

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/D WORKSHEET

1. File Number: RH 47	2. Status Change Date: 11/27/2018	3. Change Num: 1	4. Field Office: 02	5. GMD:
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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: 11/2/18
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8a. Applicant(s) New to system <input type="checkbox"/>	8c. Landowner(s) New to system <input type="checkbox"/>
Person ID _____ Add Seq# _____	Person ID _____ Add Seq# _____

8b. Landowner(s) New to system <input type="checkbox"/>	8d. WUC New to system <input type="checkbox"/>
Person ID 62295 Add Seq# 1	Person ID 3087 Add Seq# 1
CENTER VALLEY FARMS INC JOHN COLLINS 2200 HIGHWAY 96 RUSH CENTER KS 67575-7507	JOHN L COLLINS 2200 HIGHWAY 96 RUSH CENTER KS 67575-7507

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: 12/31/19 N & P Date to Comply: 12/31/19

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: 11/27/18 Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **11/21/18** By: **TJS**

Date Entered: LMoody By: 12/6/2018

File No. **RH 47** 11. County: **RUSH** Basin: **Walnut Creek** Stream: **---** Formation Code: **113** Special Use: **033**
(Main Stem Alluvium) **(Walnut Creek IGUCA)**

12. Points of Diversion

CHK MOD DEL ENT	PUSE	S	T	R	ID	'N	'W	Rate and Quantity				
								Authorized	Additional	Rate	Quantity	
								gpm/cfs	af/mgy	gpm/cfs	af/mgy	Overlap PD Files
DEL	23991											None
ENT	83521	NW	SE	NE	22	18S	19W	15	3795	1213		16066

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 _____

Place of Use CHK MOD DEL ENT	PUSE	S	T	R	ID	NE 1/4			NW 1/4			SW 1/4			SE 1/4			Total	Owner	Chg?	Overlap Files																		
						NE 1/4	SW 1/4	SE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	SW 1/4	SE 1/4	NW 1/4	SW 1/4	SE 1/4																						
CHK	7939																																				8b.	No	2499 & 16066

Base Acres: **---** Year: **---** Minimum Reasonable Quantity: **---**

Comments: **No change to rate or quantity, only overlapping pd with 16066**

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

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

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



STATE OF KANSAS

WATER METER REQUIRED

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.

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 10:33am
 NOV 02 2018

File No. RH 47

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: John L Collins
2200 Hwy 96, Rush Center 67575-7507

Phone Number: (620)923-5328 Email address: _____

Name and address of Water Use Correspondent: John L Collins

2200 Hwy 96, Rush Center 67575-7507

Phone Number: (620)923-5328 Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: Center Valley Farms Inc, John Collins

ADDRESS: 2200 Hwy 96, Rush Center 67575-7507

(If there is more than one landowner, attach supplemental sheets as necessary.)

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		
22	18S	19W			37	34										20	14			105

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: No Change

ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

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		

For Office Use Only: Code _____ Fee \$ 200 TR # _____ Receipt Date _____ Check # 9800

5. **Presently authorized point of diversion:**
 One in the NW Quarter of the SW Quarter of the NE Quarter of Section 22, Township 18 South, Range 19 W, in Rush County, Kansas, 3750 feet North 2284 feet West of Southeast corner of section. Authorized Rate 600 GPM Authorized Quantity 75 AF Depth of well 72 (feet)
(DWR use only: Computer ID No. 13 GPS --- feet North --- feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the NW Quarter of the SE Quarter of the NE Quarter of Section 22, Township 18 South, Range 19 W, in Rush County, Kansas, 3778 3705* feet North 1220 1213* feet West of Southeast corner of section. Proposed Rate No Change Proposed Quantity No Change Proposed well depth (feet) 68 (existing)
 This point is: Additional Well Geo Center List other water rights that will use this point 16066

6. **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 _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 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. The changes herein are desired for the following reasons?
 (please be specific) Moving the point of diversion to overlap the existing well which is currently authorized by File No. 16066.

8. If a well, is the test hole log attached? Yes No*

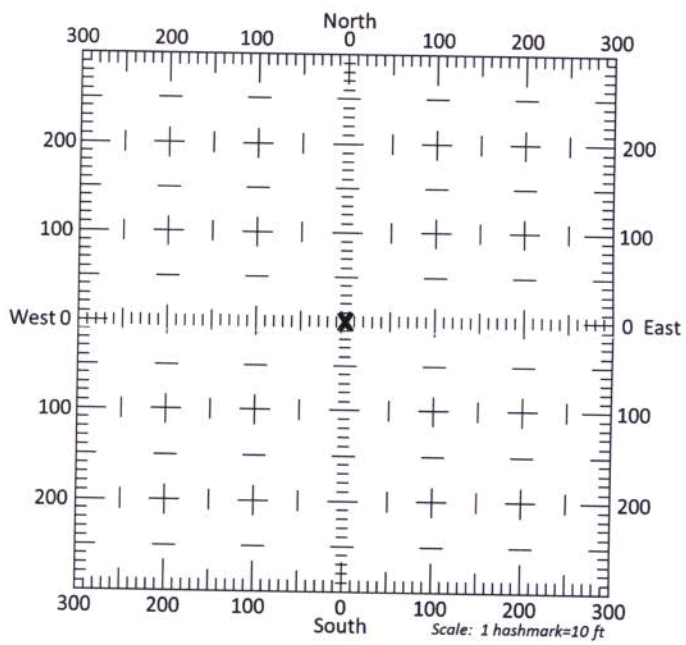
9. The change(s) (was)(will be) completed by?
Well is already completed and authorized by File No. 16066

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
Will plug old well
 (b) When will this be done? This winter

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by TJS - SFFO

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of 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
*TJS - SFFO



13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)
*TJS - SFFO

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14. If the proposed groundwater point of diversion is 300 or fewer feet from the 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 regards 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 Rush Center, Kansas, this 30th day of October, 2018.

(Owner)	(Spouse)
<u>Center Valley Farms INC</u>	
(Please Print)	(Please Print)
<u>John Collins pres.</u>	
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)

State of Kansas }
 County of Rush } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 30 day of Oct, 2018.

KRISTIL L. ALDRICH
 Notary Public - State of Kansas
 My Appl. Expires 3-10-20

Kristi L. Aldrich
 Notary Public

My Commission Expires 3-10-20.

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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SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et seq.*, and rules and regulations promulgated thereunder. With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. RH 47.

1. A change application was received on 11/02/2018 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 300 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than 1365 1372* feet from the previously authorized point(s) of diversion. Applicable Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable 11/27/18 CRC
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, ~~2018~~ 2019***, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable
8. **Installation of the works for diversion of water shall be completed on or before December 31, ~~2018~~ 2019***, or within any authorized extension of time. By March 1, ~~2019~~ 2020*, the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
9. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
11. Additional Conditions are attached. Yes No 11/27/18 CRC
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

*TJS-SFFO

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DWR 1-121 (Revised 04/5/2018)

Stafford Field Office

FOR OFFICE USE ONLY

APPLICATION APPROVED AND SUMMARY ORDER ISSUED

By: Cameron R. Corant
Duly Authorized Designee of the Chief Engineer

(Print Name): Cameron R. Corant
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: November 27, 2018

State of Kansas)

County of Stafford) SS

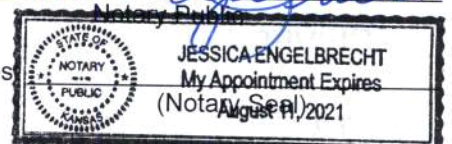
Acknowledged before me on 11/27/18

by Cameron Corant

Signature: Jessica Engelbrecht

Notary Public

My commission expires

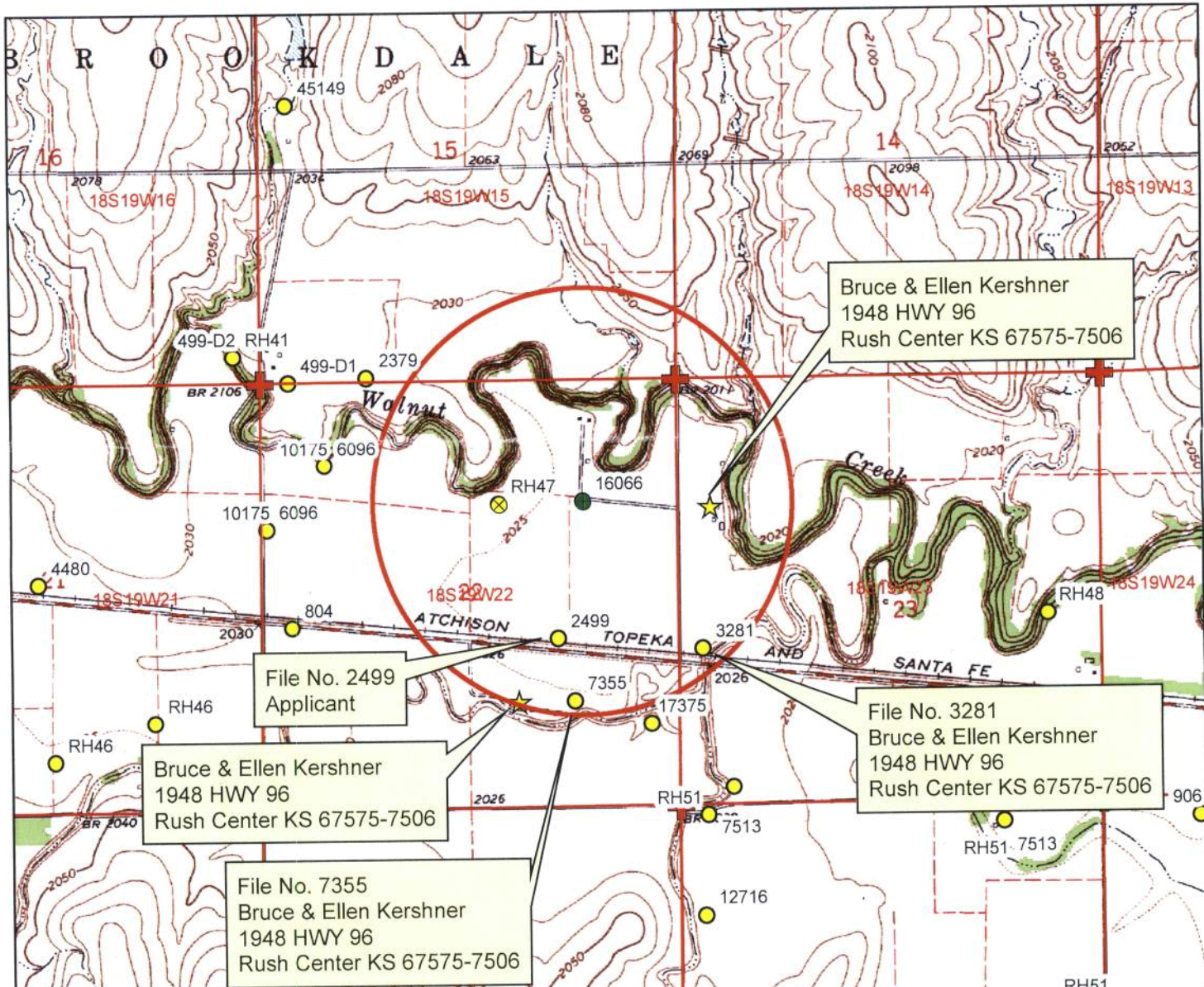


**ADDITIONAL CONDITIONS TO SUMMARY ORDER APPROVING
APPLICATION FOR CHANGE AND IMPOSING CONDITIONS**

The effective date of the change approval to change the point of diversion shall be the date this order is executed by the Chief Engineer.

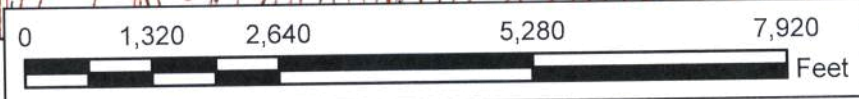
- 10a. The owner of the authorized place(s) of use shall properly install an anti-reverse totalizing water flowmeter which meets or exceeds specifications adopted by the Chief Engineer

- 10b. 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.



Legend

- Proposed P/D:
3778'N, 1220'W
3795'N, 1213'W*
- ⊗ Authorized P/D:
3750'N, 2284'W
- Water Appropriations
- ⊕ Section Corner
- ▭ Section Line
- ★ Domestic Well
- ▭ 1/2 Mile Buffer



Vested Right, File No. RH 47
Change in Point of Diversion, Application Map
22-18S-19W // Rush County



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

John L. Collins

STATE OF KANSAS



PHONE: (620) 234-5311
FAX: (620) 234-6900
www.agriculture.ks.gov

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
STAFFORD FIELD OFFICE
300 S. MAIN STREET
STAFFORD, KS 67578-1521

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

November 27, 2018

John L Collins
2200 Hwy 96
Rush Center 67575-7507

Re: Water Right, File No(s). RH-047

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.

This order requires that a notice and completion of works form be submitted once the diversion works are completed, including a properly installed flowmeter. This form is available at the referenced website.

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

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,

Jeff Lanterman
Water Commissioner

Enclosures
pc: Water Rights Section

CERTIFICATE OF SERVICE

On this 27th day of **November, 2018**, I hereby certify that the attached Change in Point of Diversion for Vested Right, File No. **RH-47**, dated **November 27, 2018** was mailed via Certified U.S. mail to the following:

John L Collins
2200 Hwy 96
Rush Center KS 67575-7507



Staff

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: November 21, 2018

FROM: Tyler Saryerwinnie

RE: Water Right, File No. RH 47
Nearby Owner Notification

An application to change to point of diversion was filed by John Collins on behalf of Center Valley Farms on November 2, 2018 under File No. RH 47. The application map identified five (5) nearby wells within one half mile of the proposed point of diversion. The applicant was identified as the owner of one well and Bruce & Ellen Kershner were identified as the owner of the remaining four wells. On November 6, 2018, a notification letter was mailed to the Kershners regarding proposed change application with a deadline to submit comments to the Field Office of no later than November 20, 2018. As of the date of this memorandum, no response has been received by the Field Office.

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
STAFFORD FIELD OFFICE
300 S. MAIN STREET
STAFFORD, KS 67578-1521



PHONE: (620) 234-5311
FAX: (620) 234-6900
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

November 6, 2018

Bruce & Ellen Kershner
1948 HWY 96
Rush Center KS 67575-7506

RE: Water Right, File No(s). RH 47

Dear Water User,

This is to advise you that John L Collins has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced file number(s). You are being notified of the proposed change because it appears you have a groundwater well within one-half mile of the proposed point of diversion. As such, you may provide this office any comments or other information you may want to submit regarding the proposed change. Such comments or other information must be received in this office within 15 days of the date of this letter, or any authorized extension of time.

You can find the complete application posted by the water right file number(s) as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices. A copy of the application map has also been included with this letter. If you do not have access to the internet and would like a copy of the application, please contact the Stafford Field Office. If you have any additional questions about the application, please contact the Stafford Field Office at (620) 234-5311.

Sincerely,

Tyler Saryerwinnie
Environmental Scientist
tyler.saryerwinnie@ks.gov

Enclosure Application Map