

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

1. File Number: 48323	2. Status Change Date: 1/13/23	3. Change Num: C2	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				7. Filing Date of Change: 1/11/23	
8a. Applicant(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		8c. Landowner(s) New to system <input type="checkbox"/>	
				Person ID 60837 Add Seq# 1	
DAVID E & JOI D LAWLESS 532 N OLIVER RD BELLE PLAINE KS 67013					
8b. Landowner(s) New to system <input type="checkbox"/>		Person ID 57914 Add Seq# 1		8d. WUC New to system <input type="checkbox"/>	
				Person ID _____ Add Seq# _____	
MARK E & KARLA LAWLESS 573 N MOUNT ZION RD BELLE PLAINE KS 67013					
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/23 <input type="checkbox"/> N & P Date to Comply: _____					
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____					
10. Use Made of Water From: --- To: ---					
Date Prepared: 1/12/23 By: TMA Date Entered: 1/17/2023 By: LMoody					

File No. **48323** 11. County: **SU** Basin: **NINNESCAH RIVER** Stream: **---** Formation Code: **100** 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
CHK	84543			NW SE SE	15	31S	1E	6	1152	1447		460	80.6	460	80.6	NO
CHK	82694			SE NW SE	15	31S	1E	2	1313	1651		460	80.6	460	80.6	NO
CHK	82695			NE SW SE	15	31S	1E	3	942	1343		460	80.6	460	80.6	NO
CHK	82696			NE SW SE	15	31S	1E	4	1036	1552		460	80.6	460	80.6	NO
CHK	82697			NW SW SE	15	31S	1E	5	1317	1241		460	80.6	460	80.6	NO

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	NE ¼	NW ¼	SW ¼	SE ¼				
CHK	63857			15 31S 1E				1																				
ENT	69215			22 31S 1E				1	40	40	40	40													160	8B	NO	50175

Base Acres: **62** Year: **2014** Minimum Reasonable Quantity: **1.01**
 Comments:

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.

RECEIVED
 9:30am
 JAN 11 2023

File No. 48323

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: Mark Lawless
573 N Mount Zion Rd, Belle Plaine, KS 67013

Phone Number: (620)488-3908 Email address: marklawless95@gmail.com

Name and address of Water Use Correspondent: Mark E & Karla Lawless
573 N Mount Zion Rd, Belle Plaine, KS 67013

Phone Number: (620)488-3908 Email address: marklawless95@gmail.com

3. The presently authorized place of use is:
 Owner of Land — NAME: 1) MARK E & KARLA J LAWLESS // 2) DAVID E & JOI D LAWLESS

ADDRESS: 1) 573 N MOUNT ZION RD, BELLE PLAINE, KS 67013 // 2) 532 N OLIVER RD, BELLE PLAINE, KS 67013

(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	
15	31	1E															27.5	34.5	62

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: 1) MARK E & KARLA J LAWLESS // 2) DAVID E & JOI D LAWLESS

ADDRESS: 1) 573 N MOUNT ZION RD, BELLE PLAINE, KS 67013 // 2) 532 N OLIVER RD, BELLE PLAINE, KS 67013

(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	
15	31	1E															27.5	34.5	62
22	31	1E	40	40	40	40													160
																			222

For Office Use Only: Code CPU Fee \$ 200.00 TR # _____ Receipt Date _____ Check # 11459

5. **Presently authorized point of diversion: GEOCENTER**

One in the NE Quarter of the SW Quarter of the SE Quarter of the _____ of Section 15, Township 31 South, Range 1 E, in Sumner County, Kansas, 1,152 feet North 1,447 feet West of Southeast corner of section. Authorized Rate 460 gpm Authorized Quantity 80.6 AF Depth of well N/A (Geo) (feet)

(DWR use only: Computer ID No. 6 GPS 1,152 feet North 1,447 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)

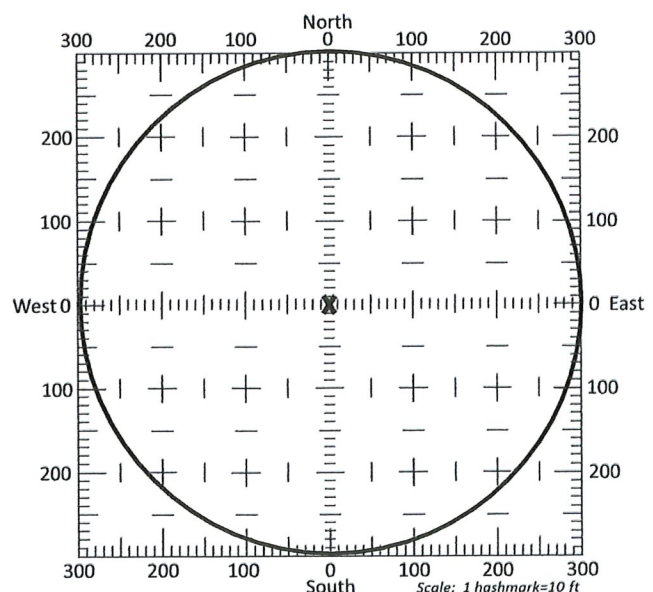
This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:

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) Applicant would like to create a complete overlap in the place of use of WR #s 48323 and 50175.
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?
N/A
(b) When will this be done? N/A
11. Groundwater Management District recommendation attached?
 Yes No
12. Assisted by TMA 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 a 300 foot radius of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. **(PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)**

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 Belle Plaine, Kansas, this 8 day of JANUARY, 2023.

David E. Lawless
 (Owner)
David F. Lawless
 (Please Print)
Mark Lawless
 (Owner)
Mark Lawless
 (Please Print)

 (Owner)

 (Please Print)

David E. Lawless
 (Spouse)
David E. Lawless
 (Please Print)
Karla J. Lawless
 (Spouse)
Karla J. Lawless
 (Please Print)

 (Spouse)

 (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 8 day of JANUARY, 2023.

Jon V. Bristol
 Notary Public

My Commission Expires 10/02/2025.

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
 JAN 11 2023

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. 48323.

1. A change application was received on January 11, 2023 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, 2023**, 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, 2023**, or within any authorized extension of time. By March 1, 2024 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

RECEIVED

JAN 11 2023

Stafford Field Office
Division of Water Resources

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: January 13, 2023

State of Kansas)

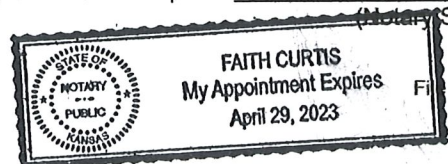
County of Stafford) SS

Acknowledged before me on 1/13/2023

by Faith Curtis

Signature: Faith Curtis
Notary Public

My commission expires: _____



(Notary Seal)

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

January 13th, 2023

Mark E & Karla Lawless
573 N Mount Zion Rd
Belle Plaine, KS 67013

Re: Water Right, File No(s). 48323

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 <https://www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/new-applications-and-permits>. 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 that reads "Jeff Lanterman".

Jeff Lanterman
Water Commissioner

Enclosures

pc: Water Rights Section
Groundwater Management District No.

CERTIFICATE OF SERVICE

On this **13th** day of **January, 2023**, I hereby certify that the attached DWR Field Office Application for Change in Placec of Use for Water Right, File No. **48323**, dated **January 13th, 2023** was mailed via First Class U.S. mail to the following:

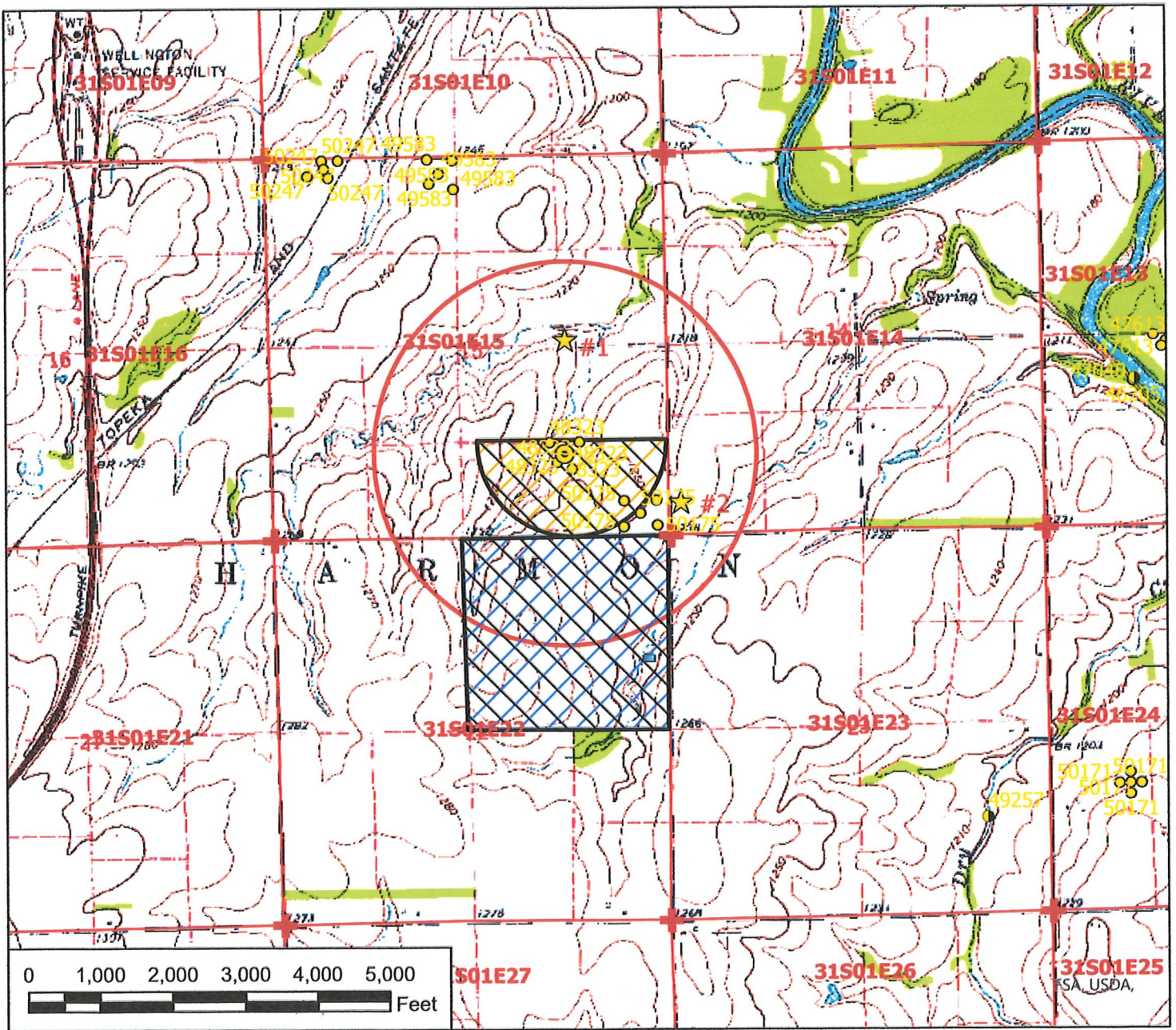
Mark E & Karla Lawless
573 N Mount Zion Rd
Belle Plaine, KS 67013

A copy of the letter was sent via First Class U.S. Mail to the following:

PC: Water Rights Section

Faith Curtis

Staff



Legend

- ⊗ Proposed Point of Diversion
- ⊙ Authorized Point of Diversion
- ★ Domestic Well
- Groundwater
- Surfacewater
- ⊕ Section Corner
- ▭ Section Line
- Half Mile Circle
- ▨ Authorized Place of Use (48323)

Water Right, File No. 48323

Change in Place of Use Map
15/22-31-01E // Sumner County



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

Paul Lambess

JAN 11 2023
Stafford Field Office
Division of Water Resources
12-21-22

Change in Place of Use

File No. 48323

Nearby Well Owners

Domestic Wells:

#1: AMANDA FAYE STONE & JACOB MILES
651 N HILLSIDE RD
BELLE PLAINE, KS 67013-3237

#2: JAMES W SIEVER II & LISA L SIEVER
606 N HILLSIDE RD
BELLE PLAINE, KS 67013

Irrigation Wells:

50175: MARK E & KARLA LAWLESS (Applicant)
573 N MOUNT ZION RD
BELLE PLAINE, KS 67013

RECEIVED

JAN 11 2023

Stafford Field Office
Division of Water Resources

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: January 12, 2023

FROM: Taylor Arrowood

RE: Water Right, File No. 48323,50175
Changes in Place of Use

Mark Lawless contacted Elizabeth Fitch of the Stafford Field Office on December 13, 2022 requesting a place of use change to overlap the two referenced water rights completely. Elizabeth forwarded the change details on to me to assist in creating an application to accomplish this.

The referenced file is in compliance with 82a-732. A review of the application finds 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.

The presently authorized points of diversion and any modifications to the point of diversion are listed below:

File No. 48323: A battery of wells with geocenter located at 1,152' N and 1,447' W of the SE corner of 15-31S-1E in Sumner County, authorized 80.6 AF @ 460 gpm on 62 acres in Section 15 of the mentioned legal description. There will be no changes to the point of diversion.

File No. 50175: A battery of wells with geocenter located at 318' N and 411' W of the SE corner of ~~22~~¹⁵-31S-1E in Sumner County, authorized 208 AF @ 400 gpm on 160 acres in Section ~~22~~¹⁵ of the mentioned legal description. There will be no changes to the point of diversion.

The place of use will be modified such that the two places of use that are currently separate, will be authorized the same acres and be overlapped completely. So, 48323 will now be authorized 62 acres and the additional 160 acres authorized under file no. 50175. 50175 will now be authorized the 160 acres and the additional 62 acres previously only authorized by 48323.

This approval would comply with K.A.R. 5-5-3, *Change in consumptive use*, since there is no proposed change in rate or overall quantity of water. The number of acres being irrigated is changing to 222 acres for both files. The new quantity would be 288.6 AF / 222 acres for 1.3 AF/acre. The minimum reasonable for Sumner County is 1.01 AF/acre and the maximum is the 1.3 AF/acre being allowed here for two post-1999 irrigation files.

The application was received in the Stafford Field Office on January 11, 2023 with all correct payment and signatures present.

There were no nearby letters sent because this is a place of use change. A GMD recommendation was not needed for this change because Sumner County is not in a GMD.

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 local source of supply will occur, it has been recommended that the application be approved.

Taylor M. Arrowood
Environmental Scientist
Stafford Field Office



KANSAS DEPARTMENT OF AGRICULTURE

Division of Water Resources

Stafford Field Office

MEMORANDUM

TO: File

DATE: 1/12/2023

FROM: Taylor Arrowood

RE: File Nos. 48323,50175

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 1/11/2023 for the above referenced file meets this criteria and surrounding well owners will not be notified.