 acres with a net addition of 6 base acres. When combined, these files authorize a total of 366 "Base Acres," as defined by K.A.R. 5-5-11. The proposed 370.5 acres complies with part (b) of K.A.R. 5-5-11 and the 4.5 acre increase above the Base Acres is allowed by the regulation.

The proposed changes will result in a maximum quantity of 473.6 acre-feet irrigating 370.5 acres, subsequently creating an irrigation ratio of 1.28 acre foot per acre. It would appear this irrigation ratio is reasonable as it is just slightly less than the 1.3 acre-foot per acre maximum for Sumner County found in K.A.R. 5-3-24, *Reasonable quantity for irrigation use*, thus complying with K.A.R. 5-3-23, *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right*.

Since the referenced change in place of use does not propose adding more than 10 acres or 10% of the base acres to the authorized place of use, water well owners within one-half mile of the authorized point of diversion were not notified of the proposed change in place of use (TJS Memo in file dated 1/3/17). It should be noted that all three files are not located in a special use area or a groundwater management district.

A water flow meter is required. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works.

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



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