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



Phone: 785-425-6787 Fax: 785-425-6842 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

May 1, 2020

C-5 Limited Partnership PO Box 419 Atwood, KS 67730

Re: Water Rights, File Nos. 10,483; 12,843; 16,751; 20,433; 23,988; 25,726

Dear Sir or Madam:

Enclosed are six (6) orders executed by David W. Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

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

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

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

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

Sincerely.

Mark Billinger

Assistant Water Commissioner

MB:rh Enclosures

pc: G.M.D. No. 4

CERTIFICATE OF SERVICE

On this 1st day of May, 2020, I hereby certify that the attached <u>SUMMARY ORDERS</u> <u>APPROVING APPLICATIONS FOR CHANGE in PLACE OF USE for water rights, File Nos. 10,483; 12,843; 16,751; 20,433; 23,988; 25,726, dated on the 1st day of May, 2020, were mailed postage prepaid, first class, U.S. mail, to the following:</u>

C-5 Limited Partnership PO Box 419 Atwood, KS 67730

Blecco Haywar

A copy of this Change Approval was sent to the following:

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

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

Topeka -- (785) 296-5733 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787 Garden City -- (620) 276-2901 http://agriculture.ks.gov/dwr

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



STATE OF KANSAS

APPLICATION COMPLETE 12020

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended. Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

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7. The changes herein are desired for the following reasons?	
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B. If a well, is the test hole log attached? ☐ Yes ☐ No	
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9. The change(s) (was)(will be) completed by?	
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10. If the point of diversion is a well:	
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300 3a.If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach 13b.If the a topographic map or aerial photograph. For groundwater of the	le existing point of diversion, indicate its location on t
300 3a.If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach 13b.If the a topographic map or aerial photograph. For groundwater of the	le existing point of diversion, indicate its location on t
3a. If the proposed point of diversion will be relocated more than 300 feet but within 2.640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the	le existing point of diversion, indicate its location on t ram shown above in relation to the existing point rsion. (PLEASE NOTE: The "X" in center of diagr a
300 3a.If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the	le existing point of diversion, indicate its location on t

14. If the proposed groundwater point of diversion is 300 or fewer feet from t	he existing point of diversion, complete the following:
 (a) Does the undersigned represent all owners of the currently authoriz ☑ Yes ☑ No (If no, all owners must sign this application) 	on.)
 (b) Will the ownership interest of any owner of the currently authorize affected if this application is approved as requested? ☐ Yes ☒ No (If yes, all owners must sign this application) 	ion.)
(c) If this application is not approved expeditiously, will there be substa ☐ Yes ☐ No (If no, all owners must sign this application)	ntial damage to property, public health or safety? on.)
If the application proposes a surface water change in point of diversion, a great or a change in place of use, the application must be signed by all owners of agent (attach notarized statement authorizing representation).	oundwater change in point of diversion greater than 300 feet, the currently authorized place of use, or their duly authorized
I hereby verify, being first duly sworn upon my oath or affirmati age and the owner, the spouse of the owner, or a duly authorize their behalf, in regards to the water right(s) to which this applic contained in this application are true, correct and complete.	d agent of the owner(s) to make this application on cation pertains. I further verify that the statements
Dated at, Kansas, this	day of <u>HPN</u> , 20 <u>70</u> .
Jos LLubbard	John Solling
(Owner) Kaven L. Leibbrardt (Please Print)	John G Leibbrardt (Please Print)
Trank a. Chintal	Sheresa Chvatal
Frank, Chyatal (Please Print)	Theresa Chyatal (Please Print)
Medial S- Platte (Owner)	Secker Con ater
Michael J. Chraine (Please Print)	Seeky 5 Chraty (Please Print) Chrate)
State of Kansas Ss Mitch Chyatal (Iwne	er) Angela Chrotal (Spouse)
County of Kawlins	Scott Chrotal (Owner) 22ed
I hereby certify that the foregoing application was signed in my of, 20	presence and sworn to before nwertative up to State of Wins JODY A. CARLSON My Appt. Exp. 5 76/202
My Commission Expires 5/26/2020.	Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of accurate information; maps, if necessary, must be included; signatures of all the appropriate fee must be paid.	the applicable portions of the application form must be completed with opriate owners' must be affixed to the application and notarized; and
FEE SCHEDUL	E
Each application to change the place of use or the point of diversion under forth in the schedule below: Make checks payable to: Kansas Departmer (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 feet	this section shall be accompanied by the application fee set at of Agriculture

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 25,726 change application was received on $\frac{4 - 29 - 2020}{4 - 2020}$ requesting that the place of use diversion authorized under the above-referenced file number be changed as described in the application. A change application was received on requesting that the place of use and / or point of The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a _____ radius of the authorized point(s) of diversion.

Applicable The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application.

Applicable The point(s) of diversion authorized herein shall not actually be located more than _____ feet from the previously authorized point(s) of diversion. ☐ Applicable ☐ Not Applicable As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13.

Applicable Mot Applicable The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before **December 31, 20_____,** or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. ☐ Applicable Not Applicable Installation of the works for diversion of water shall be completed on or before December 31, 20__ authorized extension of time. By March 1, 20____ the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. ☐ Applicable Not Applicable The completed well log shall be submitted with the required notice. Not Applicable ☐ Applicable 10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable \(\subseteq \) Not Applicable 11. Additional Conditions are attached. No ☐ Yes 12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law. **Administrative Appeal and Effective Date of Order** FOR OFFICE USE ONLY APPLICATION APPROVED AND If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, SUMMARY ORDER ISSUED you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for Duly Authorized Designee of the Chief Engineer administrative review by the Secretary must be filed within 30 days pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. (Print Name): MADY BILLINGEL Division of Water Resources - Kansas Department of Agriculture File any request with Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 5-1-2020 Date of Issuance: **66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act. State of Kansas For Use by Register of Deeds County of Look Acknowledged before me on _\$-1-20 Notary Public NOTARY PUBLIC My commission expires REBECCA E HAGEMAN (Netrappointment) Expires

June 29, 2023

File No. 25726

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. 25,726

MAKE ADDITIONAL COPIES AS NECESSARY

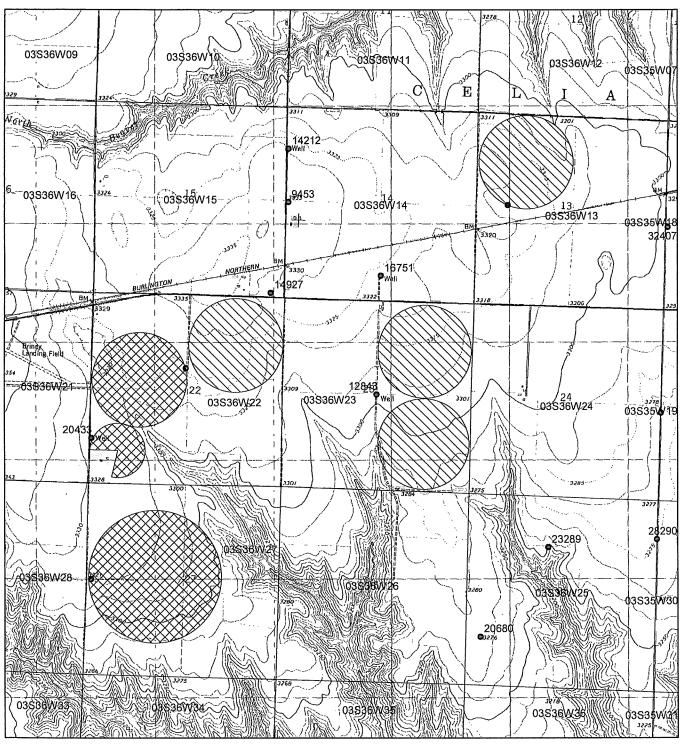
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Ov ecc. 113 23	Twp. 3 3	Range 36W 36W	NE½ 29.25 ADDR	NE: NW1/4 29.75 AME: ESS:	FTC FAttn: F SW% 32.5	SE%	NE½	NW34	w// SW// 30.75	SE1/4 30.75	NE1/4	KS 6	7730 N/4 SW/4	SE¼	NE%	\$I NW¼ 29.5	E¼ SW¼ 28	SE¼ 28	123 238
Ov. ecc.	Twp. 3 3 wner o	Range 36W 36W f Land	NE½ 29.25 N, ADDR	AME: ESS: NE NW½ 29.75 AME: ESS: NI NW¼	FTC FAttn: F SW% 32.5	SE%	NE½	NW34	w// SW// 30.75	SE1/4 30.75	NE1/4	KS 6	7730 N/4 SW/4	SE¼	NE%	\$I NW¼ 29.5	E¼ SW¼ 28	SE¼ 28	123 238
Ov. ecc.	Twp. 3 3 wner o	Range 36W 36W f Land Range	N/ADDR NE1/4 29.25 N/ADDR NE1/4	AME: ESS: NE NW½ 29.75 AME: ESS: NI NW¼ AME:	FTC FAttn: F SW% 32.5	SE%	NE½	NW34	w// SW// 30.75	SE1/4 30.75	NE1/4	KS 6	7730 N/4 SW/4	SE¼	NE%	\$I NW¼ 29.5	E¼ SW¼ 28	SE¼ 28	123 238
Ov. ecc.	Twp. 3 3 wner o	Range 36W 36W f Land Range	N/ADDR NE1/4 29.25 N/ADDR NE1/4	AME: ESS: NE NW½ 29.75 AME: ESS: NI NW¼	FTC FAttn: F SW% 32.5	SE%	NE½	NW34	w// SW// 30.75	SE1/4 30.75	NE1/4	KS 6	7730 N/4 SW/4	SE¼	NE%	\$I NW¼ 29.5	E¼ SW¼ 28	SE¼ 28	123 238
Ov. 323 Ov.	Twp. 3 3 wner o	Range 36W 36W f Land Range	N/ADDR NE1/4 29.25 N/ADDR NE1/4	AME: ESS: NE NW½ 29.75 AME: ESS: NI NW½ AME: ESS:	FTC FAttn: F SW% 32.5	SE%	NE½	NW¼ 30.75	w// SW// 30.75	SE1/4 30.75	NE1/4	SI NW¼	7730 N/4 SW/4	SE¼	NE%	\$1 NW¼ 29.5 \$ NW¼	E¼ SW¼ 28	SE¼ 28	ACRI 123 238 TOTA
O\	Twp. 3 3 wner o	Range 36W 36W f Land Range	NE½ 29.25 ADDR NE½ ADDR NE¾ ADDR	AME: ESS: NE NW½ 29.75 AME: ESS: NW½	FTC FAttn: F =¼ SW¼ 32.5 E¼ SW½	SE%	NE% NE%	NW¼ 30.75	w// sw// sw// sw// sw// w// sw//	SE1/4 30.75	NE½	SI NW%	7730 N/4 SW/4 SW/4	SE¼	NE% 29.5	\$1 NW¼ 29.5 \$ NW¼	E¼ SW¼ 28 SW¼ SW¼	SE1/4 28 SE1/4	123 238
O\ ecc. 13 23 O\ ecc.	Twp. 3 3 wner o	Range 36W 36W f Land Range	NE½ 29.25 ADDR NE½ ADDR NE¾ ADDR	AME: ESS: NE NW½ 29.75 AME: ESS: NW½	FTC FAttn: F =¼ SW¼ 32.5 E¼ SW½	SE%	NE% NE%	NW¼ 30.75	www.sww.	SE1/4 30.75	NE½	SI NW%	7730 N/4 SW/4 N/4 SW/4	SE¼	NE% 29.5	\$1 NW¼ 29.5 \$ NW¼	28 28 SW¼	SE1/4 28 SE1/4	TOT.
Ov. ecc.	Twp. 3 3 wner o	Range 36W 36W f Land Range	NE½ 29.25 ADDR NE½ ADDR NE¾ ADDR	AME: ESS: NE NW½ 29.75 AME: ESS: NW½	FTC FAttn: F =¼ SW¼ 32.5 E¼ SW½	SE%	NE% NE%	NW¼ 30.75	w// sw// sw// sw// sw// w// sw//	SE1/4 30.75	NE½	SI NW%	7730 N/4 SW/4 SW/4	SE¼	NE% 29.5	\$1 NW¼ 29.5 \$ NW¼	E¼ SW¼ 28 SW¼ SW¼	SE¼ 28 SE¼	TOT.

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File No. <u>25726</u>

DWR 1-121-2 (Rev. 04/24/2018)

Application to Change the Place of Use Water Right, File No. 25,726





Currently Authorized Place of Use



Proposed Place of Use



1:32,000