

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

1. File Number: 49731	2. Status Change Date: 2/14/2019	3. Change Num: C1	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: 27-DEC-2018
8a. Applicant(s) New to system <input type="checkbox"/> WESTERN PACIFIC FARMS INC 2257 100TH RD COPELAND KS 67837		Person ID <u>34924</u> Add Seq# <u>1</u>		
8b. Landowner(s) New to system <input type="checkbox"/> WESTERN PACIFIC FARMS INC 2257 100TH RD COPELAND KS 67837		Person ID <u>34924</u> Add Seq# <u>1</u>		
8c. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		
8d. WUC New to system <input type="checkbox"/>		Person ID <u>34924</u> Add Seq# <u>1</u>		
WESTERN PACIFIC FARMS INC 2257 100TH RD COPELAND KS 67837		WESTERN PACIFIC FARMS INC 2257 100TH RD COPELAND KS 67837 NO CHANGE		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/19</u> <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter				
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 02/7/19 By: RAK Date Entered: 2/17/2019 By: UM				

File No. **49731** 11. County: **CA** Basin: **CIMARRON RIVER** Stream: Formation Code: **100** Special Use:

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

NO CHANGES

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

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

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

16. Place of Use CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
MOD 68116	31	32S	25W	1										23.5				23.5	1.5	38.0	38.5	1.5	126.5	8B	NO	50083
ENT 68970	4	33S	25W	2																						
PU COMMENT L-2(NWNE)																										
L-3 (NENW)																							104.00	8B	NO	50083
MOD 68117	6	33S	25W	1																						
PU COMMENT L-1(NENE)																										
L-2(NWNE) L-3(NENW)																							95.50	8B	NO	50083

Base Acres: Year: Minimum Reasonable Quantity: _____

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: February 8, 2019

FROM: Richelle A. Krueger

RE: Appropriation of Water
File Nos. 49,731

Preston Withers, on behalf of Western Pacific Farms, Incorporated, water right owner, filed an application for approval to change the authorized place of use for the referenced file number, authorized groundwater for irrigation use in the Cimarron River drainage basin. The referenced change application was filed in conjunction with Application, File No. 50,083 being processed by Matt Meier, Environmental Scientist of the Stafford Field Office.

The referenced file does not appear abandoned as per K.S.A. 82a-718.

File Nos. 49,731 and 50,083 have separate points of diversion but will be authorized a combined limited total of 435.61 acre-feet of groundwater for irrigation of the same 326 acres in Section 31, Township 32 South, Range 25 West, and Sections 4 and 6, Township 33 South, Range 25 West, all in Clark County, Kansas.

The total limited quantity that will be available under File Nos. 49,731 and 50,083, 435.61 acre-feet, can irrigate the proposed 326 acres with 1.34 acre-feet per acre, which appears reasonable since 50% NIR with 85% efficiency in Clark County is 1.34 acre-feet per acre.

It appears that all wells within one half-mile of the authorized point of diversion are under common ownership so no notices sent.

The same local source of supply will not change.

In an e-mail dated January 17, 2019, Jeff Lanterman, Water Commissioner of the Stafford Field Office, indicated no objection to approval of the referenced change application.

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


Richelle 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, Acting Secretary

Laura Kelly, Governor

WESTERN PACIFIC FARMS INC
2257 100TH RD
COPELAND KS 67837

February 18, 2019

FILE COPY

RE: Appropriation of Water, File Nos. 49,731 and 50,083

Dear Mr. Withers:

There is enclosed a permit (File No. 50,083) to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. A water meter is required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right.

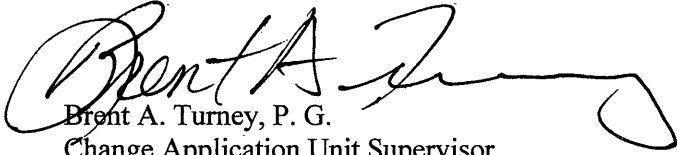
In addition, enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under Appropriation of Water, File No. 49,731. Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number. Please return the required notification of completion of the diversion works and/or installation of the required meters as soon as these actions are completed.

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

Western Pacific Farms, Inc.
File Nos. 49,731 and 50,083
Page 2

If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent A. Turney". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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

BAT:rak

Enclosures

pc: Stafford Field Office


THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
 Mike Beam, Acting Secretary of Agriculture

DIVISION OF WATER RESOURCES
 David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
 FOR
 CHANGE IN PLACE OF USE
 APPROPRIATION OF WATER
 FILE NO. 49,731**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Preston Withers, President, on behalf of Western Pacific Farms, Incorporated, 2257 100th Road, Copeland, Kansas, 67837, received in this office on December 27, 2018, for approval of a change in the location of the place of use under the Approval of Application, File No. 49,731, for permit to appropriate water for beneficial use,, 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 location of the place of use shall be:

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									
31	32S	25W																23.50				23.50	1.50	38.00	38.50	1.50	126.50
4	33S	25W		Lot 2				Lot 3																			104.00
6	33S	25W	Lot 1	Lot 2				Lot 3																			95.50

a total of 326.00 acres in Clark County, Kansas,

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

All diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Approval of Application, File No. 49,731, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated April 21, 2017.

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 the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 review 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 the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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.

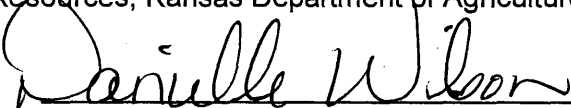
Ordered this 14th day of February, 2019, in Manhattan, Riley County, Kansas.


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

State of Kansas)
) SS
 County of Riley)

The foregoing instrument was acknowledged before me this 14th day of February, 2019 by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.





 Notary Public

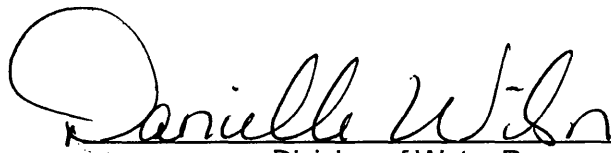
CERTIFICATE OF SERVICE

On this ^{5th} day of February, 2019, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 49,731, dated February 14th, 2019 was mailed postage prepaid, first class, US mail to the following:

WESTERN PACIFIC FARMS INC
2257 100TH RD
COPELAND KS 67837

With photocopies sent to:

Stafford Field Office



Division of Water Resources

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
- Point of Diversion
- Use Made of Water

(Check one or more)

Water Resources
Received

DEC 27 2018

11:54

KS Dept Of Agriculture

File No. 49,731

2. Name of applicant: WESTERN PACIFIC FARMS INC (Preston Withers Contact)

Address: 2257 100TH RD

City, State and Zip: COPELAND KS 67837

Phone Number: (620)272-1376 E-mail address: pwithers65@outlook.com

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

Name of water use correspondent: Same as applicant

Address: _____

City, State and Zip: _____

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

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

Change needed to cover illegal acres and form a complete PU overlap with Pending Application File No. 50,083.

The change(s) (was) (will be) completed by ASAP

(Date)

For Office Use Only:					
F.O. <u>2</u>	GMD <u>-</u>	Meets K.A.R. 5-5-1 (YES / NO)	Use <u>IRR</u>	Source <u>G/S</u>	County <u>CA</u>
Code <u>CRU</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>12/27/18</u>	By <u>DAW</u>	Date <u>12/27/18</u>
				Check # <u>9407</u>	

APPLICATION COMPLETE
1/8/19
REGISTER RAK

SCANNED 1/4/2019 LCM

4. The presently authorized place of use is:

Owner of Land — NAME: WESTERN PACIFIC FARMS INC

ADDRESS: 2257 100TH RD COPELAND KS 67837

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	
6	32S *33	25W	4	39	39	16	9.5			1.5					11	23			143
31	32S	25W			15				3	15	40	7		26	38	38			182
Combined Total Acres																		325	

List any other water rights that cover this place of use. Partial Overlap with Pending Application 50083

Owner of Land — NAME: _____

ADDRESS: _____

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

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

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

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

Owner of Land — NAME: WESTERN PACIFIC FARMS INC

ADDRESS: 2257 100TH RD COPELAND KS 67837

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	
* 6	*33	25W	L-1 15	L-2 38	28.5	9	L-3 3.5			(*) 1.5	(*) 1.5								95.5
31	32S	25W										23.5		23.5	1.5	38	38.5	1.5	126.5
* 4	33S	25W		L-2 26	26		L-3 26				26								104
Combined Total Acres																		326	

List any other water rights that cover this place of use. Will form complete PU overlap with pending Application 50,083

Owner of Land — NAME: _____

ADDRESS: _____

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

Water Resources
Received

DEC 27 2019

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

KS Dept Of Agriculture

* per Map & Lots per original survey plat
* RAK/DWR 1/8/19

(*) per Map
(*) RAK/DWR 2/7/19

SCAN

6. The presently authorized point(s) of diversion is Battery of 4 Wells
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) Not Changing
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SW Quarter of the NW Quarter of the SW Quarter of Section 32, Township 32 South, Range 25 (W), in CA (Geo-Cent) County, Kansas, 1945 feet North 5120 feet West of Southeast corner of section. Authorized Rate 800 Authorized Quantity 435.61
(DWR use only: Computer ID No. 2 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 _____

9. **Presently authorized point of diversion:**
 One in the NW Quarter of the NW Quarter of the SW Quarter of Section 32, Township 32 South, Range 25 (W), in CA (Bat 1 of 4) County, Kansas, 2235 feet North 5120 feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. 1 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the SW Quarter of the NW Quarter of the SW Quarter of Section 32, Township 32 South, Range 25 (W), in CA (Bat 2 of 4) County, Kansas, 1655 feet North 5120 feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. 3 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 _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Water Resources
 Received

DEC 27 2018

11. The presently authorized use of water is for irrigation purposes.

It is proposed that the use be changed to Not Changing purposes.

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

(Please show any calculations here.)

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

14. It is requested that the maximum rate of diversion of water be reduced to N.A. gallons per minute (____ c.f.s.).

15. 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.

16. 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.

17. 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.

Water Resources
Received

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

DEC 27 2018

KS Dept Of Agriculture

SCANNED

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 49731

Presently authorized point of diversion:
One in the SW Quarter of the NW Quarter of the SW Quarter
of Section 32, Township 32 South, Range 25 (W),
in CA (Bat 3 of 4) County, Kansas, 1945 feet North 4830 feet West of Southeast corner of section.
Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. 4 _____ 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 _____

Presently authorized point of diversion:
One in the SW Quarter of the NW Quarter of the SW Quarter
of Section 32, Township 32 South, Range 25 (W),
in CA (Bat 4 of 4) County, Kansas, 1945 feet North 5245 feet West of Southeast corner of section.
Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. 5 _____ 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 _____

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 _____

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 _____

DEC 27 2018

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 HASKELL County, Kansas, this 20 day of December, 2018.

[Signature], President.
(Owner)

Preston W. Thomas
(Please Print)

(Spouse)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

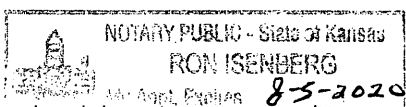
(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of HASKELL } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 20th day of December, 2018.

[Signature]
Notary Public

My Commission Expires 8-5-2020

FEE SCHEDULE

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

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

Make check payable to **Kansas Department of Agriculture.**

Water Resources
Received
DEC 27 2018
KS Dept Of Agriculture
SCANNED

Krueger, Richelle [KDA]

From: Lanterman, Jeff [KDA]
Sent: Thursday, January 17, 2019 5:25 PM
To: Krueger, Richelle [KDA]
Cc: Conant, Cameron [KDA]
Subject: FW: Request for Recommendation Change in PU File No. 49731 Western Pacific Farms Inc (New App File No. 50083
Attachments: 49731irrpumemolapnewapp.docx; 49731 app map.pdf

Richelle.

Pretty familiar with these changes and the new app. Matt just went over the new app with me.

Approve them.

Thanks.

From: Conant, Cameron [KDA]
Sent: Thursday, January 17, 2019 2:25 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Request for Recommendation Change in PU File No. 49731 Western Pacific Farms Inc (New App File No. 50083

Jeff, I think you are familiar with this change application, it was being processed in conjunction with a new application you recently reviewed and recommended on that Matt has been processing. I have attached the application map showing the proposed p/u and the location of this battery as well as the proposed battery for 50083.

This change application seeks to make a complete overlap in place of use with the pending new app (50083). 50083 also authorizes another set of battery wells to be pumped on the entire place of use. It should be noted that the total combined quantity under both files is limited to 435.61 AF on the proposed 326 acres. This equates to 1.34 AF/acre which is the minimum reasonable in Clark County.

This change was needed for 2 reasons: 1) originally the owners put the pivots for 49731 in the incorrect location so we already had an unauthorized place of use with the senior file and
2) the new app was filed and had to be revised with assistance from Matt to correct the place of use, make the complete overlap, and get a reasonable amount of acres for the quantity allowed by the SY evaluation.

I think we can recommend approval of this change application to be processed in conjunction with the approval of new application 50083.

Please pass on to Richelle if you agree. Let me know if you have any questions. The new app is ready to go in HQ and is now awaiting recommendation on this change and I suppose the 2 will be finalized together.

Cameron

From: Krueger, Richelle [KDA]
Sent: Tuesday, January 8, 2019 3:44 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Meier, Matt [KDA] <Matt.Meier@ks.gov>; Turney, Brent [KDA]

<Brent.Turney@ks.gov>

Subject: Request for Recommendation Change in PU File No. 49731 Western Pacific Farms Inc (New App File No. 50083)

Hi Jeff,

Attached is a draft memo for the referenced change in pu, do you recommend approval?

Thanks,
Richelle

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.

JACKIE MCCLASKEY, SECRETARY OF AGRICULTURE

WESTERN PACIFIC FARMS, INC
2257 100TH RD
COPELAND, KS 67837

January 3, 2019

RE: File No 49731

Dear Sir or Madam:

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

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

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

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

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

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

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

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

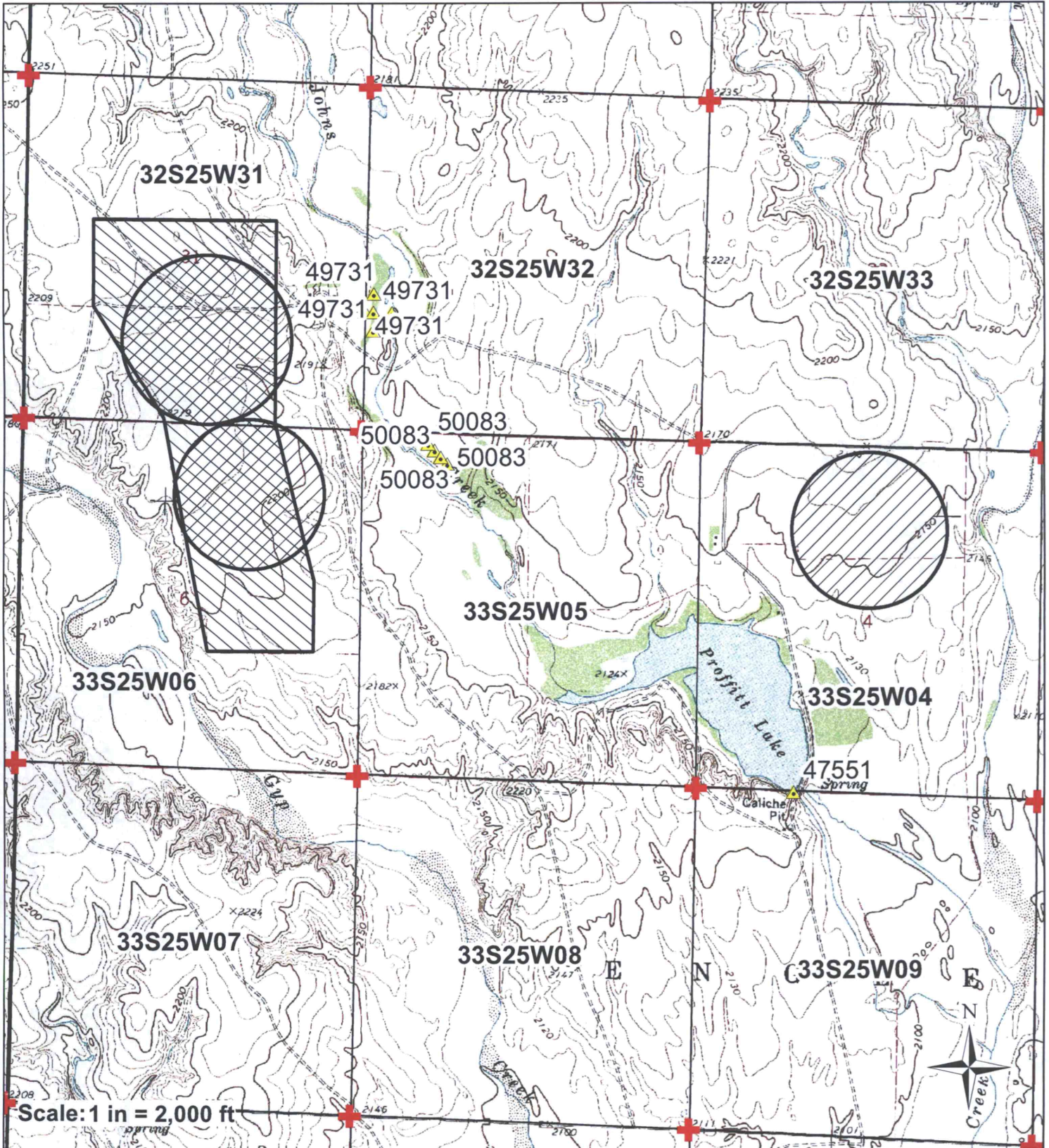
Sincerely,

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

BAT: DLW
pc: STAFFORD Field Office GMD

SCANNED

File No. 49731 PU Change



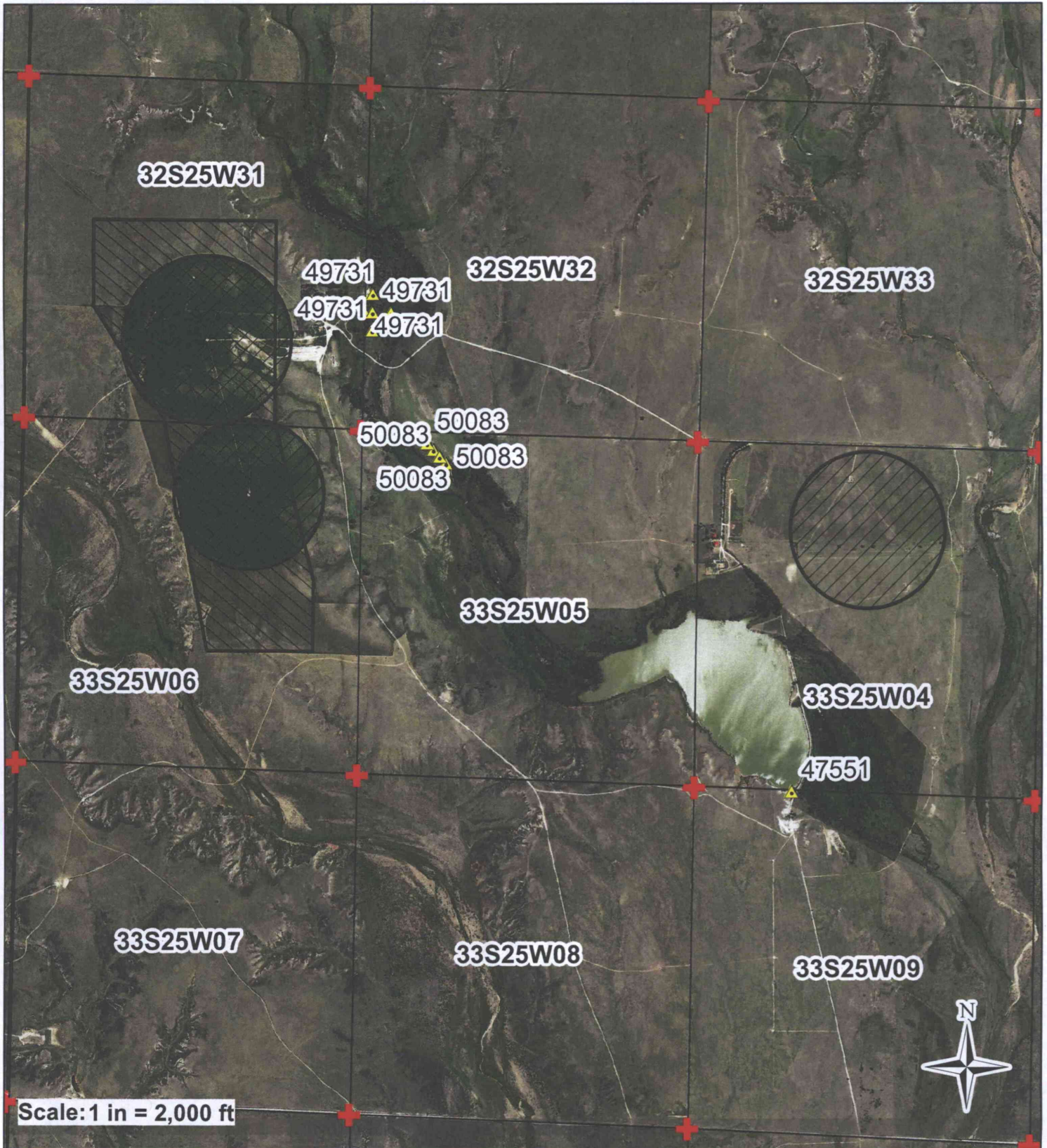
- Water Rights
- Authorized Point of Diversion
- Proposed Point of Diversion
- Proposed Place of Use
- Authorized Place of Use
- Domestic Wells
- Section Corner

I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.








Signature _____
 Date _____
 0 1,550 3,100
 Feet

DEC 27 2018
 Created By: Matt Meier
 F.O. 2
 Date: 12/20/18
 KS Dept Of Agriculture
 6,200
 Feet

File No. 49731 PU Change



Scale: 1 in = 2,000 ft

-  Water Rights
-  Authorized Point of Diversion
-  Proposed Point of Diversion
-  Proposed Place of Use
-  Authorized Place of Use
-  Domestic Wells
-  Section Corner

I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

Water Resources
Received

DEC 27 2018

Created By: Matt Meier
F.O. 2
Date: 12/20/18

Signature

Date

0 1,550 3,100

KS Dept Of Agriculture

TOWNSHIP N° 33 SOUTH RANGE N° 25 WEST 0.

T33S R25W

