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

August 20, 2021

KANSAS DEPT OF WILDLIFE PARKS & TOURISM Attn: ATTN: JAMES SCHNEIDER 512 SE 25TH AVE PRATT, KS 67124-8147

Re: Water Right, File Nos. 31,355 & 36,504

To Whom It May Concern:

Enclosed are two (2) orders executed by Earl Lewis, 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. Also, the approval of the orders does require the installation of a water flow meter(s) on the point(s) of diversion authorized under the above file numbers by **December 31, 2021**. Please complete and return the enclosed Notice(s) of Completion of Diversion Works when a water flow meter has been installed. A copy of the Chief Engineer's specifications for the water flow meters is found in K.A.R. 5-1-4 through K.A.R. 5-1-12, along with a partial list of those flow meters found to be acceptable for installation in Kansas can be found on our website at the following web address: http://agriculture.ks.gov/meters

Please note that all meters must be installed and maintained in accordance with the specifications for water flow meters referenced above.

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

Since these orders modify the original certificates, they should be recorded with the Register of Deeds just as other legal documents affecting real estate. Such records are maintained at the Register of Deeds Office in the county wherein the place of use is located.

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

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

Sincerely,

Mark Billinger

Assistant Water Commissioner

MB:ndh Enclosures

CERTIFICATE OF SERVICE

On this 20th day of August 2021, I hereby certify that the attached <u>SUMMARY ORDERS</u> <u>APPROVING APPLICATIONS FOR CHANGE in POINTS OF DIVERSION</u> for water right, File Nos. 31,355 & 36,504, dated on the 20th day of August 2021, were mailed postage prepaid, first class, U.S. mail, to the following:

KANSAS DEPT OF WILDLIFE PARKS & TOURISM Attn: ATTN: JAMES SCHNEIDER 512 SE 25TH AVE PRATT, KS 67124-8147

Mancy Hazeman

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



Reviewer MB

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

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

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	Phone Number: (785)877-2953 Email address: luke.vanskike@ks.gov																		
	Name and address of Water Use Correspondent: <u>KANSAS DEPT OF WILDLIFE PARKS & TOURISM</u> ATTN: JAMES SCHNEIDER 512 SE 25 TH AVE PRATT, KS 67124-8147																		
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14. If the proposed groundwater point of diversion	is 300 or fewer feet from the	existing point of diversion, c	omplete the following:
(a) Does the undersigned represent all owner☐ Yes ☐ No (If no, all owner	s of the currently authorized rs must sign this application.		his application?
(b) Will the ownership interest of any owner of affected if this application is approved as r ☐ Yes ☐ No (If yes, all ownership)			nis application be adversely
(c) If this application is not approved expedition ☐ Yes ☐ No (If no, all owner)	ously, will there be substantians and substantians.		health or safety?
If the application proposes a surface water change or a change in place of use, the application must be agent (attach notarized statement authorizing repre	e signed by all owners of the		
I hereby verify, being first duly sworn upor age and the owner, the spouse of the owne their behalf, in regards to the water right(s contained in this application are true, corre	er, or a duly authorized a b) to which this applicati	igent of the owner(s) to	make this application on
Dated at	. Kansas, this	day of	. 20
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State of Kansas County of 600 K5	KELLY C. ST My Appointmen September 2	nt Expires	
I hereby certify that the foregoing application of, 20	on was signed in my pr	esence and sworn to be	fore me this day
MARL BRUNGER		Kelly a Stew	
My Commission Expires 9-27-21	<u> </u>	Notary Pub	DIIC
ONLY COMPLETE APPLICATIONS WILL BE PROCESS accurate information; maps, if necessary, must be include the appropriate fee must be paid.	ED. To be complete, all of the ad; signatures of all the appropria	applicable portions of the applica ate owners' must be affixed to th	tion form must be completed with e application and notarized; and
	FEE SCHEDULE		
Each application to change the place of use or the plotten in the schedule below: Make checks payable (1) Application to change a point of diversi (2) Application to change a point of diversi (3) Application to change the place of use	to: Kansas Department of ion 300 feet or less ion more than 300 feet	Agriculture	\$100 \$200
PEBECCAR HAGEMAN route Wy Appointment Expires June 29, 2023		RECEIVE	:D
DWR 1-121 (Revised 04/5/2018)	Page 3	AUG 1 3 202	
		AUU 1 3 702	

Stockton Field Office Division of War at Ausour S

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. 36,504 change application was received on $\frac{8-13-24}{1000}$ requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application. A change application was received on On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. \square Applicable \bowtie Not Applicable 2. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 50 foot radius of the authorized point(s) of diversion. Applicable The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. ☒ Applicable ☐ Not Applicable 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
Not Applicable The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2021, 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, 2021, or within any authorized extension of time. By March 1, 2022 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. ☐ Not Applicable Applicable ☐ Applicable The completed well log shall be submitted with the required notice. 10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. ☒ Applicable ☒ Not Applicable □ Yes ⊠ No 11. Additional Conditions are attached. 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. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order 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 By: 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. BILLINGER Division of Water Resources - Kansas Department of Agriculture File any request with Kansas Department of Agriculture, Date of Issuance: Legal Division, 1320 Research Park Drive, Manhattan, KS 66502. Failure to timely request a hearing or review may State of Kansas preclude review under the Kansas Judicial Review Act. SS For Use by Register of Deeds 20-21 Acknowledged before me on Notary Public WF.O REBECCA F. HAGEMAN My commission expires: PUBLIC Nota No Appointment Expires June 29, 2023

Page 4

File No.

DWR 1-121 (Revised 04/5/2018)

RECEIVED

AUG 1 3 2021

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET FILE NO. 36,504

Stockton Field Office Division of Water Resources

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 _____ Depth of well ____ (feet)

(DWR use only: Computer ID No. NEW GPS _____ feet North _____ feet West) ☐ This point will not be changed ☐ This point will be changed as follows: ☐ No change, point better described with GPS as follows: Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the
 SW
 Quarter of the
 SE
 Quarter o Proposed Rate ____15 GPM ____ Proposed Quantity ____0.53 MGY ___ Proposed well depth (feet) _____ This point is: ☐ Additional Well ☐ Geo Center List other water rights that will use this point 31355, 50483 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 _____ Depth of well ____ (feet)

(DWR use only: Computer ID No. ____ GPS ____ feet North ____ feet West) ☐ This point will not be changed ☐ This point will be changed as follows: ☐ No change, point better described with GPS as follows: Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS) One in the _____ Quarter of the ____ Quarter of the ____ Quarter of Section ______, Township ______ South, Range ______ W, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Quantity Proposed well depth (feet) This point is:
Additional Well Geo Center List other water rights that will use this point _____. Presently authorized point of diversion: One in the _____ Quarter of the ____ Quarter of the ____ Quarter of Section _____, Township ____ South, Range ____ (E/W), in _____ County, Kansas, ____ feet North ____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity ____ Depth of well ____ (feet)

(DWR use only: Computer ID No. ____ GPS ___ feet North ____ feet West) ☐ This point will not be changed ☐ This point will be changed as follows: ☐ No change, point better described with GPS as follows: Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS) One in the _____ Quarter of the ____ Quarter of the ____ Quarter of Section ______, Township ______ South, Range ______ (E/W), in _____ County, Kansas, ____ feet North ____ feet West of Southeast corner of section. Proposed Rate Proposed Quantity Proposed well depth (feet) This point is: Additional Well Geo Center List other water rights that will use this point Presently authorized point of diversion: One in the _____Quarter of the ____Quarter of the ____Quarter of Section ____, Township ____South, Range _____(E/W), in _____County, Kansas, ____feet North ____feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity ____ Depth of well ____ (feet)

(DWR use only: Computer ID No. ____ GPS ___ feet North ____ feet West) ☐ This point will not be changed ☐ This point will be changed as follows: ☐ No change, point better described with GPS as follows: Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS) One in the _____ Quarter of the ____ Quarter of the ____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, ____ feet North ____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____. This point is: Additional Well Geo Center List other water rights that will use this point _____