# Kansas Department of Agriculture Division of Water Resources

**CHANGE: P/U WORKSHEET** 

Document Signature <u>LPL</u>										
1. File Number: <b>4,839</b>	2. Status Change Date:	3. Change Num:	4. Field Office:	5. GMD:						
6. Status: ⊠ Approved □ De	enied by DWR/GMD	Dismiss by Reques	ismiss by Request/Failure to Return 7. Filing Date of C							
8a. Applicant(s) New to system □	Person ID 34989 Add Seq#		8c. Landowner(s) Person New to system ☐ Add Se							
ANTHONY G & JENNIF MORRIS DEAN & BETT FAM TR 501 S 8TH ST LEOTI KS 67861-9005		РО ВО	RICHARD W & REBECCA A MILLER PO BOX 7B LEOTI KS 67861-0602							
8b. Landowner(s) New to system ⊠  ANTHONY G & JENNIF 501 S 8TH ST LEOTI KS 67861-9005	Person ID 65866 Add Seq# 1		8d. WUC Person ID New to system ☐ Add Seq#							
9. Documents and Enclosure(s): 🛛 [	DWR Meter(s) Date to Comp	ly: <b>12/31/18</b>	N & P Date	to Comply:						
☐ Check Valve ☐ N & P I	Form 🔲 Water Tub	e 🔲 Driller	r Сору	& E Letter						
Conservation Plan Date Requ	uired: Da	ite Approved:	Date	to Comply:						
10. Use Made of Water From:		To: _								
			Date Prepared: <b>11/1</b> Date Entered: い/バ							

File No. <b>4839</b>	11. County:	WH	Bas	sin:						s	Stream:						•	F	ormation	Code:	Special Use:	
12. Points of Diversion			,									-		Rate	and Q	uantity						
MOD DEL PDIV				,											Authori	zed	•	Α	dditional			
ENT Qualifier	S	T	R	ID		'N	'W		Com	ment				Rate gpm/c		Quanti af/mg		Rate gpm/e		uantity f/mgy	Overlap PD Files	
MOD 64582 NWSWNE	23	165	36W	5	3	3475	252	25						111	0	440		1110		440	9149	
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13. Storage: Rate	N	F	Quan	tity _					ac/ft	Α	ddition	al Rat	е				NF	Addi	itional Qu	antity	ac	/ft
14. Limitation:	af/yr at	t			(	gpm (_				cfs) w	hen co	mbine	d with	file nu	umber(	(s)						
Limitation:	af/yr at	<u> </u>				gpm (_				cfs) w	hen co	mbine	d with	file nu	umber(	(s)						
15. 5YR Allocation: Allocation	Туре	Star	rt Year	.—		5 YR	Amou	nt		Amo	ount U	nit	_	Base	Acres		_ c	omment .				
16. Place of Use			NE	1/4			NV	V1/4			sv	V¼			s	E1/4		Total	Owner	Chg?	Overlap Files	
T MOD DEL		NE	NW	sw	SE	NE	NW	sw	SE	NE	NW	sw	SE	NE	NW	sw	SE					
ENT PUSE S T R MOD 2863 23 16S 3		40	40	40	40	1/4	1/4	1/4	1/4	1/4	1/4	1/4	1/4	1/4	1/4	1/4	1/4	160	8b	NO	9149	
ENT 51390 23 16S 3		40	40		+0				,			20	40					60	8a	NO	9149	
DEL 29975 23 16S 3											<u> </u>		10	40	40	40	40	160	8c	NO	25232	
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Comments:							<del> </del>															

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### KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

### <u>MEMORANDUM</u>

TO: Files

DATE:

November 15, 2017

FROM: Brent A. Turney

RE:

Water Right

File Nos. 4,839 and 9,149

Anthony G. and Jennifer L Winter on behalf of the Morris Dean and Betty L Woodroof Family Trust, owner of the above referenced water rights has filed an application for approval to change the place of use under Water Right, File No. 4,839 and a reduction in the authorized place of use and quantity of water under File No. 9,149. The application and reduction request propose to add and remove authorized places of use to create a complete overlap in the authorized place of use between the two water rights.

The referenced files do not appear to be abandoned as per K.S.A. 82a-718.

The change in place of use under File No. 4,839 proposes to remove 160 acres and add 60 acres of land currently authorized by file No. 9,149, and the reduction in place of use under File No. 9,149 proposes to remove the same 160 acres of land to create a complete overlap in the places of use for a total of 220 acres. The reduction in acres under both files required that the quantity of water under both water rights be reduced to a total of 440 acre-feet. While File No. 9,149 which is authorized two wells authorized 221 acre-feet and a reduced 440 acre-feet, it will be limited to 440 acre-feet when combined with the 440 acre-feet authorized under File No. 4,839.

In an letter dated, September 8, 2017, Kyle Spencer, Manager, GMD No. 1, recommended that the application for change in place of use be approved along with the reduction to File No. 9,149.

In an email dated todays date, Mike Meyer, Water Commissioner, Garden City Field Office, recommended that the application be approved.

A check valve will be required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur and that the new application will account for any increase in the consumptive use, it is recommended that the referenced application be approved.

Change Application Unit Supervisor

Kansas
Department of Agriculture
agriculture.ks.gov

1320 Research Park Drive Manhattan, Kansas 66502 (785) 564-6700

Jackie McClaskey, Secretary

900 SW Jackson, Room 456 Topeka, Kansas 66612 (785) 296-3556

Governor Sam Brownback

November 16, 2017

ANTHONY G & JENNIFER L WINTER MORRIS DEAN & BETTY L WOODROOF FAM TR 501 S 8TH ST LEOTI KS 67861-9005 FILE COPY

RE: Water Right

File Nos. 4,839 and 9,149

Dear Mr. Mrs. Winter:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under Water Right, File No. 4,839 and the findings and order reducing the authorized place of use under Water Right, File No. 9,149.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approval is that an acceptable water flow meter must be installed on the diversion works authorized under Water Right, File No. 4,839. Please return the required notification of completion of the diversion works and installation of the required meters as soon as these actions are completed.

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

If you have any questions, please contact this office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerel

Change Application Unit Supervisor

Water Appropriation Program

**BAT** 

**Enclosures** 

pc: Garden City Field Office

GMD No. 1

Richard and Rebecca Miller

### KANSAS DEPARTMENT OF AGRICULTURE

Jackie McClaskey, Secretary of Agriculture

#### **DIVISION OF WATER RESOURCES**

David W. Barfield, Chief Engineer

### APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE WATER RIGHT FILE NO. 4,839

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Anthony G. and Jennifer L Winter on behalf of the Morris Dean and Betty L Woodroof Family Trust, 501 S 8<sup>th</sup> Street, Leoti, Kansas 67861, received in this office on August 2, 2017, for approval of a change in the location of the place of use and the Request to Reduce a Portion of an Existing Water Right, Received in this office on July 21, 2017 under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the order of the Chief Engineer dated March 13, 2000, approving the application to change the authorized point of diversion, finds that the change is reasonable and will not impair existing rights and that the application should be and is hereby approved.

The application, therefore, is approved subject to the condition that the water right shall be reduced to a total quantity not to exceed 440 acre-feet (143.37 million gallons) per calendar year.

The effective date of the changes shall be the date this order is executed by the Chief Engineer, after which the authorized place of use shall be:

		NE¼				NW1/4				SW1/4					TOTAL			
Sec Twp. F	Range	NE1⁄4	NW1/4	SW1/4	SE1/4	NE1/4	NW1⁄4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1⁄4	SW1/4	SE1/4	TOTAL
23 16S	36W	40	40	40	40			-	J			20	40					220

a total of 220 acres in Section 23, Township 16 South, Range 36 West, Wichita County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the place of use.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 4,839, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated October 22, 1974, and as modified and amended by the aforementioned order.

Ordered this Leday of November 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau, P.G. Water Appropriation Program Manager Division of Water Resources Kansas Department of Agriculture

State of Kansas

SS

County of Riley

The foregoing instrument was acknowledged before me this day of November, 2017, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

DANIELLE WILSON

My Appointment Expires

August 23, 2020

Notary Public

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

1) request an evidentiary hearing before the Chief Engineer, or

2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 – 6777.

### **CERTIFICATE OF SERVICE**

On this later day of November, 2017, I hereby certify that the attached Approval of Application to Change the Authorized Place of Use, File No. 4,839, dated was mailed postage prepaid, first class, US mail to the following:

ANTHONY G & JENNIFER L WINTER MORRIS DEAN & BETTY L WOODROOF FAM TR 501 S 8TH ST LEOTI KS 67861-9005

With photocopies to:

RICHARD W & REBECCA A MILLER PO BOX 7B LEOTI KS 67861-0602

Garden City Field Office GMD No. 1

Staff

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

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

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



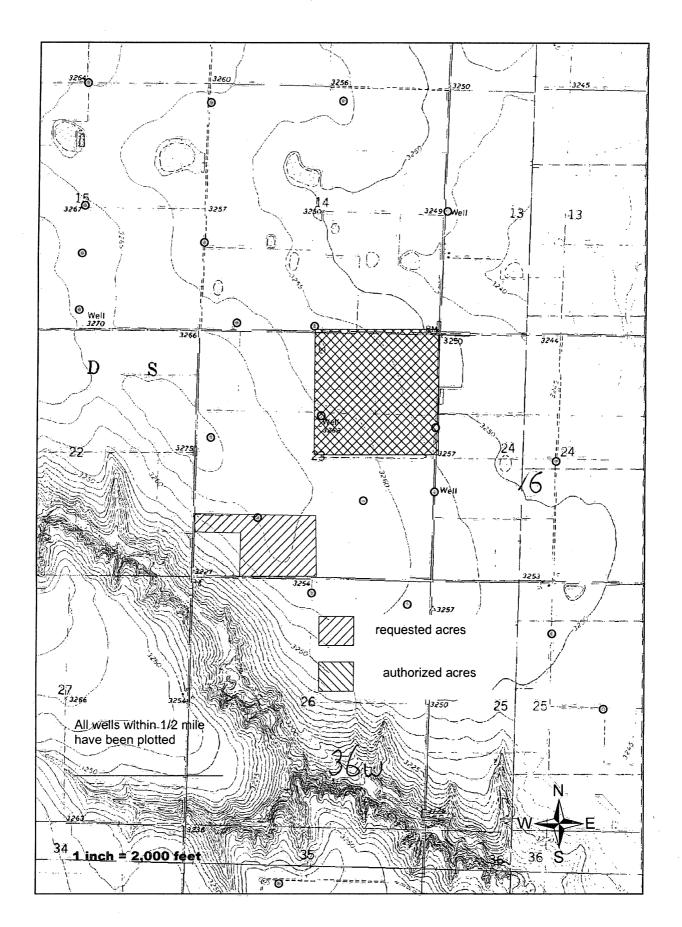
#### STATE OF KANSAS

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. 4:25pm AUG 2 2017 File No. <u>4839</u> Application is hereby made for approval of the Chief Engineer to change the (check one or both): Garden City Field Office Division of Water Resources ☑ Place of Use ☐ Point of Diversion under the water right which is the subject of this application in accordance with the conditions described below. ☐ Surface water The source of supply is: 2. Name and address of Applicant: ANTHONY G & JENNIFER L WINTER 501 S 8TH ST LEOTI KS 67861-9005 Phone Number: ( ) Email address: Name and address of Water Use Correspondent: ANTHONY G & JENNIFER L WINTER 501 S 8TH ST LEOTI KS 67861-9005 Phone Number: (\_\_\_\_\_)\_\_\_ Email address: The presently authorized place of use is: Owner of Land ---- NAME: ANTHONY G & JENNIFER L WINTER ADDRESS: 501 S 8TH ST LEOTI KS 67861-9005 (If there is more than one landowner, attach supplemental sheets as necessary.) SW1/4 **TOTAL** NE1/4 **ACRES** NW1/ SW1/ SE1/ NE1/4 NW1/4 SW1/4 NE¼ NW¼ SW¼ SE¼ NE1/4 NW1/4 SW1/4. SE¼ Twp. Range NE1/4 160 40 23 16 36w 40 40 40 If this application is for a change in place of use, it is proposed that the place of use be changed to: Owner of Land ---- NAME: ANTHONY G & JENNIFER L WINTER ADDRESS: 501 S 8TH ST LEOTI KS 67861-9005 (If there is more than one landowner, attach supplemental sheets as necessary.) SW1/4 SE1/4 **TOTAL** NE1/4 NW1/a **ACRES** NE1/4 NW1/4 SW1/4 NW1/4 SW1/4 SE¼ NE1/4 NW¼ SW1/4 SE1/4 NE1/4 NW¼ SW1/4 SE1/4 NE¼ Sec. Twp. Range 160 16 36w 40 40 40 40 jennife roof family trust winter tte wood 20 16 36w Receipt Date 8/2/17 Check # 5883 For Office Use Only: Code PU Fee \$ 200 TR#

SCANNED

5.	Presently authorized p	oint of diversion:	* , **,	·	
	One in the	Quarter of the		Quarter of the	Quarter
	of Section	, Township		South, Range	<u> </u>
	in	County, Kansas,	feet No	th feet West of Southe	ast corner of section.
				Depth of well	
	(DWR use only: Comp	outer ID No. GI	PS	feet North	feet West)
ı		e changed			- '
		ersion: (Complete only if chan			
ı				Quarter of the	Quarter
	of Section	Township		South, Range	
	in Section	County Kansas	feet No	rth feet West of Southe	ast corner of section
				Proposed well depth (feet) _	
-		•		r rights that will use this point	
L	This point is.   Addition	Geo Center List	otilei wate	I fights that will use this point	
Г	Presently authorized p	point of diversion:	<u> </u>		
3.				Quarter of the	Quarter
- 1	of Section	Township		South, Range	(F/W)
- 1				rth feet West of Southe	
-				Depth of well	
ı	/DWP use only: Com	Authorized Quantity		feet North	foot West)
		be changed			_ 1001 11031)
		ersion: (Complete only if chan			Overten
I				Quarter of the	
				South, Range	
İ				rth feet West of Southe	
				Proposed well depth (feet) _	
L	This point is:  Addition	nal Well U Geo Center List	other wate	r rights that will use this point	•
7	Why do you need a new	point of diversion?	13a	If the proposed point of diversion wi	ll he relocated within 100
٠.	vyny do you need a new	point of diversion?	. 100.	feet of the existing point of diversion	n, indicate its location or
	no change to wells			the diagram below in relation to the e (PLEASE NOTE: The "X" in ce	existing point of diversion
	•			represents presently authorized pe	oint of diversion.)
				North	•
Ω	If a wall, is the test hale le	og attached? ⊠ Yes ☐ No		100 50. 0	50 100
э.	ii a well, is the test hole i	og attached: 🖂 Tes 🔝 No		<u>, Lugaran</u>	<del>ĭini</del>
9.	When do you propose	e to complete the new point	of	<u> </u>	' ∃
	diversion?	•		F	, <u>]</u>
	na			50 <u> </u>	+ = = 50
	<u></u>		-	· <b>L</b> =	· · <u> </u>
10.	If the point of diversion is	a well:		West $0 = 111 = 111 = 1111 = 111111$	IIII∃∩ Foot
	(a) What are you going	to do with the old well?		**esr o E	1''' ¬ Last
	, ,			<b>E</b> =	‡
			-	50 = + =	+ = 50
					′ <b>⊣</b> ~~
	(b) When will this be do	ne?	-	F . =	. 7
				<u> </u>	
11.	Groundwater Manage	ement District recommenda	tion	100 50 _0	50 100
	attached?			South <b>Scale: 1</b> " = <b>10</b>	
			13h	If the proposed point of diversion wi	
12.	Assisted by tpm/az		-	100 feet but within 1320 feet fro	m the existing point of
				diversion, attach a topographic ma	ap or aerial photograph
				For groundwater sources, show all within one-half mile of the proposed	point of diversion and the
	· :	1. A	-	names and mailing addresses of t	he owners. For surface
			•	water sources, show the names landowner(s) one-half mile downst	and addresses of the ream and one-half mile
			,	upstream from your property lines	John Janus Ono-Hall Hille
				- 0,	•



14. If the proposed groundwater point of diversion is 300 or fewer feet	from existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently au ☐ Yes ☐ No (If no, all owners must sign this ap	
<ul> <li>(b) Will the ownership interest of any owner of the currently auth affected if this application is approved as requested?</li> <li>☐ Yes</li> <li>☐ No</li> <li>(If yes, all owners must sign this approved in the currently authors.)</li> </ul>	
(c) If this application is not approved expeditiously, will there be s ☐ Yes ☐ No (If no, all owners must sign this applications)	
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 owner agent (attach notarized statement authorizing representation).	, a groundwater change in point of diversion greater than 300 feeters 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 spouse of the owner, or a duly authories behalf, in regard to the water right(s) to which this all contained in this application are true, correct and complete	orized agent of the owner(s) to make this application or pplication pertains. I further verify that the statements
Dated at Landen City, Kansas, th	2 nd 0 4 17
Dated at, Narisas, III	5 A 0 / 1
& anthan Dalinte	X Jennifes L. Winter
(Owner)	(Spouse)
ANTHONY G & WINTER	JENNIFER L WINTER
(Please Print)	(Please Print)
(0,,,,,,,)	(Spause)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas  County of SS	a nd
I hereby certify that the foregoing application was signed in	my presence and sworn to before me this 🔼 day of
JULIE JONES	
My Appointment Expires  Public  December 15, 2018	Julie Jones
My Commission Expires	Indian Fubic
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, accurate information; maps, if necessary, must be included; signatures of all the the appropriate fee must be paid.	all of the applicable portions of the application form must be completed wite appropriate owners' must be affixed to the application and notarized; and
FEE SCHE	DIII E
Each application to change the place of use or the point of diversion un	
forth in the schedule below: Make checks payable to: Kansas Depart	ment of Agriculture
<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 feet</li></ul>	eet
(3) Application to change the place of use	\$200.
·	

### SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

DWI	R 1-121 (Revised 06/16/2014) Pag	ge 4	File No
		my commission expire	(Notary Seal)
		My commission expire	es:
			NOTATY PUDIC
		Signature:	Notary Public
		υy	·
		-	ne on
		County of	•
			SS
	For Use by Register of Deeds	State of Kansas	)
	he Certificate of Service.	Date of Issuance:	with the second
is no	of requested in accordance with K.A.R. 5-14-3, this Summary er will become effective on the 15th day after the date shown	(Print Name):	sources - Kansas Department of Agriculture
Driv sho	re, Topeka, Kansas 66502, within 15 days after the date wn on the Certificate of Service attached hereto. If a hearing	Duly Authoriz	zed Designee of the Chief Engineer
Kan	with the Chief Engineer, Division of Water Resources, sas Department of Agriculture, 1320 Research Park	By:	<u>se, 1</u>
Dep	ore this Summary Order becomes final action of the Kansas partment of Agriculture. Any request for a hearing must be	<u></u>	
You	have the right to a hearing in accordance with K.A.R. 5-14-3	· · · · · · · · · · · · · · · · · · ·	ATION APPROVED AND ARY ORDER ISSUED
4	Administrative Appeal and Effective Date of Order		OR OFFICE USE ONLY
	result in civil penalties pursuant to K.S.A. 82a-737, as and water or appropriation right or any other enforcement actions	ended, and/or the suspens	sion or revocation and dismissal of the
	water appropriated under the above-referenced file number limitations, as amended and/or supplemented by this Sum Appropriation Law and the Rules and Regulations promule.	mary Order, and with app	licable provisions of the Kansas Water
11.	In accordance with K.S.A. 82a-708a, as amended, and K.A.	A.R. 5-5-14, all of the own	ers of the authorized place(s) of use of
10.	Additional Conditions are attached.  Yes No		
9.	All diversion works into which any type of chemical or other with an in-line, automatic, quick-closing check valve capab check valve(s) shall be installed, operated and maintained in	le of preventing pollution of	of the source of the water supply. The
	The completed well log shall be submitted with the requ		
	Installation of the works for diversion of water shall be authorized extension of time. By March 1, 20 <u>18</u> the applicate diversion has been completed, on the form provided by the C Applicable ☐ Not Applicable	nt shall notify the Chief En Chief Engineer, as required	gineer that construction of the works for d by K.A.R. 5-8-4e.
7	and maintained in accordance with K.A.R. 5-1-4 through 5-′ 3-5e, the owner shall maintain records and report the reading annually to the Chief Engineer by March 1 following the end ☐ Applicable ☐ Not Applicable	1-12. As required by K.S./ ng of the water flow meter of each calendar year.	A. 82a-732, as amended, and K.A.R. 5- and the total quantity of water diverted
6.	The owner of the authorized place(s) of use shall proper December 31, 2017, or before the first use of water, whicher	ver occurs first. The wate	r flow meter shall be installed, operated
5.	As required by K.A.R. 5-3-5d, if the works for diversion is a tube or other device suitable for making water level measure with K.A.R. 5-6-13.   Applicable   Not Applicable	a well with a diversion rat ements shall be installed, o	e of 100 gallons per minute or more, a operated and maintained in accordance
4.	The point(s) of diversion authorized herein shall not actually authorized point(s) of diversion. $\square$ Applicable $\square$ No	be located more than t Applicable	feet from the previously
	The change in point of diversion shall not impair existing right previously authorized. The point of diversion authorized by radius of the authorized point(s) of diversion.	this summary order shall b ble   □ Not Applicable	e located within a foot
	On and after the effective date of this summary order, the a on the topographic map accompanying the application to cha	ange the place of use. [	Applicable           Not Applicable
	A change application was received on diversion authorized under the above-referenced file number		•
prov K.A	is Summary Order is issued under authority of K.S.A. 82- visions of the <i>Kansas Water Appropriation Law, K.S.A. 82a-</i> R. 5-1-1 <i>et.seq.</i> With the exception of those conditions expr ns, conditions and limitations of File No. <u>4839</u> .	-701 et. seq., and rules ar ressly contained herein, thi	nd regulations promulgated thereunder, is Summary Order does not change the



## KANSAS DEPARTMENT OF AGRICULTURE Jackie McClaskey, Secretary of Agriculture

### DIVISION OF WATER RESOURCES David W. Barfield, Chief Engineer

## REQUEST TO REDUCE A PORTION OF AN EXISTING WATER RIGHT (NO FEE REQUIRED)

Identify	the file	which is the subject of th	•		
(CHECK	ONE)	☐ Vested Right, File No.	10. <u> </u>	<del>f</del>	<u> </u>
(011201	,				
То:	Division Kansas 109 SW	ENGINEER of Water Resources Department of Agricultu 9 Street, Second Floo KS 66612-1283	Divi ure 132	sas Dept of Agriculture sion of Water Resource 0 Research Park Drive Ianhattan, KS 66502	
From:			•	e of use. Please see instr	•
	ANTHO	NY G & JENNIFER L W	/INTER 501 S 8TH S	T LEOTIKS 67861-900	95
	RICHAI	RD W & REBECCA A M	ILLER PO BOX 7B	LEOTI KS 67861-0602	·
<del>-</del> 1			REQUES	<u>T</u>	
		d owners request a:			
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. It	is reque	sted that the maximum (	rate of diversion of wa	iter be reduced to	gallons per minute
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Garden City Field Office Division of Water Resources Division of viliter Recourses

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It is r	It is requested that the authorized place of use be reduced to:																		
Own	Owner of Land - NAME: ANTHONY G & JENNIFER L WINTER																		
	ADDRESS: 501 S 8TH ST LEOTI KS 67861-9005																		
	IRRIGATION USE																		
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on the state of the																			
	NON IRRIGATION USE																		
Describe:																			
(If more space is needed, attach additional sheets as necessary.)																			
A copy of a topographic map is attached showing the place of use after the requested reduction.																			
D. [	(A re	UCTIO duction ciated w	in the	point(	s) of d	iversio	n may								ntity au	ıthorize	ed by t	he am	ounts
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c	lescrit	ed as	being	nea	ra po	oint _		feet 1	North	and _		feet	West	of the	e Sou	ıtheas	t corr	ner of	said
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A copy of a topographic map is attached, showing the location of the remaining point(s) of diversion after the requested reduction.																			
E. ☐ REDUCTION IN THE <u>TYPES OF BENEFICIAL USE</u> AUTHORIZED.																			
, · .		equest		at the		of be	neficia	al use	of wa										<u> </u>

DWR 1-669 (Revised 02/12/2014)

I, the undersigned owner of this water right or permit declare that: (1) I am freely and voluntarily choosing to reduce the water right listed; and (2) I am waiving any rights to a hearing or an appeal that I may have had regarding the reduction of the water right listed.

I declare that I am an owner, as identified herein, or that I represent an owner, as identified herein, and am authorized to make this request on his or her behalf.

Dated at Maview Half, Kansas, this 19 (City)  Anthry Helite	
(Owner)	(Spouse)
Pathony & Winter (Please Print)	
(Please Print)	(Please Print)
Jennifert Wenter Spouse	
(Owner) Spouse	(Spouse)
Jennifer L. lelinter	
(Please Print)	(Please Print)
Mul (UM (Owner)	Therea TWITTER
	(Spouse)
Richard Miller	Reberca Miller (Please Print)
(Please Print)	(Please Print)
State of Kansas )  County of Wichit ) ss	
I hereby certify that the foregoing application was sign	gned in my presence and sworn to before me this
day of July (Month)	., <u>२०२७</u> (Year)
	Notary Public  NOTARY PUBLIC - State of Kansas
My Commission expires 9-28-19	My Appt. Expires: 9-28-19

RECEIVED

JUL 17 2017

Garden City Field Office Division of Water Resources WATER RESOURCES RECEIVED

RECEIVED

OCT 26 2017

OCT 2 4 2017

KS DEPT OF AGRICULTURE Garden City Field Office

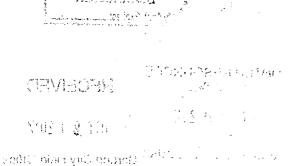
Division of Water Resources

### **INSTRUCTIONS:**

The request must be signed by each owner of the place of use authorized by the water right or permit <u>and</u> <u>his or her spouse</u>, <u>if married</u>. All water right or permit owners, including spouses, must sign this request for it to be valid. Unless the water right or permit has been legally severed from the authorized place of use, the owners of the water right or permit are the owners of the authorized place of use. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as owner until such time as the contract is completed.

In the event that all owners cannot sign together in front of one notary public, they may, as necessary, sign appropriate copies of the request in front of any notary public conveniently available to them. All copies signed in this manner shall be accepted as valid parts of the request.

If the request is signed on behalf of any owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.





### WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

September 8, 2017

Brent A. Turney, P.G. Change Application Unit Supervisor Water Appropriation Program 1320 Research Park Drive Manhattan, KS 66502

Re: Application: File # 4839

Dear Mr. Turney:

After reviewing the referenced application GMD1 recommends approval contingent on reducing the authorized quantity for the Water Right to 2 acre feet per acre for a total of 440 acre feet. Via communication with the Garden City Field Office it is the District's understanding this request for reduction in authorized quantity has been or is in the process of being submitted.

If you have questions or need additional information please contact me at (620) 872-5563.

Sincerely,

**Kyle Spencer** 

**District Manager** 

ks/vr

WATER RESOURCES
RECEIVED

SEP 1 1 2017

1320 Research Park Drive Manhattan, Kansas 66502 (785) 564-6700



900 SW Jackson, Room 456 Topeka, Kansas 66612 (785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 28, 2017

SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT NO 3 2009 E SPRUCE STREET GARDEN CITY KS 67846

FILE COPY

Re: Water Right

File No. 4,839

Dear Sir or Madam:

We are enclosing a copy of the application referred to above, received in the office of the Chief Engineer August 2, 2017, which appears to be in proper form.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendation concerning this application.

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Change Application Unit Supervisor

Water Appropriation Program

**BAT** 

**Enclosures** 

pc: Garden City Field Office

SCANNED

1320 Research Park Drive Manhattan, Kansas 66502 (785) 564-6700



900 SW Jackson, Room 456 Topeka, Kansas 66612 (785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

ANTHONY G & JENNIFER L WINTER 501 S 8TH ST LEOTI, KS 67861 8/7/2017

FILE COPY

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

RF: File No 4839

☐ place of use PU ☐ point of diversion ☐ use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tourney, L.G.

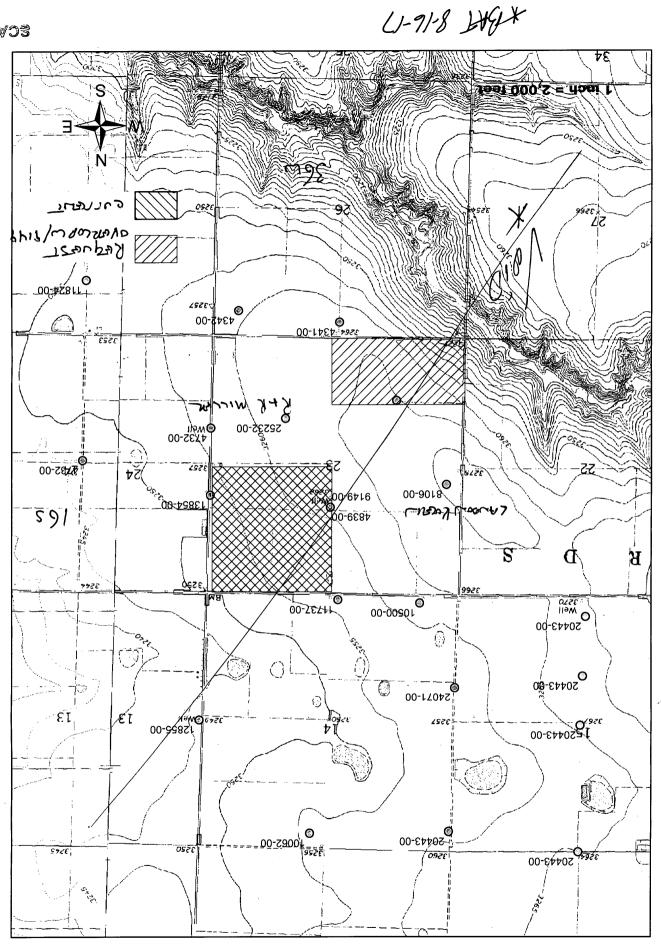
Change Applications Unit Supervisor

Water Appropriation Program

and A. Juney

BAT: DLW

pc: GARDEN CITY Field Office GMD3



### Turney, Brent

From:

Meyer, Mike

Sent:

Wednesday, November 15, 2017 8:07 AM

To:

Turney, Brent

Subject:

RE: Winter change

Approve and expedite sir. There is a small typo first paragraph of the file number of 4839 Thanks for your work

### Mike

From: Turney, Brent

**Sent:** Tuesday, November 14, 2017 2:12 PM **To:** Meyer, Mike < Mike. Meyer@ks.gov>

Subject: Winter change

Mike,

Give this a look and give me a recommendation.

Thanks, Brent



### KANSAS DEPARTMENT OF AGRICULTURE Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES** David W. Barfield, Chief Engineer

### REQUEST TO REDUCE A PORTION OF AN EXISTING WATER RIGHT

(NO FEE REQUIRED) Identify the file which is the subject of this request: ☐ Vested Right, File No. \_\_\_\_\_ 4839 Water Right, File No. (CHECK ONE) Appropriation of Water, File No. \_\_\_\_\_ Kansas Dept of Agriculture CHIEF ENGINEER To: Division of Water Resources Division of Water Resources 1320 Research Park Drive Kansas Department of Agriculture 109 SW 9th Street, Second Floor Manhattan, KS 66502 Topeka, KS 66612-1283 From: (Names and addresses of owners of authorized place of use. Please see instructions on back.) ANTHONY G & JENNIFER L WINTER 501 S 8TH ST LEOTI KS 67861-9005 WATER RESOURCES RECEIVED RICHARD W & REBECCA A MILLER PO BOX 7B LEOTI KS 67861-0602 JUL 2 1 2017 KS DEPT OF AGRICULTURE **REQUEST** The above listed owners request a: [Complete only the sections that apply. Check only the boxes that apply. Fill in only the blanks that apply.] A. \( \subseteq \text{REDUCTION IN AUTHORIZED MAXIMUM ANNUAL QUANTITY} \) OF WATER. It is requested that the maximum annual quantity of water be reduced to (acre-feet or million gallons; circle one) per calendar year. B. REDUCTION IN AUTHORIZED MAXIMUM **RATE** OF DIVERSION OF WATER. It is requested that the maximum rate of diversion of water be reduced to \_\_\_\_\_\_ gallons per minute \_\_\_ c.f.s.). RECEIVED JUL 17 2017

Garden City Field Office Division of Water Resources Assisted by: tpm

C. 🔀	RED reduc	UCTIO tion in p	N IN T lace of	THE S	SIZE C	F TH sult in	E AU <sup>-</sup> a redu	THOR	RIZED of the a	PLAC uthoriz	ed rat	e and	OF V quanti	/ATEI ty to re	R. eflect re	easona	able ne	eds.)	
It is r	It is requested that the authorized place of use be reduced to:																		
Own	Owner of Land - NAME: ANTHONY G & JENNIFER L WINTER																		
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NON IRRIGATION USE																			
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d	escrib	ed as	being	near	a po	int _	1	feet N	North a	and _		feet	West	of the	e Sou	theas	t corr	er of	said
s	ection	, in Tov	vnship		So	uth, R	ange	_	_ East	/West	(circl	e one	),		_	Cour	nty, Ka	ansas,	and
C	ne in	the _		quarte	er of	the _		quarte	er of t	he _		quarte	er of :	Sectio	n	, n	nore	oarticu	larly
One in the quarter of the quarter of the quarter of Section, more particularly described as being near a point feet North and feet West of the Southeast corner of said																			
s	ection	, in Tov	vnship	·	_ So	uth, R	ange	_	_ East	/West	(circl	e one	),			(	Count	y, Kan	sas.
(If mo	ore sp	ace is r	eede	d, atta	ach ac	ldition	al she	ets as	s nece	ssary	.)								
A copy of a topographic map is attached, showing the location of the remaining point(s) of diversion after the requested reduction.																			
E. REDUCTION IN THE TYPES OF BENEFICIAL USE AUTHORIZED.																			
	It is r	equeste	ed tha	t the t	ypes	of ber	neficia	luse	of wat	er be	reduc	ed to:	:						·

DWR 1-669 (Revised 02/12/2014)

I, the undersigned owner of this water right or permit declare that: (1) I am freely and voluntarily choosing to reduce the water right listed; and (2) I am waiving any rights to a hearing or an appeal that I may have had regarding the reduction of the water right listed.

I declare that I am an owner, as identified herein, or that I represent an owner, as identified herein, and am authorized to make this request on his or her behalf.

Dated at Mavieutual, Kansas, this 147	$\frac{\mu}{2017}$ day of $\frac{3017}{4000}$
Anthony H. Lauter  Owner)	(MOMIN) (Teal)
(Owner)	(Spouse)
Anthony & Winter (Please Print)	(Please Print)
Jamiles Dutes (Owner) Spouse	(Spouse)
Jennifer L le linter	
(Please Print)	(Please Print),
(Owner)	(Spouse)
Richard Miller (Please Print)	Rebecca Miller (Please Print)
· ·	
State of Kansas )	
County of Wichiti	
I hereby certify that the foregoing application was sign	ned in my presence and sworn to before me this
	, .
day of Thy (Month)	, <u>227</u> (Year)
(,	0 -
	Notary Public
	NOTARY PUBLIC - State of Kansas
My Commission expires 9-28-19	LISA K. RIDDER  My Appt. Expires: 9-28-19
	<b>W</b> ATER RESOURCE <b>S</b> RECEIVED
	RECEIVED

**RECEIVED** 

JUL 17 2017

JUL 2 1 2017

KS DEPT OF A TRIBULTURE

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