

Garden City Field 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

July 25, 2017

CLAWSON LAND PARTNERSHIP PO BOX 279 PLAINS KS 67869

RE: Application to Change the Place of Use File Nos. 25634, 41630, 41678.

Dear Mr. Clawson:

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 75 day of July 2017, I hereby certify that the attached original Approval of Application to Change the Place of Use under Water Right, 25634, 41630, 41678 dated July 25, 2017, was mailed postage prepaid, first class, US mail to the following:

CLAWSON LAND PARTNERSHIP PO BOX 279 PLAINS KS 67869

Copy provided to GMD#3

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.

than	100 fee	t, or if	place	of use	will b	e char													rsion is greater and proposed
	int(s) of diversion and/or place of use. File No. 41678															3:	EIVED 22 pm		
																	j	UN ;	3 2017
1. /	Application is hereby made for approval of the Chief Engineer to change the (check one of												ne or b	Garden City Field Office Division of Water Resources					
	☐ Point of Diversion under the water right which is the subject of this application in accordance with the cond																		
ι	under the	e water	right w	hich is	s the s	ubject	of this	applic	ation i	n acco	rdance	e with t	the co	ndition	s desc	ribed t	elow.		1127 1100001003
-	The sour	ce of s	upply is	s:		⊠ G	Ground	water			Surfa	ce wat	er						
2. 1	Name ar	nd addre	ess of a	Applica	ant: <u>C</u>	<u>LAWS</u>	ON LA	ND P	ARTNE	ERSHI	Р								
<u> </u>	PO BOX	279 F	LAINS	KS 6	37869														
			er: () Email address:																
Ì	Vame an	id addre	ess of \	Nater	Use C	orresp	onden	t: <u>CL/</u>	<u>wso</u>	N LAN	ND PARTNERSHIP								
_			PLAINS KS 67869																
	Phone N																		
	The pres	•		•															
(Owner of																		
			ADDRI	•															
(If there is	more th	an one	landov	vner, at	tach su	ppleme	ental sh	eets as	neces	sary.)				,				
			,	NE%			NW¼			SW%			SE½			TOTAL			
Sec.	Twp.	Range	NE1/4	NW¼	SW¼	SE¼	NE¼	NW1/4	SW1/4	SE¼	NE¼	NW¼	SW¼	SE¼	NE1/4	NWX	SW1/4	SE%	ACRES
5	33	30w									40	40	40	40		17.5	17.5		195
6	33	30w					31	31	31	31	31.25	31.25	31.25	31.25	30	30	30	30	369
1	33	31w	40.02	40.04	40	40	L	<u> </u>			<u> </u>								160.06
(f this app Owner of	f Land -	NA ADDRI	ME:	CLAW PO BC	SON I X 279	AND I	PARTI AINS I	NERSI KS 67	HP 869		ace of	use be	chan	ged to	•			
(If there is more than one landowner, attach supplemental sheets as necessary.) NE¼ NW½ SW½ SE½ TOTAL												TOTA:							
Sec.	Twp.	Range	NE¼		5W1/4	SE¼	NE¼	NW¼		SE¼	NE1/4	NW%		SE¼	NE¼	NW%		SE¼	TOTAL ACRES
5	33	30w									22.5	22.5	22.5	22.5	30	40	30	30	180 184 JAM
6	33	30w					31	31	31	31	31.25	31.25	31.25	31.25	30	30	30	30	369
		04	40.00	40.04	40	40													460.00

For Office Use Only: Code

TR#

Fee \$ 200

Receipt Date 6/23/17 Check # 15359

5.	Presently authorized point of diversion:										
	One in the Quarter of the										
	of Section, Township		South, Range								
	in County, Kansas,	feet North	feet West of S	Southeast 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 changed a	s follows:								
	Proposed point of diversion: (Complete only if change is requested)										
	One in the Quarter of the			Quarter							
ļ	of Section, Township		South, Range								
İ	in County, Kansas,	feet North	feet West of S	Southeast corner of section.							
	Proposed Rate Proposed Quantity		Proposed well depth (feet)							
	This point is: Additional Well Geo Center List o										
L	The point is. / totalional from	and maker right	<u> </u>								
آ ہ	Presently authorized point of diversion:										
6.	One in the Quarter of the		Quarter of the	Quarter							
	of Section, Township		South Range	(E/M)							
	in County, Kansas,	feet North	feet West of S	Southeast corner of section							
	Authorized Rate Authorized Quantity	166(1401111	Denth of well	(feet)							
	(DWR use only: Computer ID No GP	9	feet North	feet West)							
	☐ This point will not be changed ☐ This point will			1001 14031)							
	•										
	Proposed point of diversion: (Complete only if change			O							
	One in the Quarter of the		Quarter of the	Quarter							
	of Section, Township		South, Range	(E/VV),							
	in County, Kansas,										
	Proposed Rate Proposed Quantity _										
	This point is: Additional Well Geo Center List o	ther water right	s that will use this point								
_	William de very mond a more point of discording?	13a If the	proposed point of diversi	ion will be relocated within 100							
1.	Why do you need a new point of diversion?	feet (of the existing point of div	version, indicate its location on							
	no change to water wells	the d	lagram below in relation to	o the existing point of diversion. In center of diagram below							
		repre	esents presently authorize	zed point of diversion.)							
			Nort	th							
a	If a well, is the test hole log attached? Yes No		10 <u>0 50 0</u>	50 100							
Ο.	The Well, to the test field log attached.			TITTI Ü							
9.	When do you propose to complete the new point	of		· <u> </u>							
	diversion?			- $ -$							
			50 + =	+ = 50							
				コ							
10.	If the point of diversion is a well:	₩e	st n Liiiliii 🔻								
	(a) What are you going to do with the old well?			· · · · · · · · · · · · · · · · · · ·							
				-							
			50 - + -	+ - 750							
			_ , = _ =	=							
	(b) When will this be done?		<u> </u>								
			400 50 0	100							
11.	Groundwater Management District recommendati	on	100 50 0 Sou	50 100							
	attached? Yes No		Scale 1	" = 100'							
49	Assisted by tpm	13b. If the	proposed point of divers	ion will be relocated more than							
ız.	Assisted by thin	100	feet but within 1320 fe	et from the existing point of nic map or aerial photograph.							
		Ford	groundwater sources, sho	w all wells (including domestic)							
		withi	n one-half mile of the prop	posed point of diversion and the							
		name wate	r sources, show the n	s of the owners. For surface ames and addresses of the							
		łando	owner(s) one-half mile d	lownstream and one-half mile							
		upstr	ream from your property lir	nes.							

14. If the proposed groundwater point of diversion is 300 or fewer feet from	om existing point of diversion, complete the following:						
(a) Does the undersigned represent all owners of the currently auth ☐ Yes ☐ No (If no, all owners must sign this appli							
 (b) Will the ownership interest of any owner of the currently authoraffected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this application) 	,						
(c) If this application is not approved expeditiously, will there be sub ☐ Yes ☐ No (If no, all owners must sign this appli							
If the application proposes a surface water change in point of diversion, a or a change in place of use, the application must be signed by all owners agent (attach notarized statement authorizing representation).	a groundwater change in point of diversion greater than 300 feet of the currently authorized place of use, or their duly authorized						
I hereby verify, being first duly sworn upon my oath or affirm age and the owner, the spouse of the owner, or a duly author their behalf, in regard to the water right(s) to which this appropriation are true, correct and complete.	ized agent of the owner(s) to make this application on dication pertains. I further verify that the statements						
Dated of Landen City, Kansas, this	16 day of <u>gune</u> , 20 17.						
/ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\	O						
(Owner)	(Spouse)						
,	(Spouse)						
David Clawson (Please Print)	(Please Print)						
(Owner)	(Spouse)						
(Please Print)	(Please Print)						
(Owner)	(Spouse)						
(Please Print)	(Please Print)						
State of Kansas County of Cinnay SS	,						
I hereby certify that the foregoing application was signed in my	presence and sworn to before me this 16 day of						
JULIE JONES							
My Appointment Expires	Julie Jones						
My Commission Expire December 15, 2018	Notary Aublic						
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all	of the applicable portions of the application form must be completed with						
accurate information; maps, if necessary, must be included; signatures of all the apthe appropriate fee must be paid.	propriate owners' must be affixed to the application and notarized; and						
FEE SCHEDU	II F						
Each application to change the place of use or the point of diversion unde forth in the schedule below: Make checks payable to: Kansas Departme (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use	r this section shall be accompanied by the application fee set						
and the second of the second o							

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. <u>41678</u> 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. Applicable ☐ 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 ______ foot radius of the authorized point(s) of diversion.

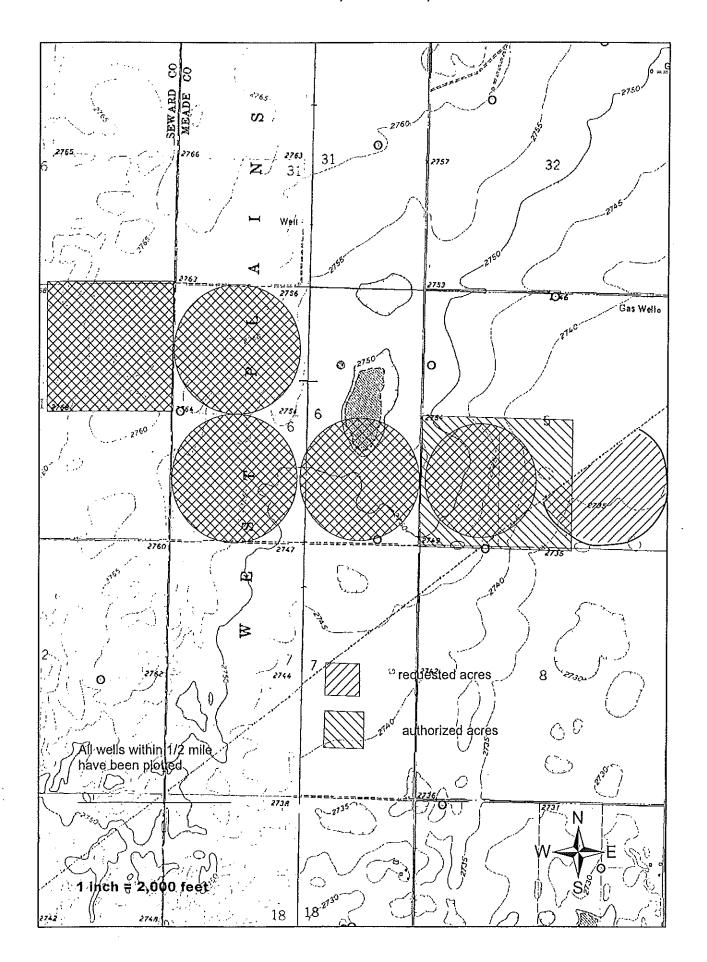
Applicable The point(s) of diversion authorized herein shall not actually be located more than feet from the previously Not Applicable ☐ Applicable authorized point(s) of diversion. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance 5. 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, 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. Applicable Installation of the works for diversion of water shall be completed on or before December 31, 20<u>17</u>, or within any authorized extension of time. By March 1, 20<u>18</u> 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 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 10. Additional Conditions are attached. 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): 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 20 Signature: - Notary Public HATE OF **SUE KEENY** NOTARY . My Appointment Expires June 8, 2018 Minks My commission expires: (Notary Seal)

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DWR 1-121 (Revised 06/16/2014)

File No.

25634, 41630, 41678



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