

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). 24,371, 31,387 County CN

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

Other

A Compliance Check Inspection on

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. # 10067
\$ 400.00

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:


Assistant Water Commissioner

1-3-18
Date

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

Document Signature M BILLINGER

1. File Number: 24,371	2. Status Change Date:	3. Change Num: C1	4. Field Office: 03	5. GMD: 04
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 12/26/17
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8a. Applicant(s) New to system <input type="checkbox"/> HD & SE FAMILY LVG TR DATED 3/31/1994 509 EAGLE MEADOW ROAD GUNNISON, CO 81230	Person ID 64657 Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/> HD & SE FAMILY LVG TR DATED 3/31/1994 509 EAGLE MEADOW ROAD GUNNISON, CO 81230	Person ID 64657 Add Seq# _____	8d. WUC New to system <input type="checkbox"/> HD & SE FAMILY LVG TR DATED 3/31/1994 509 EAGLE MEADOW ROAD GUNNISON, CO 81230	Person ID 64657 Add Seq# _____
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: _____ N & P Date to Comply: _____
 Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter
 Conservation Plan Date Required: **12/26/17** Date Approved: **1/3/18** Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **1/3/18** By: **BILLINGER**
Date Entered: _____ By: _____

File No. **24371** 11. County: CN Basin: S F REPUBLICAN RIVER Stream: S F REPUBLICAN RIVER Formation Code: 211 Special Use:

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

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
MOD DEL ENT	PUSE	S	T	R	ID	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE								
						¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼								
MOD	7239	20	03S	38W	3			28	28									30	30	30	30	176	64657	N	31,387				

Base Acres: **80** Year: Minimum Reasonable Quantity: **COMMENTS: COMPLETE OVERLAP WITH FILE 31387. EACH FILE HAS 80 BASE ACRES, SO A COMBINED ACRES OF 176 IS MAX**

Stockton Field Office
820 S. Walnut
Stockton, Kansas 67669-0192
Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Kelly Stewart, Water Commissioner



Phone: (785) 425-6787
Fax: (785) 425-6842
www.agriculture.ks.gov
Sam Brownback, Governor

January 3, 2018

HD & SE FAMILY LVG TR DATED 3/31/1994
509 EAGLE MEADOW ROAD
GUNNISON CO 81230

Re: Water Rights, File Nos. 24,371 & 31,387

Dear Sir or Madam:

Enclosed are two (2) orders executed by David W. Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the terms, conditions, and limitations specified in these approvals for change.

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

These documents are summary orders by this agency regarding these matters. These orders shall become final if requests for hearings are not filed with the Chief Engineer within 15 days of the date of service of these orders.

If you have any questions, please feel free to contact this office. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Billinger".

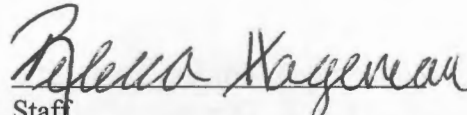
Mark Billinger
Assistant Water Commissioner

MB:rh
Enclosures
pc: G.M.D. No. 4

CERTIFICATE OF SERVICE

On this 3rd day of January, 2017, I hereby certify that the attached **SUMMARY ORDERS APPROVING APPLICATIONS FOR CHANGE in PLACE OF USE** for water rights, File Nos. 24,371 & 31,387, dated on the 3rd day of January, 2017, were mailed postage prepaid, first class, U.S. mail, to the following:

HD & SE FAMILY LVG TR DATED 3/31/1994
509 EAGLE MEADOW ROAD
GUNNISON CO 81230


Staff

Copies of these Change Approvals were sent to the following:

Groundwater Management District No. 4
P.O. Box 905
Colby, KS 67701

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.

Call for address:

Topeka -- (785) 862-6300
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
www.ksda.gov/dwr

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS
 APPLICATION COMPLETE
1 / 3 / 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. 24371

DEC 26 2017
 3:37 p.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: HD & SE FAMILY LVG TR DATED 3/31/1994

509 EAGLE MEADOW ROAD GUNNISON, CO 81230

Phone Number: () _____ Email address: _____

Name and address of Water Use Correspondent: SAME

Phone Number: () _____ Email address: _____

3. The presently authorized place of use is:

Owner of Land --- NAME: HD & SE FAMILY LVG TR DATED 3/31/1994

ADDRESS: 509 EAGLE MEADOW ROAD GUNNISON, CO 81230

(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		
20	3	38			33	33										38	38	11	11	164

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: SAME

ADDRESS: _____

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

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
20	3	38			28	28										30	30	30	30	176

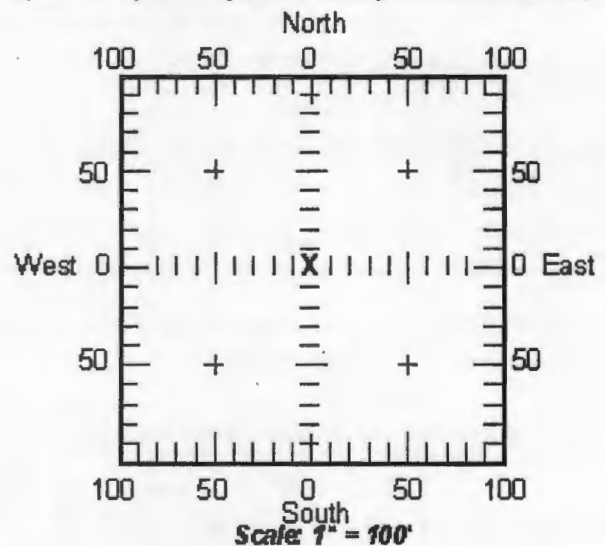
For Office Use Only: Code _____ Fee \$ _____ TR # _____ Receipt Date _____ Check # _____

5. **Presently authorized point of diversion:**
 One in the SW Quarter of the SW Quarter of the NE Quarter of Section 20, Township 3 South, Range 38 W, in CHEYENNE County, Kansas, 3292 feet North 2585 feet West of Southeast corner of section. Authorized Rate 680 GPM Authorized Quantity 160 AF 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:
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 _____ (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 _____

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:
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 _____ (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. Why do you need a new point of diversion? NA

the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



8. If a well, is the test hole log attached? Yes No

9. When do you propose to complete the new point of diversion?
NA

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
NA

(b) When will this be done? NA

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by RL GMD #4

13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from 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.

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on

14. If the proposed groundwater point of diversion is 300 or fewer feet from 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 regard 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 12-17-17, COLORADO Notn day of December, 2017.

H. D. BURSON, TRUSTEE
 (Owner)

 (Spouse)

H. D. BURSON, TRUSTEE
 (Please Print)

 (Please Print)

 (Owner)

 (Spouse)

 (Please Print)

 (Please Print)

 (Owner)

 (Spouse)

 (Please Print)

 (Please Print)

State of Colorado
~~Kansas~~
 County of Gunnison } SS

MAXINE CZOP
 NOTARY PUBLIC
 STATE OF COLORADO
 NOTARY ID 20174015723
 MY COMMISSION EXPIRES APRIL 11, 2021

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 16th day of December, 2017.

My Commission Expires 4/11/2021

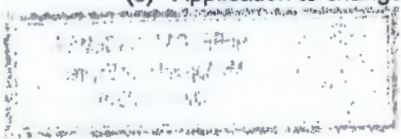
[Signature]
 Notary Public

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
 DEC 26 2017

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. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, K.A.R. 5-1-1 *et. seq.* With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 24371.

1. A change application was received on 12-26-17 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 authorized herein shall not actually be located more than _____ feet from the previously authorized point(s) of diversion. Applicable Not Applicable
5. 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
6. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before **December 31, 20**_____, 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
7. Installation of the works for diversion of water shall be completed on or before **December 31, 20**_____, or within any authorized extension of time. By March 1, 20_____, the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
8. The completed well log shall be submitted with the required notice. Applicable Not Applicable
9. 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
10. Additional Conditions are attached. Yes No
11. 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

You have the right to a hearing in accordance with K.A.R. 5-14-3 before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the **Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502**, within 15 days after the date shown on the Certificate of Service attached hereto. If a hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15th day after the date shown on the Certificate of Service.

For Use by Register of Deeds

FOR OFFICE USE ONLY
APPLICATION APPROVED AND SUMMARY ORDER ISSUED

By: [Signature]
Duly Authorized Designee of the Chief Engineer

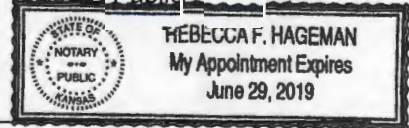
(Print Name): MARK BRUNGER
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: 1-3-18

State of Kansas)
County of BOOKS) SS

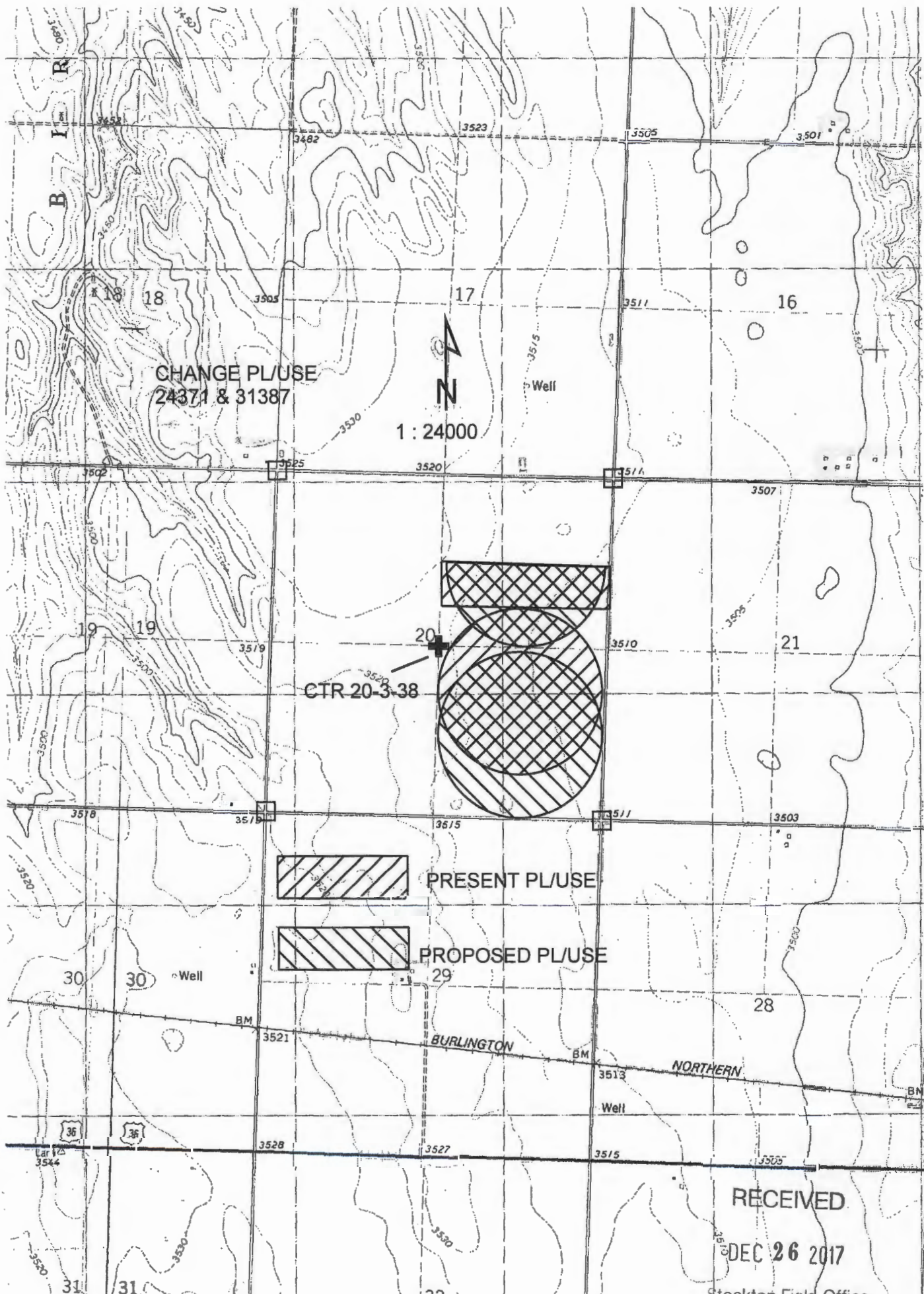
Acknowledged before me on 1-3-18
by Mark Billinger

Signature: [Signature]
Notary Public



My commission expires: 6-29-19

(Notary Seal)



CHANGE PL/USE
24371 & 31387

1 : 24000

CTR 20-3-38

PRESENT PL/USE

PROPOSED PL/USE

RECEIVED

DEC 26 2017

Stockton Field Office

Division of Water Resources



**NORTHWEST KANSAS
GROUNDWATER MANAGEMENT
DISTRICT NO. 4**

1290 West 4th Street
P.O. Box 905
Colby, Kansas 67701-0905

December 27, 2017

Kelly Stewart
Stockton Field Office
820 South Walnut Street
Stockton KS 67669

RE: WR File Nos. 24,371 & 31,387
HD & SE Family Living Trust

Dear Kelly,

The Northwest Kansas Groundwater Management District has reviewed the above referenced application and based on our records and the information supplied by the applicant, we have determined that the following recommendations be made to the Chief Engineer:

Approve applications. Resource Development Plan attached.

If you have any questions, please contact this office.

Sincerely,

Ray Luhman
Manager

RPL: jem
attachments

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JAN 02 2018

Stockton Field Office
Division of Water Resources

LEGAL (OPT) SE 20-3-38 24371 & 31387

PIVOT LENGTH (REQD) 1290

ROTATION DEGREES (REQD) 360

GPM (REQD) 400

NOZZLE SPACING IN FT (OPT) 6.6666

RESIDUE IN LBS/ACR (REQD) 4000

ACRES OF CLASS VI SOIL
IN GRASS, ALFALFA, ETC. 0

CROPS ANY IRRIGABLE CROPS MAY
BE PRODUCED

ADDED PROVISIONS/NOTES NONE

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JAN 02 2018

Stockton Field Office
Division of Water Resources

CALCULATIONS FOR AVERAGE FIELD SLOPE

ACRES IN FIELD: 120.0166

MAP UNIT NUMBER	SOIL TYPE	AVERAGE SLOPE	ACRES OF THE SOIL TYPE	WEIGHTE AVERAGE
1652	Kuma silt loam, 0 to 1 percent slopes	0.5	120	0.49993
0	+	0	+	0
0	+	0	+	0
0	+	0	+	0
0	+	0	+	0
0	+	0	+	0
0	+	0	+	0
0	+	0	+	0
0	+	0	+	0

AVERAGE WEIGHTED FIELD SLOPE: 0.50 %

ENTER CLASS VI ACRES HERE:	13.1 ACRES
ENTER STEEPEST SLOPE IF CLASS VI:	7 %
WEIGHTED AVERAGE FIELD SLOPE:	0.499931 %
PER CENT CLASS VI SOIL	%
DESIGN SLOPE FOR CENTER PIVOT:	0.499931 %

RECEIVED

JAN 02 2018

Stockton Field Office
Division of Water Resources

DESIGN GROUP 5

design slope	0.499931 %	1	1	4.2
residue	4000 lbs/acre	4000	3	2.5
			5	1.5
			7	1.1

max all. Appl. Rate 5.04 in/hr

900	0.85
1000	0.9
1500	0.95
2000	1
2500	1.05
3000	1.1
3500	1.15
4000	1.2
4500	1.25

RECEIVED

JAN 02 2018

Stockton Field Office
Division of Water Resources

CALCULATED

MAX ALLOW
APPL RATE
5.04

PIVOT
LENGTH
1290

GPM:WTD DIA
33.77

GPM
400.00

WTD DIA
11.84

GPM = 400

APPL RT= 5.04

RADIUS
1290

GPM
400

NZL SPCNG
6.6666

GPM/AC
3.33

399.99 =SUM NZL GPM
4.12 =GPM END NZL

RECEIVED

JAN 02 2018

Stockton Field Office
Division of Water Resources

1652

RECEIVED

JAN 02 2018



Stockton Field Office
820 S. Walnut
Stockton, Kansas 67669-0192

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Kelly Stewart, Water Commissioner

Phone: (785) 425-6787
Fax: (785) 425-6842
www.agriculture.ks.gov
Sam Brownback, Governor

December 26, 2017

GROUNDWATER MANAGEMENT DISTRICT NO 4
PO BOX 905
COLBY KS 67701

Re: Water Rights, File Nos. 24,371 & 31,387

Dear Ladies and Gentlemen:

Reference is made to the application referred to above which appears to be in proper form.

We are delaying any further action until **January 10, 2017** to allow you time to submit your recommendation concerning this application.

Please submit your recommendation within the allotted time or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

A handwritten signature in blue ink that reads "Kelly C. Stewart". The signature is written in a cursive style and extends to the right with a long horizontal stroke.

Kelly C. Stewart
Water Commissioner

KCS:rfh
Enclosures

SCANNED

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.