Kansas Department of Agriculture Division of Water Resources

CHANGE: P/D WORKSHEET

1. File Number:	2. Status Change Date:	3. Change Num:	4. Field Office:	5. GMD:
43835	2/9/18	C2	04	03
6. Status: ⊠ Approved □ Den	ied by DWR/GMD □	Dismiss by Reques	t/Failure to Return 7.	Filing Date of Change:
8a. Applicant(s) New to system □	Person ID 28932 Add Seq# 1	8c. Landown		Person IDAdd Seq#
AG MANAGEMENT CON PO BOX 1013 GARDEN CITY KS 67840				
8b. Landowner(s) New to system □	Person ID 41058 Add Seq# 1	8d. WUC New to sy	rstem 🗍	Person ID 28932 Add Seq# 1
FRY FAMILY FARMS LC AG MANAGEMENT CON PO BOX 1013 GARDEN CITY KS 67840		РО ВО	NAGEMENT CONS X 1013 EN CITY KS 67846-	
9. Documents and Enclosure(s); ⊠ D\	VR Meter(s) Date to Comp	ly: <u>12/31/18</u>	⊠ N & P Date to Co	mply: <u>12/31/18</u>
☐ Anti-Reverse Meter ☐ Meter☐ Conservation Plan Date Requir				r Copy
10. Use Made of Water From:		To: _		
			Date Prepared: 1/30/18 Date Entered:	ву: ТРМ Ву:

File No. 43835	11. C	11. County: ME	: ME		Basin: crooked	: croo	keď					Stream:	ä						<u> </u>	Formation Code:	n Code:		Special Use:	
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1320 Research Park Drive Manhattan, Kansas 66502 785-564-6700



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

Secretary Jackie McClaskey

Governor Jeff Colyer, M.D.

February 7, 2018

AG MANAGEMENT CONSULTANTS PO BOX 1013 GARDEN CITY KS 67846-1013

RE: Change in Point of Diversion Water Right, File No 9411D2, 43835

Dear Mr. Banning:

Enclosed you will find a Summary Order Approving Application for Change in Points of Diversion for the above referenced file. This order modifies the authorized well location under the referenced file. This order modifies the original document; it should be recorded at the County Register of Deeds.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this order. The diversion works should be completed and reported to the Division of Water Resources by December 31, 2018. Enclosed is a form for this purpose, along with other information for reference.

A condition of this order is that an acceptable flow meter must be properly installed on the diversion works authorized under the referenced file number in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12. This water flow meter shall be used to provide information required on the annual water use report.

This order shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order. The date of service is the date listed on the enclosed *Certificate of Service*.

Should you have any questions, please feel free to call this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

Thomas P. Makens

Assistant Water Commissioner

TPM:tpm Enclosures GMD#3

### CERTIFICATE OF SERVICE

On this / day of February 2018, I hereby certify that the attached original Approval of Application to Change the Point of Diversion under Water Right, File No. 9411D2, 43835 dated February 9, 2018 was mailed postage prepaid, first class, US mail to the following:

AG MANAGEMENT CONSULTANTS PO BOX 1013 GARDEN CITY KS 67846-1013

Copy provided to GMD#3

Division of Water Resources

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

Topeka -- (785) 862-6300 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787 Garden City -- (620) 276-2901 www.ksda.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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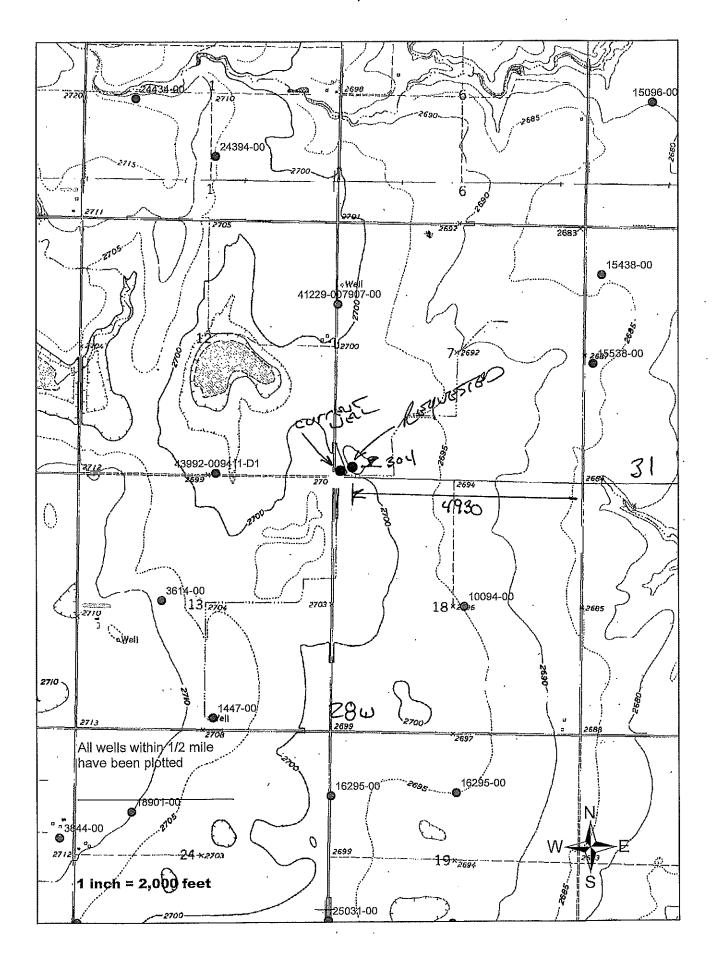
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	Authorized Rate	; 	Authorized Quantity		Depth	of well		(feet)	
	(DWR use only: Com	puter ID No.	<u>2</u> GF	°S	98 feet	North	162 1	eet West)	
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7.	Why do you need a new	point of diver	sion?	13a.	If the proposed	d point of div	ersion will b	e relocated	within 100
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	old well needs to be repl	aced			the diagram be (PLEASE NO	ow in relation to the "I	on to the exis X" in cente	ting point of	r diversion. am below
					represents pr	esently auth	orized poin	t of diversi	on.)
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3,	If a well, is the test hole I	og attached?	⊠ Yes □ No		100	50	0 50	100	
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∂.	When do you propos	e to comple	ete the new point	of	F			<del></del>	
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	February 15, 2018					•	_ '		
10	If the point of diversion is	, o wali			. <b>-</b>		_	7	
ıv.	If the point of diversion is				West 0 🗀 I	11   1111	$\overline{\mathbf{X}}$	1 <b>                                  </b>	East
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					water sources landowner(s)	, show the	names ar	ıd addressı	es of the
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	(b)	affected if this	application is	approved	ner of the c as requeste owners mus	ed?			s) of use	identified in this ap	plication be a	dversely
	(c)		on is not app ]No	roved expe (If no, all o	ditiously, w wners must	ill there be sign this a	subst pplicat	antial dan tion.)	nage to pr	operty, public healt	h or safety?	
or a	cha	oplication propos ange in place of attach notarized	use, the app	lication mu	st be signed	d by all owr	on, a g ners of	roundwat f the curre	er change ently autho	in point of diversic orized place of use	on greater than or their duly	n 300 feet, authorized
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### SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-14-3 and other applicable provisions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, K.A.R. 5-1-1 et.seq. With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 43835 requesting that the place of use and / or point of A change application was received on January 10, 2018 diversion authorized under the above-referenced file number be changed as described in the application. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown ☐ Applicable Not Applicable on the topographic map accompanying the application to change the place of use. 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 50 foot radius of the authorized point(s) of diversion. The point(s) of diversion authorized herein shall not actually be located more than 300 feet from the previously ☐ Not Applicable authorized point(s) of diversion. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. ☐ 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 and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Installation of the works for diversion of water shall be completed on or before December 31, 2018, or within any authorized extension of time. By March 1, 2019 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. ☐ Not Applicable Applicable The completed well log shall be submitted with the required notice. ☐ Not Applicable All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable \subseteq Not Applicable ☐ Yes ⊠ No 10. Additional Conditions are attached. 11. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the Kansas Water Appropriation Law and the Rules and Regulations promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND You have the right to a hearing in accordance with K.A.R. 5-SUMMARY ORDER ISSUED 14-3 before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 109 SW 9th Street, Topeka, Kansas 66612, within 15 days after the Duly Authorized Designee of the Chief Engineer date shown on the Certificate of Service attached hereto. If a hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15th day (Print Name): Thomas P Makens Division of Water Resources - Kansas Department of Agriculture after the date shown on the Certificate of Service. I-EBRUARY Zo 18 Date of Issuance: For Use by Register of Deeds State of Kansas Acknowledged before me on Falmuan Signature: Notary **Cublic** ANE OF SUE KEENY NOTARY PUBLIC My Appointment Expires June 8, 2018 My commission expires: Kairsa

# 9411D2, 43835



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