Kansas Department of Agriculture / Division of Water Resources
Stockton Field Office

TO: __HEADQUARTERS__

RE ☐ Vested Right; ☑ Water Right; ☐ Appropriation of Water; ☐ Application

File No(s). __23086__ County _____

Enclosed are the following checked items:

☐ A _____ FIR ☐ Full ☐ Partial Inspection ☐ Return to Field Office
☐ Proposed Certificate to deliver to Certificate Unit

Meter Order: ☐ GMD#4
☐ Lower Smoky

☐ A Compliance Check Inspection on _____ ☐ Other _____
☐ Meter Install ☐ New App ☐ Chg App ☐ Other _____
☐ In Compliance ☐ Not in Compliance, why _____
Modify Point of Diversion ☐ No ☐ Yes, document attached
Indicate all overlapping p/d files _____

☐ An application and judgment sheet with recommendation.
☐ A memorandum dated _____
☐ A request for an extension of time to perfect or complete.
☐ A verified report.
☐ A closure request.
☐ A field investigation report.
☐ Notice of Non-Compliance _____

Violation   Date

☐ An ownership change (name(s) and address(es) below).
☐ A water use report for _____
☐ A letter dated _____

☑ A copy of an __Approval__ to Change the ☐ place of use and/or ☑ point of diversion,
☑ Filing Fee attached. #8729
$ 100.00

☐ An Advanced __copy__ of a change application and the filing fee, to be processed at the field office.

☐ An original field office change __application__ and the filing fee needing headquarters office review and further processing.

☐ Other: _____

_____   4-23-18
Assistant Water Commissioner   Date

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

1. File Number: **23,086**	2. Status Change Date:	3. Change Num:	4. Field Office: **03**	5. GMD:

6. Status: ☒ Approved ☐ Denied by DWR/GMD ☐ Dismiss by Request/Failure to Return	7. Filing Date of Change: **4/23/18**

8a. Applicant(s) Person ID **65859** New to system ☐ Add Seq# _____ **GARY & CINDY WERTH** **1695 COUNTRY ROAD 80** **QUINTER, KS 67752**	8c. Landowner(s) Person ID **65859** New to system ☐ Add Seq# _____ **GARY & CINDY WERTH** **1695 COUNTRY ROAD 80** **QUINTER, KS 67752**
8b. Landowner(s) Person ID _____ New to system ☐ Add Seq# _____	8d. WUC Person ID _____ New to system ☐ Add Seq# _____

9. Documents and Enclosure(s): ☒ DWR Meter(s) Date to Comply: _____**12/31/18**_____   ☒ N & P Date to Comply: _____**12/31/18**_____

☐ 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: **4/23/18**   By: **BILLINGER**

Date Entered: By:

File No. **23,086**	11. County: **TR**	Basin: **HACKBERRY CREEK**	Stream: **HACKBERRY CREEK**	Formation Code: **20**	Special Use: **017**

12. Points of Diversion

Rate and Quantity

CHK MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized Rate gpm	Authorized Quantity af	Additional Rate gpm	Additional Quantity af	Overlap PD Files
DEL	51657	SE NW SE	33	13S	25W	2	1695	1365		600	140	600	140	
ENT	NEW	SE NW SE	33	13S	25W	NEW	1678	1365		600	140	600	140	

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

CHK MOD DEL ENT PUSE	S	T	R	ID	NE¼ NE¼	NE¼ NW¼	NE¼ SW¼	NE¼ SE¼	NW¼ NE¼	NW¼ NW¼	NW¼ SW¼	NW¼ SE¼	SW¼ NE¼	SW¼ NW¼	SW¼ SW¼	SW¼ SE¼	SE¼ NE¼	SE¼ NW¼	SE¼ SW¼	SE¼ SE¼	Total	Owner	Chg?	Overlap Files
NO CHANGE																								

Base Acres: Year: Minimum Reasonable Quantity:

Comments:

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
STOCKTON FIELD OFFICE
820 S. WALNUT
STOCKTON, KS 67669-0192

PHONE: (785) 425-6787
FAX: (785) 425-6842
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE MCCLASKEY, SECRETARY OF AGRICULTURE

April 23, 2018

GARY & CINDY WERTH
1695 COUNTRY ROAD 80
QUINTER KS 67752

> Re: Water Right, File No. 23,086

Dear Mr. & Mrs. Werth:

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

Your attention is directed to the terms, conditions, and limitations specified in this approval for change. Also, the approval of the order requires the installation of a water flow meter(s) on the point(s) of diversion authorized under the above referenced file number by **December 31, 2018**. Please complete and return the enclosed Notice of Completion of Diversion Works when a water flow meter has been installed. A copy of the Chief Engineer's specifications for the water flow meters are found in K.A.R. 5-1-4 through K.A.R. 5-1-12 along with a partial list of those flow meters found to be acceptable for installation in Kansas can be found on our website at the following web address:
> http://agriculture.ks.gov/meters

Please note that all meters must be installed and maintained in accordance with the specifications for water flow meters referenced above.
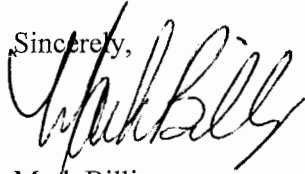
The abandoned water well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment (KDHE). If the well is to be retained by the landowner for other purposes, a copy of the legal transfer of responsibility for maintenance of the well must be forwarded to KDHE Geology Section, 1000 SW Jackson, Suite 420, Topeka, Kansas 66612, telephone number (785) 296-5524. More information is available online at: http://kdheks.gov/waterwell

Since this order modifies the original certificate, it should be recorded with the Register of Deeds just as other legal documents affecting real estate. Such records are maintained at the Register of Deeds Office in the county wherein the place of use is located.

This document is a summary order by this agency regarding this matter. This order shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order.

(over)

If you have any questions, please feel free to contact this office at (785)425-6787. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

Mark Billinger
Assistant Water Commissioner

MB:rfh
Enclosures

CERTIFICATE OF SERVICE

On this 23rd day of April, 2018, I hereby certify that the attached **SUMMARY ORDER APPROVING APPLICATION FOR CHANGE in POINT OF DIVERSION** for water right, File No. 23,086, dated on the 23rd day of April, 2018, was mailed postage prepaid, first class, U.S. mail, to the following:

GARY & CINDY WERTH
1695 COUNTRY ROAD 80
QUINTER KS 67752

Staff

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

APPLICATION OF
4 / 23 / 18
Reviewer MB

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**

File No. 23,086

APR 23 2018
10:55 A.M.
Stockton 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: Gary & Cindy Werth
    1695 Country Road 80 Quinter, KS 67752
    Phone Number: (785)769-4833   Email address: ggtcattle@ruraltel.net
    Name and address of Water Use Correspondent: Gary & Cindy Werth
    1695 Country Road 80 Quinter, KS 67752
    Phone Number: (785)769-4833   Email address: ggtcattle@ruraltel.net

3. The presently authorized place of use is:
    Owner of Land ---- NAME: Gary & Cindy Werth
                       ADDRESS: 1695 Country Road 80 Quinter, KS 67752
    (If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼ NE¼	NE¼ NW¼	NE¼ SW¼	NE¼ SE¼	NW¼ NE¼	NW¼ NW¼	NW¼ SW¼	NW¼ SE¼	SW¼ NE¼	SW¼ NW¼	SW¼ SW¼	SW¼ SE¼	SE¼ NE¼	SE¼ NW¼	SE¼ SW¼	SE¼ SE¼	TOTAL ACRES
33	13	25 W									36	32	16	25	18	38	40	40	245

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: No change requested.
                       ADDRESS:
    (If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼ NE¼	NE¼ NW¼	NE¼ SW¼	NE¼ SE¼	NW¼ NE¼	NW¼ NW¼	NW¼ SW¼	NW¼ SE¼	SW¼ NE¼	SW¼ NW¼	SW¼ SW¼	SW¼ SE¼	SE¼ NE¼	SE¼ NW¼	SE¼ SW¼	SE¼ SE¼	TOTAL ACRES

For Office Use Only: Code _____ Fee $ _____ TR # _____ Receipt Date _____ Check # _____

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

One in the _____Southeast_____ Quarter of the _____Northwest_____ Quarter of the _____Southeast_____ Quarter of Section _____33_____, Township _____13_____ South, Range _____25_____ W, in Trego_____ County, Kansas, ___1,740___ feet North ___1,360___ feet West of Southeast corner of section.

Authorized Rate ___600 gpm___ Authorized Quantity ___140 AF___ Depth of well ___n/a___ (feet)

(DWR use only: Computer ID No. 2_____ GPS ___1,695___ feet North ___1,365___ 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 _____Southeast_____ Quarter of the _____Northwest_____ Quarter of the _____Southeast_____ Quarter of Section _____33_____, Township _____13_____ South, Range _____25_____ W, in Trego_____ County, Kansas, ___1,678___ feet North ___1,365___ feet West of Southeast corner of section.

Proposed Rate ___600 gpm___ Proposed Quantity ___140 AF___ 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) Old well has gone bad._____

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?
plug or cap it._____
(b) When will this be done? ASAP._____

11. Groundwater Management District recommendation attached?
☐ Yes ☒ No

12. Assisted by DLM_____

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines
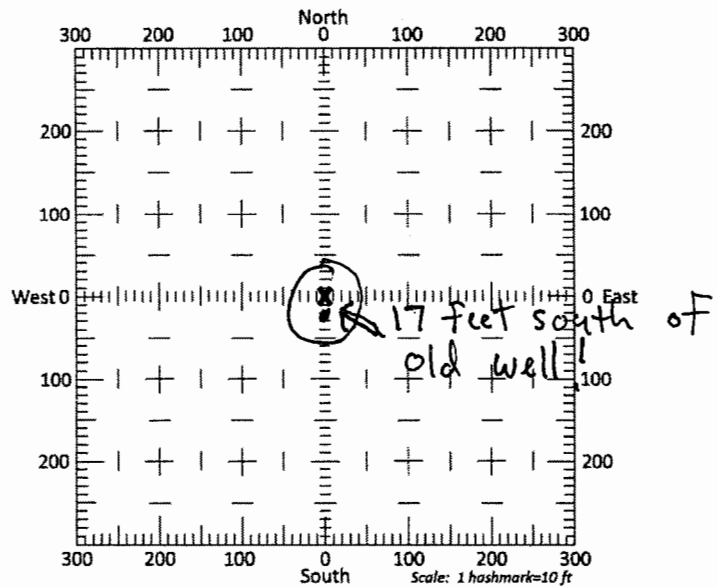
13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. **(PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)**

17 feet south of old well.

DWR 1-121 (Revised 04/5/2018)   RECEIVED   Page 2   File No. 23086_____

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 __4-18-18   Quinter__, Kansas, this __18th__ day of __April__, 20 __18__.

Gary L. Werth	_Cindy L. Werth_
(Owner)	(Spouse)
Gary L. Werth	Cindy L. Werth
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)

State of Kansas
County of __Gove__ } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this __18th__ day of __April__, 20 __18__.

LINDA L. ZERR
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 2-6-21

Linda L. Zerr
Notary Public

My Commission Expires __Feb 6, 2021__.

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

APR 23 2018

Stockton Field Office
Division of Water Resources

DWR 1-121 (Revised 04/5/2018)   Page 3   File No. 23086

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. 23,086   .

1. A change application was received on _____ 4-23-18 _____ 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 ___ 50 ___ 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, 20_18_**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.
☑ Applicable   ☐ Not Applicable

8. **Installation of the works for diversion of water shall be completed on or before December 31, 20_18_**, or within any authorized extension of time. By March 1, 20_19_ 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

APR 2 3 2018

Stockton Field Office
Division of Water Resources

By: _____
Duly Authorized Designee of the Chief Engineer

(Print Name): _MARK BRUNGAN_
Division of Water Resources - Kansas Department of Agriculture
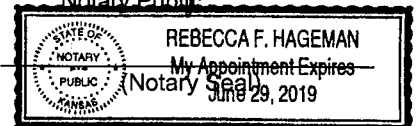
Date of Issuance: _4-23-18_

State of Kansas   )
) SS
County of _Rooks_   )

Acknowledged before me on _4-23-18_

by _Mark Billinger_

Signature: _Rebecca F. Hageman_
Notary Public

My commission expires: _6-29-19_

REBECCA F. HAGEMAN
My Appointment Expires
June 29, 2019
Notary Seal

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.