Kansas Department of Agriculture Division of Water Resources

CHANGE: P/U WORKSHEET & OWNERSHIP CHANGE

D٥	cum	ent	Sign	ature	lql

1. File Number:	2. Status Change Date:	3. Change Num:	4. Field Office:	5. GMD:						
18822	11/29/2018	. C1	4	3						
6. Status: Approved	Denied by DWR/GMD	☐ Dismiss by Re	quest/Failure to	7. Filing Date of	- ·					
		ì		7/9/2	/9/2018					
8a. Applicant(s) New to system □	Person ID 1336 Add Seq#	New to sy	stem 🛛	Person ID Add Seq#						
REVOCABLE INTER 8107 21 RD FOWLER KS 67844	•	5124 2	Roland & ARDITH M LEWIS 5124 21 ROAD FOWLER KS 67844							
8b. Landowner(s) New to system KENNETH & EUNIC		7 8d. WUC New to sy	stem □	Person ID Add Seq#	13367					
REVOCABLE INTER 8107 21 RD FOWLER KS 67844	VIVUS IRUSIS									
		•								
9. Documents and Enclosure(s): [DWR Meter(s) Date to C	comply:	N&PD	ate to Comply: _						
☐ Check Valve ☐ N &	P Form	Tube 🔲 🛭	Oriller Copy [☐ H & E Letter						
☐ Conservation Plan Date R	equired:	Date Approved: _	[Date to Comply: _						
10. Use Made of Water From: _			To:							
Date Prepared: 11/21/2018 By: LI Date Entered: 12/3/2018 By: WH										

File No.	18822			11. Count	y: ME	Ва	sin: Cl	ROOK	ED C	REEK			Si	tream:		=					Fo	rmatio	on Co	de: NA	Special Use: NA
12. Point T MOD	ts of Dive	rsion		-														and Qu	uantity		A	ddition	nal		
DEL I	PDIV	Qualifi	er	s	Т	R.	ID	•	N	'W		Com	ment				Rate	•	Quantit af/mgy	:у /	Rate gpm/c	•	Quan af/m		Overlap PD Files
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14. Limita	ıtion:			af/yr	at				gpm (_				cfs) wl	nen co	mbine	d with	i file ni	umber	(s) NO	NE I	NO CH	IAN	GE		
Limita	ation:			af/yr	at				gpm (_				cfs) wl	nen co	mbine	d with	file nu	umber	(s)						
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16. Place	of Use					NI	Ε1/4			NV	V1/4			sv	V¼			s	E¼		Total	Own	er ",	Chg?	Overlap Files
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MOD 18																			30.0	30.0	60	8b	: .	NO	NONE
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KANSAS DEPARTMENT OF AGRICULTURE **Division of Water Resources**

<u>MEMORANDUM</u>

TO:Files

DATE:

November 21, 2018

FROM: Leslie Ireland

RE: Water Right, File No. 18,822

On July 9, 2018, Jeff Padgett, filed an application to change the place of use authorized under the referenced file for irrigation use.

The application for change was to remove the land located in the North Half of the Southeast Quarter of Section 23, Township 30, Range 28 West, Meade County, that had been added by in 2000. Both person who made the agreement are now deceased and the property has passed or is passing to the heirs.

The needed signature of Ardith Lewis was requested by the fileld office and then by headquarters. My conversation with Jeff Padgett would indicate Lewis wants to sell the land to him, but Padgett is not interested in purchasing the land.

The worksheet dismissing the application should update the ownership to add Ardith Lewis

Based on the above discussion, it is recommended that the application to change the place of use filed on July 9, 2018, for the referenced file, be denied and dismissed.

Leslie Ireland

Environmental Scientist

Water Appropriation Program

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE 1320 RESEARCH PARK DRIVE MANHATTAN, KS 66502 PHONE: (785) 564-6700 FAX: (785) 564-6777



900 SW Jackson, Room 456 Торека, KS 66612 Рнопе: (785) 296-3556 www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D. JACKIE McClaskey, Secretary of Agriculture

December 6, 20 RILE COPY

KENNETH & EUNICE PADGETT REVOCABLE INTER VIVOS TRUSTS JEFF PADGETT TRUSTEE 8107 21 RD FOWLER KS 67844

RE: Water Right, File No. 18,822

Dear Mr. Padget:

Enclosed is the Findings and Orders by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing the Application for Change under the referenced file.

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. If an annual water use report is not received by the deadline, a fine may be assessed and all water use under such right may be suspended. For your convenience, reports may be filed online at www.kswaterusereport.org.

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, P.G.

Change Application Unit Supervisor

BAT:LI:li Enclosures

pc: Garden City Field Office

Groundwater Management District No. 3

Ardith M. Lewis

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCESDavid W. Barfield, Chief Engineer

FINDINGS AND ORDER
IN THE MATTER OF THE DISMISSAL
OF AN APPLICATION FOR APPROVAL
TO CHANGE THE AUTHORIZED
PLACE OF USE
UNDER WATER RIGHT, FILE NO. 18,822

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

- 1. That on September 7, 1982, the Chief Engineer, in accordance with K.S.A. 82a-714, issued a Certificate of Appropriation pursuant to Water Right, File No. 18,822, for permit to appropriate water for irrigation use, authorizing the use of groundwater.
- 2. That on July 9, 2018, an *Application for Approval to Change the Place of Use Under an Existing Water Right* (Application) was received in the Garden City Field Office of the Chief Engineer under File No. 18,822, signed by Larry Padgett, Trustee of the Kenneth & Eunice Padgett Revocable Inter Vivos Trusts, 8107 21 Road, Fowler, Kansas 67844.
- 3. A review of the application determined Ardith M. Lewis, 5124 21 Road, Fowler, Kansas 67844, is an owner of the 60 acres authorized in the North Half of the Southeast Quarter (N½ SE½) of Section 23, Township 30, Range 28 West, Meade County, Kansas.
- 4. In a letter dated July 3, 2018, Ardith M. Lewis was sent a copy of the Application and requested to provide a notarized signature and return it to the Garden City Field Office by July 25, 2018.
- 5. On October 9, 2018 the Headquarters Office of the Chief Engineer received the Application for additional processing.
- 6. In a letter dated October 12, 2018, Jeff Padgett, Trustee of the Kenneth & Eunice Padgett Revocable Inter Vivos Trusts was informed that the Application would be denied and dismissed because it did not comply with K.A.R. 5-5-5. The applicant was requested to provide the needed signature or provide additional information to show why the evaluation should be reconsidered by October 27, 2018, or request additional time beyond the 15 days to submit additional information.
- 7. On October 26, 2018, Jeff Padgett was afforded additional time to November 9, 2018, to provide the needed signature or additional information as requested in his October 25, 2018, phone conversation.
- 8. Since no additional information has been received to show the proposed change in place of use will comply with K.A.R. 5-5-5, nor was a request for additional time received, the Application should be denied and dismissed for failure to meet the regulation as afforded by K.S.A. 82a-708b.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, the Application for Approval to Change the Place of Use Under an Existing Water Right, received in an Office of the Chief Engineer on July 9, 2018, under Water Right, File No. 18,822, shall be denied and dismissed and its priority forfeited.

In all other respects, the Certificate of Appropriation for Beneficial Use of Water, issued pursuant to irrigation use under Water Right, File No. 18,822, dated September 7, 1982, remains as authorized.

day of bue mover, 2018, at Manhattan, Riley County, Kansas.

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 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

DANIELLE WILSON My Appointment Expires August 23, 2020

RIGHT TO PETITION FOR ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A 82a-1901(c), 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 review 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 the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777. If no 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 administrative review may preclude further judicial review under the Kansas Judicial Review Act.

CERTIFICATE OF SERVICE

On this of day of lecture, 2018, I hereby certify that the foregoing Findings and Order in the Matter of the Dismissal of an Application for Approval to Change the Authorized Place of Use Under an Existing Water Right, for Water Right, File No. 18,822, was mailed postage prepaid, first class, US mail to the following:

KENNETH & EUNICE PADGETT REVOCABLE INTER VIVOS TRUSTS JEFF PADGETT TRUSTEE 8107 21 RD FOWLER KS 67844

With photocopies sent to:

ARDITH M LEWIS 5124 21 ROAD FOWLER KS 67844

Garden City Field Office Groundwater Management District No. 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



Water Resources STATE RECEMBISAS

OCT 09 2018

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.

KS Dept Of Agriculture

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3.	Phone N The pres Owner o	lumber: sently a f Land -	(uthoriz NA ADDR) ed pla AME: ESS:	ce of u KENN 8107 2	ise is: ETH &	FOW	CE PA	\DGE1	844	/OCAE	-			TRUS	TS .	76) 's	5124	1 M. LEWIS 21 ROAD 2 KS 6784
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5.	Presently authorized point of diversion:		9
	One in the Quarter of the	Quarter of the Quarter of the	arter
	of Section, Township	South, Range (E/	/W),
		feet North feet West of Southeast corner of section	
	Authorized Rate Authorized Quantity	Depth of well (feet)	
	(DWR use only Computer ID No GPS	feet North feet West)	
	1	as follows: $\ \ \square$ No change, point better described with GPS as follows	
	Proposed point of diversion: (Complete only if change	is requested or if existing point is better described by GP	<u>'S)</u>
	One in the Quarter of the	Quarter of the Qua	arter
	of Section, Township	South, Range (Englet North feet West of Southeast corner of section	/W),
-,- ;	ˈˈinˈ ːːːːːːːːːːːːːːːːːːːːːːːːːːːːːːːːːː	feet North feet West of Southeast corner of section	on.
	· · · · · · · · · · · · · · · · · · ·	Proposed well depth (feet)	
	☐ This point is: ☐ Additional Well ☐ Geo Center List other	er water rights that will use this point	<u> </u>
6.	Presently authorized point of diversion:	<u>.</u>	
	One in the Quarter of the	Quarter of theQua	arter
	or Section, Township	South, Range(E/	/VV),
	County, Kansas,f	teet North feet vivest of Southeast corner of section	on.
	Authorized Rate Authorized Quantity	Deptn of well (feet)	
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		is requested or if existing point is better described by GP	
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		South, Range (E/	
		feet North feet West of Southeast corner of section	
		Proposed well depth (feet)	
	This point is: Additional Well Geo Center List other		
	(please be specific)	300 200 100 North 100 200 300 100 100 200 300 100 100 100 100 100 100 100 100 1	
9.	The change(s) (was)(will be) completed by?		
	upon approval	100 + + + + = + + + 1 = 100	
10	. If the point of diversion is a well:	<u> </u>	
10.	·	West 0	ast
	(a) What are you going to do with the old well?		
	na		
	(b) When will this be done?		
	(2) Then the allowed dollor		
11.	. Groundwater Management District recommendation attached?	200 + + + + + + + + + + + + + + + + + +	
12	Assisted by tem	<u> </u>	
12.	Assisted by tpm	300 200 100 0 100 200 300 South Scale: 1 hashmark=10 ft	
13a	a. If the proposed point of diversion will be relocated more than 30 feet but within 2,640 feet of the existing point of diversion, attact a topographic map or aerial photograph. For groundwate sources, show all wells (including domestic) within one-half mill of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mild downstream and one-half mile upstream from your propert lines	13b.If the proposed point of diversion will be relocated within 30 of the existing point of diversion, indicate its location of diagram shown above in relation to the existing point diversion. (PLEASE NOTE: The "X" in center of diagram shown represents the presently authorized point diversion.)	n the int of gram

14. If the proposed groundwater point of diversion is 300 or fewer feet fro	m the existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently author☐ Yes☐ No(If no, all owners must sign this application)	rized place(s) of use identified in this application? ation.)
 (b) Will the ownership interest of any owner of the currently authorisaffected 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 subs ☐ Yes ☐ No (If no, all owners must sign this applic	
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).	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 affirmage and the owner, the spouse of the owner, or a duly authorise their behalf, in regards to the water right(s) to which this app contained in this application are true, correct and complete.	zed agent of the owner(s) to make this application on lication pertains. I further verify that the statements
Dated at, Kansas, this _	3 day of July 20 18
Larry Pagett Trustee	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas County of SS	rd
I hereby certify that the foregoing application was signed in not seem of, 20, 20, 20	ny presence and sworn to before me this 3 day
JULIE JONES	Salla Jones
My Commission Expires My Commission Expires December 15, 2018	Notary (Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all caccurate information; maps, if necessary, must be included; signatures of all the apthe appropriate fee must be paid.	of the applicable portions of the application form must be completed with propriate owners' must be affixed to the application and notarized; and
FEE SCHEDU	<u>LE</u>
Each application to change the place of use or the point of diversion unde	r this section shall be accompanied by the application fee set
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	\$100 \$200
(3) Application to change the place of use	Water Resources Received
	OCT 09 2018

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. 5-5-1, et seq. and other applicable provisions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 18822 A change application was received on requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application. 2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use.

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

Not Applicable The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. \square Applicable \square Not Applicable The point(s) of diversion authorized herein shall not actually be located more than _ authorized point(s) of diversion.

Applicable
Not Applicable As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13.

Applicable Not Applicable The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2018, 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 at ferror the reading of the water flow meter and the total quantity of water diverted ☐ Applicable authorized extension of time. By March 1, 20_____ the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable \quad \text{Not Applicable} Installation of the works for diversion of water shall be completed on or before December 31, 20 ☐ Applicable The completed well log shall be submitted with the required notice. ☐ Applicable ☐ Not Applicable 10. 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 11. Additional Conditions are attached. ☐ Yes 12. 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** If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, **SUMMARY ORDER ISSUED** you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within 15 days of service of this Order and a request for Duly Authorized Designee of the Chief Engineer administrative review by the Secretary must be filed within **30** days pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. (Print Name): Division of Water Resources - Kansas Department of Agriculture File any request with Kansas Department of Agriculture, Date of Issuance: __ Legal Division, 1320 Research Park Drive, Manhattan, KS 66502. Failure to timely request a hearing or review may State of Kansas preclude review under the Kansas Judicial Review Act.) SS For Use by Register of Deeds County of Acknowledged before me on _____ Signature: ____ Notary Public W WIT NEW WILLS My commission expires: _____ (Notary Seal) File No. DWR 1-121 (Revised 04/5/2018) Page 4

48 Dept of a pleution

DEPARTMENT OF AGRICULTURE DIVISION OF WATER RESOURCES GARDEN CITY FIELD OFFICE 2508 JOHNS STREET GARDEN CITY, KS 67846-2804

STATE OF KANSAS



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

GOVERNOR JEFF COLYER, M.D. JACKIE McClaskey, Secretary of Agriculture

July 3, 2018

Ardith Lewis 5124 21 Road Fowler KS 67844

RE: changes in acres File No 18822

Dear Mrs. Lewis:

Enclosed please find the change applications these are being sent because of a discussion we had with Jeff Padget yesterday. The enclosed applications will take your off the above referenced water rights that authorize the Padgett's irrigation on his adjoining ground. The Padgett's feel that your land will be up for sale soon which is why they are asking this request at this time.

Please, if you agree, sign the application and have the signature notarized. Then please return the applications to:

KDA-DWR 2508 John St Garden City KS 67846

If you could return them by July 25, it would be most helpful. Should you have any questions, please feel free to call this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

Thomas P. Makens

Assistant Water Commissioner

TPM:tpm Enclosures

Water Resources Received

OCT 09 2018

KS Dept Of Agriculture

SCANNED

Property Details for PID: 06003623000000003000



QuickRef ID :	R348
Owner Name :	LEWIS, ARDITH M
Location:	00000, Meade, KS 67864
Abbreviated Boundary Description:	S23 , T30 , R28 , ACRES 78.0 , N2 SE4 LESS R/W
Owner Information:	
Owner	LEWIS, ARDITH M
Mailing Address	5124 21 ROAD FOWLER, KS 67844
Property Information:	
Туре	Agricultural Use
Status	Active
Taxing Unit	006
Neighborhood Code	412
,	

No Secondary Address Details found

Market Land Details:

Actual Width:	0
Eff. Width	0
Eff. Depth	0
Acres	0
Square Feet	0

No Permit Details found

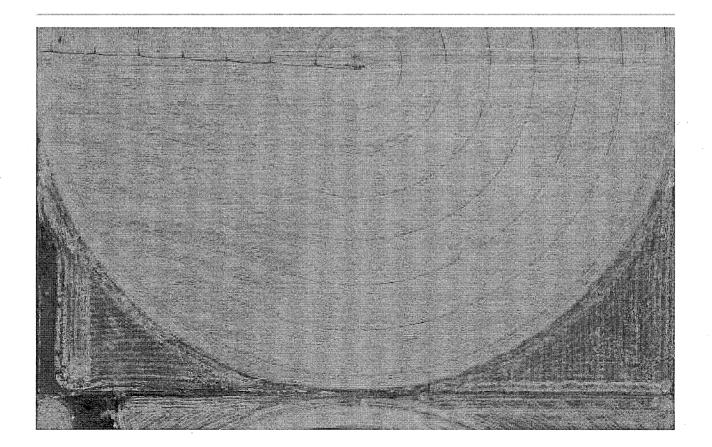
No Orion Deed Book Page Details found

Additional Deed Book Page Details

Deed Book/Page 0064/0092

Value Details

Current Final Value (Agricultural	•	2018
	Land	\$40,620.00
	Building	\$0.00



Property Details for PID: 0600372600000001000

QuickRef ID: R357

PADGETT, EUNICE REVOCABLE Owner Name: INTER VIVOS TRUST

Location: 00000, Meade, KS 67864

Abbreviated Boundary S26, T30, R28, ACRES 155.1, NE4 LESS R/W Description:

PADGETT, EUNICE REVOCABLE Owner

INTER VIVOS TRUST

Mailing Address 8107 21 ROAD FOWLER, KS 67844

Property Information:

Owner Information:

Type Agricultural Use

Active Status

006 Taxing Unit

Neighborhood Code 412

No Secondary Address Details found

Property Details for PID: 06003623000000004000

QuickRef ID: R349 PADGETT, EUNICE REVOCABLE Owner Name: INTER VIVOS TRUST Location: 00000, Meade, KS 67864 Abbreviated Boundary S23, T30, R28, ACRES 77.1, S2 SE4 Description: LESS R/W Owner Information: PADGETT, EUNICE REVOCABLE Owner INTER VIVOS TRUST Mailing Address 8107 21 ROAD FOWLER, KS 67844 **Property Information:** Type Agricultural Use **Status** Active **Taxing Unit** 006 Neighborhood Code 412

No Secondary Address Details found

DEPARTMENT OF AGRICULTURE 1320 RESEARCH PARK DRIVE MANHATTAN, KS 66502 PHONE: (785) 564-6700

Fax: (785) 564-6777

STATE OF KANSAS

900 SW Jackson, Room 456 Topeka, KS 66612 Phone: (785) 296-3556 www.agriculture.ks.gov



GOVERNOR JEFF COLYER, M.D.

JACKIE McClaskey, Secretary of Agriculture

October 26, 2018

KENNETH & EUNICE PADGETT REVOCABLE INTER VIVOS TRUSTS
8107 21 RD
FOWLER KS 67844

COPY

RE: Change in Place of Use Application, Water Right, File No. 18,822

Dear Mr. Padgett:

Per our conversation and in accordance with your telephone request of October 25, 2018, the Chief Engineer has extended until November 9, 2018, as the time in which to supply the signature of Ardith Lewis or documentation to show the signature is not needed.

If the needed signature or additional information is not supplied by the deadline, or any authorized extension of time thereof, it will be recommended to the Chief Engineer the application be denied and dismissed for failure to comply with K.A.R. 5-5-5.

If you wish to request additional time, you must do so in writing, before the period expires. Such a request should state what steps are being taken to supply the requested information.

If you have any questions, please do not hesitate to contact me at (785) 564-6633. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently. Sincerely,

Leslie Ireland

Environmental Scientist

Water Appropriation Program

LI:li

pc:

Garden City Field Office

Groundwater Management District No. 3

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE 1320 RESEARCH PARK DRIVE MANHATTAN, KS 66502 PHONE: (785) 564-6700 FAX: (785) 564-6777



900 SW Jackson, Room 456 Topeka, KS 66612 Phone: (785) 296-3556 www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D. JACKIE McClaskey, Secretary of Agriculture

October 12, 2018

KENNETH & EUNICE PADGETT REVOCABLE INTER VIVOS TRUSTS 8107 21 RD FOWLER KS 67844

RE: Change in Place of Use Application, Water Right, File No. 18,822

Dear Mr. Padgett:

Reference is made to the application for approval of the Chief Engineer to change the place of use under the referenced file number which was received in this office on February 20, 2018. Upon further review we find the application, cannot be approved as filed.

Please note that K.A.R. 5-5-5 states in part:

"If more than one person is the owner of a water right, and an application is filed for a change in the place of use, point of diversion, use made of the water, or any combination thereof, only the signature(s) of the landowner(s) whose portion of the water right(s) is (are) involved in the change shall be required on the application. If the extent of each owners interest in the water right has not been legally determined, then all landowners holding an undetermined portion of the water right must sign the change application . . . "

Records in this office indicate that Ardith Lewis was contacted by letter dated July 3, 2018, as owner of a portion of the property authorized by the referenced file, specifically that located in the North Half of the Southeast Quarter of Section 23, Township 30 South, Range 28 West, Meade County, and requested to supply the required signature. We do not find that he has supplied the requested signature. Because the application contains only your signature, it cannot be approved as proposed, therefore, it will be recommended to the Chief Engineer that the Application for Approval to Change the Authorized Place of Use under Water Right, File No. 18,822, be denied and dismissed for failure to comply with K.A.R. 5-5-5.

We are advising you of this recommendation in order to allow you to submit additional information to show why the evaluation should be reconsidered. You have a period of 15 days (until October 27, 2018) to either (1) submit additional information to our office or (2) to request additional time beyond the 15 days to submit additional information. If you wish to request additional time, you must do so in writing, before the 15 day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office.

If you do not request more time within the 15 day period, or if your request is not granted, the above referenced application will be submitted to the Chief Engineer for final decision based on the recommendation stated above. If you do submit additional information within the 15 day period (or any authorized extension), that information will be given due consideration prior to final action on the application.

SCANNED

The Rules and Regulations of the Kansas Water Appropriation Act works may be found on the Kansas Department of Agriculture web site, http://www.agriculture.ks.gov/dwr.

If you have any questions, please do not hesitate to contact me at (785) 564-6633. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Leslie Ireland

Environmental Scientist

Rulie Ireland

Water Appropriation Program

LI:li

Enclosures

pc:

Garden City Field Office

Groundwater Management District No. 3

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

TO: HEADQUARTERS BLEW TIL	RNEY
RE Vested Right; Water Right; Appropriation of W	
Enclosed are the following checked items:	·
FIR Full Partial Inspection Proposed Certificate to deliver to Certificate Unit	Return to Field Office
☐ A Compliance Check Inspection on Meter Install ☐ New App ☐ Chg App ☐ Other In Compliance ☐ Not in Compliance, why Modify Point of Diversion ☐ No ☐ Yes, document attach Indicate all overlapping p/d files	ned
☐ 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 finite invertion of the control of	Water Resources Received
☐ A field investigation report.☐ Notice of Non-Compliance	OCT 09 2018
☐ An ownership change (name(s) and address(es) below). ☐ A water use report for ☐ A letter dated	KS Dept Of Agriculture
☐ A copy of an Approval to Change the ☐ place of use and/or [☐ Filing Fee attached.	
An Advanced copy of a change application and the filing fee office.	e, to be processed at the field
An original field office change application and the filing fee review and further processing. Other: A	needing headquarters office
- 3/9/19/19	
Mulal lis	10-518
Water Commissioner	

18822 pu change

