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

Department of Agriculture

Division of Water Resources

Phone: (620) 276-2901 Fax: (620) 276-9315 www.agriculture.ks.gov

Sam Brownback, Governor

Jackie McClaskey, Secretary David W. Barfield, Chief Engineer Michael A. Meyer, Water Commissioner

May 18, 2017

JENNISON FAMILY PARTNERSHIP LP 5001 W HIGHWAY 4 HEALY KS 67850-5062

RE: Change the Place of Use, File Nos 26006 & 29606

Dear Ms. Jennison;

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.

An acceptable water flow meter was required to be installed on the diversion works by earlier requirement of the Chief Engineer. These water flow meters shall be used to provide information required on the annual water use report.

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 C: GMD#1

## CERTIFICATE OF SERVICE

On this 19 day of May 2017, I hereby certify that the attached original Approval of Application to Change the Place of Use under Water Right File 26006 & 29606 dated May 18, 2017, was mailed postage prepaid, first class, US mail to the following:

JENNISON FAMILY PARTNERSHIP LP 5001 W HIGHWAY 4 HEALY KS 67850-5062

Copy provided to GMD#1

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) 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

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. DECENTER.

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								File No	o. <u>260</u> 6	06					_				3	:02pm
1.	Ann	dicati	on ie h	hereby made for approval of the Chief Engineer to change the Johack one or hathy										3:02pm APR 03 2017						
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	The	sour	ce of s	upply i	s:		$\boxtimes$	Ground	lwater			Surfa	ice wa	ter						
2.	Nan	ne an	ıd addı	ess of	Applic	ant: J	ENNIS	ON F	AMILY	PART	NERS	HIPI	p							
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	Pho	ne N	umber:		)					Email	addre	ss: _								
3.	The	pres	ently a	uthoriz	ed pla	ce of u	ise is:													
	Owr	ner of	Land -	NA	ME.	<u>JENN</u>	SON I	AMIL.	Y PAR	TNER	SHIP	LP								
			5001										5062							
	(If th	ere is	more th	an one	landov	vner, al	tach su	ppleme	ental sh	eets as	neces	sary.)								
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Se	c.	Twp.	Range	NEW	NW14	SW%	SE%	NE1/4	NW%	SW1/4	SE14	NEW	NW%	SW1/4	SE%	NE1/4	NWX	SW1/4	SE14	ACRES
3′	1	16	29w									40	33.6	33.49	40	40	40	40	40	307.09
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	n. 1	Гwр.	Range	NÈ14	N∰¼	SW1/4	SE14	NEW	NW14	SW1/4	SE14	NE1/4		SW1/r	SE1/4	NE%	NW14	SW1/4	SE14	ACRES
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Sec 1		17	0017	00.1																
AUDOS		17 16	29w	00.1		*****						40	33.6	33.49	40	40	40	40	40	307.09

5.	Presently authorized point of diversion:			
	One in the Quarter of the		Quarter of the	Quarter
	of Section, Township		South, Range	(EW).
	in County, Kansas,	_ feet No	orth feet West of So	outheast corner of section.
	Authorized Rate Authorized Quantity		Depth of well	(feet)
	(DWR use only: Computer ID No GP	S	feet North	feet West)
	☐ This point will not be changed ☐ This point will	l be chai	nged as follows:	•
	Proposed point of diversion: (Complete only if change	ie is reg	uested)	
	One in the Quarter of the		····	Quarter
	of Section, Township		South, Range	(FM)
	in County, Kansas,	feet No	orth feet West of So	outheast corner of section
	Proposed Rate Proposed Quantity		Proposed well depth (f	eet)
	This point is: Additional Well Geo Center List of	ther water	er rights that will use this point	
		William West	Trigino that will doc the point	
6	Presently authorized point of diversion:			10 v/ov/aidrith
0.			Ouartor of the	O In
	One in the Quarter of the , Township		Quarter of the	Quarter
	in County, Kansas,	foot No	Souri, Range	(E/VV),
	Authorized Pate Authorized Quantity	_ leet ive	nto leet yyest of Sc	outneast corner of section,
	Authorized Rate Authorized Quantity_	n	Depth of Well	(feet)
	(DWR use only: Computer ID No GPS	S	reet North	feet West)
	☐ This point will not be changed ☐ This point will		•	
	Proposed point of diversion: (Complete only if change			
	One in the Quarter of the		Quarter of the	Quarter
	of Section, Township		South, Range	(E/W),
	in County, Kansas,	_ feet No	orth feet West of So	utheast corner of section.
	Proposed Rate Proposed Quantity		Proposed well depth (fe	eet)
,	This point is: Additional Well Geo Center List ot	her wate	r rights that will use this point	
7	Miles de seu estado de seu estado de la California de	40-	If the many and a state of the state of	***
7.	Why do you need a new point of diversion?	13a.	If the proposed point of diversion feet of the existing point of diversion	n will be relocated within 100
	no changes to the irrigation wells		the diagram below in relation to	the existing point of diversion
			(PLEASE NOTE: The "X" in represents presently authorized	center of diagram below
ρ	If a well, is the test hole log attached? Yes No		North	
Ο.	in a well, is the test hole by attached? [] 165 [] NO		100 50 0 []   11   11   11   11   11   11   11	
9.	When do you propose to complete the new point of	of		
	diversion?			
			50	+ - 50
			<u>-</u>	
10.	If the point of diversion is a well:			, , , , , , , , , , , , , , , , , , ,
	(a) What are you going to do with the old well?		West 0	
			50 - + -	+ - 50
				7 7
	(b) When will this be done?		F , =	. 📑
11.	Groundwater Management District recommendation	า	100 50 0	50 100
	attached?		South Scale 1" =	= 100'
42	Assisted by top	13b.	If the proposed point of diversion	
12.	Assisted by tpm		100 feet but within 1320 feet	from the existing point of
			diversion, attach a topographic For groundwater sources, show	map or aerial photograph,
			within one-half mile of the propos	ed point of diversion and the
			within one-half mile of the propos names and mailing addresses	of the owners. For surface
			water sources, show the name landowner(s) one-half mile down	res and addresses of the Instream and one-half mile
			upstream from your property lines	6.

14. If the proposed groundwater point of diversion is 300 or fewer feet	from existing point of diversion, complete the following:					
<ul> <li>(a) Does the undersigned represent all owners of the currently at</li> <li>☐ Yes</li> <li>☐ No</li> <li>(If no, all owners must sign this ap</li> </ul>	thorized place(s) of use identified in this application?					
<ul> <li>(b) Will the ownership interest of any owner of the currently autlaffected if this application is approved as requested?</li> <li>☐ Yes</li> <li>☐ No</li> <li>(If yes, all owners must sign this approved as requested)</li> </ul>	·					
(c) If this application is not approved expeditiously, will there be s ☐ Yes ☐ No (If no, all owners must sign this ap	ubstantial damage to property, public health or safety?					
If the application proposes a surface water change in point of diversion or a change in place of use, the application must be signed by all owne agent (attach notarized statement authorizing representation).	a groundwater change in point of diversion greater than 300 feet, is of the currently authorized place of use, or their duly authorized					
I hereby verify, being first duly sworn upon my oath or affir age and the owner, the spous. of the owner, or a duly authoritheir behalf, in regard to the water right(s) to which this appointment in this application are true, correct and complete.	rized agent of the owner(s) to make this application on plication pertains. I further verify that the statements					
Dated at, Kansas, thi	30th day of March , 2017.					
/ ancho loxxisor (Owner)						
(Owner)	(Spouse)					
(Please Print)	(Please Print)					
(Owner)	(Spouse)					
(Please Print)	(Please Print)					
(Owner)	(Spouse)					
(Please Print)	(Please Print)					
State of Kansas  County of Lane  SS	·					
I hereby certify that the foregoing application was signed in m	y presence and sworn to before me this $\frac{30^{2}h}{100}$ day of					
KARLA M. BENINETT State of Kansas	Notary Public					
My Commission Texp. May 5, 2018 2018	Notary Public					
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, al accurate information; maps, if necessary, must be included; signatures of all the a he appropriate fee must be paid.	of the applicable portions of the application form must be completed with opropriate owners' must be affixed to the application and notarized; and					
FEE SCHED  Each application to change the place of use or the point of diversion undo  orth in the schedule below: Make checks payable to: Kansas Departm	r this section shall be accompanied by the application fee set					
<ul> <li>(1) Application to change a point of diversion 300 feet or less</li> <li>(2) Application to change a point of diversion more than 300 fee</li> <li>(3) Application to change the place of use</li> </ul>	\$200					

## 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. 26006 requesting that the place of use and / or point of A change application was received on April 3, 2017 diversion authorized under the above-referenced file number be changed as described in the application. 2. 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 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 ☐ Applicable radius of the authorized point(s) of diversion. 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, 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 Not Applicable The completed well log shall be submitted with the required notice. 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 15th 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 Acknowledged before me on \\\ by Thomas Signature: ≺Notarv<sup>∖</sup>Public NAME OF SUE KEENY PRATON My Appointment Expires June 8, 2018 My commission expires: (Notary Seal)

File No.



