

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

Document Signature LPL

1. File Number: 48,504	2. Status Change Date: 7/19/2016	3. Change Num: C1	4. Field Office: 03	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: 12/31/14
8a. Applicant(s) New to system <input type="checkbox"/> JAMES E LITTON 2878 US HWY 24 BELOIT KS 67420		Person ID 62511 Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/> MARK CHAPMAN ESTATE PO BOX 1622 SEALY TX 77474		Person ID 57256 Add Seq# _____		
8c. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		
8d. WUC New to system <input type="checkbox"/>		Person ID 63707 Add Seq# _____		
TANER LITTON 571 N 30TH RD GLASCO KS 67445				
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/16 <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: 5/4/2016 By: AM Date Entered: 7/21/2016 By: UM				

File No. **48,504** 11. County: OT Basin: SOLOMON RIVER Stream: Formation Code: Special Use:

12. Points of Diversion Rate and Quantity
 T
 MOD Authorized Additional
 DEL PDIV
 ENT Qualifier S T R ID 'N 'W Comment Rate Quantity Rate Quantity
 gpm/cfs af/mgy gpm/cfs af/mgy Overlap PD Files

NO CHANGE

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) **No Change**
 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 T MOD DEL ENT	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
	PUSE	S	T	R	ID	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼				
MOD 6441	18	10S	3W	1						Lot 1 40	Lot 2 36.5	Lot 2 40.63	Lot 1 40		40	40		307.13	No	48,175; 49,246

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 26, 2016

FROM: Austin McColloch

RE: Appropriation of Water, File No. 48,175
Appropriation of Water, File No. 48,504
New Application, File No. 49,246

Taner Litton has filed the referenced new application (File No. 49,246) to appropriate 91 acre-feet of groundwater at a diversion rate of 1,200 gallons per minute for irrigation on 70 acres as well as use on an existing place of use authorized under Water Appropriation, File Nos. 48,175 & 48,504. The well is located in the Northeast Quarter of Section 18, township 10 South, Range 3 West, Ottawa County, and the source of supply is the unconfined Dakota aquifer system located in the drainage basin of the Solomon River. At the current time, the proposed 70 acres additional place of use is not overlapped with Water Appropriation, File Nos. 48,175 & 48,504. However, change applications for the referenced files has been filed to create an overlap in place of use with all three files. The new application and both change applications will be processed as a package.

The new application was worked by Doug Schemm, Environmental Scientist, Topeka Field Office, and in a March 30, 2016 email with Kelly Stewart, Water Commissioner, Stockton Field Office, a recommendation for approval was received.

The change in place of use for File Nos. 48,175 & 48,504 will increase the irrigated acres by 70 acres bringing the total up to 307.13. This is 1.13 acres more than requested on the application due to a correction of acres connected with File Nos. 48,175 & 48,504 having Lots associated with the place of use. These Lots have already been legally irrigated from the start of approval of appropriation of File No. 48,504, thus not requiring the applicant to resubmit an application for the new appropriation and change files as this is a correction not an increase in requested acres. The proposed change in place of use complies with K.A.R. 5-5-3 due to the new application, thus meeting K.A.R. 5-5-11(b)(6).

Per the definition in K.A.R. 5-1-1(iiii) the "Unconfined Dakota aquifer system" means that a portion of the Dakota aquifer system not overlain by a confining layer in which the aquifer is in equilibrium with atmospheric pressure. A well log submitted with both Water Appropriation, File No. 48,175, and new application, File No. 49,246, and others nearby indicate that sand or a sandstone layer was encountered at a relatively shallow depth of approximately 23 feet below ground surface, and it appears to be fairly continuous in this local area. This shallow layer contains some alluvial deposits in this local area as well. The primary aquifer (sandstone) extends from 68 feet to 154 feet below ground surface. It is important to note that static water levels in these area wells are typically at the same depth as this shallow sand or sandstone layer. In addition, a well log from the Southeast Quarter of Section 18 indicates water was encountered at 25 feet below ground to top of screen. Since the shallow aquifer layer is

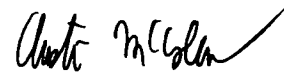
producing water, it is likely that if it were also included in the screened interval, the entire aquifer would be more in equilibrium with atmospheric pressure. Therefore, because of the shallow depth to water first encountered, and static water for this appropriation is more representative of the unconfined Dakota aquifer system.

Per K.A.R. 5-3-11, an evaluation of safe yield includes the entire 2 mile area of consideration around the point of diversion. With a recharge of 2.6 inches, and 75% of recharge available for appropriation, this results in a safe yield of 1,326.93 acre-feet. There are six other water rights within this area of consideration that have appropriated 908.8 acre-feet, leaving 418.13 acre feet available, therefore these applications meet safe yield requirement.

The applicant identified one domestic well within one half-mile from the proposed point of diversion, and is located over 2,000 feet away. A nearby notification letter was sent to the domestic well owner, Craig McHenry, on March 18, 2016. No response was received. The WRIS database shows the nearest permitted water right is over 3,000 feet away. The proposed point of diversion for the new application meets minimum well spacing requirements for the unconfined Dakota aquifer system, located over one-half mile to the nearest permitted well, and over 1,320 feet to the nearest domestic well.

In a June 27, 2016 e-mail, Kelly Stewart, Water Commissioner, Stockton Field Office, recommended approval of the application.

Based on the above discussion, the area is open to new appropriations, the applicant meets safe yield and well spacing criteria, and the approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced new application be approved in conjunction with the change applications in place of use. The change is reasonable, impairment of existing water rights is unlikely, and the additional acres is covered by the new application, resulting in no increase in consumptive use, it is recommended that the referenced change applications be approved.



Austin McColloch
Environmental Scientist

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

July 21, 2016

JAMES E LITTON
2878 US HWY 24
BELOIT KS 67420

FILE COPY

RE: Appropriation of Water, File Nos. 48,175 & 48,504

Dear Mr. Litton:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the referenced files. These orders modify the authorized place of use to allow for the new irrigation of the Northeast Quarter of Section 18, Township 10 South, Range 3 West, Ottawa County, Kansas.

Since these orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is that an acceptable water flowmeter must be installed on the diversion works authorized. Please return the required notification of installation of the meter as soon as this action is completed.

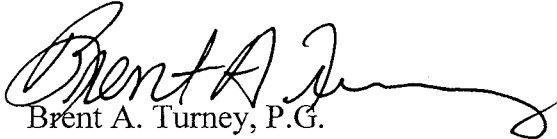
Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

The water use correspondent remains as:

TANER LITTON
571 N 30TH RD
GLASCO KS 67445

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Brent A. Turney, P.G.

Change Applications Unit Supervisor
Division of Water Resources

BAT:am

Enclosures

pc: Stockton Field Office
Taner Litton
Mark Chapman Estate



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE
APPROPRIATION OF WATER, FILE NO. 48,504**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of James E. Litton, 2878 US 24 Hwy, Beloit, Kansas 67420, on behalf of Mark Chapman Estate, PO Box 1622, Sealy, Texas 77474, received in the office of the Chief Engineer on December 27, 2014, for approval of a change in the location of the place of use, under Approval of Application, File No. 48,504, for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
18 10S 3W			35	35					Lot 1 40	Lot 2 36.5	Lot 2 40.63	Lot 1 40		40	40		307.13

a total of 307.13 acres, in Township 18 South, Range 3 West, Ottawa County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the place of use.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water appropriation, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Approval of Application, File No. 48,504, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated April 22, 2014.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this 19th day of July, 2016, at Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 19th day of July, 2016, by Lane P. Letourneau, L.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Amber L. Herring
Notary Public

CERTIFICATE OF SERVICE

On this 21 day July, 2016, I hereby certify that the attached Approval of Application for Change in Place of Use, File No. 48,504 dated, July 19, 2016 was mailed postage prepaid, first class, US mail to the following:

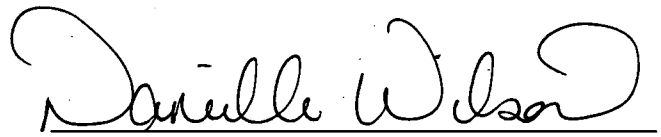
JAMES E LITTON
2878 US HWY 24
BELOIT KS 67420

With photocopies sent to:

TANER LITTON
571 N 30TH RD
GLASCO KS 67445

MARK CHAPMAN ESTATE
PO BOX 1622
SEALY TX 77474

Stockton Field Office


Division of Water Resources

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
109 SW 9th Street, 2nd Floor
Topeka, KS 66612-1283
www.ksda.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
 Point of Diversion
 Use Made of Water

(Check one or more)

WATER RESOURCES
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DEC 31 2014

12:54
KS DEPT OF AGRICULTURE

File No. 48,504

2. Name of applicant: JAMES E. LITON

Address: 2879 US 24 Hwy

City, State and Zip: BELOIT, KS 67420

Phone Number: (785) 738-8516 E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: TANER LITON

Address: 571 N 30th Rd

City, State and Zip: CHASCO, KS 67445

Phone Number: (785) 738-7952 E-mail address: pike-trail-cattle@outlook.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): To install another pivot and overlap in place of use with new application and #48,175.

The change(s) (was) (will be) completed by upon approval. (Date)

For Office Use Only:

F.O. 3 GMD Meets K.A.R. 5-5-1 (YES) NO Use RR Source G S County OT By BAC Date 1-5-15
Code CPIL Fee \$ 200 TR # 1502116 Receipt Date 12-31-14 Check # 873

4. The presently authorized place of use is:

Owner of Land — NAME: MARK CHAPMAN ESTATE
 ADDRESS: PO BOX 1389 SEELY, TX 77474

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			
18	10	3W										36	40	40	40			40	40		236

List any other water rights that cover this place of use. 48,175 & new application

Owner of Land — NAME: _____
 ADDRESS: _____

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			

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: MARK CHAPMAN ESTATE
 ADDRESS: PO BOX 1389 SEELY, TX 77474

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				
18	10	3W			35	35							36	40	40	40			40	40		306
													40	30.5	40.5							

List any other water rights that cover this place of use. 48,175 & new application

Owner of Land — NAME: _____
 ADDRESS: _____

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				

List any other water rights that cover this place of use. _____

WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

DEC 31 2014

* 4-11-16 AM
 Per map attached and original survey plat

6. The presently authorized point(s) of diversion (is) (are) one well
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) no change
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the Lot 2 Quarter
 of Section 18, Township 10 South, Range 3 W,
 in Ottawa County, Kansas, 515 feet North 4115 feet West of Southeast corner of section.
 Authorized Rate 1200 gpm Authorized Quantity 147 AF
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ W,
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ W,
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ W,
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ W,
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ W,
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. N/A

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES
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DEC 31 2014

12. The presently authorized use of water is for irrigation purposes.
It is proposed that the use be changed to no change purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
A new application is being filed concurrently.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to N/A (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to N/A gallons per minute (____ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- a. If a change in the location of the point(s) of diversion is proposed, show:
 - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES
RECEIVED

DEC 31 2014

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Sealy Texas this 18th day of April 2016

Cheryl L. McLeenthin
(Owner) (Spouse)

Cheryl L. McLeenthin
(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

State of Texas }
County of Austin } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 18th day of April 2016.

My Commission Expires 4-2-2019



Carla Reichardt
Notary Public

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- | | |
|---|-------|
| (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 |
| (4) Application to change the use made of the water | \$300 |

Make check payable to Kansas Department of Agriculture.

WATER RESOURCES RECEIVED

MAY 02 2016

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Beloit, Kansas, this 24th day of December, 2014.

James E. Litton POA
(Owner)
JAMES E. LITTON
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas
County of Mitchell } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 24th day of December, 2014.

My Commission Expires  NOTARY PUBLIC - State of Kansas
KIM HESTING
My Appt Expires 10-28-17

Kim Hesting
Notary Public

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

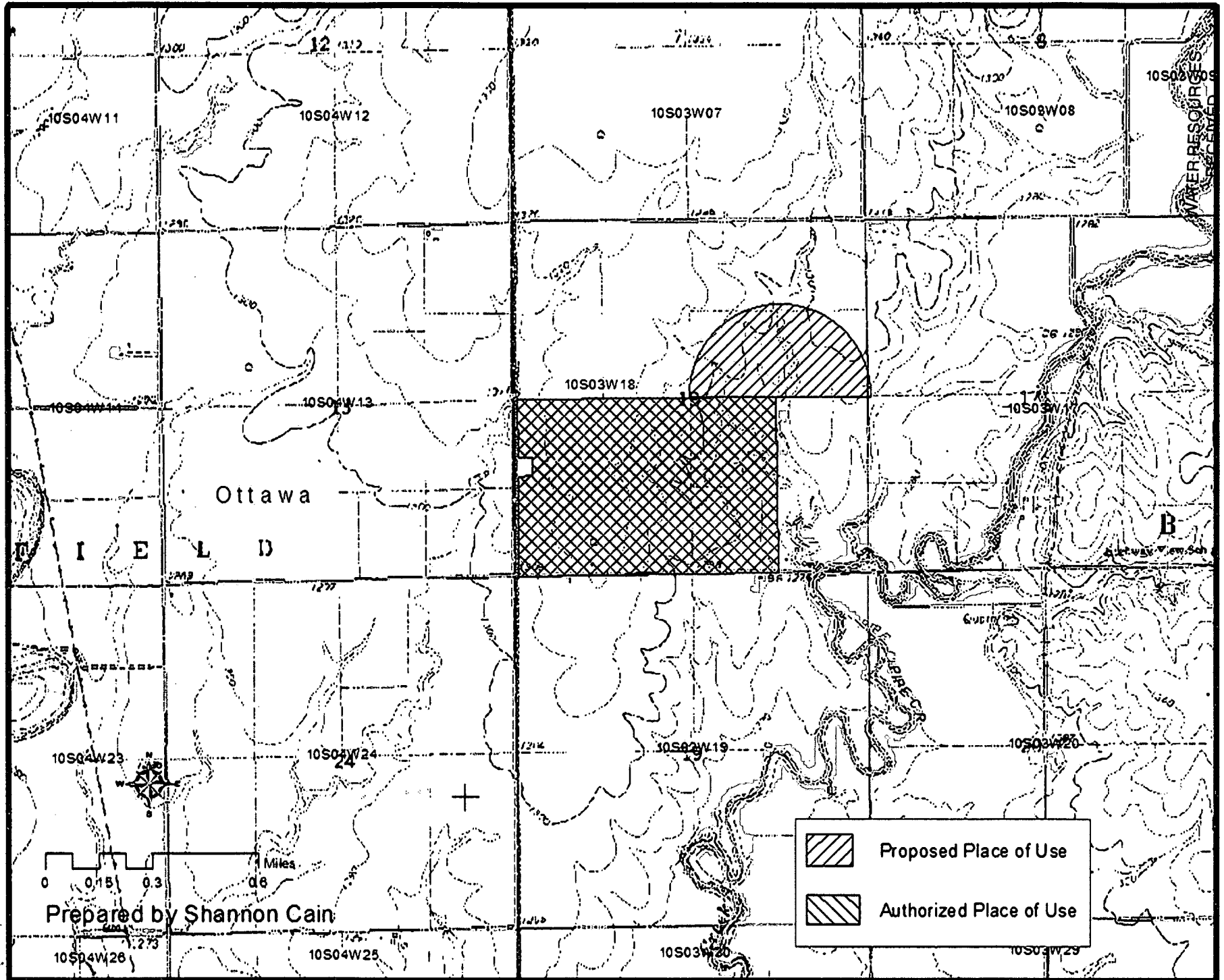
- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

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DEC 31 2014

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
109 SW 9th Street, 2nd Floor
Topeka, KS 66612-1283
www.ksda.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the
- Place of Use
(Check one or more) Point of Diversion
 Use Made of Water

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12:54
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File No. 48,504

2. Name of applicant: JAMES E. LITTON
- Address: 2878 US 24 Hwy
- City, State and Zip: BELOIT, KS 67420
- Phone Number: (785) 738-8516 E-mail address: _____
- What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

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Name of water use correspondent: TANER LITTON

Address: 571 N 30th Rd

City, State and Zip: CHASCO, KS 67445

Phone Number: (785) 738-7952 E-mail address: piketrailcattle@outlook.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): To install another pivot and overlap in place of use with new application and #48,175.

The change(s) (was) (will be) completed by upon approval. (Date)

For Office Use Only:											
F.O.	<u>3</u>	GMD	<u>Meets K.A.R. 5-5-1 (YES/NO)</u>	Use	<u>122</u>	Source	<u>G S County</u>	By	<u>BAF</u>	Date	<u>1-5-15</u>
Code	<u>CPL</u>	Fee \$	<u>200</u>	TR #	<u>1502116</u>	Receipt Date	<u>12-31-14</u>	Check #	<u>873</u>		

1/13/2015 ULM

4. The presently authorized place of use is:

Owner of Land — NAME: MAURE CHAPMAN ESTATE WILDCAT FARMS LLC
 ADDRESS: PO Box 1622 Sully, TX 77474

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	
18	10	3W									36	40	40	40			40	40	236

List any other water rights that cover this place of use. 48,175 & new application

Owner of Land — NAME: _____
 ADDRESS: _____

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	

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: MAURE CHAPMAN ESTATE WILDCAT FARMS LLC
 ADDRESS: PO Box 1622 Sully, TX 77474

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	
18	10	3W			35	35					36	40	40	40			40	40	306
											40	30.6	40.65						

List any other water rights that cover this place of use. 48,175 & new application

Owner of Land — NAME: _____
 ADDRESS: _____

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	

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List any other water rights that cover this place of use. KS DEPT OF AGRICULTURE WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* 4-11-16 AM

attached and original survey plats

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6. The presently authorized point(s) of diversion (is) (are) one well
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) no change
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the Lot 2 Quarter
 of Section 18, Township 10 South, Range 3 W,
 in Ottawa County, Kansas, 515 feet North 4115 feet West of Southeast corner of section.
 Authorized Rate 1200 gpm Authorized Quantity 147 AF
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ W,
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ W,
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ W,
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ W,
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. N/A

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12. The presently authorized use of water is for irrigation purposes.
It is proposed that the use be changed to no change purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
A new application is being filed concurrently.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to N/A (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to N/A gallons per minute (____ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

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Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Beloit, Kansas, this 24th day of December, 20 14.

James E. Litton POA
(Owner)

(Spouse)

JAMES E. LITTON
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

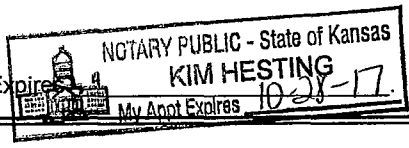
(Please Print)

(Please Print)

State of Kansas }
County of Mitchell } ss

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 24th day of December, 20 14.

Kim Hesting
Notary Public



FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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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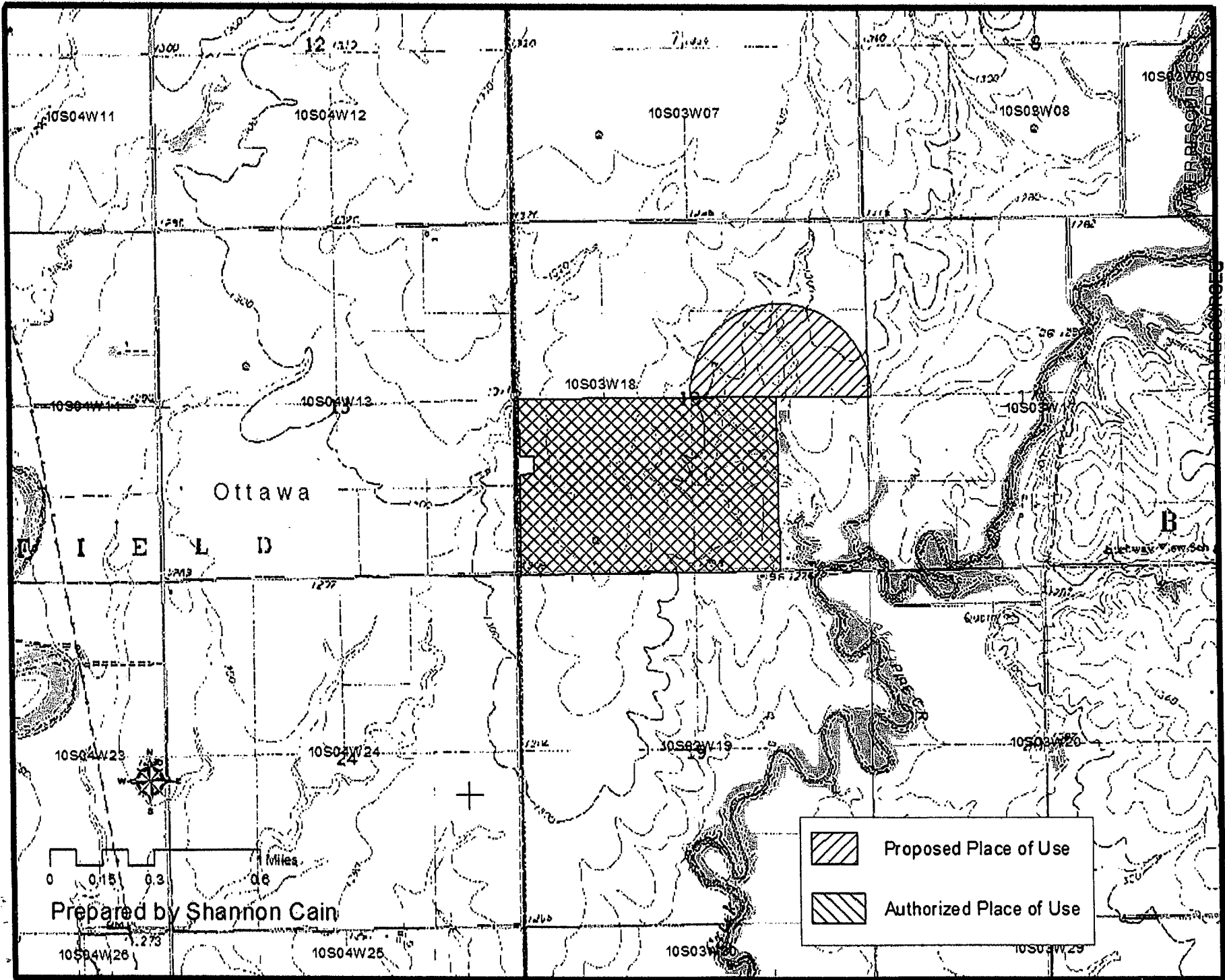
Make check payable to **Kansas Department of Agriculture.**

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Prepared by Shannon Cain

DEC 31 2014

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1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

April 11, 2016

JAMES E LITTON
2878 US HWY 24
BELOIT KS 67420

RE: Water Right
File Nos. 48,175 & 48,504

COPY

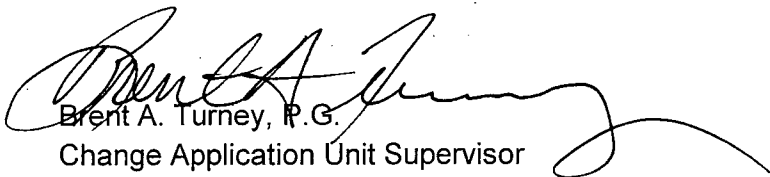
Dear Mr. Litton:

Reference is made to the applications for approval of the Chief Engineer to change the place of use under the referenced file numbers which were received in this office on December 31, 2014. Upon review of the applications, we find that additional information is needed.

It is required by K.A.R. 5-5-5, Signatures required on change application, that the Division of Water Resources, is required to obtain a notarized signature from each landowner, or a duly authorized agent. Records in this office indicate that Wildcat Farms LLC are owners of the proposed place of use and will need to sign as owner of the place of use in Section 18, Township 10 South, Range 3 West. If the property ownership is different than that as indicated by the updated Part 4 of the application, please provide documentation to that effect and have the landowner and their spouse or duly authorize agent sign. If the land is held in a trust please have the trustee sign as such. All signing must be done with a notary public present.

A copy of the applications and new signature pages are enclosed so that land owners may sign. In order for the applications retain their priority of filing the enclosed signature pages must be returned to this office on or before April 29, 2016. According to law, default in the refileing of the requested information as outlined above within the time allowed or any authorized extension of time, shall cause dismissal of the applications for change under the above referenced file numbers. Should you need additional time please give me a call.

Sincerely,


Brent A. Turney, P.G.
Change Application Unit Supervisor

BAT:am
Enclosures
pc: Stockton Field Office
Taner Litton

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