

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

1. File Number: 28680-D2	2. Status Change Date:	3. Change Num: 2	4. Field Office: 02	5. GMD: 02
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 7/8/21
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8a. Applicant(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/>	Person ID 67136 Add Seq# 1	8d. WUC New to system <input type="checkbox"/>	Person ID 67137 Add Seq# 1
GOD IN CHRIST MENNONITE CHURCH WAYNE UNRUH 255674 E COUNTY RD 53 FAIRVIEW OK 73737-7629		CAMERON PENNER 9511 NW 12TH ST HALSTEAD KS 67056	

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/21** N & P Date to Comply: _____

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

Conservation Plan
 Date Required: _____
 Date Approved: _____
 Date to Comply: _____

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

Date Prepared: **8/12/21** By: **EKF**
 Date Entered: _____ By: _____

File No. **28680-D2** 11. County: HV Basin: Little Arkansas River Stream: --- Formation Code: **113** ¹⁹⁰ *Eggs & Beans* Special Use: ---

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
ENT	MOD			NC SE	7	24S	1W	2	1,285	1,260		700	119.5	700	119.5	20197046-MF

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																		Total	Owner	Chg?	Overlap Files									
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID																						
									NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4						
MOD	54778			7	24S	1W	2																							
ENT				8	24S	1W							23.5	6.5																

Base Acres: **130.8** Year: **1988** 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: August 12, 2021

FROM: Elizabeth K Fitch

RE: Water Right, File No. 28680-D2 &
MYFA, File No. 20197046-MF

Wayne Unruh, on behalf of the God in Christ Mennonite Church, the owner of the referenced file numbers that authorize irrigation use, has applied for approval to change the authorized place of use. Mr. Unruh, as an authorized representative of the owner, signed the application submitted under File No. 28680-D2. File No. 20197046-MF is an overlapping multi-year flex account (MYFA). Per K.S.A. 82a-736(e)(4) *Multi-year flex accounts; term permits*, the "approval of an application to change the place of use of the base water right shall automatically result in a change to the place of use for the term permit." Per the statute, File No. 28680-D2 is the base water right. All references to a file in this memo will be referring to the base right.

The referenced file appears to be in compliance with 82a-732. *Annual water use report required; penalty for violations*. A review of the application found that it complies with K.A.R. 5-5-1, *Filing an application for change*. The referenced file does not appear abandoned as per K.S.A. 82a-718. *Abandonment of water rights; notices; hearing; review of action; exceptions*.

The referenced file authorizes 131 acres in the Southeast Quarter (SE $\frac{1}{4}$) Section 7, Township 24 South, Range 1 West, Sedgwick County. As noted above, MYFA File No. 20197046-MF overlaps the authorized place of use and point of diversion. All legal descriptions from here on are in Township 24 South, Range 1 West, Sedgwick County.

File No. 28680-D2 is certified and authorizes one (1) well near the center of the Southeast Quarter (NC SE $\frac{1}{4}$), more specifically described as being near a point 1,264 feet North and 1,256 feet West of the southeast corner of of Section 7. File No. 28680-D2 is permitted for 119.5 acre-feet (AF) per year at 700 gallons per minute (gpm). A field visit on June 18, 2020 determined that the file appeared to be in compliance. The authorized point of diversion will be better described using the GPS coordinates on file.

The change application, received on July 8, 2021, proposes to modify the authorized place of use in a way that decreases the acres to 110.8 on the existing center pivot in the Southeast Quarter of Section 7 and to add a small 30-acre P half pivot in the West Half of the Southwest Quarter of Section 8. The "*Base Acres*," as defined by K.A.R. 5-5-11 are 130.8. The proposed 140.8 acres comply with part (b) of K.A.R. 5-5-11 and the increase of 10 acres above the *Base Acres* is allowed by the regulation.

The referenced application to change the place of use does not propose to add more than 10 acres or 10% of the base acres to the authorized place of use. Therefore, water well owners within one-half mile of the authorized points of diversion were not notified of the proposed change in place of use (EKF Memo dated 7/13/2021).

The referenced water right is not in a special use area.

File No. 28680-D2 & 20197046-MF
Change in Place of Use Memo
August 12, 2021

The referenced water right is in the Equus Beds Groundwater Management District No. 2 (GMD2), so a recommendation request was sent to the District on July 13, 2021. A response was received from GMD2 Manager Tim Boese on August 11, 2021. In his response, Mr. Boese recommended approval for the change application filed under File No. 28680-D2.

No structures permit appears to be needed.

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

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

Elizabeth K Fitch
Environmental Scientist - SFFO

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

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

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



WATER METER REQUIRED

STATE OF KANSAS

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

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

File No. 28680-D2

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 9:47
 JUL 07 2021
 Stafford Field Office
 DIVISION OF WATER RESOURCES

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

Place of Use Point of Diversion

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

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: God in Christ Mennonite Church

c/o Wayne Unruh, 255674 E. County Rd 53, Fairview, OK 73737-7629

Phone Number: 580-541-3791 Email address: w.unruh@yahoo.com

Name and address of Water Use Correspondent: Cameron Penner

9511 NW 12th Street, Halstead, KS 67056

Phone Number: (316) 217-3917 Email address: cpenner@kanokla.net

3. The presently authorized place of use is:

Owner of Land ---- NAME: God in Christ Mennonite Church

ADDRESS: c/o Wayne Unruh, 255674 E. County Rd 53, Fairview, OK 73737-7629

(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					
7	24S	1W																	32.75	32.75	32.75	32.75	131

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: God in Christ Mennonite Church

ADDRESS: c/o Wayne Unruh, 255674 E. County Rd 53, Fairview, OK 73737-7629

(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					
7	24S	1W																	27	25.25	28.3	30.25	110.8
8	24S	1W									23.5	6.5											30
															Total: 140.8								

For Office Use Only: Code CPU Fee \$ 200 TR # _____ Receipt Date _____ Check # 1831

5. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ NC-SE _____ Quarter
 of Section 7, Township 24 South, Range 1W (EW),
 in Harvey County, Kansas, 1264 feet North 1256 feet West of Southeast corner of section.
 Authorized Rate 700 GPM Authorized Quantity 119.5 AF Depth of well _____ (feet)
 (DWR use only: Computer ID No. 02 GPS 1,285 feet North 1,260* 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 NC SE _____ Quarter
 of Section 7, Township 24 South, Range 1 (EW),
 in Harvey County, Kansas, 1,285 feet North 1,260 feet West of Southeast corner of section.
 Proposed Rate no change Proposed Quantity no change Proposed well depth (feet) N/A
 This point is: Additional Well Geo Center List other water rights that will use this point 20197046-MF

**per file* *207/DWR 7/13/2021*

6. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (EW),
 in Sedgwick 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 _____ (EW),
 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) Changing place of use to authorize
a small pivot in Section 8-24S-1W.

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

9. The change(s) (was)(will be) completed by?
ASAP

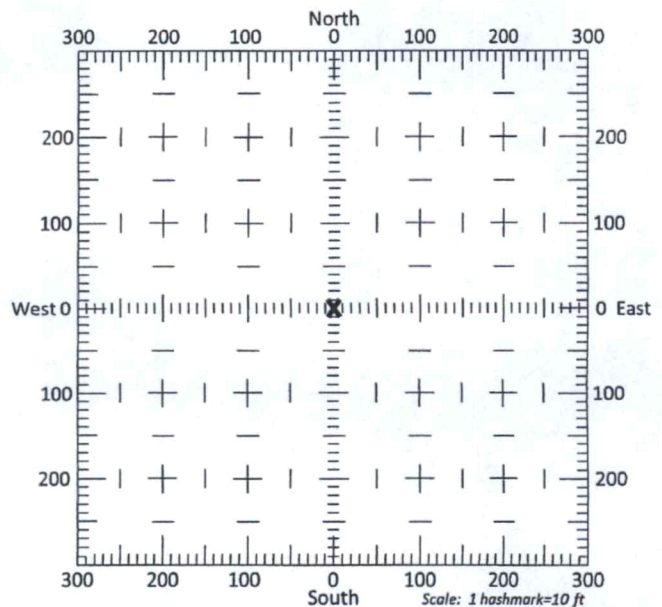
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
NA

(b) When will this be done? NA

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by T. Boese, GMD2

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.)

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JUL 07 2021

File No. 28680-D2

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 Fairview, ^{OKIA} Kansas, this 1st day of July, 2021.

Wayne Unruh (Owner) _____ (Spouse) _____

Wayne Unruh, God in Christ Mennonite Church (Please Print) _____ (Please Print) _____

(Owner) _____ (Spouse) _____

(Please Print) _____ (Please Print) _____

(Owner) _____ (Spouse) _____

(Please Print) _____ (Please Print) _____

State of ~~Kansas~~ ^{OKIA} }
County of Majors }

SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 1st day of July, 2021.

Candace Kammerer
Notary Public

My Commission Expires 11-16-2022.

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

FEE SCHEDULE

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

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

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SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 28680-D2.

1. A change application was received on July 8, 2021 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, 2021**, 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: Cameron R. Conant
Duly Authorized Designee of the Chief Engineer
(Print Name): Cameron R. Conant
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: August 13, 2021
State of Kansas)
County of Stafford) SS
Acknowledged before me on August 13, 2021
by Cameron Conant
Signature: Chelsi Snodgrass
Notary Public

My commission expires _____



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Application Map - File No. 28680-D2



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

- New Application
- Application No. 28680-D2 To Change:

- Point of Diversion
- Place of Use
- Use Made of Water
- Proposed Point of Diversion
- Existing Points of Diversion
- Proposed Place of Use
- Authorized Place of Use

Water wells within 1/2 mile of proposed point of diversion include: (type use, owner, address)

- 1) *See Attached*
- 2)
- 3)

Stafford Field Office
DIVISION OF WATER RESOURCES

Completed by: *[Signature]*
DIVISION OF WATER RESOURCES

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

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which Water Right, File No. 28680-D2 shall be subject to the following conditions:

- 11a. If the water flowmeter is repaired or replaced during the term of Multi-Year Flex Account, File No. 20197046-MF, then the owner of the authorized place(s) of use shall properly install an anti-reverse totalizing water flowmeter which meets or exceeds specifications adopted by the Chief Engineer

- 11b. During the term of Multi-Year Flex Account, File No. 20197046-MF, a seal shall be placed on the water flowmeter by the Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. If the seal is broken without the permission of the chief engineer, this shall create a rebuttable presumption that the point of diversion had been unlawfully operated in violation of the order of the chief engineer and that the water right holder had been acting in violation of the conditions of his or her water right.

Wells Within ½ Mile of No. 28680-D2

1. Irrigation Well - Water Right No. 28680-D1
JoAnn Nightengale
3820 Sandy Hollow Rd
Century, FL 32535
2. Domestic Well
Cynthia Penner
2725 N. Hertzler Rd
Halstead, KS 67056
3. Domestic Well
Cynthia Penner
2725 N. Hertzler Rd
Halstead, KS 67056
4. Domestic Well
Michael & Mary K. Bean
6033 S. Mission Rd
Sedgwick, KS 67135

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Stafford Field Office
DIVISION OF WATER RESOURCES

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



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

August 13, 2021

GOD IN CHRIST MENNONITE CHURCH
C/O WAYNE UNRUH
255674 E COUNTY RD 53
FAIRVIEW OK 73737-7629

Re: Water Right, File No(s). 28680-D2

Dear Water Right Owner:

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

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

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

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

Sincerely,

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

Jeff Lanterman
Water Commissioner

Enclosures

pc: Water Rights Section
Groundwater Management District No.
2


CERTIFICATE OF SERVICE

On this **13th** day of **August, 2021**, I hereby certify that the attached Change in Place of Use for Water Right, File No. **28680-D2**, dated **August 13th, 2021** was mailed via First Class U.S. mail to the following:

God in Christ Mennonite Church
c/o Wayne Unruh
255674 E County RD **53**
Fairview OK 73737-7629

A copy of the letter was sent via electronic mail to the following:

GMD2



Staff