Kansas Department of Agriculture Division of Water Resources

CHANGE: P/U WORKSHEET & ORDER

Document Signature **DWB**

1. File Number: 27,16 0)	2. Status Chai	_	3. (Change Num:	4. Field Office:		5. GMD:	1
6. Status: Approved	☐ De	nied by DWR/G		l	smiss by Reque	st/Failure to Return	7.	_	of Change:
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WELSH FAMIL 412 COYOTE E WESKAN KS	BLVD	02							
8b. Landowner(s) New to system	*	Person ID Add Seq#			8d. WUC New to sy	stem 🗌		Person ID Add Seq#	
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9. Documents and Enclo	sure(s): 🛛 [OWR Meter(s) D	ate to Com	ply:	12/31/201	8 □ N & P Dat	e to C	omply:	
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☐ Conservation Plan	Date Requ	ired:		Date /	Approved:	Da	e to C	comply:	,
10. Use Made of Water	From:				To:				
						Date Prepared: 2/8	3/201 2 /20	8 By: ⅓ By:	AM CLM

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Limitation:		af/yr	at			9	gpm (_				cfs) w	hen co	mbine	d with	file n	umber(:	s)			•		
15. 5YR Allocation	Allocation	Туре	_ Sta	art Yea	r		5 YR	Amou	nt		Amo	unt U	nit		Base	Acres		_ Co	omment .			
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KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

<u>MEMORANDUM</u>

TO: Files DATE: February 8, 2018

FROM: Austin McColloch RE: Water Right

File Nos. 14,744 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



Secretary Jackie McClaskey

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

Governor Jeff Colyer, M.D.

WELSH FAMILY LLC 412 COYOTE BLVD WESKAN KS 67762-4002 March 12, 2018

FILE COPY

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. 27,160

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 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	3	148	42W			31.25	31.25					31.25	31.25	31.25	31.25	31.25	31.25	10.00	10.00	270.00
	9	148	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. 27,160, 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

Or

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

KAREN HUNTER
My Appointment Expires
October 24, 2018

Notary Public

CERTIFICATE OF SERVICE

On this Attached Approval of Application for Change in Place of Use, Water Right, File No. 27,160 dated, March Start , 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 2/1/18

Reviewer. 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



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

Page 1

WATER RESOURCES File No.

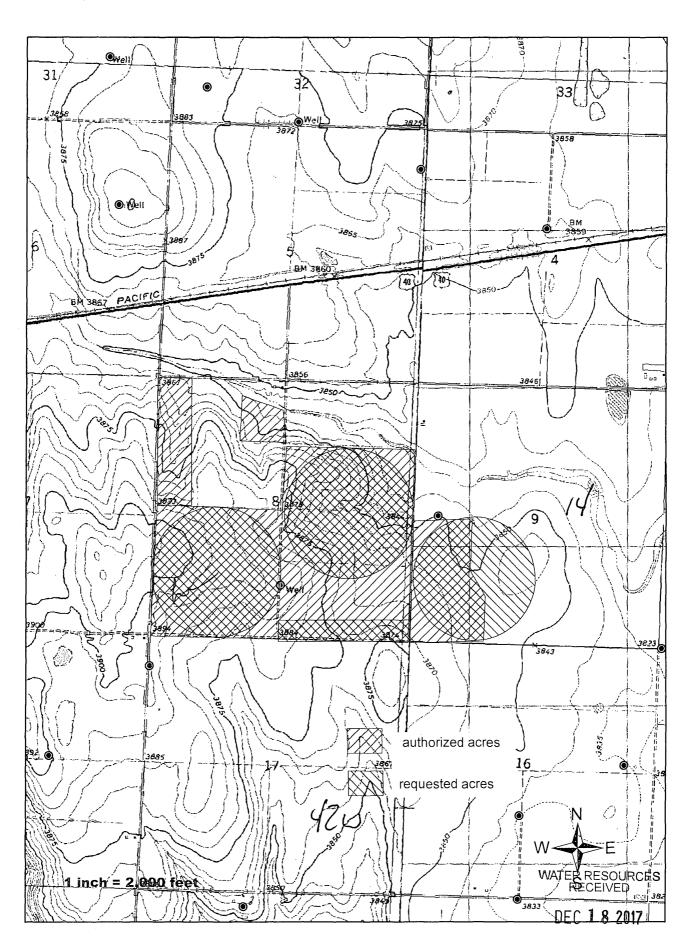
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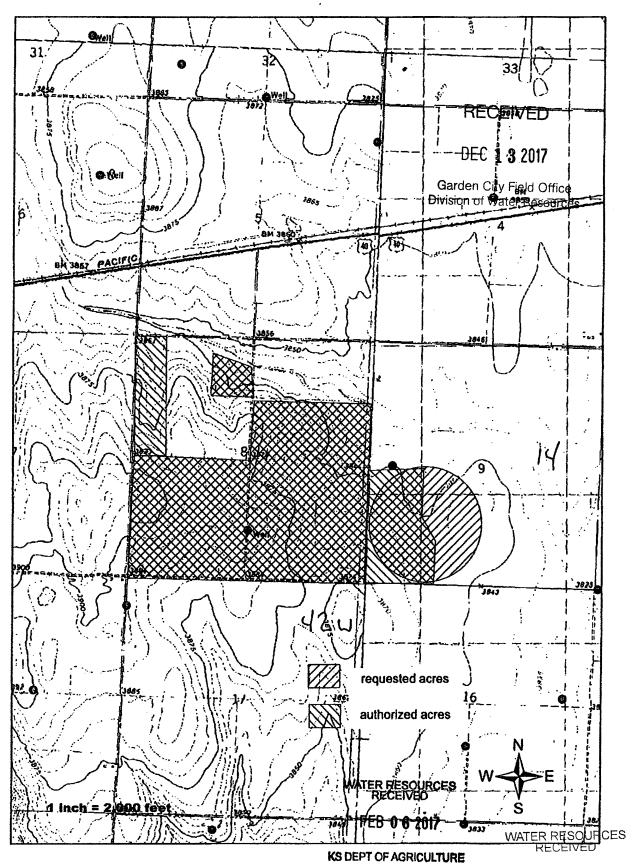
DEC 1 8 2017

14. II the proposed	groundwater point t	or aiversion is 300 or	lewer leet tro	m existing point c	it diversion, complete ti	ne tollowing:
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(b) Will the own affected if the	nership interest of his application is ap		rrently authorid?	zed place(s) of u	se identified in this ap	plication be adversely
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State of Kansas)				
County of Ains	rey	ss s				£a.
I hereby certify the	nat the foregoing	application was si	gned in my	presence and s	worn to before me	1 .
- Charles of A	A076	JULIE JONES	7			
My Commission Expire	es	My Appointment Expires December 15, 2018		- gu	Notary Public	
ONLY COMPLETE APPL accurate information; ma the appropriate fee must	ps, if necessary, must	PROCESSED. To be the included; signature	complete, all of es of all the app	the applicable porti opriate owners' mu	ons of the application form st be affixed to the applica	must be completed with tion and notarized; and
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DEC 1 3 2017

KANSAS DEPARTMENT OF AGRICULTURE Jackie McClaskey, Secretary of Agriculture

Garden City Field Office

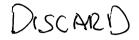
DIVISION OF WATERINESOURCES

Resources

David W. Barfield, Chief Engineer

FileNumber(s) 14744 & 27160

K.A.R. 5-5-11



The items listed below have been reviewed with me by the Western Kansas Groundwater Management District No.1 pertaining to the approval of my application to change the place of use authorized under my water right.

- 1) Flow Meter Requirement. I understand that flow meters will have to be installed and maintained on each well covered by this application and that I will have to report these meter readings annually to the Division of Water Resources on the annual water use report forms.
- 2) Monitoring requirements. The District, under the monitoring requirement with the Division of Water Resources, will make three visits annually to this farm. Reports of verification of compliance and status reports will be completed by the District and submitted to the Division.

<u>3) W</u> ater requirements.	. The District ha	s reviewed the amount of water required to
irrigate the acreage propo	sed under this cl	nange application with me. The five-year
allocation, if required, ha	s been reviewed	with me and I understand the amount of water to
which lam limited is	NA	acre-feet per five-year period.
		• •

- 4) Base acres. The proposed increase in authorized acres for a crop rotation shall be limited to not exceed _______ acres. Under this condition, lunderstand that I am limited to the approved or certified annual quantity of water under my water right and that the number of acres irrigated any one calendar year, cannot be more than my base acres.
- 5) Understanding. Pursuant to K.AR. 5-5-11 section 3 (D) ii and 4 (D) ii, the approval of the above stated application shall be conditioned so that the use of water in excess of the five (5) year allocation, or, on more than the maximum number of acres authorized to be irrigated in any one calendar year, shall result in a two-year suspension of all water use under this water right, and a subsequent restriction of the authorized place of use to the base acreage at the following location.

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9-14-42W					**	-			33.75	33.75	33.75				,		135	

As shown on the map accompany the application for change.

Signature

State of Kansas
County of

I hereby certify that the foregoing was signed in my presence and sworn before me Risesources day of

DEC 1 8 2017

Notary Public

KS DEPT CORRECTED

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

FILE COPY
January 30, 2018

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

January 9, 2018



GREGORY JOHN & GLORIA J ROBINSON 1180 ROAD 4 WESKAN KS 67762

RE:

Water Right, File No. 27,160

Dear Sir or Madam:

This is to advise you that Welsh Family LLC has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use under the above referenced file number.

The application proposes the following change in the location of the place of use

from: a total of 465 acres in Section 8 and a total of 100 acres in the Southwest Quarter (SW¹/₄) of Section 9, all in Township 14 South, Range 42 West, Wallace County, Kansas,

to: a total of 270 acres in Section 8 and a total of 135 acres in Section 9, all in Township 14 South, Range 42 West, Wallace County, Kansas,

You are being notified of this proposed change in the place of use so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact me at 785-564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin McColloch

Environmental Scientist

Water Appropriation Program

Enclosure(s)

pc:

Garden City Field Office

Groundwater Management District No. 1



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

Jackie McClaskey, Secretary

Governor Sam Brownback

January 9, 2018

LARRY & CINDY TOWNSEND 1170 ROAD 4 WESKAN KS 67762

RE:

Water Right,

File No. 27,160

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The application proposes the following change in the location of the place of use

from: a total of 465 acres in Section 8 and a total of 100 acres in the Southwest Quarter (SW¼) of Section 9, all in Township 14 South, Range 42 West, Wallace County, Kansas,

to: a total of 270 acres in Section 8 and a total of 135 acres in Section 9, all in Township 14 South, Range 42 West, Wallace County, Kansas,

You are being notified of this proposed change in the place of use so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact me at 785-564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin McColloch

Environmental Scientist

Water Appropriation Program

Enclosure(s)

pc:

Garden City Field Office

Groundwater Management District No. 1

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



STATEPOFOEAMSIAS

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.

DEC 1 3 2017

								C 13 UI			-					_	Garde	en City	Field Office
thai	agraph I 100 fee nt(s) of di	et, or if	place	of use	will b	e cha	eted. nged,	Comp include	lete a	II othe pograp	r appl hic ma	icable ap or o	porti detaile	ons. I d plat	f chan showi	ge in4 ng the	autho	f diversionized a ECEI	iton Resignates and proposed VED
																		1:35	PM
						ı	File No	o. <u>2716</u>	60 ·								•	B 01	•
1.	Applicat	ion is he	ereby n	nade f	or app		of the C		ngine		nange Point			ne or b	oth):	(Di	Gardei vision	n City f of Wate	Field Office er Resources
	under th	e water	right v	vhich i	s the s	ubject	of this	applic	ation i	n acco	rdance	e with	the co	ndition	s desc	ribed l	oelow.		
	The sou	rce of s	upply i	s:		⊠ 0	round	lwater			Surfa	ce wat	er						
2.	Name a									<u>~</u>				\sim			W	ATER I	RESOURCES CEIVED
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	Phone N	-								addre								FEB	0 6 2017
	Name a												7)	_\//				а	:44
	4215 RC							71		Co							KSD		AGRICULTURE
	Phone N								Email	addre	ss:								
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	Owner o		ADDRI						KS 6	7762-4	เกวด		17	C	7 C d	18	BL	UD.	
	(If there is														<i>,</i>				
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Se	ć. Twp.	Range	NE¼	NW%		SE¼	NE¼		SW1/4	SE¼	NE¼	NW1/4	sw ₁ / ₄	SE¼	NE¼	NW¼	SW1/4	SE¼	ACRES
8		42w	INE /4	1447/4	40	40	25	20	20	UL/A	40	40	40	40	40	40	40	40	465
9		42w									5	40	40	15					100
4.	If this ap								ropose	ed that	the pl								
		,	ADDRI	ESS: .	121 5 [ROAD	5- WE	SKAN	IKS 6	7762-	4029	٠ <u>ر</u>	112	<u>C</u> 0	400	F 0	CVI	<u>د</u>	· · ·
	(If there is	s more th	an one	landov	vner, at	tach su	ppleme	ental sh	eets as	neces	sary.)								
				N	E%			NV	٧%			sv	٧%			SE	1/4		TOTAL
Se	c. Twp.	Range	NE¼	NW%	SW%	SE¼	NE%	NW%	SW1/4	SE¼	NE%	NW%			NE%	NW%	SW1/4	SE%	ACRES
- 8	14	42w			40	40	25				31.2	31.25 40	40	40	40	AO	_40	40	425 270 Ju
. 9	14	42w			31.25	31.25					35	35		_35	7125	31.25	iO.	10.	140
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DWR 1-121 (Revised 06/16/2014)

FO: 4

For Office Use Only: Code PO Fee \$ 700

GMD:

WATER ESOURCES

DEC 1 3 201 Page 1

KS DEPT OF AGRICULTURE

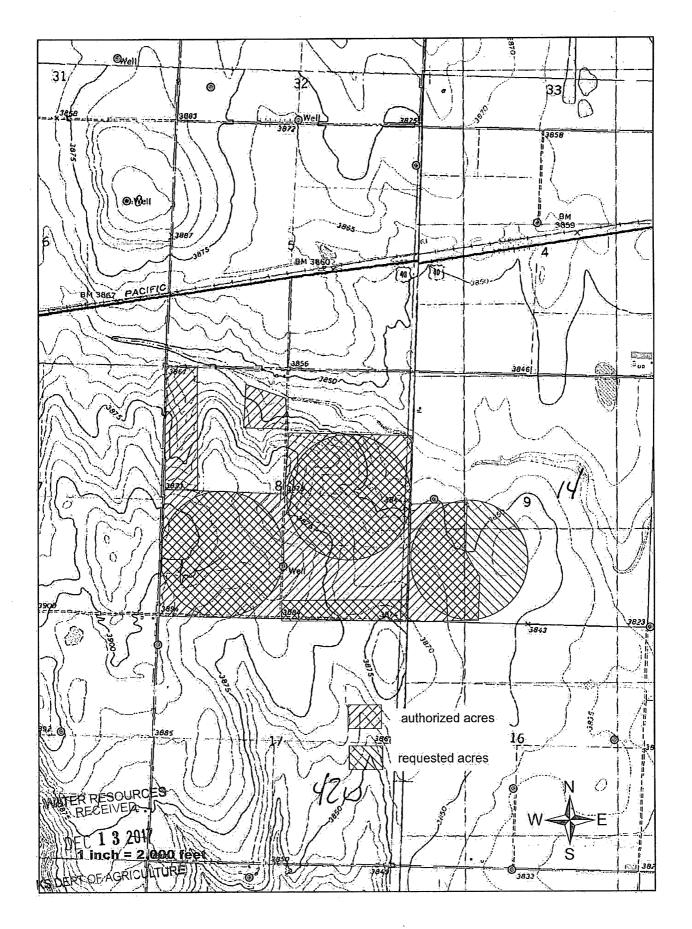
AJW 2396 2/6/17

File No. ___

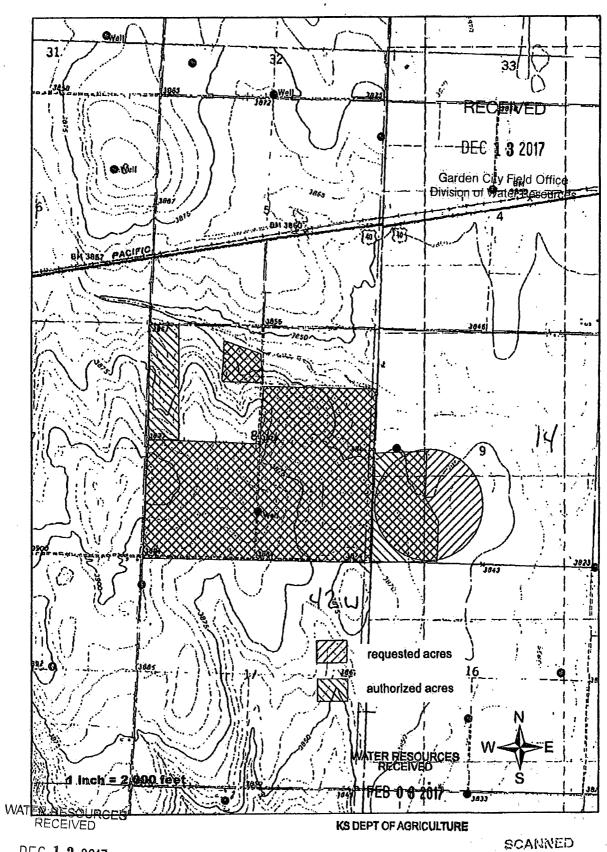
AWWED

Receipt Date 2/1/17 Check# 2396

42 ----



14744, 27160



DEC 1 3 2017

14. If the proposed groundwater point of diversi	on is 300 or fewer feet fro	m existing point o	f diversion, complete	the following:
(a) Does the undersigned represent all ow ☐ Yes ☐ No (If no, all ow	ners of the currently authorized		use Identified In this	application?
(b) Will the ownership interest of any own affected if this application is approved a ☐ Yes ☐ No (If yes, all or	er of the currently author as requested? wners must sign this appli		se identified in this	application be adversely
(c) If this application is not approved expec ☐ Yes ☐ No (If no, all ow	ditiously, will there be sub- oners must sign this applic		property, public hea	alth or safety?
if the application proposes a surface water chan or a change in place of use, the application mus agent (attach notarized statement authorizing re	t be signed by all owners			
I hereby verify, being first duly sworn up age and the owner, the spouse of the ow their behalf, in regard to the water right contained in this application are true, co	ner, or a duly authori (s) to which this appi	zed agent of the lication pertain	owner(s) to ma	ke this application or
	, Kansas, this _	day of	Stationar	20 17
Dallou St. Thinking Change	, itanous, uns	0ay 01		
X John Welsh (Owner) -			(Spouse)	RECEIVED
				·
(Please Print)			(Please Print)	DEC 1 3 2017
			Gar	den City Field Office
(Owner)			(Spough)isio	on of Water Resources
(Please Print)			(Please Print)	
(Owner)			(Spouse)	
(Please Print)			(Please Print)	
State of Kansas				
County of Stinney SS		.		tal
I hereby certify that the foregoing application of the second of the sec	tion was signed in my	presence and s	sworn to before m	e this day of
	ie Jones	ه ۱	7	و.
	Intment Expires ber 15, 2018	300	Notery Public	
ONLY COMPLETE APPLICATIONS WILL BE PROCES accurate information; maps, if necessary, must be incluted appropriate fee must be paid.	SSED. To be complete, all o ded; signatures of all the app	f the applicable porti propriate owners' mu	ons of the application f st be affixed to the app	om must be completed with olication and notarized; and
	FEE SCHEDUL	£		
Each application to change the place of use or the forth in the schedule below: Make checks payable (1) Application to change a point of divergence.	le to: Kansas Departmei rsion 300 feet or less	nt of Agriculture	*****	\$100
(2) Application to change a point of diverged(3) Application to change the place of us	rsion more than 300 feet . se			\$200 \$200
• • • • • • • • • • • • • • • • • • • •	A STATE OF THE STA	ATER RESOURC RECEIVED		·
		FEB 0 6 2017		
DWR 1-121 (Revised 06/16/2014)	Page KC N	EPT OF ÅGRICULI	rure	File No

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 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

KS DEPT OF AGRICULTURE

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] < <u>Austin.McColloch@ks.gov</u>>

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

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

> Topeka -- (785) 296-5733 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787 Garden City -- (620) 276-2901 http://agriculture.ks.gov/dwr

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



STATE OF KANSAS

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

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

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater

	t(s) of div						igea, i		за юр	оугар	THC THE	ар ог с ——	Jetanet	u piat	SHOWII	ig tile	RE		VED PM
						F	ile No	. <u>2716</u>	0								FE	B 01	2017
1.	Applicati	on is he	ereby n	nade f	or appı	roval o	f the C	Chief E	nginee	er to ch	nange :	the (ch	eck or	ne or b	oth):	(arder	City I	Field Office
						⊠ P	lace of	f Use			Point	of Dive	ersion			D۱۱	vision (or wan	er Resources
	under th	e water	right v	vhich is	s the s	ubject	of this	applic	ation i	n acco	rdance	e with t	the cor	ndition	s desc	ribed b	elow.		
	The soul	rce of s	upply i	s:		⊠ G	round	water			Surfac	ce wat	er						
2.	Name ar	nd addre	ess of	Applica	ant: <u>W</u>	/ELSH	FAMI	LY LLO	<u> </u>								W	ATER	RESOURCES
	1215 RC)AD 5 \	NESK/	AN KS	6776	2-4029)											RE	CEIVED
	Phone N	lumber:)					Email	addre	ss:							FEB	0 6 2017
	Name ar	nd addre	ess of	Water	Use C	orresp	onden	t: <u>WE</u>	<u>LSH F</u>	AMILY	LLC								
	1215 RC)AD 5 \	NESK	<u>AN KS</u>	6776	2-4029)										KSD	A FPT O	: 니니 Fagriculture
	Phone N	lumber:	(_)		•			Email	addre	ss:						11000		
3.	The pres	sently a	uthoriz	ed pla	ce of u	ise is:													
	Owner o	f Land -	N/	AME:	<u>WELS</u>	H FAN	11LY LI	_C											
		,	ADDRI	ESS:	<u>1215 F</u>	ROAD	5 WE	<u>SKAN</u>	KS 67	7762-4	029								•
	(If there is	more th	an one	landov	vner, at	tach su	ppleme	ental sh	eets as	neces	sary.)								
				NE	Ξ1⁄4			NV	V1⁄4			sv	V1⁄4			SE	1/4		TOTAL
Sec	. Twp.	Range	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW1/4	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	ACRES
8	14	42w			40	40	25	20	20		40	40	40	40	40	40	40	40	465
9	14	42w									5	40	40	15					100

				NE	Ξ1⁄4			NV	V1⁄4			sv	V1⁄4			SE	1/4		TOTAL
Sec.	Twp.	Range	NE¼	NW¼	SW1/4	SE¼	NE1/4	NW¼	SW1/4	SE¼	NE¼	NW¼	SW¼	SE¼	NE1/4	NW¼	SW¼	SE¼	ACRES
8	14	42w			40	40	25				40	40	40	40	40	40	40	40	425
9	14	42w									35	35	35	35					140
-																			

If this application is for a change in place of use, it is proposed that the place of use be changed to:

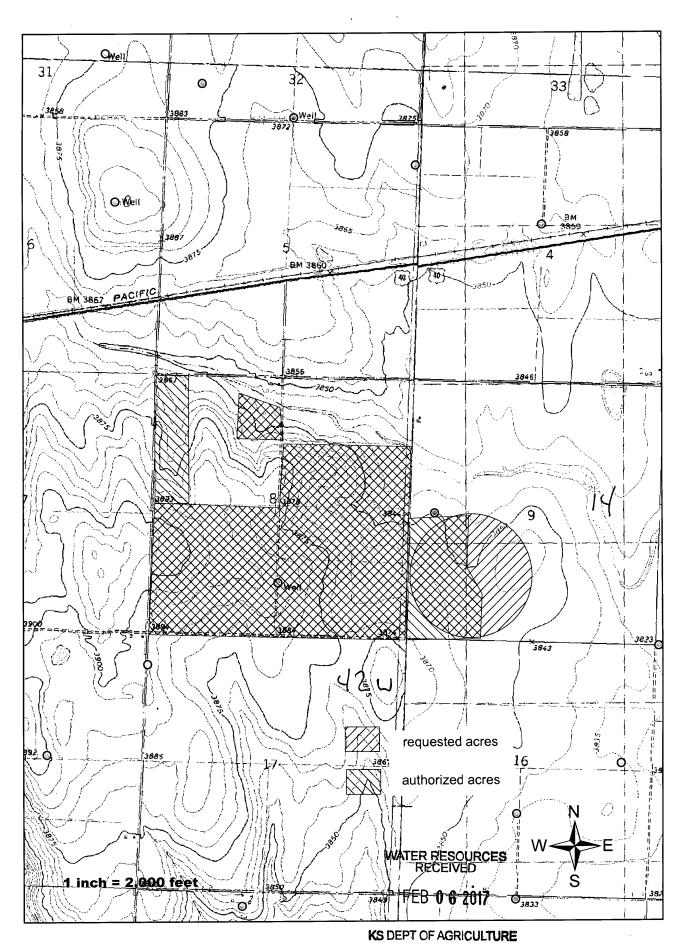
ADDRESS: 1215 ROAD 5 WESKAN KS 67762-4029

(If there is more than one landowner, attach supplemental sheets as necessary.)

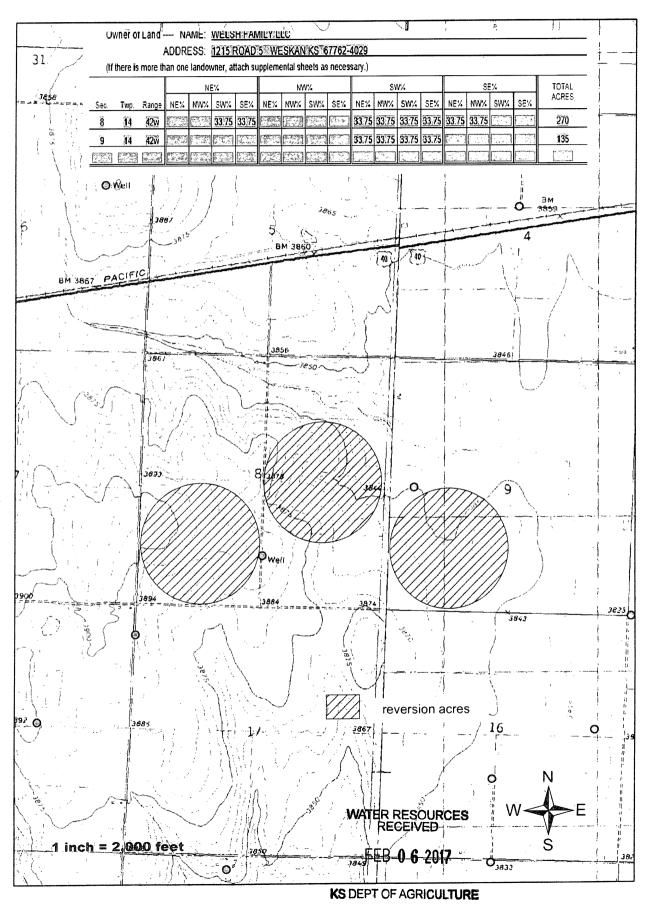
For Office	Use Only: Code) Fee \$ 700 T	TR #	Receipt	Date Z/I	/17 Chec	ck#_2396	
FO:4	amo: 1	IPR	9	NA	AJW	2394	2/6/17	

Owner of Land ---- NAME: WELSH FAMILY LLC

5.	Presently authorized	l point of diversion:					
	One in the	Quarter of the		Quarter of the	Quarter		
	of Section	, Township		South, Range			
	in	County, Kansas,	orth feet West of Sc	outheast corner of section.			
	Authorized Rate	Authorized Quantity		Depth of well	(feet)		
	(DWR use only: Cor	nputer ID No GF	's	feet North	feet West)		
		t be changed 🛮 🖂 This point wil					
	Proposed point of di	iversion: (Complete only if chang	ge is req	<u>uested)</u>			
	One in the	Quarter of the		Quarter of the	Quarter		
	of Section	, Township		South, Range			
	in	County, Kansas,	feet No	orth feet West of So	outheast corner of section.		
	Proposed Rate	Proposed Quantity _		Proposed well depth (fe	eet)		
		tional Well Geo Center List o					
l							
6.	Presently authorized	point of diversion:					
0.		Quarter of the		Quarter of the	Quarter		
		, Township					
	in	County, Kansas,	feet No	orth feet West of So	outheast corner of section		
	Authorized Rate	Authorized Quantity	_ 1001110	Depth of well	(feet)		
	(DWR use only: Cor	mputer ID No GF		feet North	feet West)		
		t be changed					
		iversion: (Complete only if change					
					Quarter		
11.	of Section	Quarter of the Township		South Pange	(FAM)		
	in Section .	, Township County, Kansas,	foot No	South foot West of So	outheast corner of section		
*		County, Kansas, Proposed Quantity _					
T to	Triis point is: ☐ Addi	tional Well Geo Center List of	Julei wate	er rights that will use this point _	•		
	•		130	If the proposed point of diversion	on will be relocated within 10		
7.	vvny do you need a ne	w point of diversion?	ısa.	feet of the existing point of diversity			
	no change to water we	lls		the diagram below in relation to	the existing point of diversion		
				(PLEASE NOTE: The "X" i represents presently authorize	ed point of diagram below		
				North	•		
0	If a well is the test half	a lag attached 2 M Vac			50 100		
8.	if a well, is the test hole	e log attached? X Yes		 			
9.	When do you propo	ose to complete the new point	of	F '. <u>∓</u>	' 7		
0.	diversion?	to complete the new point	0.	F . =	. 7		
				50 	+ 📑 50		
				<u> </u>	-		
10.	If the point of diversion	is a well:					
	•	g to do with the old well?		West 0 - III III I X			
	(a) What are you gon	g to do with the old woll.		E =	\exists		
				50 + =	+ = = 50		
				30 F + =	+ ¬		
	(b) When will this be o	done?		<u> </u>			
	. ,			<u> </u>			
11	Groundwater Mana	gement District recommendat	ion	100 50 O	 50 100		
	attached?			Sout	h		
			401	Scale: 1"			
12.	Assisted by tpm		13b.	If the proposed point of diversion 100 feet but within 1320 feet	on will be relocated more that the existing point of		
		•		diversion, attach a topographi	c map or aerial photograpl		
		et e		For groundwater sources, show	v all wells (including domestic		
				within one-half mile of the propo- names and mailing addresses	of the owners. For surface		
				water sources, show the na	mes and addresses of th		
		Control of the second	· 12	landowner(s) one-half mile do upstream from your property lin	wnstream and one-half mil		
	•			apaticali nom your property in	Jo.		



14744, 27160



14. If the proposed groundwater point of diversion is 500 o	i lewel leet iioi	ii existing	point of d	iversion, complete the i	onowing.
(a) Does the undersigned represent all owners of the ☐ Yes ☐ No (If no, all owners must			e(s) of use	identified in this applic	ation?
(b) Will the ownership interest of any owner of the conficted if this application is approved as requested ☐ Yes ☐ No (If yes, all owners must be applied of the conficted o	d?	·	(s) of use	identified in this applica	ation be adversely
(c) If this application is not approved expeditiously, wi ☐ Yes ☐ No (If no, all owners must			mage to pi	operty, public health or	safety?
If the application proposes a surface water change in point or a change in place of use, the application must be signed agent (attach notarized statement authorizing representation	by all owners				
I hereby verify, being first duly sworn upon my or age and the owner, the spouse of the owner, or a their behalf, in regard to the water right(s) to wh contained in this application are true, correct and	duly authorizich this appl	ed agen cation p	t of the o	owner(s) to make th	is application of
Dated at Darden City	Kansas, this _	_ jst	_ day of	February	, 2017
* Alestidat Moo.			•		
(Owner)				(Spouse)	
(Please Print)				(Please Print)	
(Owner)				(Spouse)	
(Please Print)				(Please Print)	·
(Owner)	·			(Spouse)	- Ja Josephane
(Please Print)				(Please Print)	
State of Kansas County of Linney		•	,		. L a,
I hereby certify that the foregoing application was	signed in my	presence	and sw	orn to before me thi	i
JULIE JONES My Appointment Expires		<u> </u>	Zuk	Norary Public	
My Commission Expires December 15, 2018			O	ready r dono	
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be accurate information; maps, if necessary, must be included; signature the appropriate fee must be paid.	ures of all the app	ropriate ow			
Each application to change the place of use or the point of of forth in the schedule below: Make checks payable to: Kan: (1) Application to change a point of diversion 300 f (2) Application to change a point of diversion more (3) Application to change the place of use	sas Departmer eet or less than 300 feet .	this section this section the	culture		\$100
· ·	W	ATER RE RECE	SOURCE:	5	
		FEB 0	6 201 7		
DWR 1-121 (Revised 06/16/2014)	Page KS D	FPT OF A	GRICULTL	, IRE . Fi	le No.

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

prov K.A	s Summary Order is issued under authority of Hivisions of the Kansas Water Appropriation Law, K. R. 5-1-1 et.seq. With the exception of those conditions and limitations of File No.	. <i>S.A. 82a-701</i> itions expressl	et sea, and rules	s and regulat	ons promule	dated t	nereunder.		
1.	A change application was received on diversion authorized under the above-referenced fi	ile number be	reques changed as descri	sting that the bed in the ap	place of use plication.	e and /	or point of		
2.	On and after the effective date of this summary or on the topographic map accompanying the applica	der, the authorition to change	rized place(s) of use.	se shall be lo Applica	ocated substable \(\begin{array}{c} \cdot \cdo	tantially ot Appl	/ as shown icable		
3.	The change in point of diversion shall not impair expreviously authorized. The point of diversion authorized point(s) of diversion.	orized by this s] Applicable	summary order sha Not Applicab	ill be located le	within a		foot		
4.	The point(s) of diversion authorized herein shall no authorized point(s) of diversion. Applicable	ot actually be lo	ocated more than _ plicable		feet fr	om the	previously		
5.	As required by K.A.R. 5-3-5d, if the works for diverged tube or other device suitable for making water lever with K.A.R. 5-6-13. Applicable Not A	el measuremer	ell with a diversion nts shall be installe	rate of 100 ged, operated a	gallons per i and maintair	minute led in a	or more, a accordance		
	The owner of the authorized place(s) of use December 31, 2017, or before the first use of wate and maintained in accordance with K.A.R. 5-1-4 th 3-5e, the owner shall maintain records and report annually to the Chief Engineer by March 1 followin Applicable Not Applicable	er, whichever of nrough 5-1-12. the reading of g the end of ea	occurs first. The w As required by K the water flow me ach calendar year.	rater flow met .S.A. 82a-732 eter and the t	er shall be it 2, as amend otal quantity	nstalled led, and of wat	d, operated d K.A.R. 5- er diverted		
7.	Installation of the works for diversion of water authorized extension of time. By March 1, 20 <u>18</u> the diversion has been completed, on the form provided ☐ Applicable ☐ Not Applicable	ie applicant sh	all notify the Chief	Engineer tha	t constructio	17, or on of the	within any e works for		
8.	The completed well log shall be submitted with	the required	notice. \square Ap	plicable	☐ Not Appli	cable	•		
9.	All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable								
10.	Additional Conditions are attached.	☐ No							
11.	. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the <i>Kansas Water Appropriation Law</i> and the <i>Rules and Regulations</i> 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.								
,	Administrative Appeal and Effective Date of Ord	<u>er</u>		FOR OFFICE					
You befor Dep filed Kan Driv show is not	have the right to a hearing in accordance with K.A.R. ore this Summary Order becomes final action of the Kartment of Agriculture. Any request for a hearing must with the Chief Engineer, Division of Water Resources Department of Agriculture, 1320 Research Parke, Topeka, Kansas 66502, within 15 days after the dwn on the Certificate of Service attached hereto. If a hot requested in accordance with K.A.R. 5-14-3, this Suer will become effective on the 15th day after the date the Certificate of Service.	5-14-3 ansas st be ces, rk Brate nearing ummary shown		Resources - Ka	e of the Chief	JED Enginee	er		
	For Use by Register of Deeds	Si	ate of Kansas)				
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		by	/				·		
		!	Signature:						
	Artos, fonega Carvacas	4160)		N	otary Public				
			My commission ex	pires:	(Notary	Seal)			
DW	3.1-121 (Revised 06/16/2014) 32/03/03/03/03/03	Page 4			Fil	e No.			

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

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

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

WATER RESOURCES RECEIVED

FEB 0 6 2017

KS DEPT OF AGRICULTURE



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. 27160

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