Kansas Department of Agriculture Division of Water Resources

CHANGE: P/U WORKSHEET & ORDER

Document Signature **DWB**

1. File Number:	2. Status Change Date:	3. Change Num:	4. Field Office:	5. GMD:
14,744	3/8/2018	C1	4	1
6. Status: ⊠ Approved □ De	enied by DWR/GMD	☐ Dismiss by Reque	est/Failure to Return	7. Filing Date of Change: 2/1/2017
8a. Applicant(s) New to system □	Person ID 60278 Add Seq# 1	8c. Landown New to sy		Person IDAdd Seq#
WELSH FAMILY LLC 412 COYOTE BLVD WESKAN KS 67762-40	02			
8b. Landowner(s) New to system □	Person IDAdd Seq#	8d. WUC New to sy	rstem 🗌	Person ID
8a.		8a.		
				· .
9. Documents and Enclosure(s):	DWR Meter(s) Date to Com	iply: <u>12/31/201</u>	8	to Comply:
☐ Anti-Reverse Meter ☐ Mete	er Seal	□ N & P Form	☐ Water Tube ☐	Driller Copy
☐ Conservation Plan Date Requ	uired: [Date Approved:	Date	to Comply:
10. Use Made of Water From:		To	:	
			Date Prepared: 2/8/2	2018 Ву: АМ 12018 Ву: ШН

File No. 14,744	11. County:	WA	Bas	sin: Lad	lder C	reek				S	tream	:						Fo	ormation Code:	Special Use:	
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Limitation:	af/yr a	t			g	pm (_				cfs) w	hen co	ombine	ed with	i file ni	umber(s)					
15. 5YR Allocation: Alloca	tion Type	Star	rt Year			5 YR	Amou	nt		_ Amo	ount U	nit		Base	Acres		_ C	omment .			
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KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

MEMORANDUM

TO: Files

DATE:

February 8, 2018

FROM: Austin McColloch

RE:

Water Right

File Nos. <u>14,</u>744 and 27,160

Welsh Family LLC, water right owners, have filed applications for approval to change the authorized place of use under the referenced files, authorized groundwater for irrigation use in the Ladder Creek basin.

The referenced water rights do not appear abandoned as per K.S.A. 82a-718.

The referenced water rights are each authorized their own point of diversion but form a complete overlap in their 565 acre place of use located in Section 8 and the Southwest Quarter (SW1/4) of Section 9, both in Township 14 South, Range 42 West, Wallace County, Kansas. File No. 14,744 is authorized 320 acre-feet from a well overlapped by MYFA Application, File No. 20177032-MF and File No. 27,160 is authorized 180.4 acre-feet from a well authorized by MYFA Application, File No. 20177033-MF. The water right owners propose to drop and add acres for a total of 405 acres located in the East Half (E½) of Section 8 and Southwest Quarter (SW¼) of Section 9. The applications appear to meet K.A.R 5-5-3 based on DWR records and will create a complete overlap in place of use with each other and with File Nos. 20177032-MF and 20177033-MF. The applications also appear to meet K.A.R 5-5-11 with the base acres determined by the Garden City Field Office to be 405 acres. The net irrigation requirement for the 50% chance of rainfall in Wallace County with 85% efficiency is 1.4 acre-feet/acre. Therefore, the total quantity of water authorized by the above referenced file numbers, 500.4 acre-feet, can potentially irrigate the proposed 405 acres with 1.23 acre-feet per acre, which appears reasonable.

The same local source of supply will not change, as there is no proposed change in point of diversion.

In a letter dated February 2, 2018, Groundwater Management District No. 1 Manager, Kyle Spencer, recommended approval of the referenced applications.

In an email dated February 7, 2018, Mike Meyer, Water Commissioner of the Garden City Field Office, recommended approval of the referenced applications.

Water flow meters are required. Check valves are required if chemigating.

Based on the above discussion that the change is reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced applications be approved.

Austin McColloch Environmental Scientist



March 12, 2018

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

Secretary Jackie McClaskey

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

Governor Jeff Colyer, M.D.

FILE CUTE

WELSH FAMILY LLC 412 COYOTE BLVD WESKAN KS 67762-4002

RE: Water Right, File Nos. 14,744 & 27,160

Dear Sir or Madam:

Enclosed are the orders executed by the 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 enclosures and to the terms, conditions, and limitations specified in these approval for change. Since the orders for the referenced file numbers modifies the original documents referred to above they should be recorded with the Register of Deeds as other instruments affecting real estate.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely.

Change Application Unit Supervisor

Water Appropriation Program

BAT:am Enclosures

pc: Garden City Field Office

Groundwater Management District No. 1

KANSAS DEPARTMENT OF AGRICULTURE Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCESDavid W. Barfield, Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE WATER RIGHT, FILE NO. 14,744

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Welsh Family LLC, 412 Coyote Blvd., Weskan, Kansas 67762-4002, received in the office of the Chief Engineer on February 1, 2017, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Orders of the Chief Engineer dated February 2, 1989, approving the application to change the authorized place of use, and by the Orders of the Chief Engineer dated August 13, 1990, approving the application to change the authorized place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

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

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	8	14	IS	42W			31.25	31.25					31.25	31.25	31.25	31.25	31.25	31.25	10.00	10.00	270.00
	9	14	4S	42W									33.75	33.75	33.75	33.75					135.00

a total of 270.00 acres in Section 8, and 135.00 acres in Section 9, both in Township 14 South, Range 42 West, Wallace 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. 14,744, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated February 1, 1989.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

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.

Ordered this State of Kansas)

State of Kansas)

County of Riley

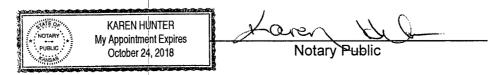
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Ordered this State of Kansas (1903) 504 – 5711.

A state of Kansas (1903) 504 – 5711.

David W. Barfield, P.E. Chief Engineer Division of Water Resources Kansas Department of Agriculture

The foregoing instrument was acknowledged before me this & day of Model , 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



CERTIFICATE OF SERVICE

On this I day March , 2018, I hereby certify that the attached Approval of Application for Change in Place of Use, Water Right, File No. 14,744 dated, March 8 , 2018, was mailed postage prepaid, first class, US mail to the following:

WELSH FAMILY LLC 412 COYOTE BLVD WESKAN KS 67762-4002

With photocopies sent to:

Garden City Field Office

GMD No. 1

Division of Water Resources

APPLICATION COMPLETE 21/18

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

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



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

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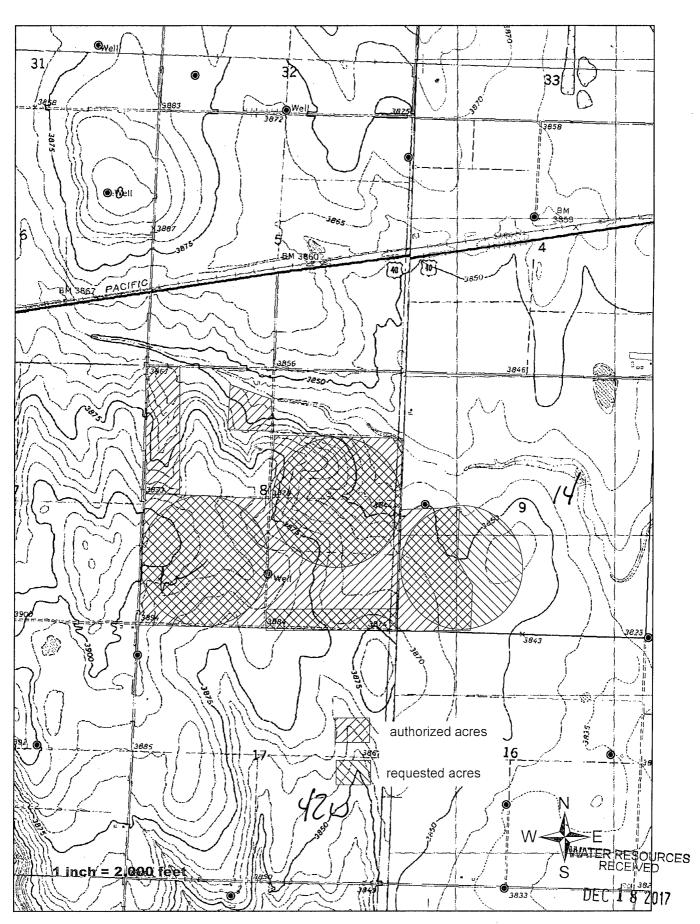
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14. If the proposed groundwate	•					
(a) Does the undersigned ☐ Yes ☐ No		the currently author nust sign this applic		ce(s) of use	e identified in this applica	tion?
(b) Will the ownership inte affected if this applicati ☐ Yes ☐ No	ion is approved as requ			e(s) of use	identified in this applica	tion be adversely
(c) If this application is not ☐ Yes ☐ No		y, will there be subs nust sign this applic		ımage to p	roperty, public health or s	safety?
If the application proposes a sur or a change in place of use, the agent (attach notarized stateme	application must be sign	gned by all owners	groundwa of the cur	ater chang rently auth	e in point of diversion gre orized place of use, or th	eater than 300 feet eir duly authorized
I hereby verify, being first age and the owner, the spotheir behalf, in regard to the contained in this application	ouse of the owner, one water right(s) to	or a duly authori which this appl and complete.	zed age	nt of the pertains.	owner(s) to make this I further verify that	s application or
Dated at Wanden	City	, Kansas, this _		_ day of _	Lebruary	, 20 <u>17</u>
* John Welsh	Then-				(Spouse)	
(Ow	ner)				(Spouse)	
(Please	Print)			-	(Please Print)	
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State of Kansas County of Timney	ss					A.P
I hereby certify that the fo	1 1		presend	ce and sv	vorn to before me this	day of
My Commission Expires	My Appointmen PUBLIC December 15			Juli	Nojary Public	
ONLY COMPLETE APPLICATIONS accurate information; maps, if necesthe appropriate fee must be paid.	WILL BE PROCESSED. ssary, must be included; s	ignatures of all the ap	propriate o	cable portio owners' mus	ns of the application form m t be affixed to the application	ust be completed wit n and notarized; and
Each application to change the forth in the schedule below: Ma	ke checks payable to:	Kansas Departme	 r this sect ent of Ag	riculture		pplication fee set
(1) Application to chan(2) Application to chan(3) Application to chan	ge a point of diversion	more than 300 feet			WATER RESOURCE	ES \$200
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DWR 1-121 (Revised 06/16/2014)		Page 3			Fil	e No

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

oro K.A	s Summary Order is issued under authority of visions of the <i>Kansas Water Appropriation Law,</i> .R. 5-1-1 <i>et.seq.</i> With the exception of those cons, conditions and limitations of File No.	K.S.A. 82a-701	et. seg., and	rules and regula	tions promulgated there	eunder.
1.	A change application was received on diversion authorized under the above-reference	d file number be	rechanged as de	questing that the escribed in the ap	place of use and / or poplication.	oint of
2.	On and after the effective date of this summary on the topographic map accompanying the applications of the summary of the sum	order, the auth ication to chang	orized place(s) e the place of u	of use shall be luse.	ocated substantially as able	shown le
3.	The change in point of diversion shall not impai previously authorized. The point of diversion at radius of the authorized point(s) of diversion.	existing rights a thorized by this Applicable	summary order	r shall be located	source or sources of w within a	ater as _ foot
4.	The point(s) of diversion authorized herein shall authorized point(s) of diversion. Applicab	not actually be le	located more thoplicable	nan	feet from the pre	viously
5.	As required by K.A.R. 5-3-5d, if the works for a tube or other device suitable for making water with K.A.R. 5-6-13. Applicable No	liversion is a we evel measureme Applicable	ell with a diver ents shall be ins	rsion rate of 100 stalled, operated	gallons per minute or n and maintained in acco	nore, a rdance
6.	The owner of the authorized place(s) of u December 31, 2017, or before the first use of w and maintained in accordance with K.A.R. 5-1-3-5e, the owner shall maintain records and repannually to the Chief Engineer by March 1 follows Applicable Not Applicable	ater, whichever through 5-1-12 ort the reading o	occurs first. The cocurs of the water flow	he water flow me by K.S.A. 82a-73 w meter and the	eter shall be installed, op 22, as amended, and K.	erated A.R. 5-
7.	Installation of the works for diversion of w authorized extension of time. By March 1, 20 <u>18</u> diversion has been completed, on the form prov ☐ Applicable ☐ Not Applicable	the applicant sl	hall notify the C	Chief Engineer tha	at construction of the wo	nin aṅy orks for
8.	The completed well log shall be submitted w	ith the required	l notice.	Applicable	☐ Not Applicable	
9.	All diversion works into which any type of chem with an in-line, automatic, quick-closing check check valve(s) shall be installed, operated and it	valve capable o	f preventina po	ollution of the so	urce of the water supply	v. The
10.	Additional Conditions are attached.	☐ No				
11.	In accordance with K.S.A. 82a-708a, as amended and an appropriated under the above-reference limitations, as amended and/or supplemented Appropriation Law and the Rules and Regular result in civil penalties pursuant to K.S.A. 82a-water or appropriation right or any other enforces	d file number a by this Summar ions promulgate 737, as amende	re responsible y Order, and w ed thereunder. ed, and/or the	for compliance with applicable pro Failure to composition or re	with its terms, condition ovisions of the <i>Kansas</i> oly with these provision	ns and <i>Water</i> ns may
	Administrative Appeal and Effective Date of C	<u>rder</u>			E USE ONLY	
					APPROVED AND	
bef	nave the right to a hearing in accordance with K.A ore this Summary Order becomes final action of the	Kansas	:	SUMMARY O	RDER ISSUED	
Dep	partment of Agriculture. Any request for a hearing not with the Chief Engineer, Division of Water Resc	nust be				
Kar	isas Department of Agriculture, 1320 Research		By:		ee of the Chief Engineer	·. ·
sho	re, Topeka, Kansas 66502, within 15 days after the wn on the Certificate of Service attached hereto. If ot requested in accordance with K.A.R. 5-14-3, this	a nearing			•	
Ord	er will become effective on the 15 th day after the da he Certificate of Service.	te shown	Division of V	Vater Resources - K	ansas Department of Agricu	lture
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)\\/	R 1-121 (Revised 06/16/2014)	Page 4			File No.	





McColloch, Austin [KDA]

From:

Meyer, Mike [KDA]

Sent:

Wednesday, February 7, 2018 4:24 PM

To:

McColloch, Austin [KDA]

Cc:

Makens, Thom [KDA]

Subject:

RE: Recommendation Change Apps 14744 & 27160 MYFA 20177032 & 20177033

Place of use meets base acres correct? Please approve

Mike

From: McColloch, Austin [KDA]

Sent: Wednesday, February 7, 2018 3:11 PM **To:** Meyer, Mike [KDA] < Mike. Meyer@ks.gov> **Cc:** Makens, Thom [KDA] < Thom. Makens@ks.gov>

Subject: Recommendation Change Apps 14744 & 27160 MYFA 20177032 & 20177033

Mike,

Attached is my draft memo for Change in Place of Use for File Nos. 14,744 & 27,160 submitted by Welsh Family LLC. Also attached is my draft memo for MYFA File Nos. 20177032-MF & 20177033-MF also submitted by Welsh Family LLC. Let me know if you have any questions.

Thanks,

Austin McColloch Environmental Scientist Ph: (785) 564-6643



WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

February 2, 2018

Austin McColloch Environmental Scientist Water Appropriation Program 1320 Research Park Drive Manhattan, Kansas 66502 WATER RESOURCES RECEIVED

FEB 07 2018

KS DEPT OF AGRICULTURE

Re:

Change Application

File Nos. 14744 & 27160

MYFA Application

File Nos. 20177032-MF & 20177033-MF

Dear Mr. McColloch:

After reviewing the above applications, Western Ks Groundwater Management District No 1 recommends approval.

Sincerely,

Kyle Spencer

District Manager

ks/vr

Turney, Brent [KDA]

From:

Makens, Thom [KDA]

Sent:

Wednesday, December 13, 2017 3:43 PM

To:

Turney, Brent [KDA]; McColloch, Austin [KDA]

Subject:

RE: 14744, 27160 welch

Attachments:

14744 27160 welsh edits.pdf

good afternoon, here are the edits to the change. We are now proposing to do a 'regular' pu change to meet 405 base acres and cover the unauthorized pivot. And continue with the request for a myfa to cover his planned over pumping on his good well. Do you want me to approve the change in pu here, or send the edits back to you for review?

Thom Makens

KDA-DWR 2508 John St Garden City KS 67846-2804

From: Turney, Brent [KDA]

Sent: Tuesday, December 12, 2017 11:18 AM

To: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>; Makens, Thom [KDA] <Thom.Makens@ks.gov>

Subject: RE: 14744, 27160 welch

Thom,

After a quick review of the change applications, he clearly wants to increase the place of use. What is not clear in the applications is if he wants to go into a 5 year allocation or do a rotation? If he wants a 5 year allocation, he can't get the MYFA, if they are proposing a rotation of base acres then he can have both. IF he wants the change we will have to complete it for either a 5 year allocation or a rotation of base acres. If he wants to get the MYFA, he will need to sign "Attachment A". Of course, which ever application he wants to pursue, he will have to withdraw the other. Supposedly Mike has talked to him about this. Let me know if you need anything else.

Brent

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@ks.gov
www.agriculture.ks.gov

From: McColloch, Austin [KDA]

Sent: Tuesday, December 12, 2017 11:01 AM **To:** Turney, Brent [KDA] < Brent. Turney@ks.gov>

Subject: FW: 14744, 27160 welch

WATER RESOURCES RECEIVED

DEC 1 3 2017

I don't think we sent him anything to sign, we need to figure out if he is doing a 5 year allocation on the changes or rotation with the MYFAs.

Austin McColloch Environmental Scientist Ph: (785) 564-6643

From: Ireland, Leslie [KDA]

Sent: Tuesday, December 12, 2017 10:57 AM

To: McColloch, Austin [KDA] < Austin. McColloch@ks.gov>

Cc: Makens, Thom [KDA] < Thom. Makens@ks.gov >

Subject: FW: 14744, 27160 welch

Looks like this is your package... could you get with Thom and these scanned?? If they aren't I didn't look...a

From: Makens, Thom [KDA]

Sent: Tuesday, December 12, 2017 10:26 AM **To:** Ireland, Leslie [KDA] < Leslie.Ireland@ks.gov>

Subject: 14744, 27160 welch

John Welch called he says HQ sent him something to sign in regards to his request for a PU change. He wants me to explain it to him. I see nothing in docuware about it. Do you have any insight into what he is talking about?

Thom Makens

KDA-DWR 2508 John St Garden City KS 67846-2804 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

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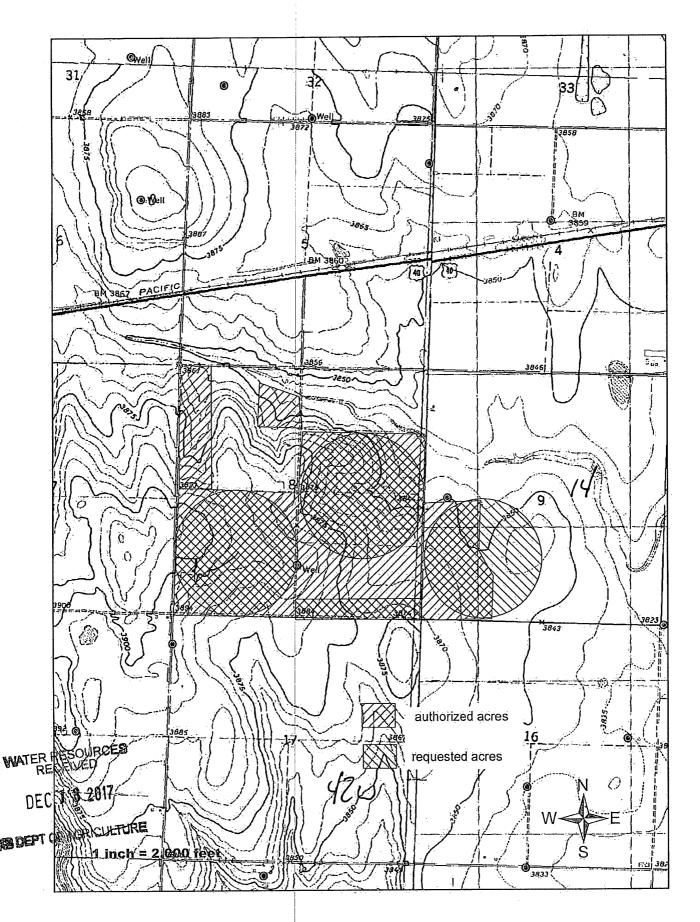
DWR 1-121 (Revised 08/16/2014)

DEC 1 3 2017

SCANNED

21/2017 UM

KS DEPT OF AGRICULTURE



14. If the proposed groundwater point of diversion is 300 or fewer t	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	
 (b) Will the ownership interest of any owner of the currently affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this 	authorized place(s) of use identified in this application be adversely is application.)
(c) If this application is not approved expeditiously, will there t ☐ Yes ☐ No (If no, all owners must sign this	
	sion, a groundwater change in point of diversion greater than 300 feet, wners of the currently authorized place of use, or their duly authorized
age and the owner, the spouse of the owner, or a duly au	iffirmation and under penalty of perjury, that I am of lawful athorized agent of the owner(s) to make this application on application pertains. I further verify that the statements etc.
Order of Cit	s, this day of Gelman, 2017.
Dated at Nonden City, Kansas	this day or
11/10/00	V
X Lohn Welsh Mar.	
(Owner) O	(Spouser CEIVED
(Please Print)	(Please[Fid) 1 3 2017
(Owner)	. Division of Water Resources
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas) SS	
County of Stinney	, 4
I hereby certify that the foregoing application was signed in	in my presence and sworn to before me this 1 day of
Jehnary .	
JULIE JONES	•
My Appointment Expires December 15, 2018	Notary Public
My Commission Expires	() 14blary Fubile
accurate information; maps, if necessary, must be included; signatures of all	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
the appropriate fee must be paid.	
. FEE SCI	HEDULE
Each application to change the place of use or the point of diversion	·
forth in the schedule below: Make checks payable to: Kansas Dep. (1) Application to change a point of diversion 300 feet or les (2) Application to change a point of diversion more than 300	artment of Agriculture ss
(3) Application to change the place of use	
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	We nept of application
DWR 1-121 (Revised 06/16/2014) Pag	KS DEPT OF AGRICULTURE WATER RESOURCES RECOVED
	SCA16001 DEC 1 8 2017

KS DEPT OF AGRICULTURE

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

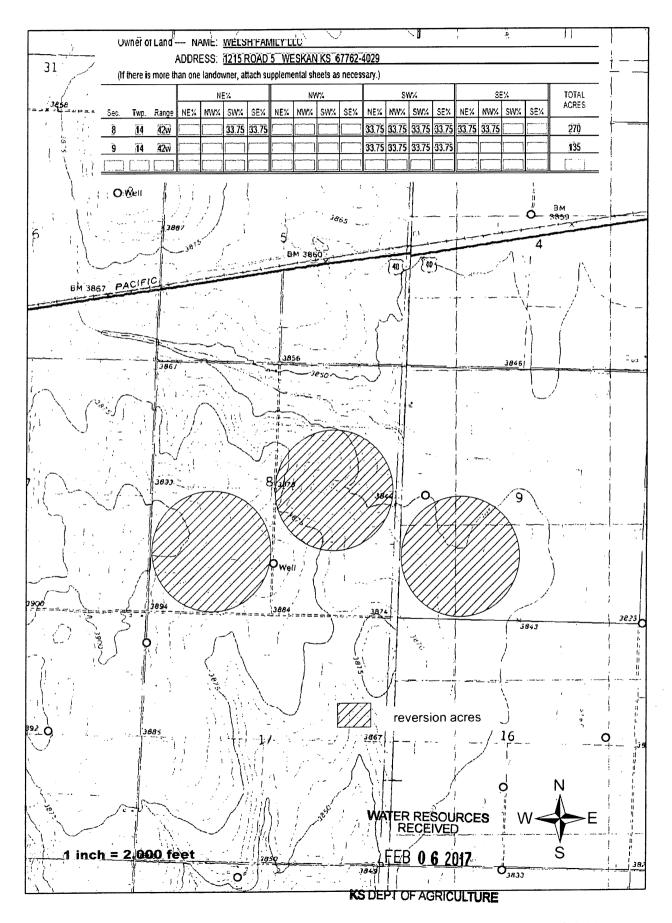
Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.

Fee Schedule is on the third page of this application form.

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	in County, K	ansas.	fe	eet Nor	th feet West of South	east corner of section.
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	Proposed Rate Proposed Rate					
يا	This point is: Additional Well 🔲 🤇	Geo Cente	er List othe	r water	rights that will use this point	•
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Ο.	If a well, is the test hole log attached?	Z1162 [INO		<u> </u>	
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	diversion?				50 - + -	+ = 50
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10.	If the point of diversion is a well:				West 0	
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	(b) When will this be done?	j			<u> </u>	\exists
	(2) ************************************				Б , , , , , , , , , , ,	111117
11.	Groundwater Management District attached? Yes No	ct recon	nmendation		100 50 0 South Scale: 1 " = 1	50 100
10	Assisted by tops			13b.	If the proposed point of diversion v	
12.	Assisted by tpm	,			100 feet but within 1320 feet fr	om the existing point of
					diversion, attach a topographic n For groundwater sources, show all	wells (including domestic)
					within one-half mile of the proposed	d point of diversion and the
	· wa		ن		names and mailing addresses of water sources, show the names	s and addresses of the
		A. The	, ,		landowner(s) one-half mile downs upstream from your property lines.	stream and one-half mile
			_		upstream from your property lines.	Et. M.
DWI	R 1-121 (Revised 06/16/2014)		Pa	ge 2		File No

14744, 27160



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

January 30, 2018 **COPY**

GROUNDWATER MANAGEMENT DISTRICT #1 P.O. BOX 604 SCOTT CITY, KS 67871

Re: Change Application,

File Nos. 14,744 & 27,160

MYFA Application,

File Nos. 20177032-MF & 20177033-MF

Dear Sir or Madam:

We are enclosing a copy of the referenced applications, which were submitted by Welsh Family, LLC and appears to be in proper form, for your review.

The change applications propose to meet the 405 base acres and cover an unauthorized pivot. Once that is completed they have submitted applications for a MYFA on the wells authorizing the new place of use.

We are delaying any further action for a period of 30 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) 564-6643. If you wish to discuss a specific file, please have the file number ready to that I may help you more efficiently.

Sincerely,

Austin McColloch

Environmental Scientist

Water Appropriation Program

Enclosure

pc: Garden City Field Office

SCANNED

McColloch, Austin

From:

Makens, Thom

Sent:

Tuesday, October 17, 2017 8:36 AM

To:

McColloch, Austin

Subject:

RE: Welsh Family LLC base acres

Good morning, easy one Mike Meyer already had it figured. He determined 405 base acres for these two files together.

From: McColloch, Austin

Sent: Tuesday, October 17, 2017 8:31 AM **To:** Makens, Thom <Thom.Makens@ks.gov>

Subject: Welsh Family LLC base acres

Thom,

Can I get the base acres for these two files. They are 14,744 & 27,160 out in Wallace County.

Thanks,

Austin McColloch Environmental Scientist Ph: (785) 564-6643

Kansas Department of Agriculture / Division of Water Resources Garden City Field Office

TO: HEADQUARTERS (BRENT TURNEY)	· · · · · · · · · · · · · · · · · · ·
RE Vested Right; Water Right; Appropriation of Water; File No(s). 14744, 27160 County	
Enclosed are the following checked items:	
AFIR	Return to Field Office WATER RESOURCES RECEIVED
A Compliance Check Inspection on	
 ☐ An application and judgment sheet with recommendation. ☐ A memorandum dated ☐ A request for an extension of time to perfect or complete. 	
 ☐ A verified report. ☐ A closure request. ☐ A field investigation report. 	
 Notice of Non-Compliance An ownership change (name(s) and address(es) below). A water use report for	
☐ A copy of an <u>Approval</u> to Change the ☐ place of use and/or ☐ po	int of diversion,
An Advanced copy of a change application and the filing fee, to loffice.	pe processed at the field
An original field office change <u>application</u> and the filing fee nee review and further processing.	ding headquarters office
Mother: <u>FD175</u> 70 ORICIJAL 1-	4PPC CATION
TPM	17/13/17
Mater Commissioner	1 hata

Makens, Thom

From:

Meyer, Mike

Sent:

Tuesday, January 31, 2017 8:42 AM

To:

Makens, Thom

Subject:

Fwd: 27160; 14744 MYFAs

Importance:

High

Follow Up Flag:

Follow up

Flag Status:

Flagged

Ciro supposedly has appt with john today as per Brandy. You need to take this appt as it now gets complicated

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: WKGMD <gmd1@wbsnet.org> Date: 1/31/17 8:34 AM (GMT-06:00)

To: "Meyer, Mike" < Mike. Meyer@ks.gov>

Subject: 27160; 14744 MYFAs

WATER RESOURCES RECEIVED

FEB 0 6 2017

KS DEPT OF AGRICULTURE

Mike,

John Welsh called yesterday wanting re-enroll in MYFAs for WRs 27160 and 14744. He was going to call your office and make an appointment. However he has an additional issue that needs to be worked out.

Files 14744 and 27160 are overlapped on place of use, 465 acres in Sec 8 and 100 acres in sec 9 both 14-42: he said when they changed from flood to sprinkler on the 100 acre parcel

they are actually watering 135 acres and he didn't realize the problem until just this year, evidently this has been occurring for several years.

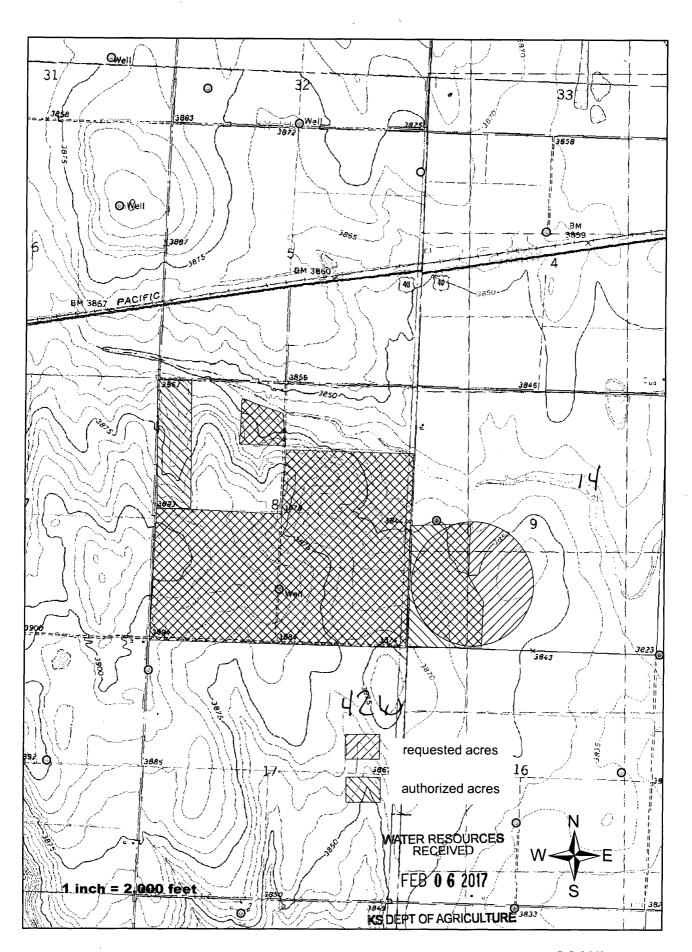
He says they are not watering nor plan to water all of the 465 acre parcel. I told him there may be 2 options for bringing him into compliance. Option 1 would depend on the base acres as to if he might be able to give up some of the 465 acre parcel in exchange for the needed 35 acres or possibly this could qualify for an MOU with the GMD with DWR approval.

Although I have read the MOUs I'm still not 100% sure on how that process works for enrolling and if this situation would qualify, but would be willing to add to the compliance checks if it helps to legally solve the issue.

Any way I told him your office would have to verify the base acres so hence that is why he is making an appointment.

We are trying to finally get the water sensors installed, got 3 done yesterday and hope to finish the others today.

Thanks, Kyle



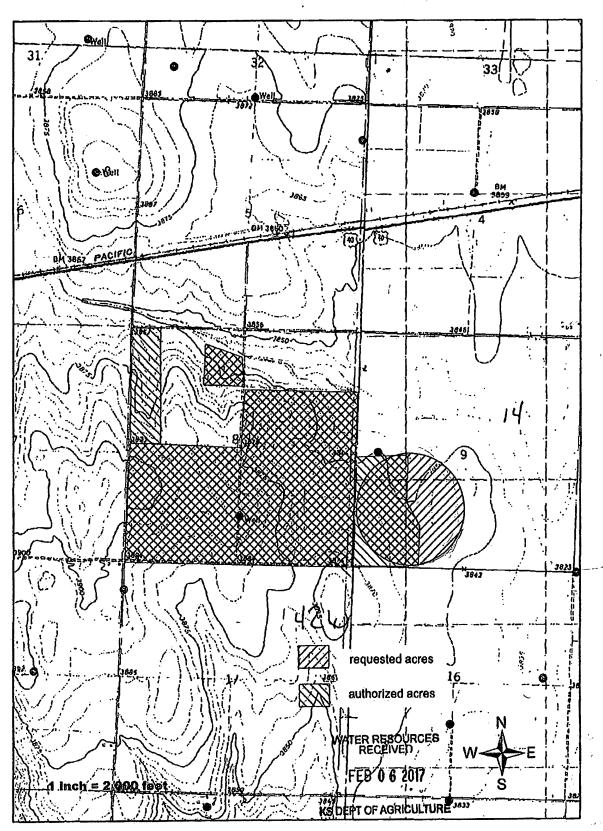
RECEIVED.

DEC 1 3 2017

DISCHUD

14744, 27160

Garden City Field Office Division of Water Resources



WATER RESOURCES RECEIVED

SCANNED

DEC 1 3 2017

14. If the proposed groundwater point of diversion is 3	00 or fewer feet fro	m existin	point of d	iversion, complete the fo	llowing:
(a) Does the undersigned represent all owners of Yes No (If no, all owners m	the currently authoriust sign this applic	orized plac alion.)	e(s) of use	e identified in this applica	tion?
(b) Will the ownership interest of any owner of the affected if this application is approved as required Yes □ No (If yes, all owners in the content of t	ested?		(s) of use	identified in this applica	lion be adversely
(c) If this application is not approved expeditious ☐ Yes ☐ No (If no, all owners m			mage to p	roperty, public health or a	safety?
If the application proposes a surface water change in p or a change in place of use, the application must be sig agent (attach notarized statement authorizing represen	ned by all owners				
I hereby verify, being first duly sworn upon m age and the owner, the spouse of the owner, o their behalf, in regard to the water right(s) to contained in this application are true, correct	r a duly authori which this app	zed age	nt of the	owner(s) to make this	application on
Dated at Sanden City	, Kansas, this	1.4	_ day of _	Helmany	20_17
x Lohn Wolsh Mrs.				0	•
X Sohn Welsh Man. (Owner)	 			(Spouser CEIVE	ED
				(Sponson)	
(Please Print)		(Please[阳机) 1 3 2017			
(Owner)			· · ·	(Spouse) City Fie	d Office
(Owner)	•	Division of Water Resources			
(Please Print)				(Please Print)	
(Owner)				(Spouse)	
(Please Print)			***************************************	(Please Print)	
State of Kansas County of Staney ss					ΔÐ
I hereby certify that the foregoing application w	as signed in my	presenc	wa bna e	orn to before me this	day of
JULIE JON					
December 15,			Julie	Nojary Public	
My Commission Expires			~		
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. accurate information; maps, if necessary, must be included; significantly the appropriate fee must be paid.					
	FEE SCHEDU	LE			
Each application to change the place of use or the point forth in the schedule below: Make checks payable to: 1 (1) Application to change a point of diversion 3	Kansas Departme 00 feet or less	nt of Agr	culture		\$100
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DWR 1-121 (Revised Of/16/2014) AGRICULT	Page 3			Cila	No
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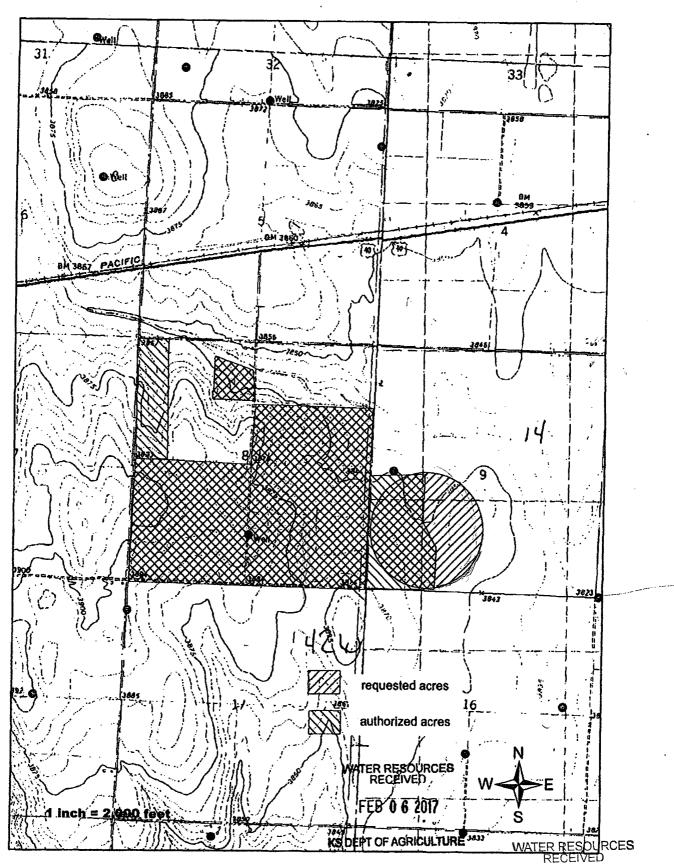
RECEIVED.

DEC 1 3 2017

DISCHUD

14744, 27160

Garden City Field Office Division of Water Resources



SCANNED 8 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

February 7, 2017

WELSH FAMILY LLC 1215 ROAD 5 WESKAN, KS

RE: File No. 14744

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:

☐ 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 A Turney, L.G.

Change Applications Unit Supervisor

Water Appropriation Program

BAT: dlw

pc: GARDEN CITY Field Office GMD 1