

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

1. File Number: 49909	2. Status Change Date:	3. Change Num: 2	4. Field Office: 02	5. GMD:
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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: 7/29/21
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8a. Applicant(s)/Landowner(s)/WUC Person ID **63147**
 New to system Add Seq# **1**

RICKY D & KAFFY TOTTEN LIVING TRUST
1724 E 20TH ST S
OXFORD KS 67119

8c. Landowner(s) Person ID **66101**
 New to system Add Seq# **1**

HAROLD & BETTY THOMPSON LIVING TR
6706 N TARRYTON ST
PARK CITY KS 67219-1530

8b. Landowner(s) Person ID **63145**
 New to system Add Seq# **1**

DEREK W & LACI RENEE TOTTEN
267 S OXFORD RD
OXFORD KS 67119

8d. Landowner(s) Person ID **67871**
 New to system Add Seq# **1**

EDMOND W GARDINER REV TRUST
563 S RIVER ROAD
OXFORD KS 67119-8211

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

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: **8/18/21** By: **EKF**
 Date Entered: _____ By: _____

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AUG 18 2021

Stafford Field Office
 Division of Water Resources

File No. **49909** 11. County: SU Basin: ARKANSAS RIVER Stream: N/A Formation Code: 100 Special Use: N/A

12. Points of Diversion										Rate and Quantity							
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
MOD	86792				NW NE SE	35	32S	2E	11	2,449	875	GEO CTR	800	300	800	0	NONE
MOD	86793				NW NE SE	35	32S	2E	12	2,622	1,043	BAT 1 OF 4 WELLS	SEE GEOCENTER				NONE
MOD	86794				NW NE SE	35	32S	2E	13	2,284	711	BAT 1 OF 4 WELLS	SEE GEOCENTER				NONE
MOD	86795				NW NE SE	35	32S	2E	14	2,502	920	BAT 1 OF 4 WELLS	SEE GEOCENTER				NONE
MOD	86796				NW NE SE	35	32S	2E	15	2,389	827	BAT 1 OF 4 WELLS	SEE GEOCENTER				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	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	NE ¼	NW ¼	SW ¼	SE ¼				
CHK	68560				35 32S 2E 1																		8B	N	49908
CHK	68561				35 32S 2E 2																		8A	N	49908
CHK	68906				35 32S 2E 3																		8C & 8D	N	49908

Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____

Comments: _____

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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. 49909

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: Rick Totten

1724 E 20th St S, Oxford KS 67119

Phone Number: () Email address: _____

Name and address of Water Use Correspondent: Rick D & Kaffy Totten Living Trust

1724 E 20th St S, Oxford KS 67119

Phone Number: (316)648-3316 Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: Rick D & Kaffy Totten Liv Tr // Derek W & Laci R Totten // Harold & Betty Thompson Liv Tr // Edmond W Gardiner Rev Tr

ADDRESS: 1724 E 20th St S, Oxford KS 67119 // 267 S Oxford Rd, Oxford KS 67119 // 6706 N Tarryton St, Park City KS 67219-1530 // 563 S River Rd, Oxford KS 67119-8211

(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	
No	Change																		

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: _____

ADDRESS: _____

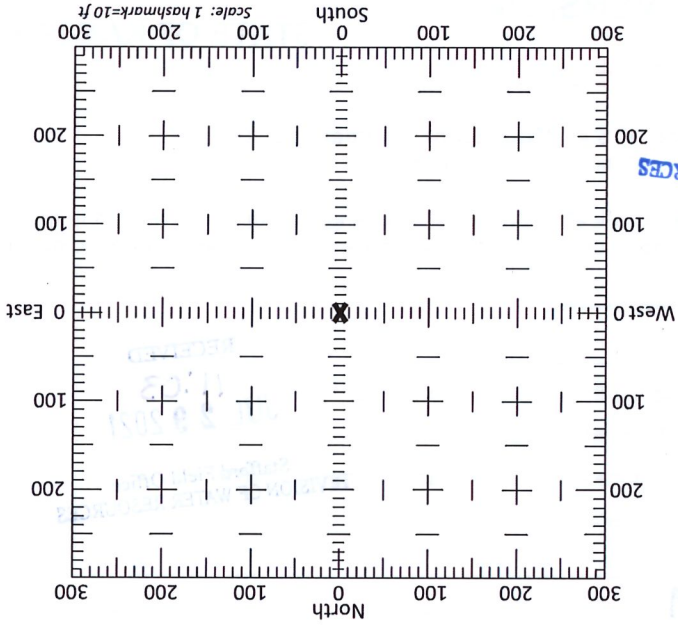
(If there is more than one landowner, attach supplemental sheets as necessary.)

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	

For Office Use Only: Code CGT Fee \$ 200 TR # _____ Receipt Date _____ Check # 1365

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

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.)



lines downstream and one-half mile upstream from your property

7. The changes herein are desired for the following reasons?
 (please be specific) Only completed 3 wells prior to 12/31/19 completion deadline. A 4th well was drilled on 3/30/2020 without permission. This change will add the 4th well to the battery
8. If a well, is the test hole log attached? Yes No
9. The change(s) (was)(will be) completed by? upon approval of change
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 MJM & EKE/SFFO

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 JUL 29 2021
 STAFFORD FIELD OFFICE
 DIVISION OF WATER RESOURCES

6. Presently authorized point of diversion:

One in the _____ Quarter of the _____ Township, _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. _____ of Section _____ Township _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. One in the _____ Quarter of the _____ Township, _____ 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 _____ Township, _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. _____ of Section _____ Township _____ 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 _____

5. Presently authorized point of diversion: Geographic Center of Three (3) Wells

One in the _____ Quarter of the _____ Township, _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. _____ of Section _____ Township _____ 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 _____ Township, _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. _____ of Section _____ Township _____ 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 _____

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 49909

Presently authorized point of diversion:

One in the NW Quarter of the NE Quarter of the SE Quarter
of Section 35, Township 32 South, Range 2 E,
in Sumner County, Kansas, 2,600 feet North 750 feet West of Southeast corner of section.

Authorized Rate See Geo-Center Authorized Quantity See Geo-Center Depth of well 51 (feet)

(DWR use only: Computer ID No. 12 GPS 2,622 feet North 1,043 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 NE Quarter of the SE Quarter
of Section 35, Township 32 South, Range 2 E,
in Sumner County, Kansas, 2,622 feet North 1,043 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

Presently authorized point of diversion:

One in the NW Quarter of the NW Quarter of the SE Quarter
of Section 35, Township 32 South, Range 2 E,
in Sumner County, Kansas, 2,400 feet North 750 feet West of Southeast corner of section.

Authorized Rate See Geo-Center Authorized Quantity See Geo-Center Depth of well 52 (feet)

(DWR use only: Computer ID No. 13 GPS 2,284 feet North 711 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 NW Quarter of the SE Quarter
of Section 35, Township 32 South, Range 2 E,
in Sumner County, Kansas, 2,284 feet North 711 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

Presently authorized point of diversion:

One in the NW Quarter of the NW Quarter of the SE Quarter
of Section 35, Township 332 South, Range 2 E,
in Sumner County, Kansas, 2,500 feet North 650 feet West of Southeast corner of section.

Authorized Rate See Geo-Center Authorized Quantity See Geo-Center Depth of well 50 (feet)

(DWR use only: Computer ID No. 15 GPS 2,389 feet North 827 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 NE Quarter of the SE Quarter
of Section 35, Township 32 South, Range 2 E,
in Sumner County, Kansas, 2,389 feet North 827 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

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JUL 29 2021

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.)
 - (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 Empire Bank Kansas, this 6th day of July, 2021.

<u>Harold T. + Betty J. Thompson Living Trust</u> <u>Ruth E. Dean, Successor Trustee</u>	<u>(Spouse)</u>
(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 6th day of July, 2021.


 IAN WOLF
 Notary Public - State of Kansas
 My Appt. Expires 04/19/25

[Signature]
 Notary Public

My Commission Expires 04/19/25

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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RECEIVED

JUL 29 2021

Unacceptable for
 Priority

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 Oxford, Kansas, this 7 day of July, 2021.

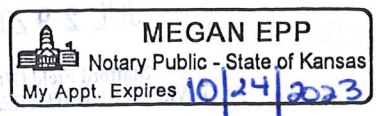
Ricky Totten
 (Owner)
Ricky Totten
 (Please Print)
EDMOND GARDINER
 (Owner)
Edmond Gardiner
 (Please Print)
Derek Totten
 (Owner)
Derek Totten
 (Please Print)

Kaffy Totten
 (Spouse)
Kaffy Totten
 (Please Print)

 (Spouse)

 (Please Print)
Lori Totten
 (Spouse)
Lori Totten
 (Please Print)

State of Kansas }
County of Sumner } SS



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

Megan Epp
Notary Public
JUL 29 2021
Stafford Field Office
DIVISION OF WATER RESOURCES

My Commission Expires 10/24/2023

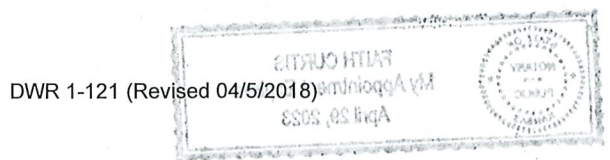
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate 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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JUL 29 2021
Unacceptable for
PR 2021
Stafford Field Office
Division of Water Resources



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. 49909

- A change application was received on July 29, 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.
- 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
- 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 50 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
- 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
- The point(s) of diversion authorized herein shall not actually be located more than 73 feet from the previously authorized point(s) of diversion. Applicable Not Applicable
- 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
- 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
- Installation of the works for diversion of water shall be completed on or before **December 31, 2021**, or within any authorized extension of time. By March 1, 2022 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
- The completed well log shall be submitted with the required notice. Applicable Not Applicable
- 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
- Additional Conditions are attached. Yes No
- 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

JUL 29 2021

FOR OFFICE USE ONLY

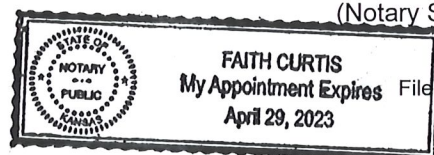
APPLICATION APPROVED AND SUMMARY ORDER ISSUED

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

By: [Signature]
Duly Authorized Designee of the Chief Engineer
(Print Name): Jeff Carterman
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: 8/18/2021
State of Kansas)
County of Stafford) SS
Acknowledged before me on 8/18/2021
by Faith Curtis
Signature: [Signature]
Notary Public

My commission expires: _____ (Notary Seal)



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Under 72 city
Prior 2021
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 18, 2021

Ricky & Kaffy Totten Living Trust
1724 E 20th St S
Oxford, KS 67119

Re: Water Right, File No(s). 49909

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.

Any abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

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 that reads "Jeff Lanterman".

Jeff Lanterman
Water Commissioner

Enclosures

pc: Water Rights Section
Groundwater Management District No.

CERTIFICATE OF SERVICE

On this **18 August 2021**, I hereby certify that the attached Change in Point of Diversion, File No. 49909 dated 8/18/2021 was mailed to the following:

Ricky & Kaffy Totten Living Trust
1724 E 20th St S
Oxford, KS 67119

pc: Water Rights Section
GMD #

A handwritten signature in blue ink, appearing to read "Faith C.", is written above a horizontal dashed line.

Staff

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: August 18, 2021

FROM: Elizabeth K Fitch

RE: Water Appropriation, File No. 49909

Rick Totten submitted an application for approval to change the authorized point of diversion for the reference file number on behalf of the water right owners. The owners of record are the Rick D & Kaffy Totten Living Trust, Derek W & Laci R Totten, the Harold & Betty Thompson Living Trust and the Edmond W Gardiner Revocable Trust. The appropriate signatures were obtained from all the landowners.

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.*

File No. 49909 authorizes irrigation use and there is an overlap on the place of use with File No. 49908. The authorized place of use is 320 acres, with 160 acres in the Northeast Quarter (NE $\frac{1}{4}$) and 160 acres in the Southeast Quarter (SE $\frac{1}{4}$) of Section 35, Township 32 South, Range 2 East, Sumner County.

File No. 49909 was originally permitted for a battery of four (4) wells and there are no overlaps in point of diversion. However, only three (3) wells were completed by the completion deadline of December 31, 2019. Therefore, File No. 49909 currently authorizes the completed battery of three (3) wells with a geographic center located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 35, better described as 2,500 feet north and 717 feet west of the southeast corner of the referenced section, in Township 32 South, Range 2 East. The file authorizes 300 acre-feet at 800 gallons per minute and is limited to 300 acre-feet per year when combined with File No. 49908. This file is uncertified and still in the perfection period.

A fourth well was drilled in March of 2020 without approval. The referenced change application, received on July 29, 2021, proposes to add the fourth well and create a battery of four (4) wells. The proposed geographic center is in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 35, better described as 2,449 feet north and 875 feet west of the southeast corner of the referenced section, in Township 32 South, Range 2 East. This is a move of approximately 22.6 feet.

One (1) groundwater water appropriation and one (1) domestic well were identified within one-half mile of the proposed point of diversion. The water appropriation is a battery of four wells authorized by place of use overlap File No. 49908. Because it is the same water right owners as File No. 49909, a letter was not sent. A letter was mailed August 2, 2021 to the one identified domestic well. No response was received.

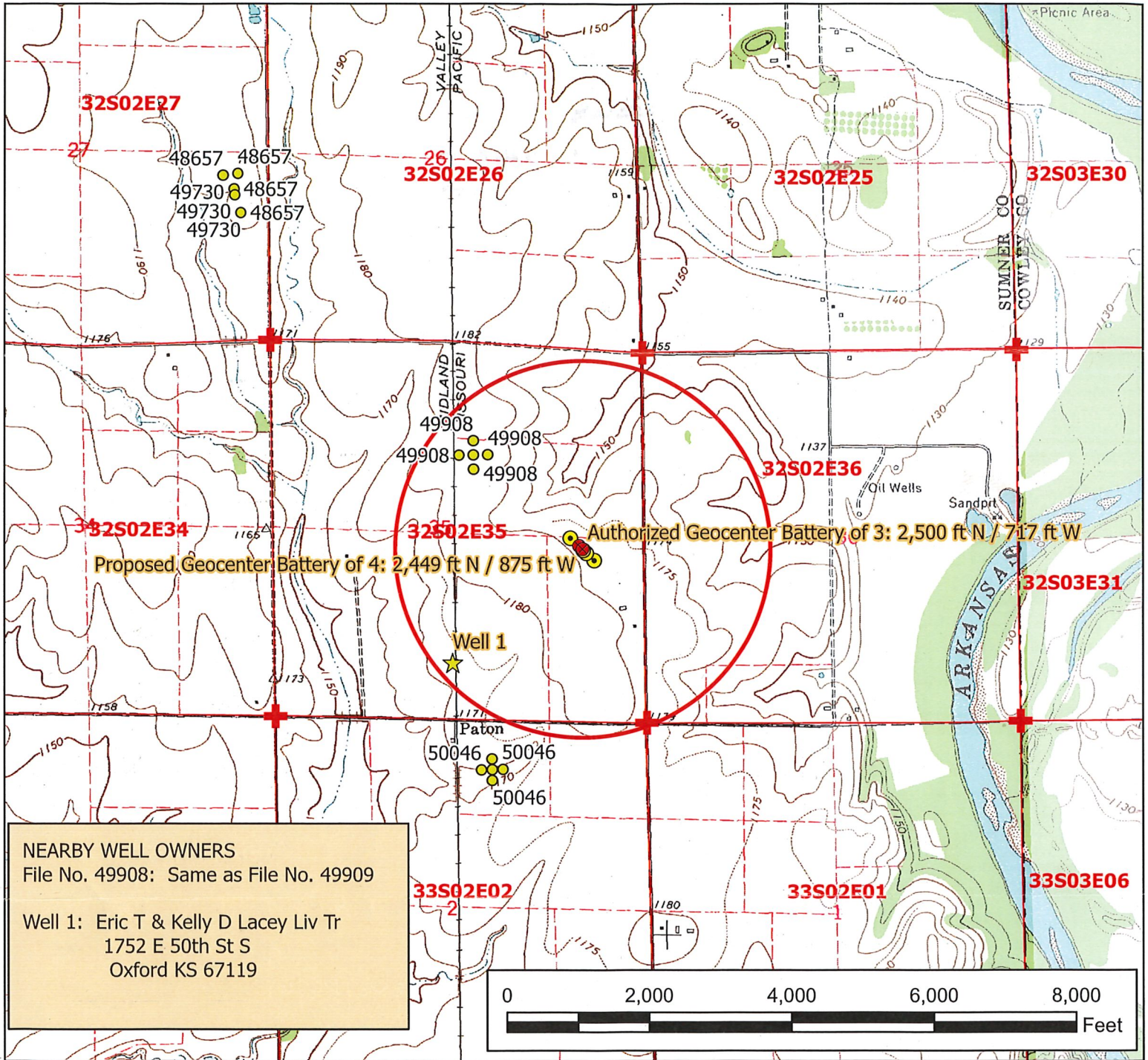
File No. 49909
Change in P/D Memo
August 18, 2021

The referenced water appropriation is not in a special use area or a groundwater management district.

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

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



NEARBY WELL OWNERS
 File No. 49908: Same as File No. 49909

Well 1: Eric T & Kelly D Lacey Liv Tr
 1752 E 50th St S
 Oxford KS 67119

Legend

- Water Appropriation
- Proposed Point of Diversion
- Authorized/Proposed Point of Diversion
- ★ Domestic Well
- Section Line

Water Appropriation, File No. 49909

Change in Point of Diversion Map
 35-32-2E // Sumner County

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

Pinky Jetter
 Signature / Date

RECEIVED
 JUL 28 2021
 Stafford Field Office
 DIVISION OF WATER RESOURCES
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