

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

1. File Number: 21199	2. Status Change Date: 6/19/2019	3. Change Num: C2	4. Field Office: 02	5. GMD:
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 24-APR-2019
8a. Applicant(s) New to system <input type="checkbox"/> WADE GEORG 1773 CR 240 RUSH CENTER KS 67575-7509		Person ID 53304 Add Seq# 1		8c. Landowner(s) New to system <input type="checkbox"/> STEVEN D SWARTZ 2266 HIGHWAY 96 RUSH CENTER KS 67575-7507
8b. Landowner(s) New to system <input type="checkbox"/> A/T FARMS INC 4110 FALCON DR GREAT BEND KS 67530		Person ID 46778 Add Seq# _____		8d. WUC New to system <input type="checkbox"/> WADE GEORG 1773 CR 240 RUSH CENTER KS 67575-7509 NO CHANGE
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/19 <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/19				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input checked="" type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 6/17/19 By: RAK Date Entered: 6/24/2019 By: UM				

File No. **21199** 11. County **RH** Basin **WALNUT CREEK (58)** Stream: Formation Code: **113** Special Use: **033**

12. Points of Diversion										Rate and Quantity				
CHK										Authorized		Additional		
MOD										Rate	Quantity	Rate	Quantity	Overlap PD Files
DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	gpm/cfs	af/mgy	gpm/cfs	af/mgy	
ENT														
ENT	53163	NC N2 NE¼	30	18	18W 15	4520	1320			485 g.p.m.	46AF	0 g.p.m.	15 AF	none
15' S ORIG WELL-NORTH OF CREEK														
DEL	84604	NW¼ SE¼ NE¼	30	18	18W	22	3845	913	25' E OF PREV P/D					
MOD	67646	NE¼ NE¼ NW¼	30	18	18W	18	4959	3241		495 g.p.m.	10 AF	0 g.p.m.	0 AF	148; 11033; 24199
30'S 12'W FROM PREVIOUS WELL														

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

14. **KEEP** Limitation: 185AF/YR COM/W RH39.#148 & #11,033
KEEP Limitation: 1560GPM COM/W #148 & #11,033

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

16. Place of Use																		Total	Owner	Chg?	Overlap Files
CHK										NE¼		NW¼		SW¼		SE¼					
MOD										NE	NW	SW	SE	NE	NW	SW	SE				
DEL										¼	¼	¼	¼	¼	¼	¼	¼				
ENT	PUSE	S	T	R	ID																
MOD	22951	19	18	18W	1													1.00	3.00	4.00	8B YES RH39; 148; 11033; 24199
MOD	2493	30	18	18W	1	28.00	34.00		34.00	23.00										119.00	8B & 8C YES RH39; 148; 11033; 24199
Ownership change only																					

Base Acres: Year: Minimum Reasonable Quantity:
 Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: June 18, 2019

FROM: Richelle A. Krueger

RE: Water Right
File Nos. 148; 11,033 and 21,199

Wade Georg, and James E. and Joyce Anschutz et al, filed applications for approval to change the authorized points of diversion for the referenced file numbers, all authorized groundwater for irrigation use in the Walnut Creek Intensive Groundwater Use Control Area (IGUCA).

The water rights do not appear abandoned as per K.S.A. 82a-718.

File Nos. 148 and 11,033 are authorized a combined limited quantity of 170 acre-feet (when combined with File No. RH 039) for irrigation use from the same two wells located in Section 30, Township 18 South, Range 18 West, Rush County, Kansas. File No. 21,199 is authorized a limited quantity of 185 acre-feet (w/c File Nos. RH 039, 148 and 11,033) from two wells in Section 30, the westernmost well overlaps the westernmost point of diversion authorized by File Nos. 148 and 11,033 (4,885'N, 3,277'W), no overlaps on the easternmost well for File No. 21,199. Incomplete overlaps in place of use exist among File Nos. 148, 11,033, 21,199 and RH 039. The applicants propose to "flip-flop" the authorized rates and quantities between the easternmost well authorized by File Nos. 148 and 11,033 (4,520'N, 1,320'W of SE corner of Sect 30/potentially 123 AF total) and the easternmost well authorized by File No. 21,199 (3,845'N, 913'W of SE corner of Sect 30/potentially 46 AF), a distance move of approximately 828 feet. No new wells will be drilled and no change is proposed for the current well authorized by File Nos. 148, 11,033 and 21,199 (4,885'N, 3,277'W) other than an update of feet distances (4,959'N 3,241'W).

The proposed change in point of diversion for File No. 21,199 does not appear to comply with K.A.R. 5-5-13 *Relocation of alluvial wells* since it involves a move of over 10 percent closer to Walnut Creek. The applicant has requested a waiver of K.A.R. 5-5-13 since a net quantity of 77 acre-feet of water will be moved away from the stream channel. It appears the proposal meets well spacing requirements of K.A.R. 5-4-4 to wells not under common ownership.

In addition to the wells authorized by the referenced file numbers there are three (3) irrigation wells and five (5) domestic wells within one-half mile of the proposed existing wells, based on the application maps and WRIS. Nearby well owners were notified of the proposed changes by letters dated April 30, 2019. Two nearby well owners contacted this office inquiring about the proposed changes, no written responses have been received as of today's date.

No well logs were submitted with the applications. However, it appears that the same local source of supply will not change, previously determined to be Main Stem Alluvium (113).


In an e-mail dated June 12, 2019, Jeff Lanterman, Water Commissioner of the Stafford Field Office, indicated that he would support the waiver of K.A.R. 5-5-13 and approval of the referenced change applications. Jeff also suggested the possibility of: waiving K.A.R. 5-4-4 (c)(1)(C) since the wells flip flopping rate and quantity now and will continue to not meet 1,320 feet well spacing requirements to each other; and of waiving K.A.R. 5-4-4(c)(2)(C) since the wells in question now and will continue to not meet 660 feet domestic well spacing requirements to their own domestic well. However, a review of the spacing issue with Brent Turney, Change Application Unit Supervisor, indicates spacing waivers would not be necessary because a lesser quantity of water will be authorized on the irrigation well closest to the domestic well based on the submitted map and that the applications would comply with K.A.R. 5-4-4-(d)(2) which states in part that:

Memorandum
File Nos. 148; 11,033 and 21,199
June 13, 2019
Page 2

Except as provided in subsection (e), the location of a well or wells on an application to change the point of diversion under an existing water right shall either: 1) meet the spacing requirements in paragraphs (c)(1) and (c)(2) above; or (2) not decrease the distance to other wells or authorized well locations by more than 300 feet.

Water flow meters are required. Check valves are required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur, and if the Chief Engineer waives K.A.R. 5-5-13 for File No. 21,199, it has been recommended the referenced applications be approved.


Richelle A. Krueger
Environmental Scientist

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

A/T FARMS INC
ATTN JAMES E. AND JOYCE C ANSCHUTZ June 27, 2019
4110 FALCON DR
GREAT BENT KS 67530

FILE COPY

RE: Water Right, File Nos. 148, 11,033 and 21,199

Dear Mr. and Mrs. Anschutz:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that acceptable water flow meters must be installed on the diversion works authorized under the referenced file numbers. Please return the required notification of completion of the diversion works and installation of the required meters as soon as these actions are completed.

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

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT:rak

pc: Stafford Field Office
Wade Georg
Steven D. Swartz

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN
POINT OF DIVERSION
WATER RIGHT
FILE NO. 21,199**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Wade Georg, 1773 CR 240, Rush Center, Kansas 67575-7509, James E. and Joyce C. Anschutz, on behalf of A/T Farms, Incorporated, 4110 Falcon Drive, Great Bend, Kansas 67530, and Steven D. Swartz, 2266 Highway 96, Rush Center, Kansas 67575, received in this office on April 24, 2019, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Orders of the Chief Engineer dated June 5, 2002 and August 4, 2015, approving the applications to change the 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 effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized locations of the points of diversion shall be:

one(1) well located near the center of the North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 30, more particularly described as being near a point 4,520 feet North and 1,320 feet West of the Southeast corner of said section, at a diversion rate not in excess of 485 gallons per minute (1.08 c.f.s.) and a quantity not to exceed 46 acre-feet of water per calendar year, and

one(1) well located in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 30, more particularly described as being near a point 4,959 feet North and 3,241 feet West of the Southeast corner of said section, at a diversion rate not in excess of 495 gallons per minute (1.10 c.f.s.) and a quantity not to exceed 10 acre-feet of water per calendar year,

both in Township 18 South, Range 18 West, Rush County, Kansas,

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

The following limitations as set forth in the Certificate of Appropriation dated November 29, 1993 remain in effect:

This appropriation right is limited to a quantity which when combined with the water right set forth in the order of the Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture, dated February 16, 1956 (identified as Vested Right, File No. RH 39), and the water right set forth in the Certificate of Appropriation issued pursuant to File No. 148, and the water right set forth in the Certificate of Appropriation issued pursuant to File No. 11,033, will provide a quantity not to exceed 185 acre-feet per calendar year for irrigation use on the land described herein.

This appropriation right is further limited to a diversion rate which when combined with the water right set forth in the Certificate of Appropriation issued pursuant to File No. 148, and the water right set forth in the Certificate of Appropriation issued pursuant to File No. 11,033, will provide a diversion rate not in excess of 1,560 gallons per minute (3.48 c.f.s.) for irrigation use on the land described herein.

Installation of the works for diversion of water shall be completed on or before December 31, 2019, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

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 acceptable water meters 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 meters has been completed. The water right owner shall maintain the water meters 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 meters 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. 21,199, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated November 29, 1993, as modified and amended by the aforementioned orders.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

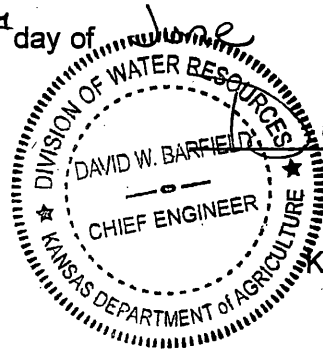
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this 19th day of June, 2019, in Manhattan, Riley County, Kansas.



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

State of Kansas)
) SS
 County of Riley)

The foregoing instrument was acknowledged before me this 19th day of June, 2019, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter
 Notary Public

CERTIFICATE OF SERVICE

On this ^{27th} day of June, 2019, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 21,199, dated June 19th, 2019 was mailed postage prepaid, first class, US mail to the following:

A/T FARMS INC
JAMES E & JOYCE C ANSCHUTZ
4110 FALCON DR
GREAT BEND KS 67530-6815

With photocopies to:

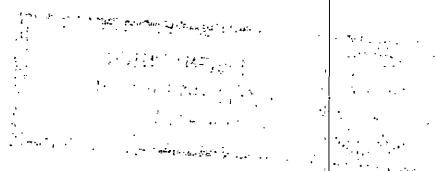
STEVEN SWARTZ
2266 HWY 96
RUSH CENTER KS 67575

WADE GEORG
1773 CR 240
RUSH CENTER KS 67575-7509

Stafford Field Office



Division of Water Resources



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

File Number: 21,199

FO: 2 GMD:

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	04/24/19	57	Statewide	Change Approval	Location of Alluvial Wells
Rule Number	Date Granted	Date Denied	Justification:	Approval of the proposed changes for File Nos. 148, 11,033 and 21,199 will result in the move of a net quantity of 77 acre-feet of water being pumped further away from the stream channel.	
K.A.R. 5-5-13	6/19/2019				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared 6/17/19 By RAK

Date Entered 6/24/2019 By LLM

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

WAIVER OF REGULATION **K.A.R. 5-5-13 Relocation of alluvial wells**

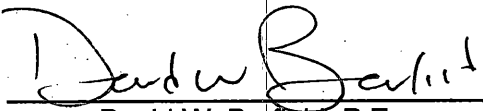
Date: 6/19/2019

RE: Water Right, File No. 21,199

1. That K.A.R. 5-5-13 states in part: "If an authorized point of diversion is a well that has its source of supply an alluvium in a reach of a basin that is fully appropriated or closed to new appropriations, the approval of a change in point of diversion, and any subsequent approvals of changes in points of diversion, shall not authorize the distance between the well and the centerline of the stream to be decreased by more than 10 percent as measured from the following: (1) The authorized well location when the basin became fully appropriated or was closed to new appropriations; and (2) the centerline of the stream when the change application was filed."
2. That Water Right, File No. 21,199, located in the Walnut Creek Intensive Groundwater Use Control Area (IGUCA), is in an area that has been determined to be fully appropriated. File No. 21,199 is authorized a total limited quantity of 185 acre-feet (w/c File Nos. RH 039, 148 and 11,033) for irrigation use from two wells in Section 30, Township 18 South, Range 18 West, Rush County, Kansas. The westernmost well overlaps the westernmost point of diversion authorized by File Nos. 148 and 11,033 (4,885'N, 3,277'W), no overlaps on the easternmost well for File No. 21,199. Incomplete overlaps in place of use exist among File Nos. 148, 11,033, 21,199 and Vested Right, File No. RH 039.
3. That applications to change the point of diversion for Water Right, File Nos. 148, 11,033 and 21,199 were received in the office of the Chief Engineer on March 22, 2018 and April 24, 2019. The applicants propose to "flip-flop" the authorized rates and quantities between the easternmost well authorized by File Nos. 148 and 11,033 (4,520'N, 1,320'W of the SE corner of Section 30/potentially 123 AF total) and the easternmost well authorized by File No. 21,199 (3,845'N, 913'W of the SE corner of Section 30/potentially 46 AF), a distance move of approximately 828 feet. No new wells will be drilled and no change is proposed for the westernmost well authorized by File Nos. 148, 11,033 and 21,199 (4,885'N, 3,277'W) other than an update of feet distances (4,959'N, 3,241'W).
4. That the move of the quantity and diversion rate of File No. 21,199 from its present location to the well currently authorized by File Nos. 148 and 11,033 will not comply with K.A.R. 5-5-13 *Relocation of alluvial wells* since the proposal appears to decrease the distance between the currently authorized well and the centerline of the stream by more than 10 percent.

5. A waiver of K.A.R. 5-5-13 appears reasonable since the approval of the changes in points of diversion for File Nos. 148, 11,033 and 21,199 will result in a net quantity of 77 acre-feet of water being pumped further away from the stream channel.
6. That a waiver of K.A.R. 5-5-13 will neither prejudicially nor unreasonably affect the public interest and it will not impair an existing water right.

Comments:



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

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

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



State of Kansas

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

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

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

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

WATER RESOURCES
 RECEIVED

APR 19 2019
 UNACCEPTABLE FOR PRIORITY

File No. 21199

KS DEPT OF AGRICULTURE

2. Name of applicant: Wade Georg

Water Resources
 Received

Address: 1773 CR 240

City, State and Zip: Rush Center, KS 67575-7509

APR 24 2019

Phone Number: (785)372-4545

E-mail address: _____

3:16
 KS Dept Of Agriculture

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

Name of water use correspondent: Wade Georg

Address: 1773 CR 240

City, State and Zip: Rush Center, KS 67575-7509

Phone Number: (785)372-4545

E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): Proposing to move rate and quantity of the south well authorized by File No. 21199 (DWR ID#22) north to cover an existing well (DWR ID#15).

This application is submitted in conjunction with apps for File Nos. 148 & 11033 to swap DWR IDs 15 & 22. This change is proposed to help better distribute the quantity over the place of use.

The change(s) will be completed by upon approval.

(Date)

For Office Use Only:					
F.O. Code	<u>2 GMD 0</u>	Meets K.A.R. 5-5-1 (YES / NO)	Use <u>RR</u>	Source <input checked="" type="checkbox"/> S County <u>RRH</u>	By <u>DAW</u> Date <u>4/24/19</u>
	<u>611</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>4/24/19</u>	Check # <u>1319</u>

6/17/19
 TRAIL

4/25/2019
 UM

SCANNED

6. The presently authorized point(s) of diversion are two wells and diversion works
(Provide description and number of points)
7. The proposed point(s) of diversion are two wells and diversion works
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NE Quarter of the NE Quarter of the NW Quarter of Section 30, Township 18 South, Range 18 W, in Rush County, Kansas, 4885 feet North 3277 feet West of Southeast corner of section.
 Authorized Rate 495 GPM Authorized Quantity 10 AF
 (DWR use only: Computer ID No. 18 GPS 4959 feet North 3241 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 NE Quarter of the NE Quarter of the NW Quarter of Section 30, Township 18 South, Range 18 W, in Rush County, Kansas, 4959 feet North 3241 feet West of Southeast corner of section.
 Proposed Rate No Change Proposed Quantity No Change
 This point is: Additional Well Geo Center List other water rights that will use this point 148 & 11033

9. **Presently authorized point of diversion:**
 One in the NW Quarter of the SE Quarter of the NE Quarter of Section 30, Township 18 South, Range 18 W, in Rush County, Kansas, 3830 feet North 862 feet West of Southeast corner of section.
 Authorized Rate 485 GPM Authorized Quantity 46 AF
 (DWR use only: Computer ID No. 22 GPS 3845 feet North 913 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 NC N2 NE Quarter of the NC N2 NE Quarter of Section 30, Township 18 South, Range 18 W, in Rush County, Kansas, 4520 feet North 1320 feet West of Southeast corner of section.
 Proposed Rate No Change Proposed Quantity No Change
 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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

4. The presently authorized place of use is:

Owner of Land — NAME: A/T Farms Inc

ADDRESS: 4110 Falcon Dr, Great Bend KS 67530

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	
30	18S	18W	28	32.5		34	23											117.5	
19	18S	18W														1	3	4	

List any other water rights that cover this place of use. RH 39, 148, 11033

Owner of Land — NAME: Steven D & Loretta Swartz

** Divorced per conversation Wade Geary*

ADDRESS: 2266 Hwy 96, Rush Center KS 67575

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	
30	18S	18W		1.5														1.5	

List any other water rights that cover this place of use. RH 39, 148, 11033

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

WATER RESOURCES RECEIVED

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

Owner of Land — NAME: No Change

ADDRESS: _____

UNACCEPTED FOR PRIORITY APR 19 2019

KS DEPT OF AGRICULTURE

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

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

Owner of Land — NAME: No Change

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	

Water Resources Received

APR 24 2019

KS Dept Of Agriculture

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* received 6/10/19 SCANNED

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 2-14-19, Kansas, this 14 day of February, 20 19.

James E. Anschutz (Owner)

JAMES E ANSCHUTZ (Please Print)

Joyce C. Anschutz (Owner)

Joyce C. Anschutz (Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Barton } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 14 day of February, 20 19.

ANGELA CAMPBELL
Notary Public - State of Kansas
My Appt. Expires 9-12-2022

My Commission Expires 9-12-2022

Angela Campbell
Notary Public

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
(2) Application to change a point of diversion more than 300 feet \$200
(3) Application to change the place of use \$200
(4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

WATER RESOURCES RECEIVED

APR 24 2019

UNACCEPTABLE FOR PRIORITY

KS Dept Of Agriculture

KS DEPT OF AGRICULTURE

SCANNED

12. The presently authorized use of water is for Irrigation purposes:
 It is proposed that the use be changed to No Change purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
N/A

(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.

The proposed well is currently an existing irrigation well (DWR ID #15) and produces from the same local source of supply which is considered to be main stem alluvium.

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.

The proposed change location will not meet spacing requirements to a domestic well operated by the landowner. In addition, the proposed change for File No. 21199 will be moving quantity and rate >10% closer to Walnut Creek. However, when considering the cummulative changes as a whole, the proposed pd change for File Nos. 148/11033 will be moving a larger rate and quantity away from the stream. A waiver of K.A.R. 5-4-4(c)(1)(C) and K.A.R. 5-5-13 is requested.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Swartz

File No. 21199

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.

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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 Rush Center, Kansas, this 13 day of March, 20 19.

Steven Swartz (Owner)

Steven Swartz (Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

NA x (Spouse)

NA (Please Print)

(Spouse)

(Please Print)

(Spouse)

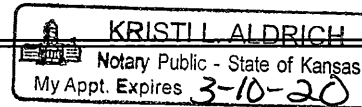
(Please Print)

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 13 day of March, 20 19.

Kristi Aldrich Notary Public

My Commission Expires 3-10-20



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 Water Resources \$300

Make check payable to Kansas Department of Agriculture.

Received APR 24 2019

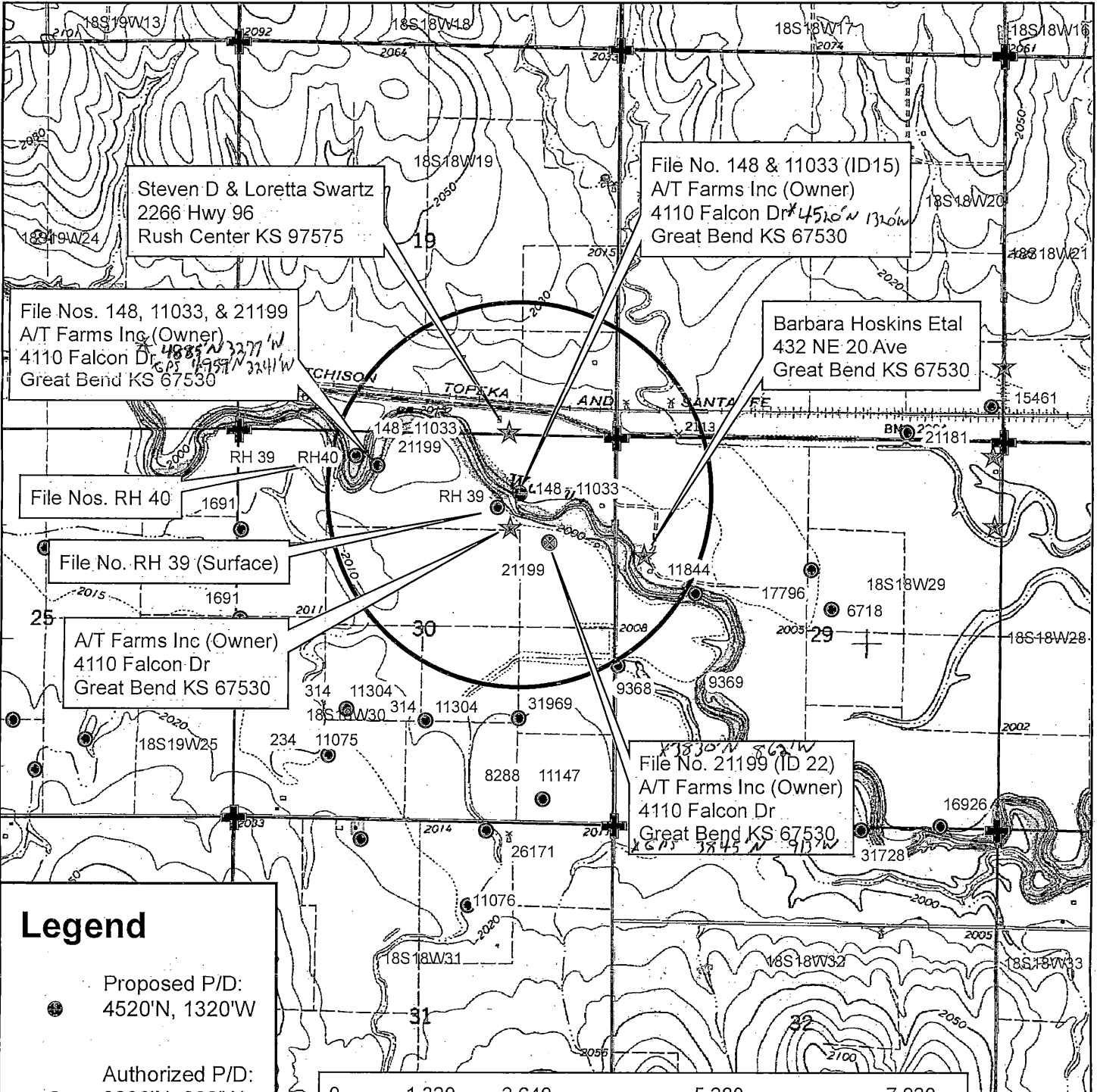
WATER RESOURCES RECEIVED

KS Dept Of Agriculture

UNACCEPTABLE FOR PRIORITY APR 19 2019

KS DEPT OF AGRICULTURE

SCANNED



Steven D & Loretta Swartz
2266 Hwy 96
Rush Center KS 97575

File No. 148 & 11033 (ID15)
A/T Farms Inc (Owner)
4110 Falcon Dr
Great Bend KS 67530

File Nos. 148, 11033, & 21199
A/T Farms Inc (Owner)
4110 Falcon Dr
Great Bend KS 67530

Barbara Hoskins Etal
432 NE 20 Ave
Great Bend KS 67530

File Nos. RH 40

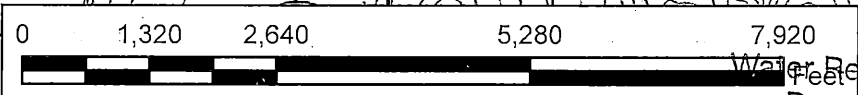
File No. RH 39 (Surface)

A/T Farms Inc (Owner)
4110 Falcon Dr
Great Bend KS 67530

File No. 21199 (ID 22)
A/T Farms Inc (Owner)
4110 Falcon Dr
Great Bend KS 67530

Legend

- Proposed P/D:
4520'N, 1320'W
- ⊗ Authorized P/D:
3830'N, 862'W
- ⊙ Water Appropriations
- ⊕ Section Corner
- ▭ Section Line
- ★ Domestic Well
- ◻ 1/2 Mile Buffer



Water Right, File No. 21,199

Change in Point of Diversion, Application Map
30-18S-18W // Rush County

Water Resources Received
APR 24 2019
APR 19 2019
UNACCEPTABLE FOR PRIORITY Agriculture
* Feet Distances per W235
* Back Range 6/18/19

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

Signature



Krueger, Richelle [KDA]

From: Lanterman, Jeff [KDA]
Sent: Wednesday, June 12, 2019 3:03 PM
To: Krueger, Richelle [KDA]
Cc: Turney, Brent [KDA]; Conant, Cameron [KDA]
Subject: FW: Request for Recommendation Change in PD File Nos. 148; 11033 and 21199 Wade Georg etal
Attachments: 148,11033and21199pdmemwaive5-5-13flipflopateandquantbeexistwells pdmem.doc; explanation map.pdf; app map.pdf

Richelle;

I am OK approving this. See Cameron's discussion below regarding a waiver of spacing. I almost think we should waive our spacing requirement because we don't know if spacing is sufficient to prevent impairment to his own domestic well. I realize these wells have been there for awhile. He never complained against himself but he may be without water at his domestic well while he is pumping his irrigation well if you know what I mean.

But I am OK approving this as you see fit with regard to well spacing.

Also Im cool with what you are doing with 5-5-13 distance to the stream.

Jeff

From: Conant, Cameron [KDA]
Sent: Wednesday, June 12, 2019 2:31 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Request for Recommendation Change in PD File Nos. 148; 11033 and 21199 Wade Georg etal

Jeff,

This change is proposing to flip flop p/d's between files to better accommodate how the farmer is using the wells. I've attached an explanatory map that helps show what is going on. Basically they are moving 21129 (46AF @485gpm) from a location south of Walnut creek 330' to an existing well location north of Walnut Creek about 130' from Walnut Creek. Also they are moving 11033 & 148 (80AF @ 900 & 43AF @ 605gpm = 123 AF total) from the location 130' North of Walnut Creek to the existing well 330' from Walnut Creek. The total change is about 800'...as such the wells don't meet spacing between one another.

We are proposing to waive 5-5-13 (distance to stream) for File No. 21199...it is moving closer but this should be a neutral or positive effect on the Walnut Creek based on the quantities and rates that are authorized to be pumped since 11033 & 148 is moving away from the creek (net change is moving 77 AF & 415 gpm further from the centerline of the Walnut Creek).

I think we should allow a waiver for all 3 files to allow the proposed wells to continue to violate spacing to one another....Request a waiver of 5-4-4 (c)(1)(C)

I think we should allow a waiver for all 3 file to allow the proposed wells to continue to violate spacing to the nearby domestic well that is owned by the applicant/owner between the proposed wells and shown on the attached app map...request a waiver of 5-4-4- (c)(2)(C)

I'm good with this change and I think we can recommend approval. The memo only references a waiver of 5-5-13 (alluvium decrease distance to stream) which I agree with allowing as explained above. I also think we should waive spacing between the irrigation wells and spacing from both irrigation wells to the existing domestic well. It is kind of a formality since the owner of the domestic well is an owner of the irrigation rights, however, I still think we should issue both spacing waivers so they are on record. What do you think? If you like it, go ahead and pass on to Richelle and let me know if you have questions.

Cameron

From: Krueger, Richelle [KDA]

Sent: Tuesday, May 21, 2019 2:44 PM

To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>

Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>

Subject: Request for Recommendation Change in PD File Nos. 148; 11033 and 21199 Wade Georg etal

Hi Jeff,

Attached is a draft memo for the referenced pd changes, do you recommend approval?

Thanks,

Richelle

Krueger, Richelle [KDA]

From: Krueger, Richelle [KDA]
Sent: Monday, May 6, 2019 3:16 PM
To: Conant, Cameron [KDA]; Lanterman, Jeff [KDA]
Cc: Turney, Brent [KDA]
Subject: RE: You may get a call from Mike Phillips about pd change for File Nos. 148, 11033 21199 Wade George

I will put this in the file, thanks Cameron!
Richelle

From: Conant, Cameron [KDA]
Sent: Monday, May 6, 2019 3:14 PM
To: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Turney, Brent [KDA] <Brent.Turney@ks.gov>
Subject: RE: You may get a call from Mike Phillips about pd change for File Nos. 148, 11033 21199 Wade George

I spoke with Mike. His main concern was revolving around his authorized rate of 605 GPM. He said that was achieved in 1989 and he wondered if he needed a more current rate test? He wasn't sure what his current rate was but didn't want this change to negatively impact him. We discussed that his well was 40 years old and if he was losing rate that is the first thing he should look at. We also discussed his "well neighborhood" and the fact that there were about 6-7 other wells closer than the proposed well that would likely be impacting him more than the proposed well would. It should be noted File No. 31969 is the most junior file in the area though this change alters that aspect a bit in that anything we approve "can't impair". That said, we fully discussed the impairment complaint process (and complainants report) and during that I explained that his 605 GPM was the certified rate and we didn't need a new baseline rate if he saw fit to claim impairment in the future. After he fulfilled the complainants report portion of an impairment request anything we did impairment-wise would be using 605 GPM (with regard to reasonable raising and lowering as the CE deems fit) as the baseline.

When we were done, Mike is satisfied that he won't be impacted but if he is, he has a reasonable recourse with the written impairment process. Mike is ok with the change as long as it meets all the applicable state regs that govern this sort of change application. Mike will not write a letter of concern. I told Mike I would summarize our discussion and pass it along so it was in the file. Please let me know if you have any questions.

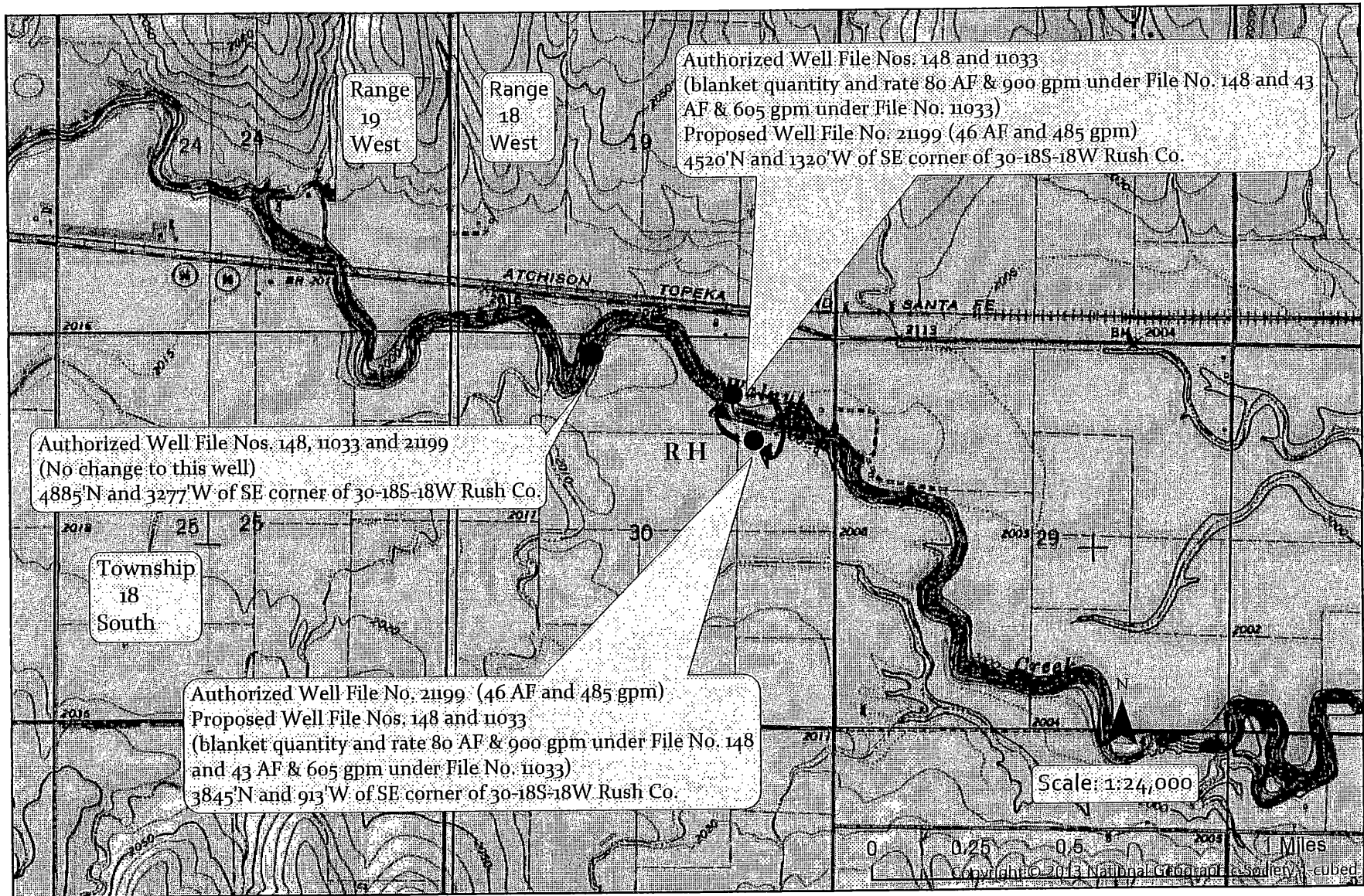
Cameron

From: Krueger, Richelle [KDA]
Sent: Monday, May 6, 2019 2:00 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>
Subject: You may get a call from Mike Phillips about pd change for File Nos. 148, 11033 21199 Wade George

Hi Jeff,
Just an FYI, you may get a call from Mike Phillips regarding Wade George pd changes. He may want a rate test on his well, he wants to protect his right (File No. 31969). I told him his well is approximately 2300 feet away from the proposed existing well, usual spacing is 1320 feet. He wanted to know what you do to determine impairment etc....

Anyway, an FYI.

Applications to Change the Point of Diversion File Nos. 148, 11033 & 21199



1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

TERESA COLLINS/JOHN L COLLIINS
2200 HIGHWAY 96
RUSH CENTER KS 67575-7507

April 30, 2019

RE: Water Right,
File Nos. 148, 11,033 and 21,199

FILE COPY

Dear Sir or Madam:

This is to advise you that Wade Georg, on behalf of James E. and Joyce C. Anschutz, and Steven D. Swartz, has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the points of diversion under the above referenced file numbers. The water right owners propose to exchange the authorized quantities and diversion rates between two of their currently authorized wells. Enclosed is map for your reference.

The applications for File No. 148 and 11,033 propose the following change in point of diversion:

- from: one (1) existing well located near the center of the North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 30, more particularly described as being near a point 4,520 feet North and 1,320 feet West of the Southeast corner of said section, in Township 18 South, Range 18 West, Rush County, Kansas,
- to: one (1) existing well located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 30, more particularly described as being near a point 3,845 feet North and 913 feet West of the Southeast corner of said section, in Township 18 South, Range 18 West, Rush County, Kansas.

The application for File No. 21,199 proposes the following change in point of diversion:

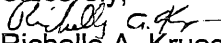
- from: one (1) existing well located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 30, more particularly described as being near a point 3,845 feet North and 913 feet West of the Southeast corner of said section, in Township 18 South, Range 18 West, Rush County, Kansas,
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No change is proposed to a third well authorized by File Nos. 148, 11,033 and 21,199 located in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 30, more particularly described as being near a point 4,885 feet North and 3,277 feet West of the Southeast corner of said section, in Township 18 South, Range 18 West, Rush County, Kansas.

A map is enclosed for your information. Based upon K.S.A. 82a-1906, you are being notified of the above referenced applications for change. You can find the applications posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices

You are being notified of this proposed change in the point of diversion so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact me at (785) 564-6635 or Change Application Unit Supervisor Brent Turney at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosure
rak

pc: Stafford Field Office
Wade George
James E. and Joyce C. Anschutz
Steven D. Swartz

SCANNED

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

MARY DIPMAN
135 W 15TH ST
LARNED KS 67550-1706

April 30, 2019

RE: Water Right,
File Nos. 148, 11,033 and 21,199

Dear Sir or Madam:

This is to advise you that Wade Georg, on behalf of James E. and Joyce C. Anschutz, and Steven D. Swartz, has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the points of diversion under the above referenced file numbers. The water right owners propose to exchange the authorized quantities and diversion rates between two of their currently authorized wells. Enclosed is map for your reference.

The applications for File No. 148 and 11,033 propose the following change in point of diversion:

- from: one (1) existing well located near the center of the North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 30, more particularly described as being near a point 4,520 feet North and 1,320 feet West of the Southeast corner of said section, in Township 18 South, Range 18 West, Rush County, Kansas,
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The application for File No. 21,199 proposes the following change in point of diversion:

- from: one (1) existing well located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 30, more particularly described as being near a point 3,845 feet North and 913 feet West of the Southeast corner of said section, in Township 18 South, Range 18 West, Rush County, Kansas,
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You are being notified of this proposed change in the point of diversion so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact me at (785) 564-6635 or Change Application Unit Supervisor Brent Turney at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosure

rak
pc: Stafford Field Office
Wade George
James E. and Joyce C. Anschutz
Steven D. Swartz

SCANNED

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www.agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

BARBARA HOSKINS ETAL
MARY REYNOLDS LIFE EST/BARBARA HOSKINS POA
432 NE 20TH AVE
GREAT BEND KS 67530

April 30, 2019

RE: Water Right,
File Nos. 148, 11,033 and 21,199

Dear Sir or Madam:

This is to advise you that Wade Georg, on behalf of James E. and Joyce C. Anschutz, and Steven D. Swartz, has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the points of diversion under the above referenced file numbers. The water right owners propose to exchange the authorized quantities and diversion rates between two of their currently authorized wells. Enclosed is map for your reference.

The applications for File No. 148 and 11,033 propose the following change in point of diversion:

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The application for File No. 21,199 proposes the following change in point of diversion:

- from: one (1) existing well located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 30, more particularly described as being near a point 3,845 feet North and 913 feet West of the Southeast corner of said section, in Township 18 South, Range 18 West, Rush County, Kansas,
- to: one (1) existing well located near the center of the North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 30, more particularly described as being near a point 4,520 feet North and 1,320 feet West of the Southeast corner of said section, in Township 18 South, Range 18 West, Rush County, Kansas.

No change is proposed to a third well authorized by File Nos. 148, 11,033 and 21,199 located in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 30, more particularly described as being near a point 4,885 feet North and 3,277 feet West of the Southeast corner of said section, in Township 18 South, Range 18 West, Rush County, Kansas.

A map is enclosed for your information. Based upon K.S.A. 82a-1906, you are being notified of the above referenced applications for change. You can find the applications posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices

You are being notified of this proposed change in the point of diversion so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact me at (785) 564-6635 or Change Application Unit Supervisor Brent Turney at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosure

rak
pc: Stafford Field Office
Wade George
James E. and Joyce C. Anschutz
Steven D. Swartz

SCANNED

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www.agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

MIKE PHILLIPS LIFE ESTATE
PO BOX 216
PALCO KS 67657

April 30, 2019

RE: Water Right,
File Nos. 148, 11,033 and 21,199

Dear Sir or Madam:

This is to advise you that Wade Georg, on behalf of James E. and Joyce C. Anschutz, and Steven D. Swartz, has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the points of diversion under the above referenced file numbers. The water right owners propose to exchange the authorized quantities and diversion rates between two of their currently authorized wells. Enclosed is map for your reference.

The applications for File No. 148 and 11,033 propose the following change in point of diversion:

- from: one (1) existing well located near the center of the North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 30, more particularly described as being near a point 4,520 feet North and 1,320 feet West of the Southeast corner of said section, in Township 18 South, Range 18 West, Rush County, Kansas,
- to: one (1) existing well located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 30, more particularly described as being near a point 3,845 feet North and 913 feet West of the Southeast corner of said section, in Township 18 South, Range 18 West, Rush County, Kansas.

The application for File No. 21,199 proposes the following change in point of diversion:

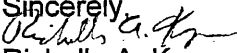
- from: one (1) existing well located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 30, more particularly described as being near a point 3,845 feet North and 913 feet West of the Southeast corner of said section, in Township 18 South, Range 18 West, Rush County, Kansas,
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No change is proposed to a third well authorized by File Nos. 148, 11,033 and 21,199 located in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 30, more particularly described as being near a point 4,885 feet North and 3,277 feet West of the Southeast corner of said section, in Township 18 South, Range 18 West, Rush County, Kansas.

A map is enclosed for your information. Based upon K.S.A. 82a-1906, you are being notified of the above referenced applications for change. You can find the applications posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices

You are being notified of this proposed change in the point of diversion so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact me at (785) 564-6635 or Change Application Unit Supervisor Brent Turney at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosure
rak
pc: Stafford Field Office
Wade George
James E. and Joyce C. Anschutz
Steven D. Swartz

SCANNED

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Manhattan, KS 66502
785-564-6700
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900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

SHOWALTER & SONS INC
LEE ALLEN SHOWALTER
1853 CR 140
ALEXANDER KS 67513-3201

April 30, 2019

RE: Water Right,
File Nos. 148, 11,033 and 21,199

Dear Sir or Madam:

This is to advise you that Wade Georg, on behalf of James E. and Joyce C. Anschutz, and Steven D. Swartz, has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the points of diversion under the above referenced file numbers. The water right owners propose to exchange the authorized quantities and diversion rates between two of their currently authorized wells. Enclosed is map for your reference.

The applications for File No. 148 and 11,033 propose the following change in point of diversion:

- from: one (1) existing well located near the center of the North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 30, more particularly described as being near a point 4,520 feet North and 1,320 feet West of the Southeast corner of said section, in Township 18 South, Range 18 West, Rush County, Kansas,
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The application for File No. 21,199 proposes the following change in point of diversion:

- from: one (1) existing well located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 30, more particularly described as being near a point 3,845 feet North and 913 feet West of the Southeast corner of said section, in Township 18 South, Range 18 West, Rush County, Kansas,
- to: one (1) existing well located near the center of the North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 30, more particularly described as being near a point 4,520 feet North and 1,320 feet West of the Southeast corner of said section, in Township 18 South, Range 18 West, Rush County, Kansas.

No change is proposed to a third well authorized by File Nos. 148, 11,033 and 21,199 located in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 30, more particularly described as being near a point 4,885 feet North and 3,277 feet West of the Southeast corner of said section, in Township 18 South, Range 18 West, Rush County, Kansas.

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You are being notified of this proposed change in the point of diversion so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact me at (785) 564-6635 or Change Application Unit Supervisor Brent Turney at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosure

rak
pc: Stafford Field Office
Wade George
James E. and Joyce C. Anschutz
Steven D. Swartz

SCANNED

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

LARRY L & PATRICIA A COLLINS
2101 S MERIDIAN RD #240
APACHE JUNCTION AZ 85120

April 30, 2019

RE: Water Right,
File Nos. 148, 11,033 and 21,199

Dear Sir or Madam:

This is to advise you that Wade Georg, on behalf of James E. and Joyce C. Anschutz, and Steven D. Swartz, has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the points of diversion under the above referenced file numbers. The water right owners propose to exchange the authorized quantities and diversion rates between two of their currently authorized wells. Enclosed is map for your reference.

The applications for File No. 148 and 11,033 propose the following change in point of diversion:

from: one (1) existing well located near the center of the North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 30, more particularly described as being near a point 4,520 feet North and 1,320 feet West of the Southeast corner of said section, in Township 18 South, Range 18 West, Rush County, Kansas,

to: one (1) existing well located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 30, more particularly described as being near a point 3,845 feet North and 913 feet West of the Southeast corner of said section, in Township 18 South, Range 18 West, Rush County, Kansas.

The application for File No. 21,199 proposes the following change in point of diversion:

from: one (1) existing well located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 30, more particularly described as being near a point 3,845 feet North and 913 feet West of the Southeast corner of said section, in Township 18 South, Range 18 West, Rush County, Kansas,

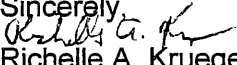
to: one (1) existing well located near the center of the North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 30, more particularly described as being near a point 4,520 feet North and 1,320 feet West of the Southeast corner of said section, in Township 18 South, Range 18 West, Rush County, Kansas.

No change is proposed to a third well authorized by File Nos. 148, 11,033 and 21,199 located in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 30, more particularly described as being near a point 4,885 feet North and 3,277 feet West of the Southeast corner of said section, in Township 18 South, Range 18 West, Rush County, Kansas.

A map is enclosed for your information. Based upon K.S.A. 82a-1906, you are being notified of the above referenced applications for change. You can find the applications posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices

You are being notified of this proposed change in the point of diversion so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact me at (785) 564-6635 or Change Application Unit Supervisor Brent Turney at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosure

rak

cc: Stafford Field Office
Wade George
James E. and Joyce C. Anschutz
Steven D. Swartz

SCANNED

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www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Acting Secretary

Laura Kelly, Governor

WADE GEORG
1773 CR 240
RUSH CENTER KS 67575-7509

March 1, 2019

COPY

Re: Water Right, File No. 148; 11,033 and 21,199

Dear Mr. Georg:

In response to our phone conversation on February 28, 2019, please find enclosed additional signature pages for File Nos. 148 and 21,199. You indicated that you have all the signatures for File No. 11,033. As we discussed, since there are three (3) water rights involved in these changes, three(3) sets of signatures are required. As required by law, all owners (and spouses if married) of the authorized place of use must sign each application in the presence of a notary public. If there is no spouse, please indicate that on the signature page. Since water rights are real property rights, we need to make certain that all owners sign on each change application.

In addition, the Chief Engineer has extended until **May 15, 2019**, the time in which to return the original Application for Approval to Change the Point of Diversion, Water Right, File No. 11,033 received in the office of the Chief Engineer on March 22, 2018, along with the requested additional information.

If you do not return the referenced original application and attachments, along with the requested additional information by that date or do not request more time on or before May 15, 2019, or if your request is not granted, the application will be dismissed and its priority forfeited.

If you have any questions, please contact me at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT:rak
Enclosures

pc: Stafford Field Office
James E. and Joyce C. Anschutz
Steve Swartz

WATER RESOURCES RECEIVED
UNACCEPTABLE FOR PRIORITY
APR 19 2019
KS DEPT OF AGRICULTURE

Water Resources Received

APR 24 2019

KS Dept Of Agriculture

SCANNED

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

WADE GEORG
1773 CR 240
RUSH CENTER, KS 67575

April 25, 2019

RE: File No 21199

Dear Sir or Madam:

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

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

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

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

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

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

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

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

Sincerely,

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

BAT: DLW

SCANNED