

File No. **48935** 11. County: **OT** Basin: *24-Salt Crk* Stream: Formation Code: **330** Special Use:

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files
ENT												Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	
ENT	86999			NE¼ SW¼ SE¼	20	10	4W		1293	1422	GEO CTR	800	g.p.m. 139 AF	800	g.p.m. 139 AF	NO
ENT	86998			NC SE¼	20	10	4W		1346	1303	BATT 1 OF 2 WELLS					NO
MOD	82634			NE¼ SW¼ SE¼	20	10	4W		1240	1541	BATT 1 OF 2 WELLS (BETTER DESCRIBE WELL WITH GPS FEET DISTANCES)					NO

Battery ID # 2101

Reduce rate from 1000 g.p.m. to 800 g.p.m.

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				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
						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					
NO CHANGES																										

Base Acres: Year: Minimum Reasonable Quantity:

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: August 8, 2018

FROM: Richelle A. Krueger

RE: Appropriation of Water
File No. 48,935

Grant Gotti, and Vicki Gotti, on behalf of Vicki Gotti Trust, water right owner, filed an application for approval to change the authorized point of diversion.

The referenced file number does not appear abandoned as per K.S.A. 82a-718. The owner has completed the diversion works and has until December 31, 2020 to perfect the referenced appropriation.

The referenced file number, located in the Salt Creek subbasin, was originally approved for irrigation use on February 16, 2015 for a well located 1,250 feet North and 1,570 feet West (g.p.s. 1,240'N, 1,541'W) of the Southeast corner of Section 20, Township 10 South, Range 4 West, Ottawa County, Kansas, with an authorized quantity not to exceed 139 acre-feet and a diversion rate not in excess of 1,000 g.p.m. The applicants propose in Paragraph No. 3 of the application to increase from one(1) well to a battery of two(2) wells so that the impact(water quality) on the existing well can be mitigated to an acceptable level. The proposed geographic center is located 130 feet northeast of the currently authorized well at a geocenter located 1,293 feet North and 1,422 feet West of the Southeast corner of the aforementioned Section 20.

The application appears to meet K.A.R. 5-2-3 *Battery of wells*. The time to construct the diversion works has expired, and the water right owner agreed to a reduction in rate to 800 gallons per minute, so the proposed battery meets the definition of a battery of wells. Paragraph No. 18 of the application indicates that the proposed geocenter still meets safe yield if File No. 48,935 was dismissed.


According to WRIS, DWR records and the application map, there are no non-domestic wells and possibly one domestic well within one-half mile of the proposed geocenter. Nearby well owners were not notified of the proposed change since the proposed move is 300 feet or less.

The same local source of supply will not change, previously determined to be Dakota Aquifer System (unconfined) (330).

In an e-mail dated August 7, 2018, Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated no objection to the approval of the referenced application.

A water flow meter and a water level measurement tube are required. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, 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

VICKY GOTTI TRUST
100 RIVER PLACE #8
SALINA KS 67401

August 14, 2018

FILE COPY

RE: Appropriation of Water, File No. 48,935

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 an acceptable water flow meter 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 meter as soon as these actions are completed.

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
Gotti Farms, Grant Gotti



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 AND ORDER REDUCING
THE AUTHORIZED DIVERSION RATE
APPROPRIATION OF WATER
FILE NO. 48,935**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Vicki L. Gotti, on behalf of Vicki Gotti Trust, 100 River Place No. 8, Salina, Kansas, 67401, received in this office on July 11, 2018, for approval of a change in the location of the point of diversion under Approval of Application, File No. 48,935, for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

This order effectively reduces the authorized diversion rate to 800 gallons per minute (1.78 c.f.s.) in accordance with the Application for Approval to Change the Point of Diversion received in this office on July 11, 2018.

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

a battery of two (2) wells with a geographic center located in the Northeast Quarter of the Southwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 20, more particularly described as being near a point 1,293 feet North and 1,422 feet West of the Southeast corner of said section,

in Township 10 South, Range 4 West, Ottawa County, Kansas,

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

The points 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.

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 an acceptable water meter 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 meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Approval of Application, File No. 48,935, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated February 16, 2015.

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 the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 review 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 the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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.

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.

Water Resources
 Received
JUL 11 2018
 10:42
 KS Dept Of Agriculture

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

- (Check one or more) Place of Use
 Point of Diversion
 Use Made of Water

File No. 48,935

2. Name of applicant: Gotti Farms - Grant Gotti

Address: 10 N. 100th Rd

City, State and Zip: Culver, KS 67484

Phone Number: (785)822-1889 E-mail address: _____

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

Name of water use correspondent: Gotti Farms - Grant Gotti

Address: 10 N. 100th Rd

City, State and Zip: Culver, KS 67484

Phone Number: (785)822-1889 E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): Creating a battery of 2 wells so that the impact (water quality) on the existing well can be mitigated to an acceptable level.

The change(s) (was) (will be) completed by 5/1/18 1-1-19 (Date)

For Office Use Only:						
F.O. Code	<u>S</u>	GMD	<u>0</u>	Meets K.A.R. 5-5-1 (YES / NO)	Use	<u>FRP</u>
	<u>01</u>				Source	<u>G/S</u>
					County	<u>OT</u>
					Receipt Date	<u>7/11/18</u>
					By	<u>ADW</u>
					Date	<u>7/11/18</u>
					Check #	<u>3171</u>

8. 7/1/18
 RAK

SCANNED
 7/11/18 ADW

4. The presently authorized place of use is:

Owner of Land — NAME: Gotti Farms - Grant Gotti

** Vicki Gotti Trust*

ADDRESS: 10 N. 100th Rd Culver, KS 67484

100 River Place #8, Salina KS 67401

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	10	04 W																	40	9	18	40	107

List any other water rights that cover this place of use. None.

Owner of Land — NAME: _____

ADDRESS: _____

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

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

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

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

Owner of Land — NAME: No change requested.

ADDRESS: _____

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

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

Owner of Land — NAME: _____

ADDRESS: _____

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

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Water Resources
Received

** per WRIS of Ottawa Co OKLA
* PAK/OWN 8/8/18*

SCANNED JUL 11 2018

KS Dept Of Agriculture

6. The presently authorized point(s) of diversion is one well
(Provide description and number of points)
7. The proposed point(s) of diversion is a battery of two wells
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the Northeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 20, Township 10 South, Range 4 W, in Ottawa County, Kansas, 1,250 feet North 1,570 feet West of Southeast corner of section.
 Authorized Rate 1,000 gpm Authorized Quantity 139 AF
 (DWR use only: Computer ID No. 1 GPS 1,240 feet North 1,541 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) *Geo-Center Battery of 2 wells
 One in the Northeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 20, Township 10 South, Range 4 W, in Ottawa County, Kansas, 1,293 feet North 1,422 feet West of Southeast corner of section.
 Proposed Rate 800 gpm Proposed Quantity 139 AF
 This point is: Additional Well Geo Center List other water rights that will use this point None

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ W, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested) *Battery 1 of 2 wells.
 One in the Northeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 20, Township 10 South, Range 4 W, in Ottawa County, Kansas, 1,240 feet North 1,541 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 None

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) *Battery 1 of 2 wells.
 One in the _____ Quarter of the NC Quarter of the Southeast Quarter of Section 20, Township 10 South, Range 4 W, in Ottawa County, Kansas, 1,346 feet North 1,303 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 None

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

Water Resources
 Received
JUL 11 2018

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

12. The presently authorized use of water is for IRR purposes.

It is proposed that the use be changed to no change requested purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

N/A

(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 800 gallons per minute (1.78 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.

No change in source of supply. Rate reduced to comply with battery regulation.

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.

A new application for a battery could be approved if this application was dismissed.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Water Resources
Received

JUL 11 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 Salina, Kansas, this 2nd day of July, 2018.

<u>Wicky L. Gotti</u> (Owner)	_____	(Spouse)
<u>Vicky L. Gotti</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
(Owner)	_____	(Please Print)
_____	_____	(Spouse)
(Please Print)	_____	(Please Print)
_____	_____	(Spouse)
(Owner)	_____	(Please Print)
_____	_____	(Spouse)
(Please Print)	_____	(Please Print)

State of Kansas }
County of Saline }



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 2 day of July, 2018.

Angela Allen
Notary Public

My Commission Expires 07/21/19

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.

Water Resources
Received
JUL 11 2018

SCANNED KS Dept Of Agriculture

Krueger, Richelle [KDA]

From: Stewart, Kelly [KDA]
Sent: Tuesday, August 7, 2018 1:48 PM
To: Krueger, Richelle [KDA]
Cc: Billinger, Mark [KDA]; Hageman, Rebecca [KDA]
Subject: RE: Request for Recommendation Change in PD File No. 48935 Grant Gotti

Richelle,

I have no objection to the approval of this application.

Kelly

From: Krueger, Richelle [KDA]
Sent: Tuesday, August 7, 2018 12:19 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. 48935 Grant Gotti

Hi Kelly,

Attached is a draft memo for the referenced change in pd, do you recommend approval?

Thanks,

Richelle



KANSAS DEPARTMENT OF AGRICULTURE

Division of Water Resources

Stockton Field Office

MEMORANDUM

TO: Files

DM

DATE: August 1, 2017

FROM: David L. Means

RE: Appropriation of Water,
File No. 48,935

On this date I spoke with Grant Gotti, operator of the above referenced permit. I called him to clarify some confusion regarding the point of diversion. This permit was approved for 1 well on February 16, 2015, with a complete by date of 12-31-16. A well was drilled very close to the authorized location in April of 2015. According to Mr. Gotti, the driller felt that a better well could be drilled closer to the pivot point, but within 300 feet of the authorized point of diversion. This well was drilled, equipped, and checked by DWR in October 2015. Once the well was operated it was determined it could not pump the desired rate, so the well was abandoned and the well that was originally drilled was equipped before the end of 2015.

This is the well that was tested during a field inspection on August 10, 2016. The paperwork was delayed on this inspection until a follow up field visit confirmed the actual location of the point of diversion being used. No further action is needed at this time. The abandoned well is covered and not equipped. Mr. Gotti stated he may still use the well in the future as part of a battery with his current well if needed.

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) 48935 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

Other _____

A Compliance Check Inspection on 10-21-15

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.

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

11-6-15
Date

PH 11-13-15

DIVISION OF WATER RESOURCES-KANSAS DEPARTMENT OF AGRICULTURE
COMPLIANCE INVESTIGATION

Field Office No. 3 G.M.D. No. - County OT

File No. 48935 Overlap P/D or P/U File No(s) NONE

Agency DWR Inspector Means

In Compliance/ Date	
<input checked="" type="checkbox"/>	Yes <u>10-21-15</u>
<input type="checkbox"/>	No, see comments _____
<input type="checkbox"/>	Re-investigation _____

Reason: New Application Regular P/D Change P/U Change
 Meter Installed Short Move P/D Change Other _____

Date of Order _____ Date of N of C Ack _____ Chg No. C _____ Date completed _____ If PD chg, old PD ID _____

Current Landowner Vicky Gotti Trust Phone No. _____

Address 100 River Place #8 Salina, KS 67401
 Additional landowners and addresses identified in remarks section.

Water Use Correspondent Grant Gotti - Gotti Farms Phone No. 785-822-1889

Authorized Water Use Classification: Domestic Industrial Irrigation Municipal Hydraulic Dredging
 Recreation Stockwatering Water Power Artificial Recharge Contamination Remediation
 Dewatering Fire Protection Thermal Exchange Sediment Control Other _____

Water currently being used for IRR

Source: Groundwater Surface Water Basin/Stream Salt Creek

Authorized Point of Diversion: NE SW SE Sec. 20, T. 10 S, R. 4 W ID No. 1

Approximately 1250 ft. North and 1570 ft. West of SE corner of Sec 20. PDI#: 82634

Actual Point of Diversion: NC SE Sec. 20, T. 10 S, R. 4 W

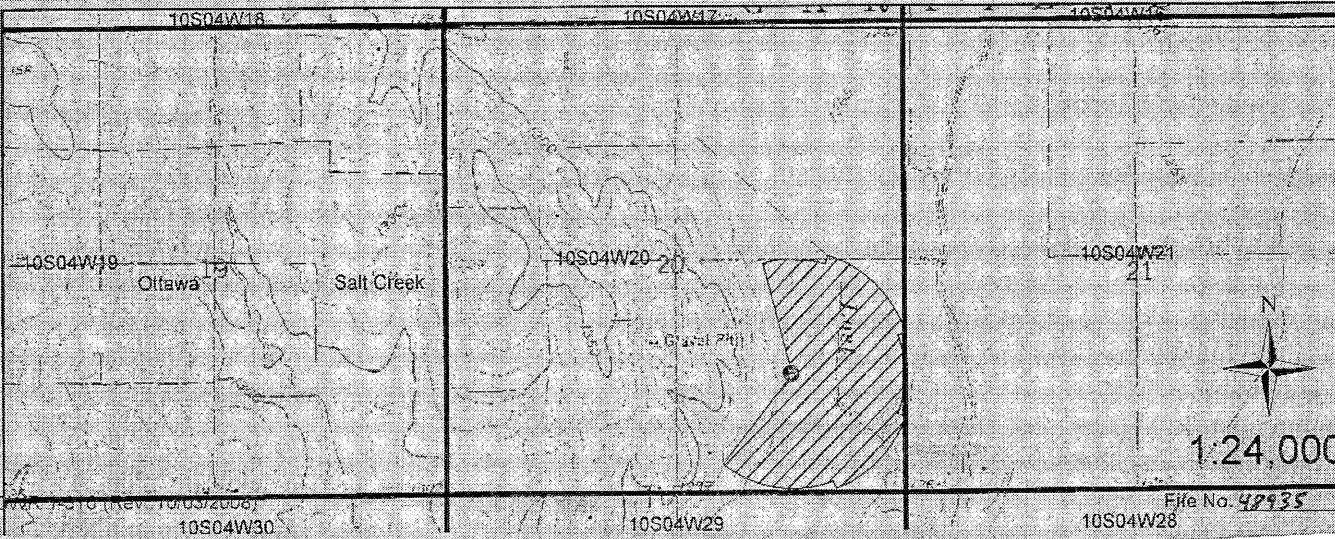
Approximately 1346 ft. North and 1303 ft. West of SE corner of Sec 20.

How were distances determined? GPS/LEO NAD 27 Latitude 39.16492° Longitude 97.73502°

Distance from old pd _____ ft (N/S) and _____ ft (E/W) Old well: plugged capped equipped other: _____?

Location (site) map attached? Y/N Sketch or Map below

Comments: Actual P/U shown below. Actual P/D is located 285ft from authorized P/D, which is within the required 300ft.



POWER UNIT INFORMATION:

Manufacturer _____ Model _____ HP _____ Serial No. _____ Fuel ELEC. Rated RPM _____

PUMP INFORMATION:

Manufacturer Goulds Model _____ No. Stages _____ Serial No. _____ Size/Type Turb. Rated RPM 1770

GEAR HEAD INFORMATION:

Manufacturer U.S. Motors Model BF60A Serial No. WE-60-1301 Drive Direct Ratio _____

WELL INFORMATION:

Date Drilled 4-22-15 Original Depth 167 ft. Static Water Level When Drilled 20 ft.
Water level measurement tube required? N Water level measurement tube present? N
Static Water Level N M:17 C:2.55 mp.17 Depth to water 12.75 ft. below LSD Location of M.P. Top of PVC Pipe.
If source of supply is a surface water reservoir, is a stage-measuring device installed? Y N

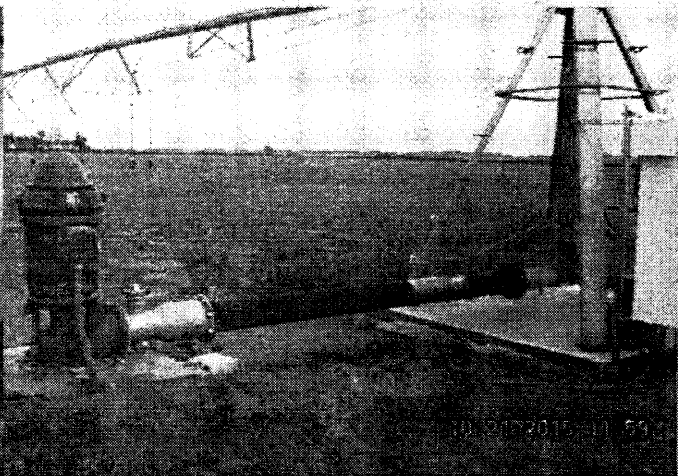
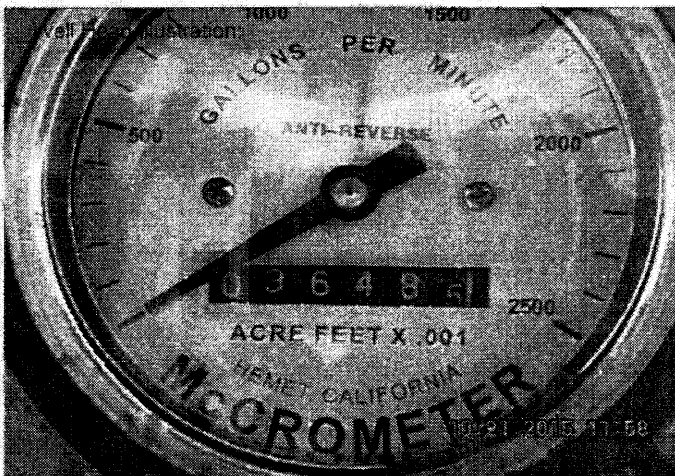
3800

METER REQUIREMENTS:

Required? N Date Installed 9-1-15 Reading when installed 0
Manufacturer McCrometer Model No. M0308-1200 Type PROP
Serial No. 15-10998-9 Units: AF Multiplier factor x.001 Size 8.625"OD 8.356"ID
Acceptable? N Comparative test? Y N Installed properly? N If no, explain below.
Security Seal Installed? N Security Seal Stamp labeled GPM (manufacturer's seal name)
Distance upstream: 5' + downstream: 4'
Reading 36.485 Instantaneous Rate: OFF GPM () CFS Other _____
Flow measurement chamber required? N Chamber present? N Straightening Vanes? N Strainer? N
Portable pump? Y N More than one pd? Y N Low pressure drain present? Y N Vacuum breaker present? Y N
Injection port present? N Injection system being operated? Y N Check valve? N
Replacement meter? Y N If yes identify previous meter: Make: _____ Model: _____ Serial No.: _____
Reading at replacement time: _____ Date old meter removed: _____

ADDITIONAL REQUIREMENTS:

Chemigation equipment required? Y N
Have conservation plans been followed? Y N If no, explain: _____



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

GRANT GOTTI
10 N 100TH RD
CULVER, KS 67484

July 16, 2018

RE: File No 48935

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.

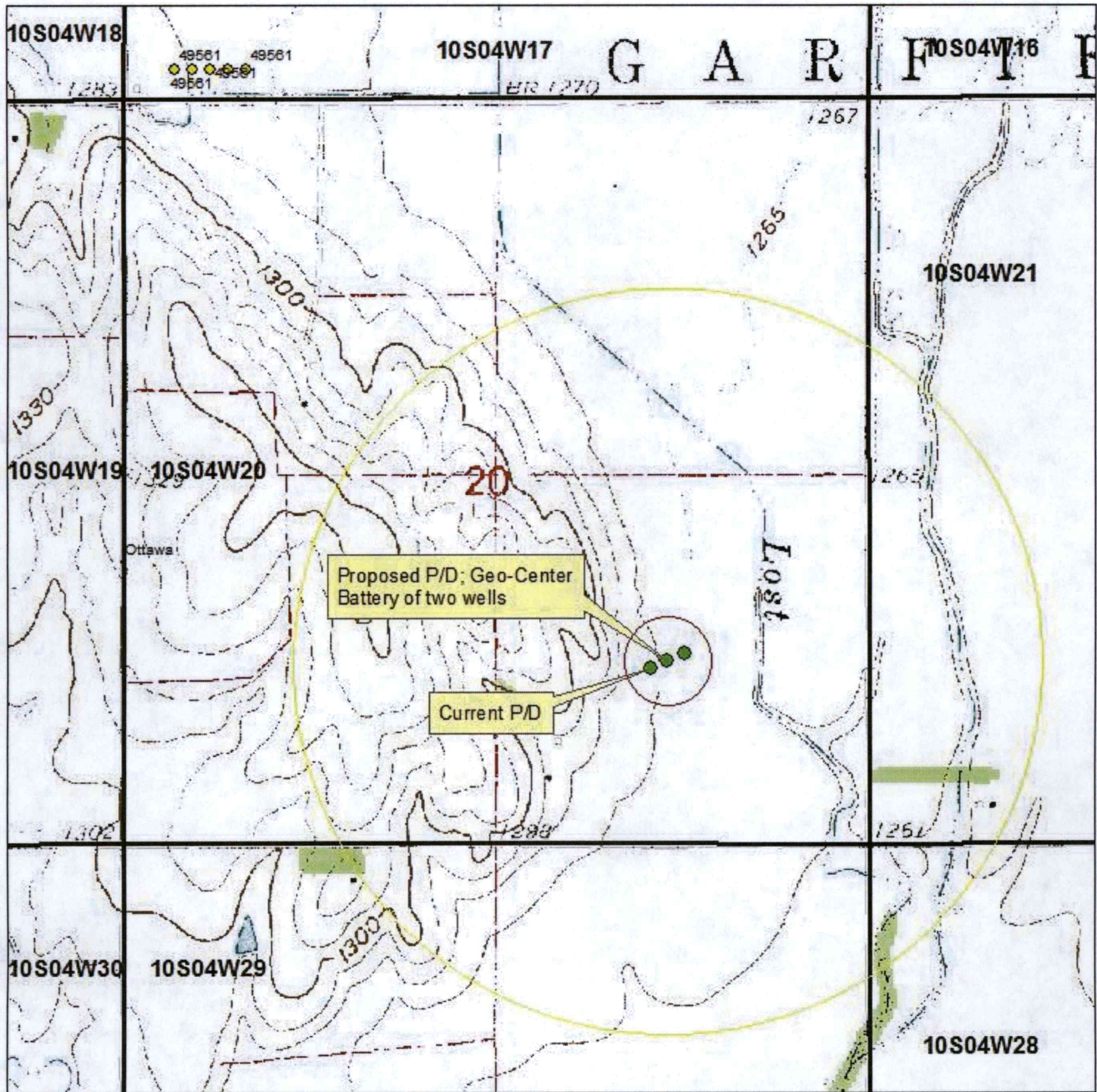
Sincerely,

Brent Tourney, 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 Appropriation of Water File # 48,935



● Groundwater P/D's

1:12,000

○ 300 feet radius

○ 1/2 mile radius

Signature Required

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.



AUG 07 2018

KS DEPT OF AGRICULTURE
SCANNED