

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: PD WORKSHEET

1. File Number: 32265	2. Status Change Date: 10/18/2018	3. Change Num: C1	4. Field Office: 03	5. GMD:
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 23-JUL-2018
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8a. Applicant(s) Person ID 3804
 New to system Add Seq# 1

PAUL O & PEGGY SUE DAVIS
11971 ROAD E13
PRAIRIE VIEW KS 67664-6507

8c. Landowner(s) Person ID 65868
 New to system Add Seq# 1

THEODORE C & FARRAH MAY I DAVIS
704 N WABASH AVE
NORTON KS 67654

8b. Landowner(s) Person ID 3804
 New to system Add Seq# 1

PAUL O & PEGGY SUE DAVIS
11971 ROAD E13
PRAIRIE VIEW KS 67664-6507

8d. WUC Person ID 3804
 New to system Add Seq# 1

PAUL O & PEGGY SUE DAVIS
11971 ROAD E13
PRAIRIE VIEW KS 67664-6507

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: **10/15/18** By: **RAK**
 Date Entered: **10/22/2018** By: **WM**

File No. **32265** 11. County: **NT** Basin: **PRAIRE DOG CREEK** Stream: Formation Code: **211** Special Use:

12. Points of Diversion											Rate and Quantity						
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
MOD	663				NE¼ NE¼ SW¼	36	2	21W	3	2315	2947	BATT 1 OF 2 WELLS	--	--	--	--	NONE
MOD	64068				NE¼ NE¼ SW¼	36	2	21W	9	2417	3192	BATT 1 OF 2 WELLS-20' N OF PREVIOUS WELL--	--	--	--	--	NONE
MOD	64069				NE¼ NE¼ SW¼	36	2	21W	10	2367	3070	* GEO CTR	280 gpm	78.50 AF	280 gpm	78.50 AF	NONE
ENT	84776				SE¼ SW¼ NW¼	36	2	21W	11	3229	4576	* GEO CTR ADDITIONAL WELL	55 g.p.m.	44.50 AF	55 gpm	44.50 AF	49492, 20189041
ENT	85715				NW¼ SW¼ NW¼	36	2	21W	12	3324	4804	BATT 1 OF 3 WELLS ADDITIONAL WELL	--	--	--	--	49492, 20189041
ENT	85716				SE¼ SW¼ NW¼	36	2	21W	13	3273	4557	BATT 1 OF 3 WELLS ADDITIONAL WELL	--	--	--	--	49492, 20189041
ENT	85717				SE¼ SW¼ NW¼	36	2	21W	14	3087	4369	BATT 1 OF 3 WELLS ADDITIONAL WELL	--	--	--	--	49492, 20189041

* Geo Ctr of 2 well battery - Battery ID# 612 Geo Ctr of 3 well battery - Battery ID# 2109

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																			Total	Owner	Chg?	Overlap Files						
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼							
									NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
MOD	26135				36	2S	21W	1																	7.9	8b	YES	49492; 20189041
MOD	68634				36	2S	21W	4					40	40	40	40	35	40	32.1	40					307.1	8c (Property only)	YES	49492; 20189041

Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____ (PAUL AND PEGGY DAVIS RETAIN THE WATER RIGHTS)
 Comments: **SPECIAL CONDITIONS Y ADDITIONAL WELL(REVIEW AFTER 5-10YRS)**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files **DATE:** October 15, 2018
FROM: Richelle A. Krueger **RE:** Water Right
File No. 32,265

Paul and Peggy Davis, water right owners, filed an application for approval to change the authorized point of diversion.

The referenced file does not appear abandoned as per K.S.A. 82a-718.

The above referenced file number is authorized 123 acre-feet and 335 gallons per minute from one battery of two wells for irrigation use on 315 acres all in Section 36, Township 2 South, Range 21 West, Norton County, located in the Prairie Dog Creek drainage basin. There are no overlaps in the authorized point of diversion but the authorized place of use overlaps Appropriation of Water, File No. 49,492 and Term Permit, File No. 20189041. The water right owners propose to authorize a battery of three wells from the battery of four wells authorized under File Nos. 49,492 and 20189041 pursuant to K.A.R. 5-5-16 *Additional wells*. The geocenter of the proposed battery of three wells is located 3,229 feet North and 4,576 feet West of the Southeast corner of Section 36, a distance of approximately 1,735 feet from the currently authorized point of diversion. Approval of the application will be subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional well shall be considered to have the priority of the date the application was filed (July 23, 2018) to add the additional well.

The application appears to meet K.A.R. 5-5-16. The K.A.R. 5-5-16 (a)(2)(C)(i) calculation per September 12, 2018 e-mail from Kelly Stewart, Water Commissioner of the Stockton Field office (100 max perfected acres x 1.20/0.85=141AF) indicates that no reduction in quantity is required. The submitted pump test conducted at the end of the pumping season indicates no reduction in the authorized diversion rate is required. All feet distances will be updated with g.p.s. information. The currently authorized battery of two wells will be authorized 78.5 acre-feet and 280 gallons per minute and the proposed battery of three wells will be authorized 44.5 acre-feet and 55 gallons per minute.

There is a battery of three (3) non-domestic irrigation wells (Water Right, File No. 43,260) and two (2) domestic wells within one-half mile of the proposed batteries of wells based on WRIS and the submitted map. The nearby well owners were notified of the proposed change in point of diversion by letters dated September 18, 2018; no responses have been received in Manhattan as of today's date. However, in an October 9, 2018 e-mail Kelly indicated that Keith Erickson, water use correspondent of nearby File No. 43,260 visited the Stockton Field Office to inquire about the proposed change, and after learning the details had no complaints or concerns.

The same local source of supply will remain the same, previously determined to be Ogallala Formation (211).

Findings and Orders will be drafted for File Nos. 49,492 and 20189041 to better describe the overlapping point of diversion with g.p.s. feet distances; to add a rate limitation on File No. 49,492 to limit the file to 800 g.p.m. when combined with File No. 32,265; and to modify the rate limitation on File No. 20189041 to include File No. 32,265 in addition to File No. 49,492.

In an e-mail dated October 9, 2018, Kelly indicated he has no objection to approval of the referenced change application.

Water flow meters are required. Check valves are required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it has been recommended that the referenced application be approved.


Richelle A. Krueger
Environmental Scientist

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

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

PAUL O & PEGGY SUE DAVIS
11971 ROAD E13
PRAIRIE VIEW KS 67664-6507

October 23, 2018

FILE COPY

RE: Water Right, File No. 32,265

Dear Sir or Madam:

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

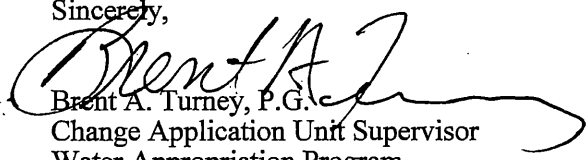
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that acceptable water flow meters must be installed on the diversion works authorized under the referenced file number. Please return the required notification of completion of the diversion works and/or installation of the required meters as soon as these actions are completed.

Please note that the application to change the point of diversion for File No. 32,265 is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional wells shall be considered to have the priority of the date the application was filed (July 23, 2018) to add the additional well. In addition, the Chief Engineer specifically retains jurisdiction in this matter with authority to review the approval of the additional wells at intervals of no fewer than five years, and no more than ten years to determine if the total annual quantity of water actually being withdrawn by all wells authorized by the approval of application for change is exceeding the total annual quantity of water that could have been physically withdrawn if the additional wells had not been approved, and based on the review, the Chief Engineer retains authority to make a reasonable reduction in the authorized quantity of water as may be deemed to be in the public interest.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,


Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT:rak

pc: Stockton Field Office
Theodore C. and Farrah May I. Davis



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN
POINT OF DIVERSION
WATER RIGHT
FILE NO. 32,265**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Paul and Peggy Davis, 11971 Road E13, Prairie View, Kansas, 67664-6507, received in this office on July 23, 2018, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated October 26, 1999, approving the application to change the point of diversion, and by the Correctional Order of the Chief Engineer dated December 29, 1999, correcting an error in the description of the authorized point of diversion, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The application, therefore, is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional wells shall be considered to have the priority of the date the application was filed (July 23, 2018) to add the additional wells.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized locations of the points of diversion shall be:

a battery of three (3) wells with a geographic center located in the Southeast Quarter of the Southwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 36, more particularly described as being near a point 3,229 feet North and 4,576 feet West of the Southeast corner of said section, at a diversion rate not in excess of 55 gallons per minute (0.12 c.f.s.) and a quantity not to exceed 44.50 acre-feet of water per calendar year (additional wells), and

a battery of two(2) wells with a geographic center located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 36, more particularly described as being near a point 2,367 feet North and 3,070 feet West of the Southeast corner of said section, at a diversion rate not in excess of 280 gallons per minute (0.62 c.f.s.) and a quantity not to exceed 78.50 acre-feet of water per calendar year,

both in Township 2 South, Range 21 West, Norton County, Kansas,

located substantially as shown on the map accompanying the application to change the point of diversion.

The point of diversion described herein as a battery of two (2) wells is further limited such that the wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply.

The point of diversion described herein as a battery of three (3) wells is further limited such that the wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply.

Installation of the works for diversion of water shall be completed on or before December 31, 2018, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

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 acceptable water meters on the diversion works authorized under this water right, 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 meters has been completed. The water right owner shall maintain the water meters 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 meters 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.

The Chief Engineer specifically retains jurisdiction in this matter with authority to review the approval of the additional wells at intervals of no fewer than five years, and no more than ten years to determine if the total annual quantity of water actually being withdrawn by all wells authorized by the approval of application for change is exceeding the total annual quantity of water that could have been physically withdrawn if the additional wells had not been approved, and based on the review, the Chief Engineer retains authority to make a reasonable reduction in the authorized quantity of water as may be deemed to be in the public interest.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 32,265, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated July 23, 1987, as modified and amended by the aforementioned orders.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

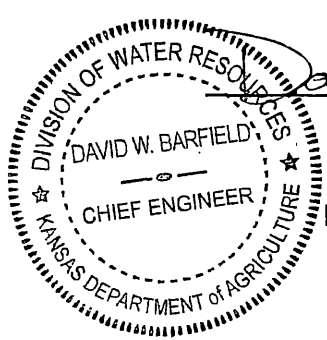
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

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 18th day of October, 2018, in Manhattan, Riley County, Kansas.



David W. Barfield
David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 18th day of October, 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter
Notary Public

CERTIFICATE OF SERVICE

On this 23rd day of October, 2018, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 32,265, dated October 18th, 2018 was mailed postage prepaid, first class, US mail to the following:

PAUL O & PEGGY SUE DAVIS
11971 ROAD E13
PRAIRIE VIEW KS 67664-6507

With photocopies to:

THEODORE C & FARRAH MAY I DAVIS
704 N WABASH AVE
NORTON KS 67654

Stockton Field Office

Danielle Wilson
Division of Water Resources

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
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

WATER RESOURCES
RECEIVED

JUL 23 2018
1:07
KS DEPT OF AGRICULTURE

File No. 32,265

2. Name of applicant: PAUL DAVIS

Address: 11971 ROAD E13

City, State and Zip: PRAIRIE VIEW, KS 67664-6507

Phone Number: (785)973-8051 E-mail address: _____

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

Name of water use correspondent: PAUL O & PEGGY SUE DAVIS

Address: 11971 ROAD E13

City, State and Zip: PRAIRIE VIEW, KS 67664-6507

Phone Number: (785) 973-8051 E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): TO MOVE 55 GPM & 44.5 AF TO BATTERY OF WELLS AUTHORIZED UNDER FILE 49,492 & RETAIN 280 GPM & 78.5 AF UNDER BATTERY OF WELLS AUTHORIZED UNDER FILE 32,265

The change(s) (will be) completed by UPON APPROVAL _____
(Date)

For Office Use Only:	
F.O. <u>3</u> GMD <u>0</u> Meets K.A.R. 5-5-1 (YES/NO) Use <u>DR</u> Source <u>(G)S</u> County <u>WT</u> By <u>AW</u> Date <u>7/25/18</u>	
Code <u>CGT</u> Fee \$ <u>200</u> TR # _____ Receipt Date <u>7/23/18</u> Check # <u>2524</u>	

APPLICATION COMPLETE
10/9/18
RAIL

7/26/18 DAW SCANNED

6. The presently authorized point(s) of diversion are A BATT OF 2 WELLS
(Provide description and number of points)
7. The proposed point(s) of diversion are A BATT OF 2 WELLS & A BATT OF 3 WELLS
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NE Quarter of the NE Quarter of the SW Quarter of Section 36, Township 02 South, Range 21 W, in NT County, Kansas, 2195 feet North 2905 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. 3 GPS 2315 feet North 2947 feet West)
 This point will not be changed This point will be changed as follows: **BETTER DESC W GPS**
Proposed point of diversion: (Complete only if change is requested)
 One in the NE Quarter of the NE Quarter of the SW Quarter of Section 36, Township 02 South, Range 21 W, in NT County, Kansas, 2315 feet North 2947 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 NC N2 Quarter of the NE Quarter of the SW Quarter of Section 36, Township 2 South, Range 21 W, in NT County, Kansas, 2405 feet North 3270 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. 9 GPS 2417 feet North 3192 feet West)
 This point will not be changed This point will be changed as follows: **BETTER DESC W GPS**
Proposed point of diversion: (Complete only if change is requested)
 One in the NE Quarter of the NE Quarter of the SW Quarter of Section 36, Township 2 South, Range 21 W, in NT County, Kansas, 2417 feet North 3192 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 NE Quarter of the NE Quarter of the SW Quarter of Section 36, Township 2 South, Range 21 W, in NT County, Kansas, 2300 feet North 3088 feet West of Southeast corner of section.
 Authorized Rate 335 GPM Authorized Quantity 123 AF
(DWR use only: Computer ID No. 10 GPS 2367 feet North 3070 feet West)
 This point will not be changed This point will be changed as follows: **BETTER DESC W GPS**
Proposed point of diversion: (Complete only if change is requested)
 One in the NE Quarter of the NE Quarter of the SW Quarter of Section 36, Township 2 South, Range 21 W, in NT County, Kansas, 2367 feet North 3070 feet West of Southeast corner of section.
 Proposed Rate 280 GPM Proposed Quantity 78.5 AF
 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. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

4. The presently authorized place of use is:

Owner of Land — NAME: PAUL O & PEGGY SUE DAVIS

ADDRESS: 11971 ROAD E13 PRAIRIE VIEW, KS 67664-6507

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	
36	2S	21W									35	40	40	40					155

List any other water rights that cover this place of use. 49,492 + *20189041

Owner of Land — NAME: THEODORE C & FARRAH MAY I DAVIS

ADDRESS: 704 N WABASH AVE NORTON, KS 67654

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	
36	2S	21W					40	40	40	40									160

List any other water rights that cover this place of use. 49,492 + *20189041

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

5. It is proposed that the place of use be changed to: NO CHANGE JUST UPDATE OWNERSHIP. QUIT CLAIM DEED.

Owner of Land — NAME: THEODORE C & FARRAH MAY I DAVIS

*QUIT CLAIM TO WATER RIGHT

ADDRESS: 704 N WABASH AVE NORTON, KS 67654

PAUL & PEGGY DAVIS RETAIN

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	
36	2S	21W					40	40	40	40	35	40	32.1	40					307.1

List any other water rights that cover this place of use. 49,492 + *20189041

Owner of Land — NAME: PAUL O & PEGGY SUE DAVIS

ADDRESS: 11971 ROAD E13 PRAIRIE VIEW, KS 67664-6507

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	
36	2S	21W											7.9						7.9

List any other water rights that cover this place of use. 49,492 + *20189041

WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

**per WPLS * RAK/DWL 10/15/16*

JUL 23 2018
SCANNED
 KS DEPT OF AGRICULTURE

- 1. The presently authorized point(s) of diversion are BATT OF 2
(Provide description and number of points)
- 2. The proposed point(s) of diversion (is) (are) BATT OF 2 AND BATT OF 3
(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 _____ 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. 12 GPS 3324 feet North 4804 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 NW Quarter of the SW Quarter of the NW Quarter
 of Section 36, Township 02 South, Range 21 W,
 in NT County, Kansas, 3324 feet North 4804 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 49492 & 20189041

9. **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 _____
 (DWR use only: Computer ID No. 13 GPS 3273 feet North 4557 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 SE Quarter of the SW Quarter of the NW Quarter
 of Section 36, Township 02 South, Range 21 W,
 in NT County, Kansas, 3273 feet North 4557 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 49492 & 20189041

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. 14 GPS 3087 feet North 4369 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 SE Quarter of the SW Quarter of the NW Quarter
 of Section 36, Township 02 South, Range 21 W,
 in NT County, Kansas, 3087 feet North 4369 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 49492 & 20189041

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____
WATER RESOURCES RECEIVED

- 1. The presently authorized point(s) of diversion are BATT OF 2 (Provide description and number of points)
- 2. The proposed point(s) of diversion (is) (are) BATT OF 2 AND BATT OF 3 (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 _____ 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. 11 GPS 3229 feet North 4576 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 SE Quarter of the SW Quarter of the NW Quarter of Section 36, Township 02 South, Range 21 W, in NT County, Kansas, 3229 feet North 4576 feet West of Southeast corner of section.
 Proposed Rate 55 GPM Proposed Quantity 44.5 AF
 This point is: Additional Well Geo Center List other water rights that will use this point 49492* + 20189041

9. **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 _____
 (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. _____

WATER RESOURCES RECEIVED

* per WAIS

* RAK/pwr 10/15/18

JUL 23 2018

SCANNED

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.

NO CHANGE IN PU OR UMW

(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.

WILL MOVE RATE AND QUANTITY ORIGINALLY AUTH FOR 32265 FARTHER AWAY FROM NEARBY WATER RIGHT 43,260 WHICH WILL REDUCE DRAWDOWN TO THAT FILE.

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

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SCANNED
JUL 23 2018

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 DWR Stockton Field Office, Kansas, this 19th day of July, 2018.

[Signature]
(Owner)
Paul Davis
(Please Print)

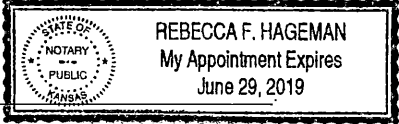
[Signature]
(Spouse)
Peggy Davis
(Please Print)

(Owner)
(Please Print)
(Owner)
(Please Print)

(Spouse)
(Please Print)
(Spouse)
(Please Print)

State of Kansas }
County of ROOKS } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 19th day of July, 2018.



[Signature]
Notary Public

My Commission Expires 6-29-19

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.**

Property Details for PID: 0691073600000002010

QuickRef ID :	R3390
Owner Name :	DAVIS, PAUL & PEGGY
Location:	11971 ROAD E13, Prairie View, KS 67664
Abbreviated Boundary Description:	RURAL PARCEL:NON-PLATTED , ACRES 7.9 , HOMESITE - LISTED FOR TAX PURPOSES SECTION 36 TOWNSHIP 02 RANGE 21

Owner Information:

Owner	DAVIS, PAUL & PEGGY
Mailing Address	11971 ROAD E13 PRAIRIE VIEW, KS 67664-6507

Property Information:

Type	Residential
Status	Active
Taxing Unit	ALMENA TWP - 011
Neighborhood Code	069.0

No Secondary Address Details found

Market Land Details:

Actual Width:	0
Eff. Width	0
Eff. Depth	0
Acres	1
Square Feet	21,780
Actual Width:	0
Eff. Width	0
Eff. Depth	0
Acres	7

Property Details for PID: 0691073600000002020

QuickRef ID :	R304932
Owner Name :	DAVIS, THEODORE C & FARRAH MAY I
Location:	00000 US HWY 36, Prairie View, KS 67664
Abbreviated Boundary Description:	RURAL PARCEL:NON-PLATTED, S36, T02, R21, ACRES 155.2, NW4 LESS RD R/W SECTION 36 TOWNSHIP 02 RANGE 21

Owner Information:

Owner	DAVIS, THEODORE C & FARRAH MAY I
Mailing Address	704 N WABASH AVE NORTON, KS 67654-1418

Property Information:

Type	Agricultural Use
Status	Active
Taxing Unit	ALMENA TWP - 011
Neighborhood Code	069.9

No Secondary Address Details found

Market Land Details:

Actual Width:	0
Eff. Width	0
Eff. Depth	0
Acres	0
Square Feet	0

No Permit Details found

Property Details for PID: 0691073600000002000

QuickRef ID :	R3389
Owner Name :	DAVIS, THEODORE C & FARRAH MAY I
Location:	00000 US HWY 36, Prairie View, KS 67664
Abbreviated Boundary Description:	RURAL PARCEL:NON-PLATTED, S36, T02, R21, ACRES 140.6, SW4 EX BEG 1996 E & 156.78 N SW COR SEC TH E 35 TH N 100 TH W 35 TH S 100 & EX TR BEG SW COR SW4 TH N 600 TH E 600 TH S 600 THE W 600 TO POB LESS RD R/W SECTION 36 TOWNSHIP 02 RANGE 21

Owner Information:

Owner	DAVIS, THEODORE C & FARRAH MAY I
Mailing Address	704 N WABASH AVE NORTON, KS 67654-1418

Property Information:

Type	Agricultural Use
Status	Active
Taxing Unit	ALMENA TWP - 011
Neighborhood Code	069.9

No Secondary Address Details found

Market Land Details:

Actual Width:	0
Eff. Width	0
Eff. Depth	0
Acres	0
Square Feet	0

Permit Details

Turney, Brent [KDA]

From: Billinger, Mark [KDA]
Sent: Thursday, September 27, 2018 11:43 AM
To: Turney, Brent [KDA]; Stewart, Kelly [KDA]
Subject: RE: hq change for 49492 & 32265 Paul Davis
Attachments: 32265_2018-09-27_Rate Test.pdf

Brent,

I got Paul Davis' tested this morning for rate as per the change you are working on. As you can see from the attached rate test we documented it pumping at 320 gpm at the end of the pumping season. Kelly and I spoke and have no doubt this battery is still capable of the authorized 335 gpm if we were to conduct the test at the beginning of the season. Therefore we would like you to consider letting them keep the authorized rate of 335. Just our input.

Hey have a great day,
Mark

From: Turney, Brent [KDA]
Sent: Tuesday, September 11, 2018 2:10 PM
To: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Subject: RE: hq change for 49492 & 32265 Paul Davis

No problem, thanks Mark

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@ks.gov
www.agriculture.ks.gov

From: Billinger, Mark [KDA]
Sent: Tuesday, September 11, 2018 9:44 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>
Subject: hq change for 49492 & 32265 Paul Davis

I spoke with Paul regarding the need to rate test his well battery under 32265 for the pending HQ change. Paul said it is too wet to get into that location, we may have to wait till October. I will contact him again then.

Mark Billinger
Assistant Water Commissioner
Stockton Field Office
Division of Water Resources
Kansas Department of Agriculture

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SEP 27 2018

DIVISION OF WATER RESOURCES—KANSAS DEPARTMENT OF AGRICULTURE
METER FLOW RATE/VOLUME TEST

FILE NO. 32,265 Date: 9-27-18 Tester: BILLINGER Tested 1 of 1 installations
 Point of Diversion: NENE SW (Geo CTR BATT OF 2 WAYS) Sec. 36, T. 2 S, R. 21 W
 Approximately 2300 ft. North and 3088 ft. West of SE corner of Sec. 36 PDU 64069
 How were distances determined? WRIS Latitude _____ Longitude _____
 Person(s) present at the test: THEO DAVIS Relationship(s) to owner: SON

TEST METER INFORMATION: Test meter location Below Meter Below Elbow Last verified 5/30/17
 Manufacturer GE Model # PT878 Serial # 04045
 Sensor is 1 in Upstream from Elbow
 Sensor is 3 in downstream from McCrometer Meter, 10' From Elbow

NORMAL CONDITIONS:

R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT _____
 Pressure at Pump _____ psi

MAXIMUM CONDITIONS

R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT _____
 Pressure at Pump _____ psi

Non-Intrusive Meter Test Meter Type PT878 4 Traverses
 Ending 1989.223 gal.
 Beginning 0 gal. Meas. O.D. 4.50
 Difference 1989.223 gal. Meas. Wall .235
 Time 373.4 min. XDCR Setting 188.1 mm
 Rate 319.66 gpm. Material Type PVC

Meter Serial No. _____
 Ending _____ gal.
 Beginning _____ gal.
 Difference _____ gal.
 Time _____ min.
 Rate _____ gpm.

Diagnostics:

Signal Strength SS up: _____ SS dn: _____ (Should be over 55 highest on PVC, up and dn should be close to the same)
 SNDSP: _____ (Should be close to book value for the soundspeed at measured temp) Temp _____ F
 Delta T (<Delta>): _____ Is this number stable? (Yes / No) If no please explain: _____
 T up: _____ T dn: _____ (Bad: continuous large fluctuations of 1 microsecond or more)
 Signal Quality: Q up _____ Q dn _____ (Should be + .300 or greater)
 AMPup: _____ AMPdn: _____ (Should be 20 - 28 fluctuations)
 P#up: _____ P#dn: _____ (100 to 900, closest to 500 is best)
 Nfup: _____ Nfdn: _____ (Should Be 0.85 to 1.0)

6 PM SEAL

Installed Meter Test Manufacturer McCrometer Serial # GPO2-4-1041 Model # M0304-2000
 Sensor is 20 ft upstream from Elbow
 Sensor is 30 ft downstream from Elbow

Outside Diameter (Stamped) 4.50 inches (Measured) _____ inches
 Inside Diameter (Stamped) 4.230 inches (Measured) _____ inches

Ending 7150.00 gal./AF
 Beginning 7130.00 gal./AF
 Difference 20.00 gal./AF
 Time 6'15" 6.25' min.
 Rate 320 gpm.

Ending _____ gal./AF
 Beginning _____ gal./AF
 Difference _____ gal./AF
 Time _____ min.
 Rate _____ gpm.

% Error Calculation: $\frac{\text{Test} - \text{Meter}}{\text{Test}} \times 100$ % error -0.1%

Other Flowmeter Use Supplemental Sheet (include meter identification, data and calculations).

COMMENTS: GREAT TEST. VERY STABLE FLOW W/ NO AIR.

WATER RESOURCES
 RECEIVED

SEP 27 2018

- Good Test
 Adequate Test
 Unacceptable Comparison

Reviewed by [Signature] Date 9-27-18 Entered by _____ Date _____

DIVISION OF WATER RESOURCES—KANSAS DEPARTMENT OF AGRICULTURE

METER FLOW RATE/VOLUME TEST

FILE NO. 32,265 Date: 9-27-18 Tester: BILLINGER Tested 1 of 1 installations

Point of Diversion: NENE SW (GeoCTR BATT OF 2 WELLS) Sec. 36, T. 2 S, R. 21 W

Approximately 2300 ft. North and 3088 ft. West of SE corner of Sec. 36 PDU 64069

How were distances determined? WRIS Latitude _____ Longitude _____

Person(s) present at the test: THEO DAVIS Relationship(s) to owner: SON

TEST METER INFORMATION: Test meter location Below Meter Beadline Elbow Last verified 5/30/17

Manufacturer GE Model # PT878 Serial # 04045

Sensor is 1 in Upstream from ELBOW

Sensor is 3 in downstream from McCrometer Meter, 10' From Elbow

NORMAL CONDITIONS:

R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT _____
 Pressure at Pump _____ psi

MAXIMUM CONDITIONS

R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT _____
 Pressure at Pump _____ psi

Non-Intrusive Meter Test Meter Type PT878 4 TRAVERSSES
 Ending 1989.223 gal.
 Beginning 0 gal. Meas. O.D. 4.50
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 Signal Quality: Q up _____ Q dn _____ (Should be + .300 or greater)
 AMPup: _____ AMPdn: _____ (Should be 20 - 28 fluctuations)
 P#up: _____ P#dn: _____ (100 to 900, closest to 500 is best)
 Nfup: _____ Nfdn: _____ (Should Be 0.85 to 1.0)

OPM SEAL

Installed Meter Test Manufacturer McCrometer Serial # 6P02-4-1041 Model # M0304-2000

Sensor is 20 ft upstream from ELBOW

Sensor is 30 ft downstream from ELBOW

Outside Diameter (Stamped) 4.50 inches (Measured) _____ inches
 Inside Diameter (Stamped) 4.230 inches (Measured) _____ inches

Ending 7150.00 gal./AF
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 Difference 20.00 gal./AF
 Time 6'15" 6.25' min.
 Rate 320 gpm.

Ending _____ gal./AF
 Beginning _____ gal./AF
 Difference _____ gal./AF
 Time _____ min.
 Rate _____ gpm.

% Error Calculation: $\frac{\text{Test} - \text{Meter}}{\text{Test}} \times 100$ % error -0.1%

Other Flowmeter Use Supplemental Sheet (include meter identification, data and calculations).

COMMENTS: GREAT TEST. VERY STABLE FLOW W/ NO AIR.

WATER RESOURCES
 RECEIVED

SEP 27 2018

- Good Test
- Adequate Test
- Unacceptable Comparison

Reviewed by [Signature] Date 9-27-18 Entered by _____ KS DEPT OF AGRICULTURE Date _____

SCANNED

Turney, Brent [KDA]

From: Billinger, Mark [KDA]
Sent: Thursday, September 27, 2018 11:43 AM
To: Turney, Brent [KDA]; Stewart, Kelly [KDA]
Subject: RE: hq change for 49492 & 32265 Paul Davis
Attachments: 32265_2018-09-27_Rate Test.pdf

Brent,

I got Paul Davis' tested this morning for rate as per the change you are working on. As you can see from the attached rate test we documented it pumping at 320 gpm at the end of the pumping season. Kelly and I spoke and have no doubt this battery is still capable of the authorized 335 gpm if we were to conduct the test at the beginning of the season. Therefore we would like you to consider letting them keep the authorized rate of 335. Just our input.

Hey have a great day,
Mark

From: Turney, Brent [KDA]
Sent: Tuesday, September 11, 2018 2:10 PM
To: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Subject: RE: hq change for 49492 & 32265 Paul Davis

No problem, thanks Mark

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@ks.gov
www.agriculture.ks.gov

From: Billinger, Mark [KDA]
Sent: Tuesday, September 11, 2018 9:44 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>
Subject: hq change for 49492 & 32265 Paul Davis

I spoke with Paul regarding the need to rate test his well battery under 32265 for the pending HQ change. Paul said it is too wet to get into that location, we may have to wait till October. I will contact him again then.

Mark Billinger
Assistant Water Commissioner
Stockton Field Office
Division of Water Resources
Kansas Department of Agriculture

WATER RESOURCES
RECEIVED

SEP 27 2018

KS DEPT OF AGRICULTURE
SCANNED

Krueger, Richelle [KDA]

From: Stewart, Kelly [KDA]
Sent: Tuesday, October 9, 2018 3:32 PM
To: Krueger, Richelle [KDA]
Cc: Billinger, Mark [KDA]; Hageman, Rebecca [KDA]
Subject: RE: Request for Recommendation Change in PD File No. 32265 Paul Davis

Richelle,

I have no objection to the approval of this change application. Yes, F & O's should be done to reduce the other two files to a battery of 3 wells to achieve an identical description.

Also, Keith Erickson did visit this office to discuss the proposed change. Keith mainly wanted to understand what was being proposed. I explained it to him and further explained that it would be shifting more of the pumping further away from Mr. Erickson's irrigation wells. After learning the details, he had no complaints or concerns.

Kelly

From: Krueger, Richelle [KDA]
Sent: Tuesday, October 9, 2018 2:28 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: Request for Recommendation Change in PD File No. 32265 Paul Davis

Hi Kelly,
Attached is a draft memo for the referenced pd change, do you recommend approval? Also, should I do F & Os for File Nos. 49492/20189041(authorized battery of 4 wells) so they will match the description of the 3 well battery for File No. 32265 – or did they drill that 4th well?

Thanks,
Richelle

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

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

FILE COPY

KEITH ERICKSON
1157 W IRON RD
PRAIRIE VIEW KS 67664

September 18, 2018

RE: Water Right, File No. 32,265

Dear Sir or Madam:

This is to advise you that Paul and Peggy Davis have filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized point of diversion under Water Right, File No. 32,265. A map is on the reverse of this letter for your information. The application for File No. 32,265 proposes the following change in point of diversion:

from: one(1) battery of two(2) wells with a geographic center located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 36, more particularly described as being near a point 2,367 feet North and 3,070 feet West of the Southeast corner of said section, in Township 2 South, Range 21 West, Norton County, Kansas, at a diversion rate not in excess of 335 gallons per minute and in a quantity not to exceed 123 acre-feet of water per calendar year;

to: one(1) battery of two(2) wells with a geographic center located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 36, more particularly described as being near a point 2,367 feet North and 3,070 feet West of the Southeast corner of said section, at a diversion rate not in excess of 280 gallons per minute and in a quantity not to exceed 78.5 acre-feet of water per calendar year; and

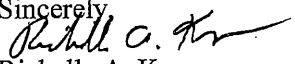
one(1) existing battery of three(3) wells with a geographic center located in the Southeast Quarter of the Southwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 36, more particularly described as being near a point 3,229 feet North and 4,576 feet West of the Southeast corner of said section, at a diversion rate not in excess of 55 gallons per minute and in a quantity not to exceed 44.5 acre-feet of water per calendar year;

all in Township 2 South, Range 21 West, Norton County, Kansas,

Based upon K.S.A. 82a-1906, you are being notified of the above referenced application for change. You are notified of this proposed change in point of diversion so that you may furnish this office with any comments or other information you may want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

You can find the application posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices

If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

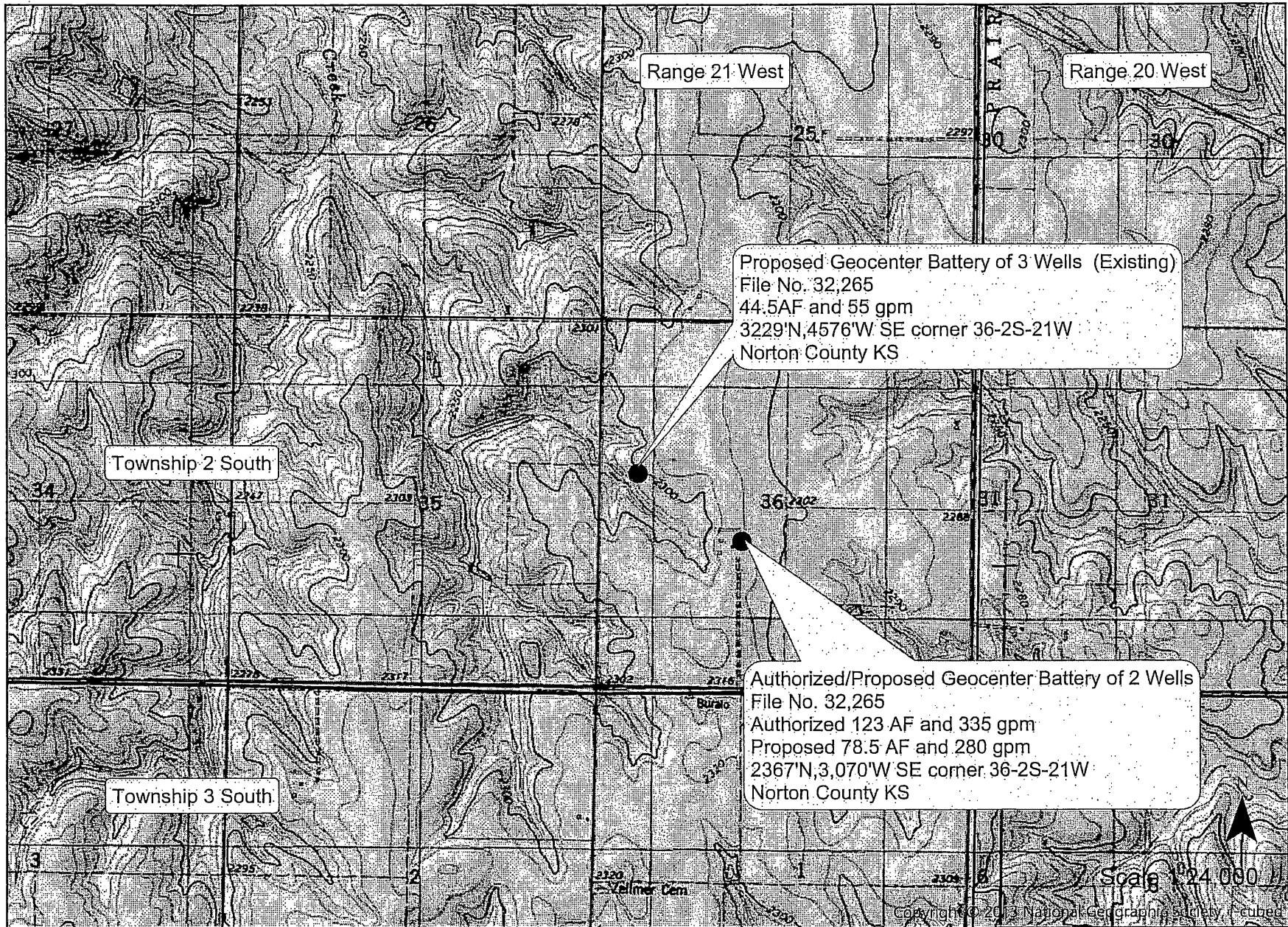
Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stockton Field Office
Paul and Peggy Davis

SCANNED

Proposed Change in PD File No. 32,265



STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

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

HARLAN VANDERWIGE
PO BOX 402
PRAIRIE VIEW KS 67664-0402

September 18, 2018

RE: Water Right, File No. 32,265

Dear Sir or Madam:

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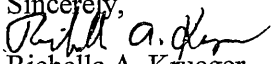
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all in Township 2 South, Range 21 West, Norton County, Kansas,

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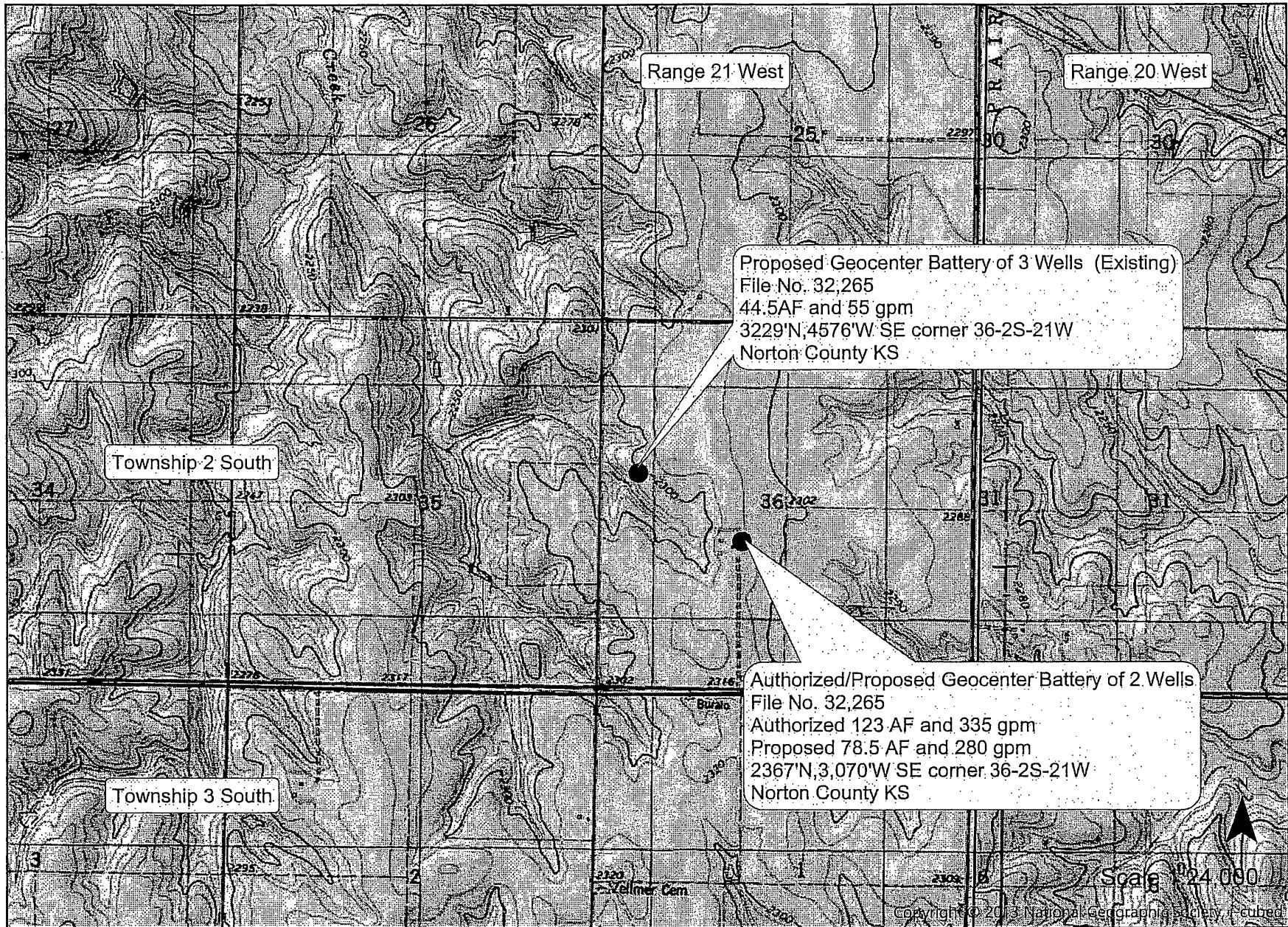
Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stockton Field Office
Paul and Peggy Davis

SCANNED

Proposed Change in PD File No. 32,265



STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

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

GERTRUDE ERICKSON LE
PO BOX 308
LOGAN KS 67646-0308

September 18, 2018

RE: Water Right, File No. 32,265

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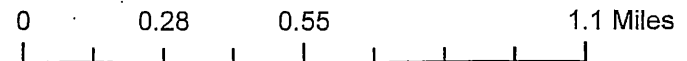
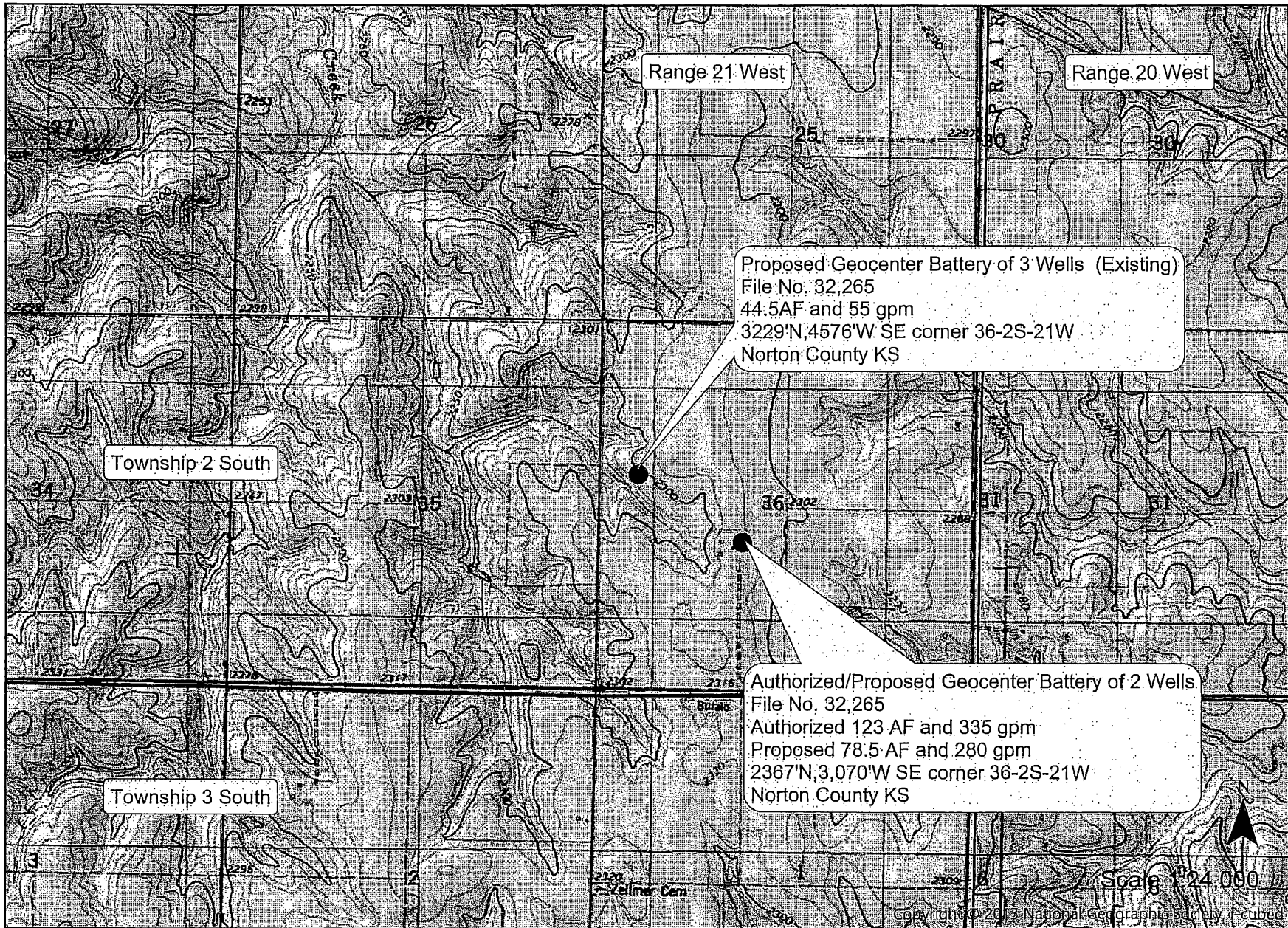
Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stockton Field Office
Paul and Peggy Davis

SCANNED

Proposed Change in PD File No. 32,265



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

GERTRUDE ERICKSON
940 W 1300 RD
PRAIRIE VIEW KS 67664

September 18, 2018

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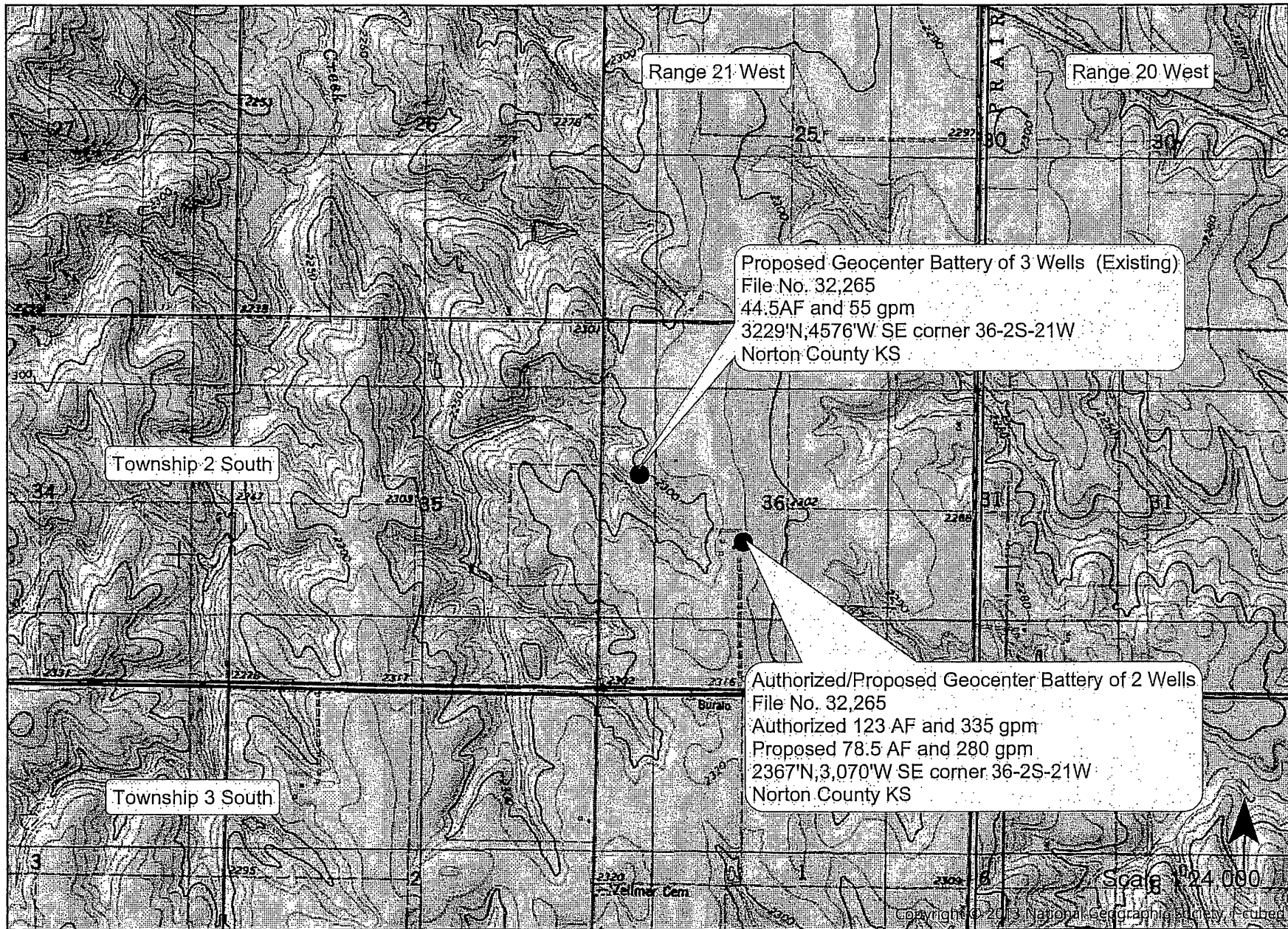

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stockton Field Office
Paul and Peggy Davis

SCANNED

Proposed Change in PD File No. 32,265



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CLARENCE TIEN
931 W 1100 RD
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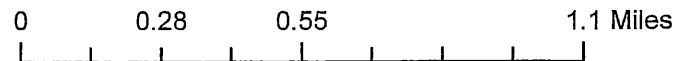
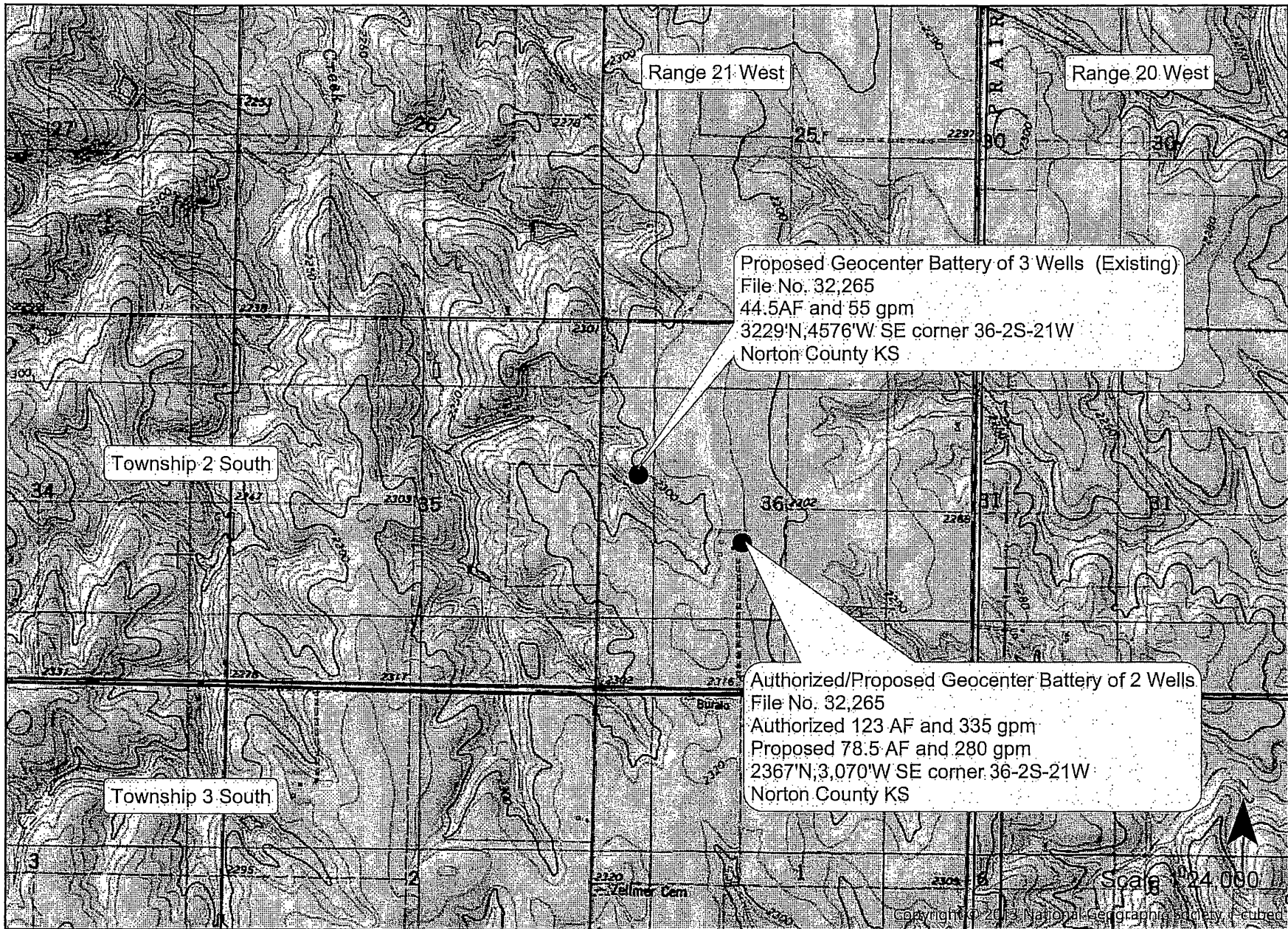
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pc: Stockton Field Office
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Proposed Change in PD File No. 32,265



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HARLAN VANDERWIGE
305 1ST
PRAIRIE VIEW KS 67664

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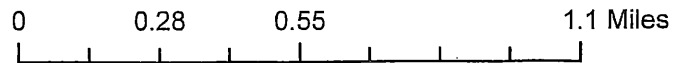
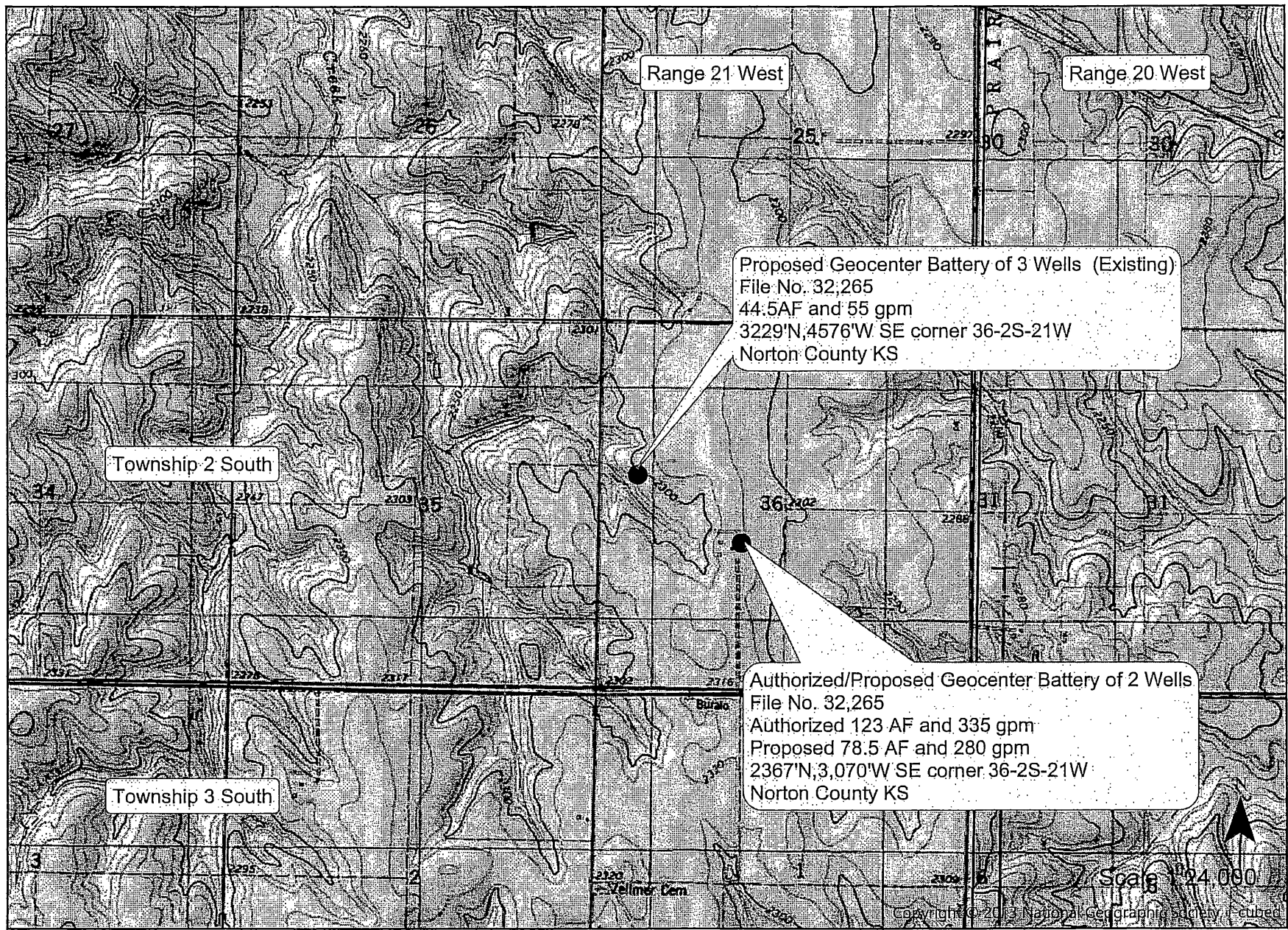
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Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stockton Field Office
Paul and Peggy Davis

SCANNED

Proposed Change in PD File No. 32,265



Krueger, Richelle [KDA]

From: Krueger, Richelle [KDA]
Sent: Wednesday, September 12, 2018 4:19 PM
To: Stewart, Kelly [KDA]; Billinger, Mark [KDA]
Cc: Turney, Brent [KDA]
Subject: RE: Change in PD File No 32265 Paul Davis

Kelly,
Terrific! I will go ahead and notify nearby and get the clock started on the 15 day comment period. Please keep me posted on the rate.
Thanks!
Richelle

From: Stewart, Kelly [KDA]
Sent: Wednesday, September 12, 2018 4:16 PM
To: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>; Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Cc: Turney, Brent [KDA] <Brent.Turney@ks.gov>
Subject: RE: Change in PD File No 32265 Paul Davis

Richelle,

1. Yes, I do think the proposed p/d's are additional per 5-5-16.
2. Even though the owner reported as high as 300 acres during the perfection period, I believe the correct answer is 100. That is based on information in the field inspection report for the year 1985. In either case, that is enough acres to retain the full quantity of water under this right.
3. Mark has contacted the owner about a pump test. It is too wet to get in there right now, but we'll be doing it in the near future.

From: Krueger, Richelle [KDA]
Sent: Wednesday, September 12, 2018 2:58 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Cc: Turney, Brent [KDA] <Brent.Turney@ks.gov>
Subject: Change in PD File No 32265 Paul Davis

Good Afternoon,

Brent gave me this one which appears to add a battery of wells(3) now authorized by File No. 49492 to File Nos. 32,265 and 20189041 (got to run that down). File Nos. 32265 and 49492 and 20189041 overlap in pu and File No 49492 has until 12/31/2021 to perfect.

- Do you think this is an additional well for File No 32265? I know they were originally authorized two individual wells under File No. 32265 but it was certified as a battery of wells apparently because that's how they operated.
- If you do think this is an additional well, do you have the maximum number of acres legally irrigated during the perfection period for the K.A.R. 5-5-16 calculation?
- Have you guys done a pump test on this one, it looks like it is classified as Ogallala?

Thanks for your help and any info you have on this one!

STATE OF KANSAS

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

PAUL DAVIS
11971 ROAD E13
PRAIRIE VIEW, KS 67664

July 26, 2018

RE: File No 32265

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PD
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

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.

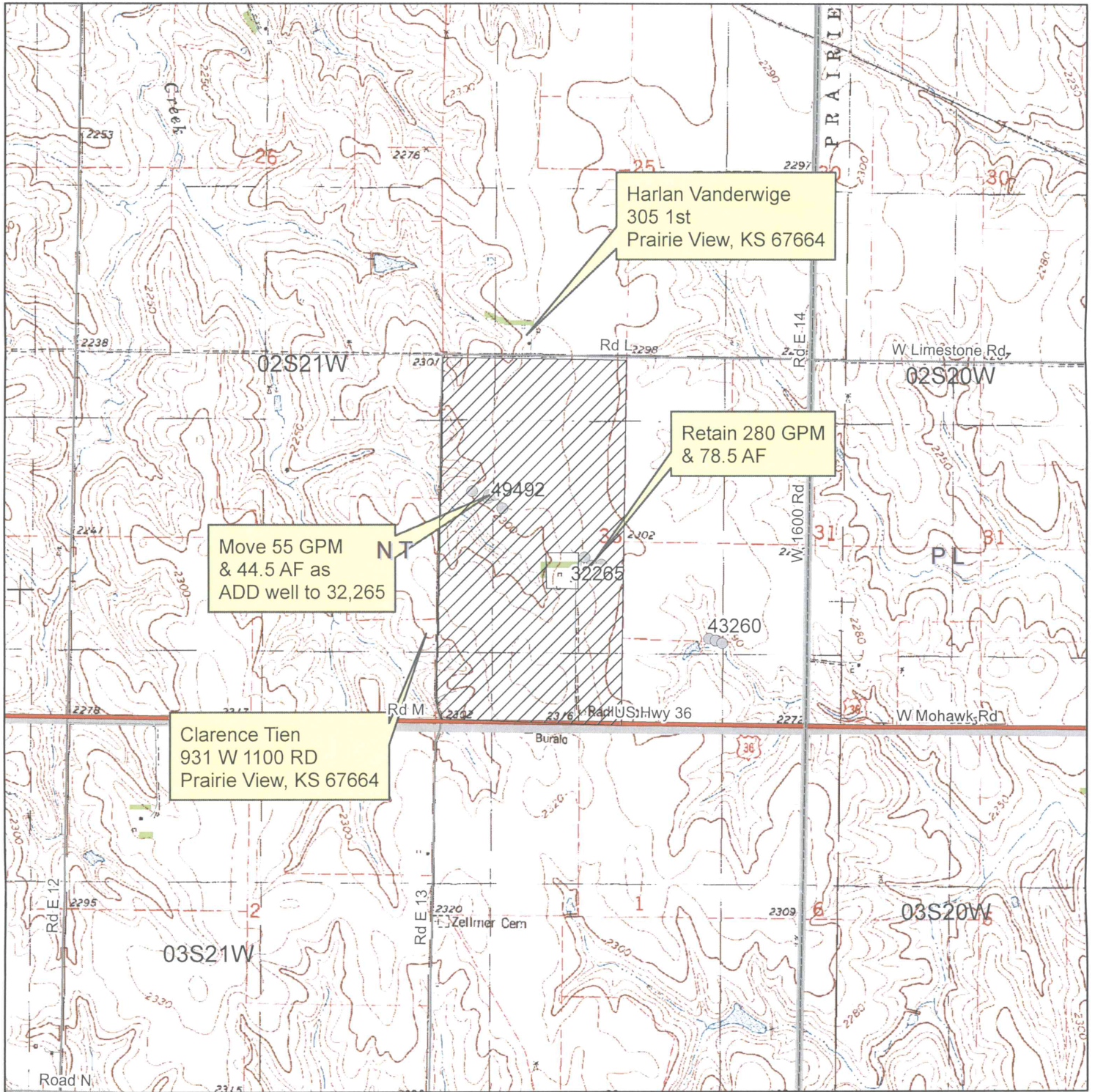
Sincerely,

Brent Tournay, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: STOCKTON Field Office GMD

SCANNED

Application to Change the Point of Diversion For Water Right File # 32,265



Harlan Vanderwige
305 1st
Prairie View, KS 67664

Move 55 GPM
& 44.5 AF as
ADD well to 32,265

Retain 280 GPM
& 78.5 AF

Clarence Tien
931 W 1100 RD
Prairie View, KS 67664



Authorized Place of Use

- ▲ Surface Water Point of Diversion
- Groundwater Point of Diversion

1:24,000

Signature Required

[Handwritten Signature]

By signing this I am stating that to the best of my knowledge
that all wells within 1/2 mile of proposed well location are
identified on this map.

WATER RESOURCES RECEIVED



SCANNED

KS DEPT OF AGRICULTURE