

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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

Call for address:

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

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



STATE OF KANSAS

**WATER METER REQUIRED**

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

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

File No. 38387

DIVISION OF WATER RESOURCES  
 Stafford Field Office  
 RECEIVED  
 9:30 am  
 FEB 04 2020

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

Place of Use                       Point of Diversion

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

The source of supply is:                       Groundwater                       Surface water

3/5/2020

2. Name and address of Applicant: Darrell Wood

1983 260th Ave, Lewis KS 67552-5133

Water Resources

Phone Number: (620)546-3426

Email address: \_\_\_\_\_

Received

Name and address of Water Use Correspondent: Darrell N & Natalie D Wood Rev Trusts

Darrell & Natalie Wood TTEE, 1983 260th Ave, Lewis KS 67552-5133

KS Dept Of Agriculture

Phone Number: (620)546-3426

Email address: \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land ---- NAME: Darrell N & Natalie D Wood Rev Trusts

ADDRESS: 1983 260th Ave, Lewis KS 67552-5133

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

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
32	24	16W									30.9	30.9	30.9	30.9					123.6

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

Owner of Land ---- NAME: Darrell N & Natalie D Wood Rev Trusts

ADDRESS: 1983 260th Ave, Lewis KS 67552-5133

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

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
32	24	16W									9			9	19	39	38.5	19	133.5*
<u>32</u>	<u>24</u>	<u>16W</u>									<u>11.5</u>			<u>11.5</u>	<u>16</u>	<u>39.5</u>	<u>39</u>	<u>16</u>	<u>133.5*</u>

For Office Use Only: Code \_\_\_\_\_ Fee \$ 200.00 TR # \_\_\_\_\_ Receipt Date \_\_\_\_\_ Check # 6205

Converted to HQ

3/10/2020  
LMoody

\* Per phone conversation on 2/10/20 w/applicant, TJS-SFFO

5. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the NC SW Quarter  
 of Section 32, Township 24 South, Range 16 W,  
 in Edwards County, Kansas, 1,360 feet North 3,980 feet West of Southeast corner of section.  
 Authorized Rate 1,080 gpm Authorized Quantity 200 AF Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. 02 GPS N/A feet North N/A 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 none

6. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

7. The changes herein are desired for the following reasons?  
 (please be specific) Move the center pivot over to  
better ground with fewer water holes

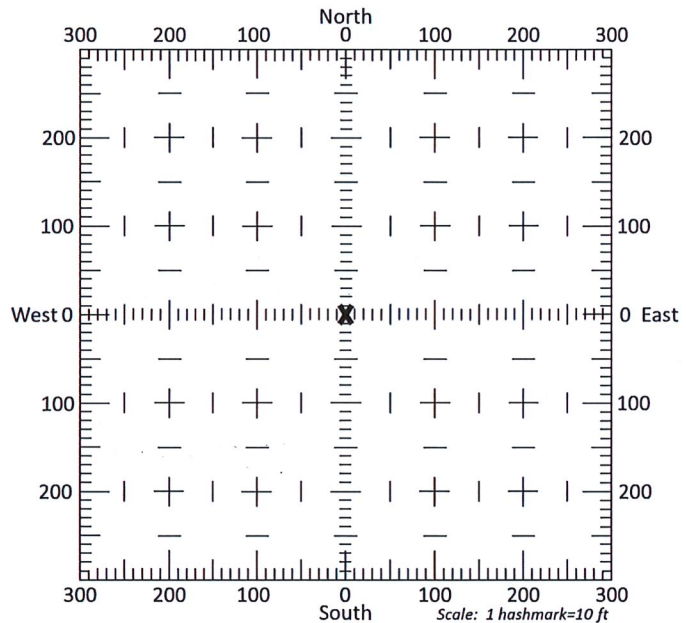
8. If a well, is the test hole log attached?  Yes  No  
 9. The change(s) (was)(will be) completed by?  
Spring 2020

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

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by EKF/SFFO

13a. If the proposed point of diversion will be relocated more than 300  
feet but within 2,640 feet of the existing point of diversion, attach  
 a topographic map or aerial photograph. For groundwater  
 sources, show all wells (including domestic) within one-half mile  
 of the proposed point of diversion and the names and mailing  
 addresses of the owners. For surface water sources, show the  
 names and addresses of the landowner(s) one-half mile  
 downstream and one-half mile upstream from your property  
 lines



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

FEB 04 2020

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

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

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

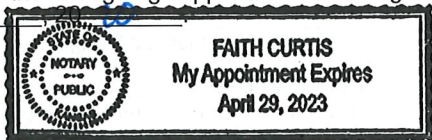
I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application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

Dated at Stafford, Kansas, this 4th day of February, 2020.

<i>Danell M. Wood</i> (Owner)	<i>Danell M. Wood &amp; Natalia Wood</i> (Spouse)
<i>Danell M. Wood</i> (Please Print)	<i>Natalia Wood</i> (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)

State of Kansas }  
County of Stafford } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 4th day of February.



*Faith Curtis*  
Notary Public

My Commission Expires

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

FEE SCHEDULE

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

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

RECEIVED

FEB 04 2020

Stafford Field Office  
DIVISION OF WATER RESOURCES

File No. 38387

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

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law*, K.S.A. 82a-701 *et seq.*, and rules and regulations promulgated thereunder. With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 38387.

1. A change application was received on 2/4/2020 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use.     Applicable     Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a \_\_\_\_\_ foot radius of the authorized point(s) of diversion.     Applicable     Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application.     Applicable     Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than \_\_\_\_\_ feet from the previously authorized point(s) of diversion.     Applicable     Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13.     Applicable     Not Applicable
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2020**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.  
 Applicable     Not Applicable
8. **Installation of the works for diversion of water shall be completed on or before December 31, 20\_\_\_\_\_**, or within any authorized extension of time. By March 1, 20\_\_\_\_ the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e.  
 Applicable     Not Applicable
9. **The completed well log shall be submitted with the required notice.**     Applicable     Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c.  Applicable     Not Applicable
11. Additional Conditions are attached.     Yes     No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

**Administrative Appeal and Effective Date of Order**

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

*For Use by Register of Deeds*

FOR OFFICE USE ONLY  
**APPLICATION APPROVED AND  
SUMMARY ORDER ISSUED**

By: \_\_\_\_\_  
Duly Authorized Designee of the Chief Engineer  
(Print Name): \_\_\_\_\_  
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: \_\_\_\_\_

State of Kansas \_\_\_\_\_ )

County of \_\_\_\_\_ ) SS

Acknowledged before me on \_\_\_\_\_

by \_\_\_\_\_

Signature: \_\_\_\_\_

Notary Public

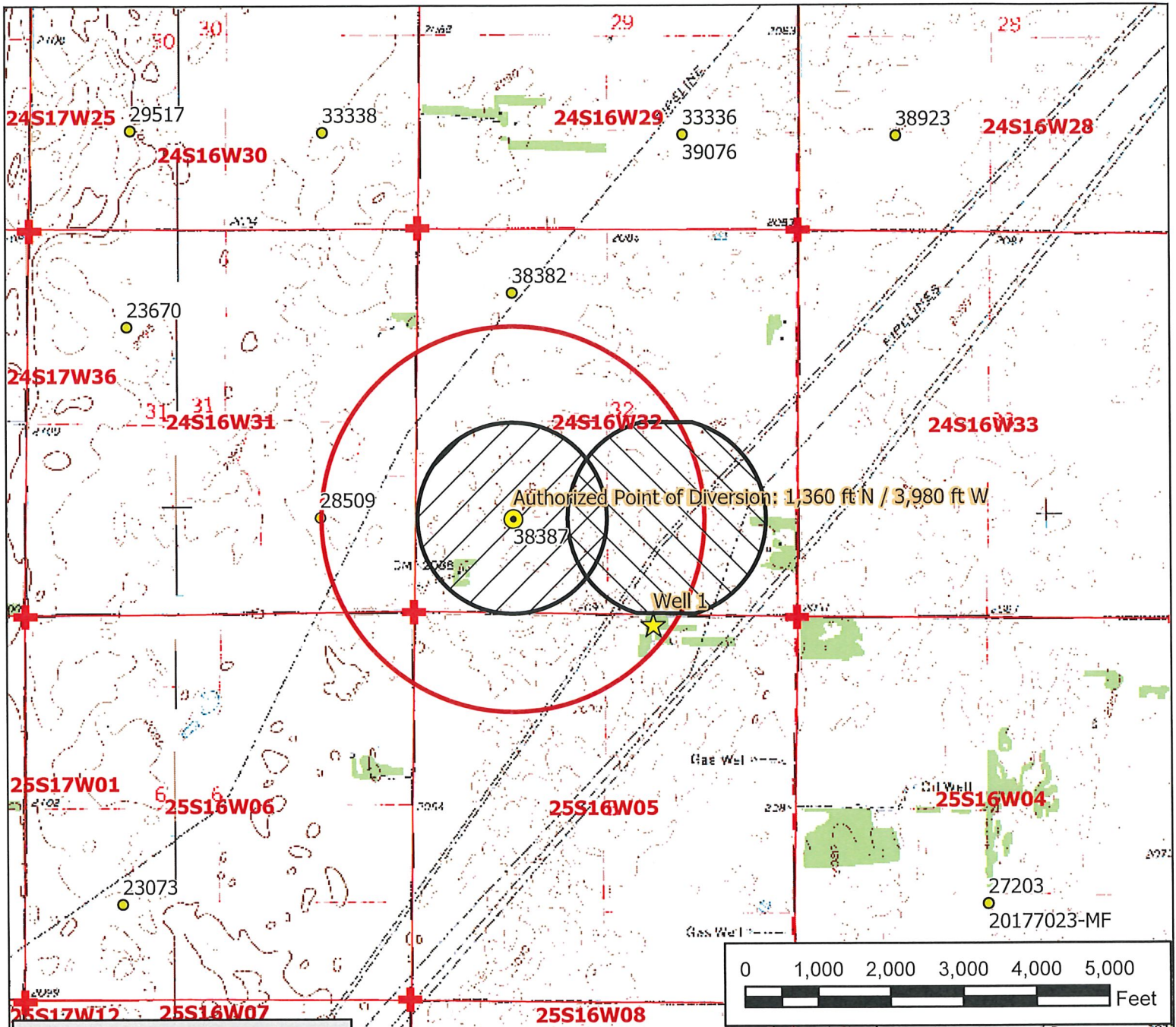
My commission expires: \_\_\_\_\_

(Notary Seal)

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FEB 04 2020

Stafford Field Office  
DIVISION OF WATER RESOURCES



**Legend**

- Water Appropriation
- Proposed Point of Diversion
- Authorized Point of Diversion
- ★ Domestic Well
- ⊕ Section Corner
- ▭ Section Line
- Half Mile Circle
- Place of Use
- ▨ Authorized
- ▨ Proposed

# Water Right, File No. 38387

## Change in Place of Use Map 32-24-16W // Edwards County

To the best of my knowledge, all wells within one-half mile of the authorized point(s) of diversion have been shown.

*Daniel A. Wood*

Signature / Date

*2-3-2020*

2/3/2020 EKF/SFFO 1:24,000 scale

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FEB 04 2020

Stafford Field Office  
DIVISION OF WATER RESOURCES



**File No. 38387 Application to Change the Place of Use: Nearby Well Owners**

Domestic Well 1

Julian Farm LLC, 2430 Vaughn Dr, Manhattan KS 66502

Water Right, File No. 28509

Larry L Adams et al, 1227 260<sup>th</sup> Ave, Belpre KS 67519

RECEIVED

FEB 04 2020

Stafford Field Office  
DIVISION OF WATER RESOURCES

## **Saryerwinnie, Tyler [KDA]**

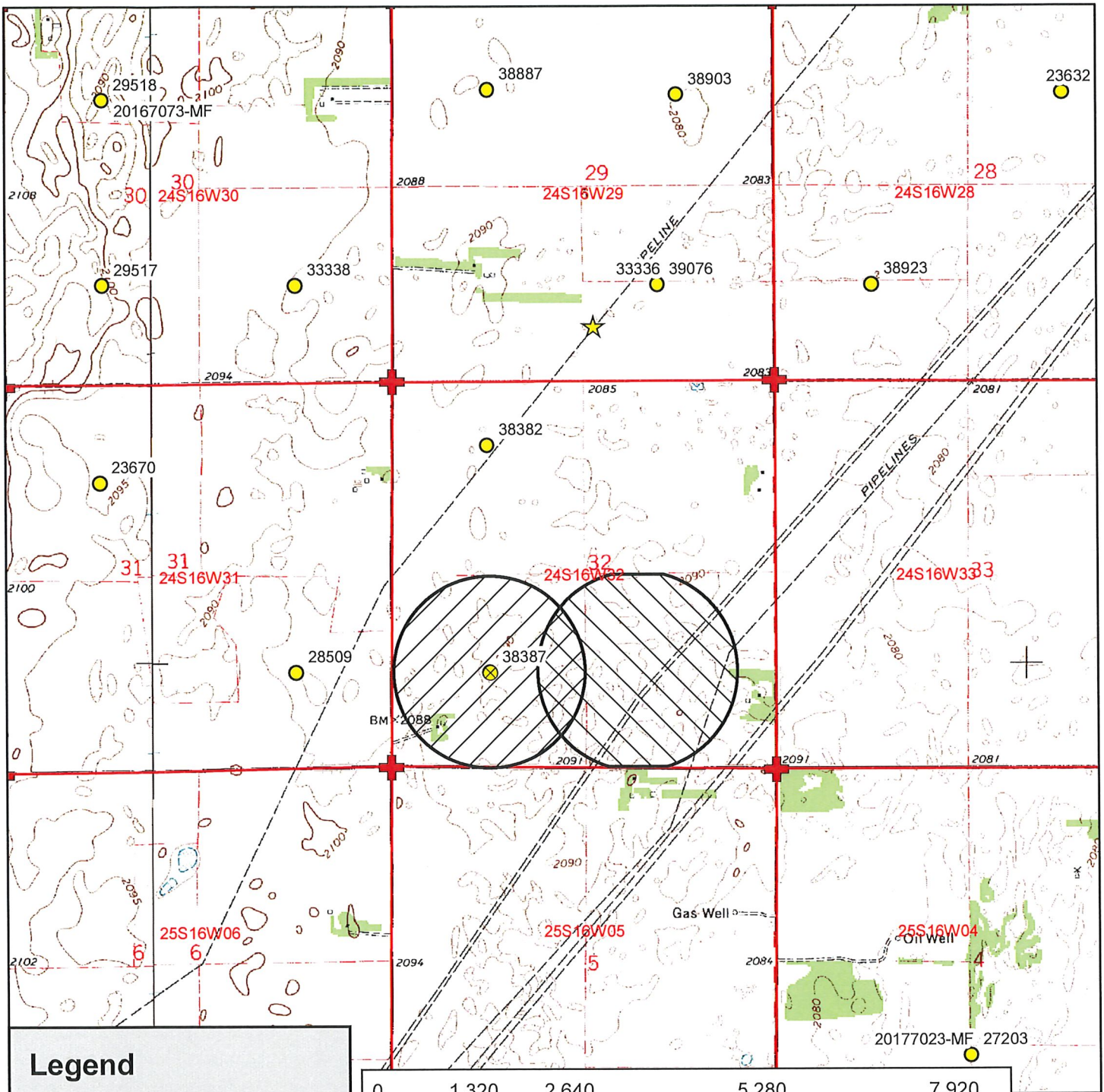
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**From:** Saryerwinnie, Tyler [KDA]  
**Sent:** Monday, February 10, 2020 3:07 PM  
**To:** Fitch, Elizabeth (Elizabeth.Fitch@ks.gov)  
**Subject:** File 38387 PU Change App - Modification

Can you send me the p/u shapefile for 38387? Darrell called and said that Ag Systems gave him an incorrect pivot point location and he would like to modify the place of use to move the pivot point 100 feet west of what was submitted.

**Tyler Saryerwinnie**, Environmental Scientist  
Kansas Department of Agriculture  
Division of Water Resources  
Stafford Field Office  
Phone: (620)234-5311





**Legend**

- Authorized Point of Diversion
- Water Appropriations
- Domestic Well
- Section Line
- Section Corner

**Place of Use**

- Authorized
- Proposed



**Water Right, File No. 38387**  
 Change in Place of Use, Application Map  
 32-24S-16W // Edwards County



Revised Map

Modification to proposed place of use based on 2/10/2020 phone conversation with applicant.



# KANSAS DEPARTMENT OF AGRICULTURE

## Division of Water Resources

### Stafford Field Office

## MEMORANDUM

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**TO:** File

**DATE:** 2/5/2020

**FROM:** Tyler Saryerwinnie

**RE:** File No. 38387

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

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

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

The change in place of use filed on 2/4/2020 for the above referenced file meets this criteria and surrounding well owners will not be notified.

## Saryerwinnie, Tyler [KDA]

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**From:** Saryerwinnie, Tyler [KDA]  
**Sent:** Wednesday, February 5, 2020 3:33 PM  
**To:** Orrin Feril (oferil@gmd5.org)  
**Cc:** Conant, Cameron [KDA]  
**Subject:** RE: GMD Recommendation Request - File No. 38387  
**Attachments:** 38387.Cover Letter.pdf

---

### Tyler Saryerwinnie, Environmental Scientist

---

**From:** Saryerwinnie, Tyler [KDA]  
**Sent:** Wednesday, February 5, 2020 3:31 PM  
**To:** Orrin Feril (oferil@gmd5.org) <oferil@gmd5.org>  
**Cc:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Subject:** GMD Recommendation Request - File No. 38387

Orrin,

I have attached a cover letter and a copy of one (1) place of use change application for GMD recommendation. File No. 38387 was previously reduced for AWEP and I have attached a base acre review for your reference. Please provide the GMD recommendation by no later than February 25, 2020.

Please let me know if you are needing anything else, or have any questions.

Thank you,

Tyler

**Tyler Saryerwinnie, Environmental Scientist**  
Kansas Department of Agriculture  
Division of Water Resources  
Stafford Field Office  
Phone: (620)234-5311

Stafford Field Office  
300 S. Main Street  
Stafford, KS 67578-1521



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

Mike Beam, Secretary

Laura Kelly, Governor

February 5, 2020

Orrin Feril  
Big Bend – GMD No. 5  
125 S Main St.  
Stafford, KS 67578

RE: Place of Use Change Application, File No. 38,387

Dear Mr. Feril,

We are enclosing a copy of the application, as referenced above, for your review and recommendation. At this time the application appears to be in proper form.

This office will delay any further action on this file for a period of 15 business days from the date of this letter to allow you time to submit your recommendation concerning the application. Please submit your recommendation within the allotted time, or any authorized extension of time thereof.

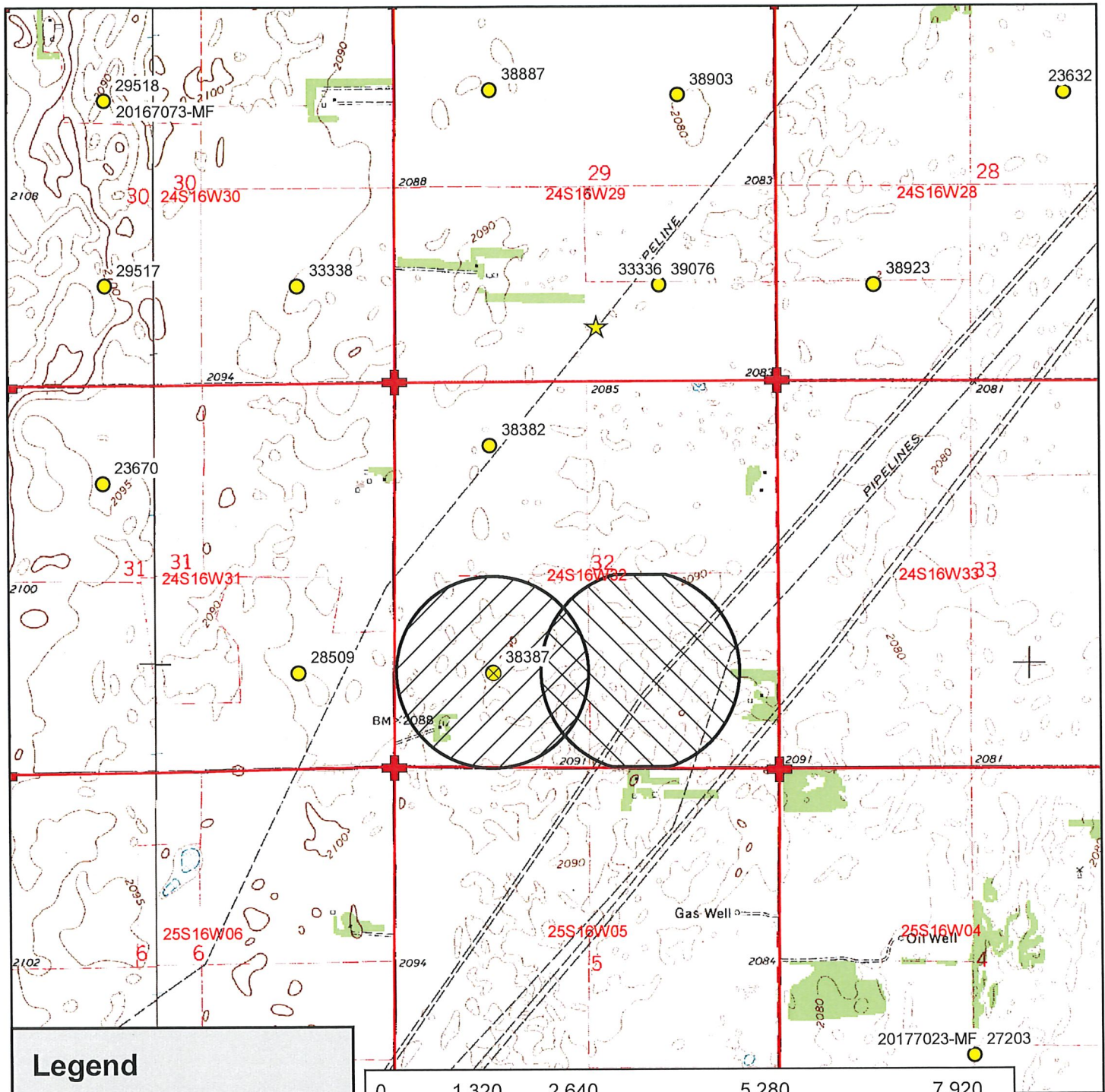
If you have any questions, please feel free to contact the office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tyler Saryerwinnie".

Tyler Saryerwinnie  
Environmental Scientist  
Stafford Field Office  
[tyler.saryerwinnie@ks.gov](mailto:tyler.saryerwinnie@ks.gov)

Enclosure

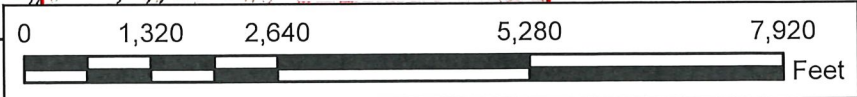


**Legend**

- Authorized Point of Diversion
- Water Appropriations
- Domestic Well
- Section Line
- Section Corner

**Place of Use**

- Authorized
- Proposed



**Water Right, File No. 38387**  
 Change in Place of Use, Application Map  
 32-24S-16W // Edwards County



Revised Map

Modification to proposed place of use based on 2/10/2020 phone conversation with applicant.

## Lanterman, Jeff [KDA]

---

**From:** Orrin Feril <oferil@gmd5.org>  
**Sent:** Monday, February 24, 2020 10:50 AM  
**To:** Saryerwinnie, Tyler [KDA]  
**Cc:** Lanterman, Jeff [KDA]; Conant, Cameron [KDA]  
**Subject:** Application for Change, Water Right, File No. 38387  
**Attachments:** 38387 2020-02-24 Rec.pdf

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Tyler,  
I'm attaching the recommendation requested by your office in a letter dated February 5, 2020. Please let me know if you have any questions.

Thank you for your consideration in this matter,

Orrin

--

*Orrin Feril*

Manager

Big Bend GMD#5

Email: [oferil@gmd5.org](mailto:oferil@gmd5.org)

Phone: (620) 234-5352

Mobile: (620) 388-0172

Fax: (620) 234-5718

[www.gmd5.org](http://www.gmd5.org)

Facebook/Twitter: @BigBendGMD5

Darrell Wood - Edwards (Pres.)  
Fred Grunder - Pratt (V Pres.)  
John Janssen - Kiowa (Treas.)  
Jerry Cullop - Rice (Sec.)  
Justin Gatz - Reno  
Marlyn Spare - Stafford  
Phil Martin - Barton  
Kerry Froetschner - Pawnee  
Tom Taylor - At-Large



Orrin Feril, Manager  
125 South Main Street  
Stafford, Kansas 67578  
ph: (620) 234-5352  
fx: (620) 234-5718  
gmd5@gmd5.org  
www.gmd5.org

February 24, 2020

Tyler Saryerwinnie  
Division of Water Resources  
Kansas Department of Agriculture  
300 S. Main Street  
Stafford, Kansas 67578-1342

RE: Water Right File No. 38,387  
Change in the Place of Use

Dear Mr. Saryerwinnie,

The Big Bend Groundwater Management District #5 has reviewed the above referenced application to change the place of use under Water Right File No. 38,387. Currently the authorized place of use for this file is 123.6 acres in the SW quarter of 32-24S-16W in Edwards County following voluntary participation in the District's AWEP that incentivized the removal of end guns from center pivot systems. The base purpose for AWEP was to reduce the consumptive use within the Rattlesnake Creek subbasin by reducing the number acres consuming water by removing the most inefficient portion of the system. For this water right, the authorized acreage was reduced from 133 acres to 123.6 acres. The application is requesting to move the authorized acreage to the SE $\frac{1}{4}$  and increase the acreage to 133.5 acres. This proposed change nullifies the intent of AWEP. The District paid for the end gun removal in 2010.

The application was presented to the Board of Directors at the February regular board meeting for review. The applicant discussed the issues regarding this center pivot system and the history of the water right file with the Board. The applicant has no desire to increase the acres to 133.5 acres, but rather just move the center pivot system east to better ground and still irrigate the 123.6 acres. Based upon this discussion, the Board voted to recommend approval of this application if amended to 123.6 acres with 200 AF in line with the AWEP provisions from 2010.

The application to change is subject to the District's well equipment regulation K.A.R. 5-25-5 for a required flow meter.

Please feel free to give me a call if you have any questions.

Sincerely,

Orrin Feril  
Manager

## Saryerwinnie, Tyler [KDA]

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**From:** Saryerwinnie, Tyler [KDA]  
**Sent:** Tuesday, February 11, 2020 10:31 AM  
**To:** Orrin Feril (oferil@gmd5.org)  
**Cc:** Conant, Cameron [KDA]  
**Subject:** RE: GMD Recommendation Request - File No. 38387  
**Attachments:** 38387.Revised Change App.pdf

Orrin,

Darrell called into the Stafford Field Office and requested to modify the proposed place of use for the application that was submitted on February 4, 2020 under File No. 38387. He said that he had provided the wrong pivot point location and wanted to shift the proposed pivot 100 feet west. I have created a revised map and have included a copy of the modified application.

Thank you,  
Tyler

**Tyler Saryerwinnie, Environmental Scientist**

---

**From:** Saryerwinnie, Tyler [KDA]  
**Sent:** Wednesday, February 5, 2020 3:33 PM  
**To:** Orrin Feril (oferil@gmd5.org) <oferil@gmd5.org>  
**Cc:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Subject:** RE: GMD Recommendation Request - File No. 38387

**Tyler Saryerwinnie, Environmental Scientist**

---

**From:** Saryerwinnie, Tyler [KDA]  
**Sent:** Wednesday, February 5, 2020 3:31 PM  
**To:** Orrin Feril ([oferil@gmd5.org](mailto:oferil@gmd5.org)) <[oferil@gmd5.org](mailto:oferil@gmd5.org)>  
**Cc:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** GMD Recommendation Request - File No. 38387

Orrin,

I have attached a cover letter and a copy of one (1) place of use change application for GMD recommendation. File No. 38387 was previously reduced for AWEP and I have attached a base acre review for your reference. Please provide the GMD recommendation by no later than February 25, 2020.

Please let me know if you are needing anything else, or have any questions.

Thank you,

Tyler



**Tyler Saryerwinnie**, Environmental Scientist  
Kansas Department of Agriculture  
Division of Water Resources  
Stafford Field Office  
Phone: (620)234-5311

## Property Details for PID: 0240793200000002000

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Shareable link to Property Information : <https://www.kansasgis.org/orka/permalinkprop.cfm?parcelid=0240793200000002000>

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Shareable link to Map: <https://www.kansasgis.org/orka/permalink.cfm?parcelId=0240793200000002000>

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QuickRef ID : R2715

---

Owner Name : WOOD, DARRELL N & NATALIE D REV TRUST

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Location: 00000 BEL RT 1, Belpre, KS 67519

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Abbreviated Boundary Description: OTHER AGRI LANDS, S32, T24, R16, ACRES 158.1, NW4 LESS RD R/W SECTION 32 TOWNSHIP 24 RANGE 16

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### Owner Information:

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Owner WOOD, DARRELL N & NATALIE D REV TRUST  
WOOD, BETTY REV TRUST

---

Mailing Address 1983 260TH AVE LEWIS, KS 67552

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### Property Information:

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Type Agricultural Use

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## Property Details for PID: 0240793200000003010

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Shareable link to Property Information : <https://www.kansasgis.org/orka/permalinkprop.cfm?parcelid=0240793200000003010>

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Shareable link to Map: <https://www.kansasgis.org/orka/permalink.cfm?parcelid=0240793200000003010>

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QuickRef ID : R2717

---

Owner Name : WOOD, DARRELL N & NATALIE D REV TRUST

---

Location: 00000 BEL RT 1, Belpre, KS 67519

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Abbreviated Boundary Description: OTHER AGRI LANDS , ACRES 149.6 , SE4 LESS DESC TR COMM SE COR TH N 635 TO POB TH N 510 TH NWLY 530 TH S 510 TH SELY 530 TO POB LESS RD R/W SECTION 32 TOWNSHIP 24 RANGE 16

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### Owner Information:

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Owner WOOD, DARRELL N & NATALIE D REV TRUST

---

Mailing Address 1983 260TH AVE LEWIS, KS 67552

---

### Property Information:

---

Type Agricultural Use

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Entered in Transfer Record in my Office this  
22<sup>nd</sup> day of Jan, A.D., 2020  
Dina A. Schuett  
County Clerk - SB



STATE OF KANSAS, EDWARDS COUNTY, SS

CHERYL PROFFITT, Register of Deeds

Book: D80 Page: 293

Receipt #: 31083

Recording Fee: \$21.00

Pages Recorded: 1

Date Recorded: 1/21/2020 2:00:01 PM

Melinda Haluogor, Deputy

QUIT CLAIM DEED

38387

BETTY WOOD, Trustee of the BETTY WOOD REVOCABLE TRUST NO. 1, dated the 3<sup>rd</sup> day of January, 1996 ("Trust"), quit claims to DARRELL N. WOOD, Successor Trustee of the NORMAN E. WOOD REVOCABLE TRUST NO. 1, dated the 3<sup>rd</sup> day of January, 1996, all of the Trust's interest in and to the following described real estate located in the County of Edwards, State of Kansas, to-wit:

The Southwest Quarter (SW/4) of Section Thirty-two (32), Township Twenty-four (24) South, Range Sixteen (16) West of the 6<sup>th</sup> P.M., Edwards County, Kansas.

for the sum of One Dollar (\$1.00) and other good and valuable consideration.

Dated this 21<sup>st</sup> day of January, 2020.

Betty Wood  
Betty Wood, Trustee

K.S.A. 1991 Supp. 79-1437(e)(a) #4

STATE OF KANSAS )  
  )     ss:  
COUNTY OF PRATT)

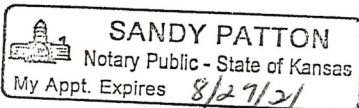
BE IT REMEMBERED that on this 21<sup>st</sup> day of January, 2020, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Betty Wood, Trustee of the Betty Wood Revocable Trust No. 1 dated the 3<sup>rd</sup> day of January, 1996, who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal, the day and year last above written.

Sandy Patton  
Notary Public

My Commission Expires:

August 27, 2001



RECEIVED

FEB 04 2020

Stafford Field Office  
DIVISION OF WATER RESOURCES

Entered in Transfer Record in my Office this  
22<sup>nd</sup> day of Jan., A.D., 2020

Aida R. Schutte  
County Clerk



STATE OF KANSAS, EDWARDS COUNTY, SS  
CHERYL PROFFITT, Register Of Deeds

Book: D80 Page: 294

Receipt #: 31083  
Pages Recorded: 1

Recording Fee: \$21.00

Date Recorded: 1/21/2020 2:00:02 PM

*Melinda Haluger Deputy*

38387

QUIT CLAIM DEED

DARRELL N. WOOD, Successor Trustee of the NORMAN E. WOOD REVOCABLE TRUST NO. 1, dated the 3<sup>rd</sup> day of January, 1996 ("Trust"), quit claims to DARRELL N. WOOD and NATALIE D. WOOD, TRUSTEES OF THE DARRELL N. WOOD REVOCABLE TRUST NO. 1, dated December 1, 1998; and NATALIE D. WOOD and DARRELL N. WOOD, TRUSTEES OF THE NATALIE D. WOOD REVOCABLE TRUST NO. 1, dated November 1, 1998, all of the Trust's interest in and to the following described real estate located in the County of Edwards, State of Kansas, to-wit:

The Southwest Quarter (SW/4) of Section Thirty-two (32), Township Twenty-four (24) South, Range Sixteen (16) West of the 6<sup>th</sup> P.M., Edwards County, Kansas.

for the sum of One Dollar (\$1.00) and other good and valuable consideration.

Dated this 21<sup>st</sup> day of January, 2020.

*Darrell N. Wood*  
\_\_\_\_\_  
Darrell N. wood, Trustee

STATE OF KANSAS )  
) SS:  
COUNTY OF PRATT)

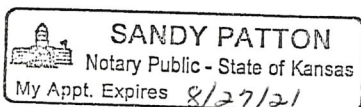
BE IT REMEMBERED that on this 21<sup>st</sup> day of January, 2020, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Darrell N. Wood, Successor Trustee of the Norman E. Wood Revocable Trust No. 1 dated the 3<sup>rd</sup> day of January, 1996, who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal, the day and year last above written.

*Sandy Patton*  
\_\_\_\_\_  
Notary Public

My Commission Expires:

August 27, 2021



RECEIVED

FEB 04 2020

Stafford Field Office  
DIVISION OF WATER RESOURCES

## Lanterman, Jeff [KDA]

---

**From:** Lanterman, Jeff [KDA]  
**Sent:** Tuesday, February 25, 2020 1:21 PM  
**To:** Darrell Wood  
**Cc:** Orrin Feril; Conant, Cameron [KDA]  
**Subject:** Change application file no. 38387

Darrell;

Because of the GMD action on this file I cannot approve it in the field office because it would take a waiver of reg: 5-3-23 "Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right". I cannot process waivers at the field office level.

If you would like us to process it here I think you have two options.

1. One that would violate the GMD recommendation is if you request that we leave it at 133 acres and 200 acre feet. This could be processed in the field office without a waiver. I would check with legal to see if that would be ok with the AWEPP order and contracts we have in the file.
2. You could request that we meet the regulation and reduce your quantity to 185.4 Acre Feet. That would meet 5-3-23 and no waiver would be required. It could be processed in the field office. This is how we handled the Mull/Stimetz file.

Please let us know by the end of the week so we will know if we need to go ahead and forward the application to Manhattan for a waiver of regulation or dismissal because it doesn't meet regulation.

If you have any questions please don't hesitate to give me a call.

Jeff Lanterman PG, Water Commissioner  
Kansas Department of Agriculture  
Division of Water Resources  
(620)234-5311  
[jeff.lanterman@ks.gov](mailto:jeff.lanterman@ks.gov)  
<https://agriculture.ks.gov/divisions-programs/dwr>

## Lanterman, Jeff [KDA]

---

**From:** Lanterman, Jeff [KDA]  
**Sent:** Monday, February 24, 2020 1:30 PM  
**To:** Orrin Feril; Saryerwinnie, Tyler [KDA]; Krueger, Richelle [KDA]  
**Cc:** Conant, Cameron [KDA]  
**Subject:** RE: Application for Change, Water Right, File No. 38387

Orrin. Because this will now require a waiver I cannot process it at the field office. I am not sure what my recommendation will be on it as I believe this should probably be processed the same as the Mull/Stimetz file which we reduced to a reasonable quantity on the acres.

I am going to go ahead and forward it up to Richelle for further processing and a waiver if we decide a waiver is warranted. It will take extra time and we may ask Darrell to comply with reasonable quantity instead of waiving the reg.

Thanks

Jeff

---

**From:** Orrin Feril <oferil@gmd5.org>  
**Sent:** Monday, February 24, 2020 10:50 AM  
**To:** Saryerwinnie, Tyler [KDA] <Tyler.Saryerwinnie@ks.gov>  
**Cc:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Subject:** Application for Change, Water Right, File No. 38387

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Tyler,  
I'm attaching the recommendation requested by your office in a letter dated February 5, 2020. Please let me know if you have any questions.

Thank you for your consideration in this matter,

Orrin

--

*Orrin Feril*

Manager  
Big Bend GMD#5  
Email: [oferil@gmd5.org](mailto:oferil@gmd5.org)  
Phone: (620) 234-5352  
Mobile: (620) 388-0172  
Fax: (620) 234-5718  
[www.gmd5.org](http://www.gmd5.org)  
Facebook/Twitter: @BigBendGMD5

## Lanterman, Jeff [KDA]

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**From:** Lanterman, Jeff [KDA]  
**Sent:** Friday, February 21, 2020 1:00 PM  
**To:** Krueger, Richelle [KDA]  
**Cc:** Conant, Cameron [KDA]; Saryerwinnie, Tyler [KDA]  
**Subject:** FW: Change PU  
**Attachments:** 38387 AWEF order.pdf; 38387 AWEF agreement.pdf

Richelle;

The board voted to approve this change application last night limiting the acres to 123.6 but leaving the 200 af. I believe this will take a waiver of 5-3-23 to approve it which I am not necessarily in favor of. But the waiver takes it out of my hands to approve.

Sets a precedent with others. We recently did one of these for someone else under file no. 18876 and Orrin threw a fit and we ended up reducing the quantity on it which he signed off on.

Anyway we will wait to get Orrin's official recommendation but might send it up to you for processing because of the potential waiver.

This is Orrin's board president.

Thanks

Jeff

---

**From:** Lanterman, Jeff [KDA]  
**Sent:** Friday, January 31, 2020 9:09 AM  
**To:** Orrin Feril <oferil@gmd5.org>  
**Cc:** Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>  
**Subject:** Change PU

Orrin. We are doing a change in PU on this file.

Moving the circle to a completely different quarter.

If you read the agreement and the order this change would bring in our change regs as we process it.

So in order to keep his authorized quantity we need to:

1. Increase his acres back to 133. (I know we disagree a little on this but I believe 5-5-11 requirements would allow this because of his base at 133)
2. Keep his acres as is @ 123.6 and waive 5-3-23. (a waiver takes the change application out of my hands and makes it a MHK change and longer processing time)

Our other option is to reduce it down to 185.4 acre feet and approve the change application here.



Wanted to get your thoughts on this. I know Darrell is concerned that he would have to take this reduction and then any future reduction due to whatever happens in Rattlesnake would be based on 185 instead of 200. However that plays out.

Willing to fill it out for the waiver. I think there is a good chance DWR would approve this with the waiver because of what we did for all these AWEF files in the past. Do you think the board would approve?

Jeff Lanterman PG, Water Commissioner

Kansas Department of Agriculture

Division of Water Resources

(620)234-5311

[jeff.lanterman@ks.gov](mailto:jeff.lanterman@ks.gov)

<https://agriculture.ks.gov/divisions-programs/dwr>

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Joshua Svaty, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

IN THE MATTER OF THE REDUCTION  
OF THE AUTHORIZED PLACE OF USE UNDER  
WATER RIGHT, FILE NO. 38,387

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

1. That on March 18, 1996, the Chief Engineer, in accordance with K.S.A. 82a-714, issued a Certificate of Appropriation pursuant to File No. 38,387, for beneficial use which authorized the diversion of groundwater by means of a well located near the center of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 32, more particularly described as being near a point 1,360 feet North and 3,980 feet West of the Southeast corner of said section, in Township 24 South, Range 16 West, Edwards County, Kansas, at a rate of diversion not in excess of 1,080 gallons per minute (2.41 c.f.s.) and a quantity not to exceed 200 acre-feet of water per calendar year for irrigation use on the following described property:

33.25 acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$ ),  
33.25 acres in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ),  
33.25 acres in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ),  
33.25 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ),

a total of 133.00 acres in Section 32, Township 24 South, Range 16 West, Edwards County, Kansas.

2. That on October 25, 2010, a Request to Reduce a Portion of an Existing Water Right form and Agricultural Water Enhancement Program (AWEP) Water Right Affidavit, were received in the office of the Chief Engineer, with Darrell N. and Natalie Wood, requesting as trustees of the Darrell and Natalie Wood Trust and Norman E. and Betty Wood requesting as trustees of the Norman and Betty Wood Trust, that the authorized place of use under the file described in paragraph No. 1 of these findings be reduced from what is presently authorized to:

30.90 acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$ ),  
30.90 acres in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ),  
30.90 acres in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ),  
30.90 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ),

a total of 123.60 acres in Section 32, Township 24 South, Range 16 West, Edwards County, Kansas.

(over)

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DEC 18 2010

SCANNED BY FIELD OFFICE  
DIVISION OF WATER RESOURCES

3. That as per AWEP Water Right Affidavit referenced in Item No. 2 of these findings, the authorized place of use, shown in Item 2 of these findings, shall not be increased unless the water right owner agrees to the requirements described in K.A.R. 5-5-11, Rules and Regulations, Kansas Water Appropriation Act.
4. That as per AWEP Water Right Affidavit referenced in Item No. 2 of these findings, if all or part of the water right is sold, legally removed, or the place of use is otherwise modified from the authorized place of use as described in these findings, Water Right, File No. 38,387, shall be subject to the maximum reasonable quantity as per K.A.R. 5-3-23, or the monitoring requirements in K.A.R. 5-5-11, Rules and Regulations, Kansas Water Appropriation Act, where applicable.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, the authorized quantity of water, point of diversion and place of use under Water Right, File No. 38,387, shall be as set forth below.

1. That one (1) well located near the center of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 32, more particularly described as being near a point 1,360 feet North and 3,980 feet West of the Southeast corner of said section, in Township 24 South, Range 16 West, Edwards County, Kansas, at a rate of diversion not in excess of 1,080 gallons per minute (2.41 c.f.s.) and a quantity not to exceed 200 acre-feet of water per calendar year for irrigation use on the following described property:

30.90 acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$ ),  
30.90 acres in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ),  
30.90 acres in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ),  
30.90 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ),

a total of 123.60 acres in Section 32, Township 24 South, Range 16 West, Edwards County, Kansas.

2. That the authorized place of use, shown in this order, shall not be increased unless the water right owner agrees to the requirements described in K.A.R. 5-5-11, Rules and Regulations, Kansas Water Appropriation Act.
3. That if all or part of the water right is sold, legally removed, or the place of use is otherwise modified from the authorized place of use as described in this order, Water Right, File No. 38,387, shall be subject to the maximum reasonable quantity as per K.A.R. 5-3-23, or the monitoring requirements in K.A.R. 5-5-11, Rules and Regulations, Kansas Water Appropriation Act, where applicable.

In all other respects, the Certificate of Appropriation for Beneficial Use of Water, issued pursuant to Water Right, File No. 38,387, dated March 18, 1996.

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas. The Chief Legal Counsel for the Kansas Department of Agriculture, 109 SW 9th Street, 4th Floor, Topeka, Kansas 66612, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

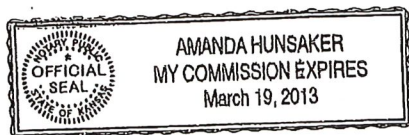
Dated at Topeka, Kansas, this 3<sup>rd</sup> day of December, 2010.

Lane P. Letourneau

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

State of Kansas )  
                          ) SS  
County of Shawnee)

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of December, 2010, by Lane P. Letourneau, L.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



Amanda Hunsaker  
Notary Public

RECEIVED  
DEC 13 2010  
STAFFORD FIELD OFFICE  
DIVISION OF WATER RESOURCES  
SCANNED

BIG BEND GMD #5  
Agricultural Water Enhancement Program (AWEP)  
Water Right Affidavit  
Water Right File Number 38387

This affidavit and supporting information must be completed and submitted to the NRCS in order for an obligation to be considered eligible for AWEP funding.

I, Danell M. Wood (Landowner) residing at 1983 260<sup>th</sup> Ave (Address)  
Lewis (City), Ks (State), 67512 (Zip), 620 995-3133 (Telephone) hereby affirm:

I am the owner of record of a 160 acre tract of land located within the boundaries of the Rattlesnake Creek Subbasin within Big Bend Groundwater Management District No. 5, located in the: SW1/4, Section: 32, Township 24 South, Range 16 West, Edwards County.

I understand and agree to the following conditions:

1. I shall certify to NRCS the length of the pivot and the replacement nozzle coverage.
2. I understand that the water right will be reduced to the place of use as determined by a findings and order issued by the Division of Water Resource, Kansas Department of Agriculture and shall not be increased unless the water right owner agrees to the requirements described in K.A.R. 5-5-11.
3. I also agree that if all or part of the water right is sold, legally removed, or the place of use is otherwise modified from the authorized place of use as described in a findings and order, that the water right shall be subject to the maximum reasonable quantity as per K.A.R. 5-3-23 or the monitoring requirements in K.A.R. 5-5-11 where applicable.

I certify, under penalty of perjury that the above information and submitted documents are true and correct.

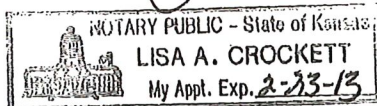
Danell M. Wood  
(Landowner Signature)  
Patricia Wood  
(Spouse)

State of Kansas  
County of Edwards

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 16 day of August, 2010.

(Notary Public)

Lisa A. Crockett



My Commission Expires:

RECEIVED  
WATER RESOURCES  
RECEIVED  
OCT 25 2010  
STAFFORD FIELD OFFICE  
WATER RESOURCES  
KS DEPT OF AGRICULTURE

SCANNED