

Garden City Fleld Office 2508 Johns Street Garden City, Kansas 67846-2804

Jackie McClaskey, Secretary David W. Barfield, Chief Engineer Michael A. Meyer, Water Commissioner Phone: (620) 276-2901 Fax: (620) 276-9315 www.agriculture.ks.gov

Sam Brownback, Governor

March 27, 2017

GARETSON BROTHERS 2394 120TH RD COPELAND KS 67837

RE: Application to Change the Place of Use File Nos. 7942, 14643, 19542, 21985

Dear Mr. Garetson:

Enclosed you will find a Summary Order Approving Application for Change in Place of Use for the above referenced files. Since these orders modify the original documents, it should be recorded at the County Register of Deeds.

These orders modify the authorized acres that can be irrigated by these files. The authorized place of use is as shown on the plats within the change approvals.

A condition of this order is that an acceptable flow meter must be properly installed on the diversion works authorized under the referenced file number in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12. This water flow meter shall be used to provide information required on the annual water use report (including the meter reading at the beginning and end of the report year).

This order 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. The date of service is the date listed on the enclosed *Certificate of Service*.

Should you have any questions, please feel free to call this office or arrange an appointment for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

Thomas P. Makens

Assistant Water Commissioner

TPM:tpm Enclosures GMD#3

### CERTIFICATE OF SERVICE

On this 27th day of March 2017, I hereby certify that the attached original Approval of Application to Change the Place of Use under Water Right 7942, 14643, 19542, 21985 dated March 27, 2017, was provided to the following:

GARETSON BROTHERS 2394 120TH RD COPELAND KS 67837

Copy provided to GMD3

Division of Water Resources

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

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

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



#### STATE OF KANSAS

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.

File No. 19542

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

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	PO BOX 343, MONTEZUMA, KS 67867																		
ı	Phone Number: ( ) Email address: Name and address of Water Use Correspondent:										***************************************	,	•				danille Marie en earen de camandidation de l'estate de la constitue de la cons		
١	Name a	nd addr	ess of	Water	Use C	orresp	onder	nt:									and the second second		
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3. ^	The pres	sently a	uthoriz	ed pla	ce of u	ise is:													
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Garden City Field Office Division of Water Resources

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

# FILE NO. 19542 MAKE ADDITIONAL COPIES AS NECESSARY

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File No. 19542

FEB 1 4 2017

5.	Presently authorized point of diversion:		•	
	One in the Quarter of the		Quarter of the	Quarter Quarter
	of Section, Township		South, Range	W,
	inCounty, Kansas,	feet N	orthfeet West of Southeast	corner of section.
	Authorized Rate Authorized Quantity			
	(DWR use only: Computer ID No. GI	PS	feet North fe	et West)
	☐ This point will not be changed ☐ This point wi			•• •••
	Proposed point of diversion: (Complete only if chan		-	
	1			·
	One in the Quarter of the		Quarter of the	quarter
	of Section, Township	,	South, Range	W,
	in County, Kansas,	teet N	олп feet West of Southeast	comer of section.
	Proposed Rate Proposed Quantity		Proposed well depth (feet)	
	This point is: Additional Well Geo Center List of	other wat	er rights that will use this point	, , , , , , , , , , , , , , , , , , ,
6.	Presently authorized point of diversion:			
	One in the Quarter of the	Total Commission of Manager Landson	Quarter of the	Quarter
	of Section, Township		South, Range	
	in County, Kansas,	feet No	orth feet West of Southeast o	comer of section.
	Authorized Rate Authorized Quantity		Depth of well	_ (feet)
	(DWR use only: Computer ID No. 6 GF	?S	feet North feet	et West)
	☐ This point will not be changed ☐ This point wil	i be chai	nged as follows:	
	Proposed point of diversion: (Complete only if change	ge is req	uested)	
	One in the Quarter of the		Quarter of the	Quarter
	of Section, Township		South, Range	(E/W).
	in County, Kansas,	feet No	orthfeet West of Southeast of	orner of section.
	Proposed Rate Proposed Quantity _	1000	Proposed well depth (feet)	,
	This point is: Additional Well Geo Center List of	ther wate	er rights that will use this point	
7.	Why do you need a new point of diversion?  No Cupuce TO いぐくら		If the proposed point of diversion will be feet of the existing point of diversion, ind the diagram below in relation to the existin (PLEASE NOTE: The "X" in center represents presently authorized point of	licate its location on ig point of diversion. of diagram below
8.	If a well, is the test hole log attached? Yes No		North 100 50 0 50 	100
9.	When do you propose to complete the new point diversion?	of	50 + + +	50
	If the maint of the main to a control			=
TŲ.	If the point of diversion is a well:		West 0 - 111   111   X   1   1   1	I—0 East
	(a) What are you going to do with the old well?		Nam #1999 #1999	
			50 + + + +	<u> </u>
	(b) When will this be done?		F =	7
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11	Groundwater Management District recommendation	าก	100 50 0 50	100
11,	attached? Yes No	J11	South	100
			Scale: 1" = 100'	
12.	Assisted by	13b.	If the proposed point of diversion will be na 100 feet but within 1320 feet from the	elocated more than
			diversion, attach a topographic map or	aerial photograph
			For groundwater sources, show all wells ( within one-half mile of the proposed point of	including domestic)
			names and mailing addresses of the ow	ners. For surface
	PECEIVED		water sources, show the names and	addresses of the
	· CAMERA CO		landowner(s) one-half mile downstream upstream from your property lines.	
DWF	R 1-121 (Revised 01/05/2010)	Page 2	<u>π</u>	e No. 19542
•	FEB 1 4 2017	· 5	E EI	10. <u>1</u>

14. If the	he proposed groundwa	iter point of diversion is :	300 or fewer feet	from exist	ing point of diversion, complete	the following:
(a)	Does the undersigne ☐ Yes ☐ No	d represent all owners o (If no, all owners r	f the currently au must sign this app	thorized p dication.)	lace(s) of use identified in this	application?
(b)	Will the ownership in affected if this applic. ☐ Yes ☐ No	aterest of any owner of t ation is approved as requ (If yes, all owners	uested?		nce(s) of use identified in this a	application be adversel
(c)	If this application is n ☐ Yes ☐ No	ot approved expeditiousl (If no, all owners n	y, will there be su nust sign this app	ibstantial lication.)	damage to property, public hea	lth or safety?
or a cha	nge in place of use, th	urface water change in p e application must be siç ent authorizing represen	gned by all owner	a ground s of the c	water change in point of diversi urrently authorized place of use	on greater than 300 fee e, or their duly authorize
age and their be	d the owner, the sp chalf, in regard to	ouse of the owner, o	r a duly autho which this ap	rized ago	nd under penalty of perjurent of the owner(s) to make pertains. I further verify	e this application o
Dated,at	Subletle		, Kansas, this	21	_ day of March	, 20 13 .
of J	! 1 -11 1	1. P. L.			-	
Harelo	r <del>on Biothus Liz</del>	Janis Laretro,	Blirkner .	· · · · · · · · · · · · · · · · · · ·	(Spouse)	
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					(Please Print)	
State of Ka	ansas <u>Haske</u> j	// } ss				,
ا بازار	y certify that the fo	egoing application was	s signed in my	presenc	e and sworn to before me	this $\frac{2/}{}$ day of
		•		CLETE	COOK	71
My Commi	ission Expires/	1-27-13	My Appt. Ex	l <del>y Public - S</del> pires <b>/</b> 6	COOK tate of Kansas Notary Public -27-13	
accurate info	PLETE APPLICATIONS ormation; maps, if necess ate fee must be paid.	WILL BE PROCESSED. To ary, must be included; sign	o be complete, all o atures of all the app	f the applic propriate ov	able portions of the application form where' must be affixed to the applic	n must be completed with ation and notarized; and
			FEE SCHEDUL	Ε		
Each applic	cation to change the pl schedule below: Mak	ace of use or the point o e checks payable to: Ka	f diversion under Insas Departmer	this sectiont of Agric	on shall be accompanied by the	application fee set
(1) (2)	Application to change Application to change	e a point of diversion 300 a point of diversion mo	) feet or less re than 300 feet .			\$200
(3)	Application to change	the place of use			RECEIVED	\$200
					EER 1 5 2017	

Garden Cry Freid Office Division of Water Recources

14. If the proposed groundwater point of diversion is 300 or fewer f	eet from existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently ☐ Yes ☐ No (If no, all owners must sign this	authorized place(s) of use identified in this application?
	authorized place(s) of use identified in this application be adversely
(c) If this application is not approved expeditiously, will there b ☐ Yes ☐ No (If no, all owners must sign this	e substantial damage to property, public health or safety? application.)
If the application proposes a surface water change in point of diversi or a change in place of use, the application must be signed by all ow agent (attach notarized statement authorizing representation).	ion, a groundwater change in point of diversion greater than 300 feet, ners of the currently authorized place of use, or their duly authorized
contained in this application are true, correct and complet	norized agent of the owner(s) to make this application on
	(Flease Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas County of Johnson	
I hereby certify that the foregoing application was signed in r  NOTARY PUBLIC - State of Kansas  DAVID F. VIEBROCK  My Appt. Expires — 12014	ny presence and sworn to before me this 30 th day of Notery Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, at accurate information; maps, if necessary, must be included; signatures of all the at the appropriate fee must be paid.	II of the applicable portions of the application form must be completed with appropriate owners' must be affixed to the application and notarized; and
Each application to change the place of use or the point of diversion und forth in the schedule below: Make checks payable to: Kansas Departm (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 fee (3) Application to change the place of use	er this section shall be accompanied by the application fee set tent of Agriculture
	FER 1.5.2017

FER TO TAIL

14. If the proposed groundwater point of diversion is 300 or fewer fee	et from existing point of diversion, complete the following:
. (a) Done the undersigned represent all owners of the currently a	authorized place(s) of use identified in this application?
The Thomas of the company of the com	pplication.)  Ithorized place(s) of use identified in this application be adversely
affected if this application is approved as requested?  Tyes Tho (If yes, all owners must sign this	application.)
(c) If this application is not approved expeditiously, will there be ☐ Yes ☐ No (If no, all owners must sign this a	pplications
If the application proposes a surface water change in point of diversit or a change in place of use, the application must be signed by all ow agent (attach notarized statement authorizing representation).	on, a groundwater change in point of diversion greater than 300 feet, ners of the currently authorized place of use, or their duly authorized
I hereby verify, being first duly sworn upon my oath or af age and the owner, the spouse of the owner, or a duly aut their behalf, in regard to the water right(s) to which this contained in this application are true, correct and comple	application pertains. I further verify that the statements te.
Dated at Ment Bend , Kansas,	this
(1) (1) (1)	· · · · · · · · · · · · · · · · · · ·
X [Mille KMM, Constine (Owner)	(Spouse)
< Carole Ruth Converse (Please Print)	(Please Print)
(Owner)	(Spouse)
(Diagon Print)	(Please Print)
(Please Print)	
(Owner)	(Spouse)
(Please Print)	NOTARY PUBLIC - State of Kansas (Please Print)
State of Kansas SS	STACY B. POLKINGHORNE  My Appt Expires 5-22-6
County of State of the state of	n my presence and sworn to before me this day of
I hereby certify that the foregoing application was signed in	m my presente ago snom opening
	Maretalkelle
My Commission Expires 52246	Notary Public
	te, all of the applicable portions of the application form must be completed with the appropriate owners' must be affixed to the application and notarized; and
FEF SC	HEDULE
	\$100 \$5\$\$200
(3) Application to change the place of use	
	RECEIVED
	FEB 1 4 2017

## SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, K.A.R. 5-1-1 et.seq. With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 19542 A change application was received on <u>February 15, 2017</u> 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. 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. ☐ Not Applicable radius of the authorized point(s) of diversion. ☐ 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 The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2017, 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. ☐ Not Applicable Installation of the works for diversion of water shall be completed on or before December 31, 2017, or within any authorized extension of time. By March 1, 2018 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. ☐ Applicable Not Applicable All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. ☒ Applicable ☐ Not Applicable 10. Additional Conditions are attached. ☐ Yes ⊠ No 11. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the Kansas Water Appropriation Law and the Rules and Regulations promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND You have the right to a hearing in accordance with K.A.R. 5-14-3 SUMMARY ORDER ISSUED before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Topeka, Kansas 66502, within 15 days after the date Duly Authorized Designee of the Chief Engineer shown on the Certificate of Service attached hereto. If a hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15<sup>th</sup> day after the date shown (Print Name): Thomas P Makens Division of Water Resources - Kansas Department of Agriculture on the Certificate of Service. Date of Issuance: For Use by Register of Deeds State of Kansas SS County of Finney Acknowledged before me on <u>\forall 1</u> Signature: eem. Notary Public SUE KEENY NOTARY My Appointment Expires June 8, 2018 My commission expires:

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