

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

1. File Number: 42234	2. Status Change Date:	3. Change Num: 1	4. Field Office: 02	5. GMD:	
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return <i>9/7/21</i>				7. Filing Date of Change: 8/9/21	
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# _____
8b. Landowner(s) New to system <input checked="" type="checkbox"/>		Person ID _____ Add Seq# 1	8d. WUC New to system <input type="checkbox"/>		Person ID 4209 Add Seq# 1
ISIDORES AGRONOMICS OF KANSAS LLC 9171 S WEST ST HAYSVILLE, KS 67060		ROBERT D HAY REV TRUST 9171 S WEST ST HAYSVILLE, KS 67060			
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/21 <input type="checkbox"/> N & P Date to Comply: _____					
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" 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: 9/3/21 By: EKF Date Entered: By:		

File No. **42234** 11. County: **SG** Basin: **ARKANSAS RIVER** Stream: --- Formation Code: **113** Special Use: **N/A**

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files
ENT												Rate gpm	Quantity af	Rate gpm	Quantity af	
MOD	716			NW SW NW	36	28S	1W	5	3,509	5,293		180	57	180	0	NONE

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					NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID	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	14945			36 28S 1W 1					29	26.75	34.75	39	6	2.5							138	8b	Y	1660 & 31754

Base Acres: **128** Year: **1978** Minimum Reasonable Quantity: **1.05**
 Comments: **Base acres from File No. 1660. File 42234 has zero additional base acres.**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: September 3, 2021

FROM: Elizabeth K Fitch

RE: Water Right File No(s). 1660, 31754 &
42234

The Robert D Hay Revocable Trust, on behalf of Isidores Agronomics of Kansas LLC, the owner of the referenced files authorized for irrigation use, has submitted three (3) applications for approval to change the authorized place of use. Robert and Janice Hay signed the applications and provided information showing they are authorized to sign on behalf of the LLC.

File Nos. 1660, 31754 and 42234 appear to be in compliance with 82a-732 (Annual water use report required). A review of the applications found that they comply with K.A.R. 5-5-1, *Filing an application for change*. The referenced files do not appear abandoned as per K.S.A. 82a-718 *Abandonment of water rights*.

The referenced files currently have an overlapped place of use on 128 acres in the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 28 South, Range 1 West, Sedgwick County. There are no point of diversion overlaps and all files are certified. All subsequent legal descriptions in this memo are in Township 28 South, Range 1 West.

File No. 1660 authorizes a battery of two (2) groundwater wells with a geographic center in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 36, more specially described as 5,107 feet North and 3,800 feet West of the Southeast corner of said section. The permit is authorized 115 acre-feet (AF) at 380 gallons per minute (gpm). A compliance inspection on June 11, 2015 found the water right to be in compliance and the authorized point of diversion will be modified based on GPS coordinates on file.

File No. 31754 authorizes a groundwater well near the center of the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, more specially described as 4,006 feet North and 3,960 feet West of the Southeast corner of said section. The permit is authorized 115 acre-feet at 400 gpm and is limited to 153 AF at 535 gpm when combined with File No. 1660. A compliance inspection on June 11, 2015 found the water right to be in compliance and the authorized point of diversion will be modified based on GPS coordinates on file. It should be noted that the water from File No. 1660 dumps into the casing of this well. Therefore, the meter installed for File No. 31754 double meters the quantity from File No. 1660.

File No. 42234 authorizes a groundwater well in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 36, more specially described as 3,530 feet North and 5,235 feet West of the Southeast corner of said section. The permit is authorized 57 acre-feet at 180 gpm and is limited to 153 AF when combined with File Nos. 1660 and 31754. A compliance inspection on June 11, 2015 found the water right to be in compliance and the authorized point of diversion will be modified based on GPS coordinates on file.

File Nos. 1660, 31754 & 42234
Change in P/U Memo
September 3, 2021

The referenced change applications, received on August 9, 2021, propose to maintain the existing overlap under the associated water rights while modifying the acreage to authorize additional acres to accommodate a swing arm center pivot system.

File No. 5228 has 128 "Base Acres" as defined by K.A.R. 5-5-11 *Applications for change in place of use for irrigation purposes*. File No. 31754 and 42234 do not have any additional base acres. The proposed 138 acre place of use complies with part (b) of K.A.R. 5-5-11 and the 10 acre / 10 percent increase above the *Base Acres* is allowed by the regulation.

The proposed changes will result in a maximum quantity of 153 AF irrigating 138 acres, resulting in an irrigation ratio of 1.11 AF per acre. It would appear this irrigation ratio is reasonable as the ratio is less than the 1.5 AF per acre maximum for Sedgwick County found in K.A.R. 5-3-19, *Maximum reasonable annual quantity of water for irrigation use*, thus complying with K.A.R. 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*. The generally accepted minimum quantity per acre for Sedgwick County is 1.05 AF per acre, so the proposed quantity meets this threshold as well.

Since the referenced applications to change the place of use do not propose to add more than 10 acres or 10% of the *Base Acres* to the authorized place of use, water well owners within one-half mile of the authorized point of diversion were not notified of the proposed change in place of use (EKF Memo dated 09/3/2021).

The referenced water rights are not in a special use area.

The referenced water rights are not in a groundwater management district.

No structures permit appears to be needed.

A water flow meter is required for each 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 applications are 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. 42234

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 11:04
 AUG 09 2021

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

Stafford Field Office
 DIVISION OF WATER RESOURCES

2. Name and address of Applicant: ROBERT D HAY REV TRUST
9171 S. WEST STREET, HAYSVILLE KS 67060

Phone Number: (316) 734-8277 Email address: HAY FARMS 1@GMAIL.COM

Name and address of Water Use Correspondent: ROBERT HAY
9171 S. WEST STREET, HAYSVILLE KS 67060

Phone Number: (316) 734-8277 Email address: HAY FARMS 1@GMAIL.COM

3. The presently authorized place of use is:
 Owner of Land --- NAME: ~~ROBERT D HAY REV TRUST~~ Isidores Agronomics of Kansas LLC
 ADDRESS: 9171 S. WEST STREET, HAYSVILLE KS 67060
 (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	
36	28S	1W					30.5	32.5	32.5	32.5									128

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: ~~ROBERT D HAY REV TRUST~~ Isidores Agronomics of Kansas LLC
 ADDRESS: 9171 S. WEST STREET, HAYSVILLE KS 67060
 (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			
36	28S	1W					27.0	24.8	36.5	37.7	9.0	3.0									138*
							29	26.75	34.75	39	6	2.5*									

* Per file, Bob Hay and revised map received 9/2/21 GHW

For Office Use Only: Code <u>CUU</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date _____	Check # <u>017847</u>
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5. **Presently authorized point of diversion:**
 One in the NW Quarter of the SW Quarter of the NW Quarter
 of Section 36, Township 28 South, Range 1 (E/W),
 in Sedgwick County, Kansas, 3530 feet North 5235 feet West of Southeast corner of section.
 Authorized Rate 180 gpm Authorized Quantity 57 AF Limited Depth of well _____ (feet)
 (DWR use only: Computer ID No. 5 GPS 3.509 feet North 5,293 feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the NW Quarter of the SW Quarter of the NW Quarter
 of Section 36, Township 28 South, Range 1 (E/W),
 in Sedgwick County, Kansas, 3,509 feet North 5,293 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 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) ALLOWS SYSTEM TO
RUN 360° INSTEAD OF 180°.
MORE EFFICIENT

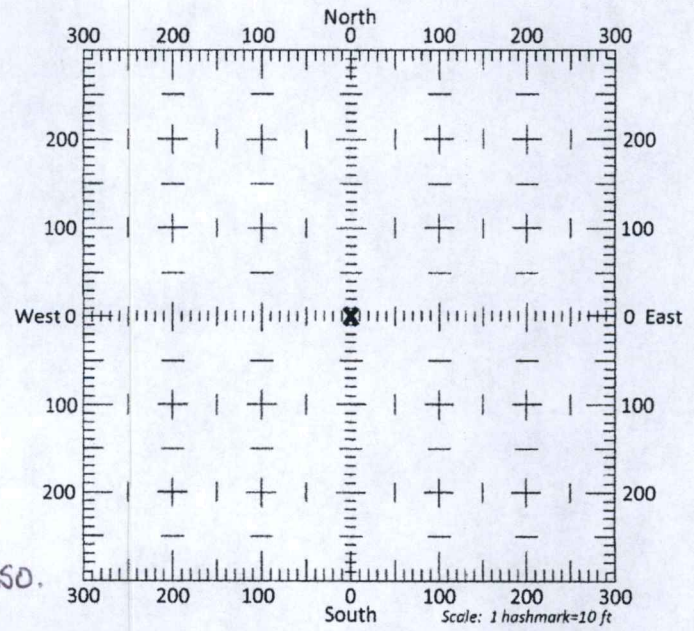
8. If a well, is the test hole log attached? Yes No NA
9. The change(s) (was)(will be) completed by?
SEPT 30 2021
10. If the point of diversion is a well: NA
 (a) What are you going to do with the old well?

 (b) When will this be done? _____

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by BRAD VINCENT GROUND WATER ASSO.

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.)

RECEIVED
 AUG 09 2021 File No. 42234
 Stafford Field Office
 DIVISION OF WATER RESOURCES

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.)

NA (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 Haysville, Kansas, this 5th day of August, 2021.

Robert D Hay
(Owner)

Janet M. Hay
(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

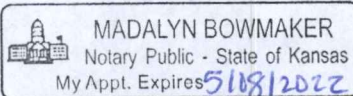
(Please Print)

(Please Print)

State of Kansas

County of Sedgwick

} SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 5th day of August, 2021.

Madalyn Bowmaker
Notary Public

My Commission Expires 5/18/2022

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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AUG 09 2021

Stafford Field Office
DIVISION OF WATER RESOURCES

File No. 42234

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. 42234.

1. A change application was received on August 9, 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.

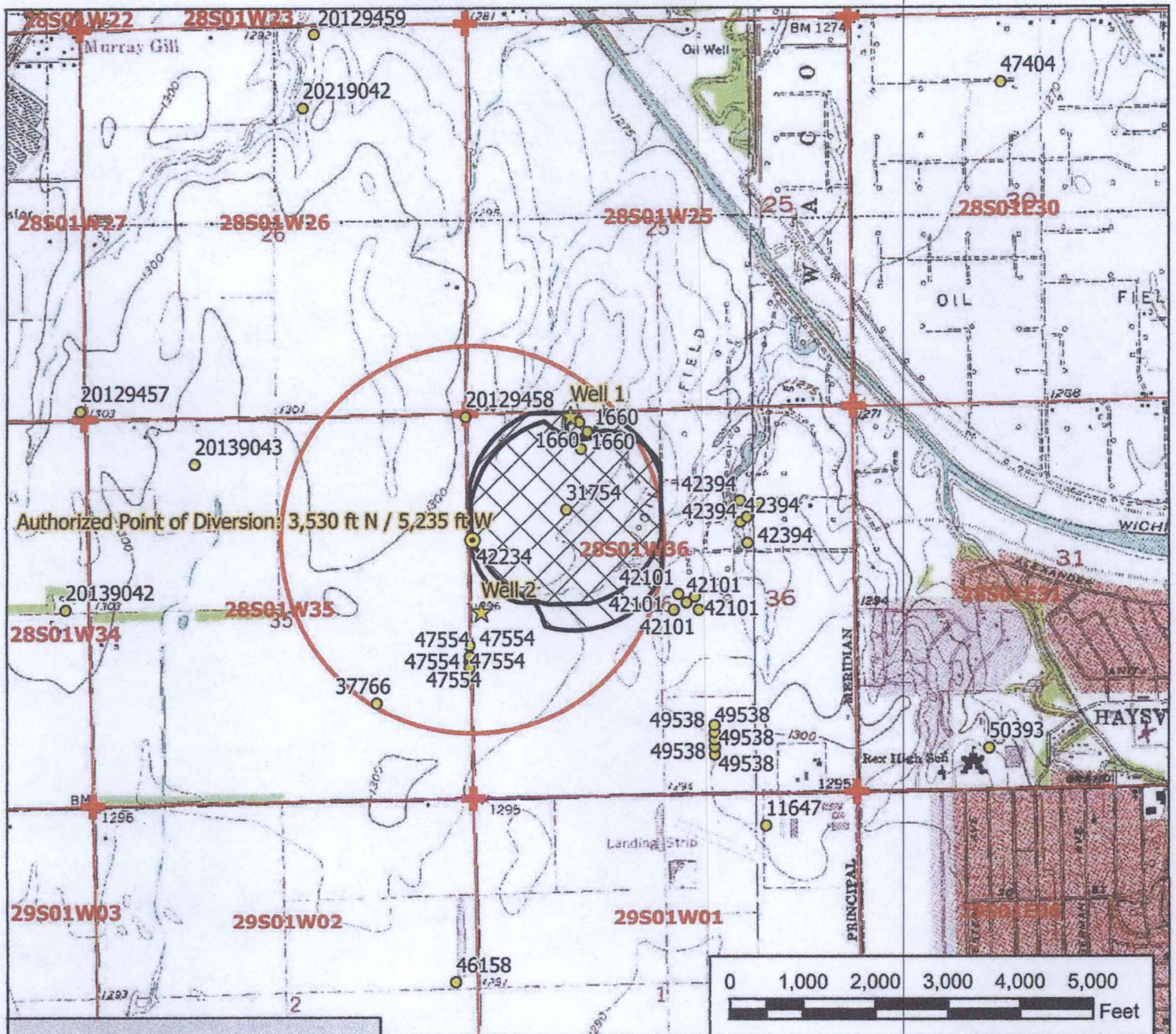
For Use by Register of Deeds

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: September 7, 2021
State of Kansas)
County of Stafford) SS
Acknowledged before me on 9/7/2021
by Cameron Conant
Signature: Chelsi Snodgrass
Notary Public



(Notary Seal)



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

Water Right, File No. 42234 RECEIVED
 Change in P/U Application Map SEP 02 2021
 36-28-1W // Sedgwick County
 Stafford Field Office
 Division of Water Resources

To the best of my knowledge, all wells within one-half mile of the proposed points of diversion have been shown.

Robert D Hay POA



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

September 8th, 2021

Robert D Hay Rev Trust
9171 S West ST
Haysville, KS 67060

Re: Water Right, File No(s). 42234,31754,1660

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.

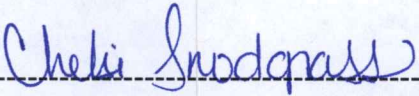
CERTIFICATE OF SERVICE

On this **8th** day of **September, 2021**, I hereby certify that the attached Change in Place of Use for Water Right, File No. **42234,31754,1660**, dated **September 8th, 2021** was mailed via First Class U.S. mail to the following:

Rober D Hay
9171 S West ST
Haysville KS 67060

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

GMD



Staff