NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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 than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

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	-121 (R	evised 0	4/5/201	18)						Page 1				Rece				File No	. 10143

APR 01 2019

5.	Presently authorized point of	diversion:				
	One in theNE	Quarter of the	_ NE	Quarter of the	SE	Quarter
- [of Section19	. Township	33	South Range	42	Quarter
-	in MORTON Cou	inty Kansas 2620	feet North	320 feet West	of Southeast com	er of section
	Authorized Rate 185GPM	Authorized Quantity	122AF	Denth of well	or countreast com	net of section.
- 1	(DWR use only: Computer ID	No GP	S	Sopul of Well		(act)
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	Proposed point of diversion: (
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-	of Section	, rownsnip	food North	South, Range _		(E/W),
- 1	in Cou	inty, Kansas,	_ reet North _	reet west	of Southeast com	er of section.
- 1	Proposed Rate	_ Proposed Quantity _	41	Proposed well dep	oth (feet)	··
L	This point is: Additional Well	Geo Center List o	ther water ng	nts that will use this po	int	
г	Duran de la contraction de la	••				
3.	Presently authorized point of					
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ı	One in the	Quarter of the		Quarter of the _		Quarter
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	in Cou	ınty, Kansas,	_ feet North _	feet West	of Southeast com	er of section.
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-	This point is: Additional Well	☐ Geo Center List o	ther water rig	hts that will use this po	int	I
7.	The changes herein are desired (please be specific) Create a com		30 F	0 200 100 No	orth 0 100 200 11111111111111111111111111111	300 1300 1300
8.	If a well, is the test hole log attach	ed? Yes No	200	-	 - + + +	- 1 - 1 200
9.	The change(s) (was)(will be) comp	oleted by?		 -:+:+:	፟ – –	4
	As soon as approved		100	_, + , + , -	<u> </u>	· ===================================
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10.	If the point of diversion is a well:		<u> </u>		= <u>-</u> -	<u> </u>
	(a) What are you going to do with	the old well?	West 0	լս վուվումումուկութա	== · · · · · · · · · · · · · · · · · ·	ɪɪ기ɪ#] O East
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			100			- 1 = 100
	(b) When will this be done?		100	' ' ' ' '	= ' ' ' '	, j
			ļ		=	· =
11.	Groundwater Management Distric	t recommendation attache	ed? 200	-1+1+1	<u>-</u> + +	- - 200
	☐ Yes ☐ No				<u> </u>	. 🗐
					Faataadaaataad	l
12.	Assisted by GMD3/JLN		30	0 200 100	0 100 200	
13a	a.lf the proposed point of diversion varieties but within 2,640 feet of the exist a topographic map or aerial pheories, show all wells (including of the proposed point of diversion addresses of the owners. For suinames and addresses of the downstream and one-half miles.	sting point of diversion, at lotograph. For groundw domestic) within one-half n and the names and ma face water sources, show landowner(s) one-half	tach 13b.If the vater of the mile diagonal diversity the about mile diversity to the mile diversity to the d	e proposed point of diver ne existing point of diver gram shown above in rision. (PLEASE NOTE ve represents the ersion.)	ersion, indicate its relation to the c E: The "X" in ce	ed within 300 feet location on the existing point of conter of diagram
	lines		-	Water Resou	rces	
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DW	R 1-121 (Revised 04/5/2018)		Page 2	1 (0001400	' File	No. 10/93
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				ALIN OI ZU		

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET FILE NO. _ / 0/4/3 MAKE ADDITIONAL COPIES AS NECESSARY

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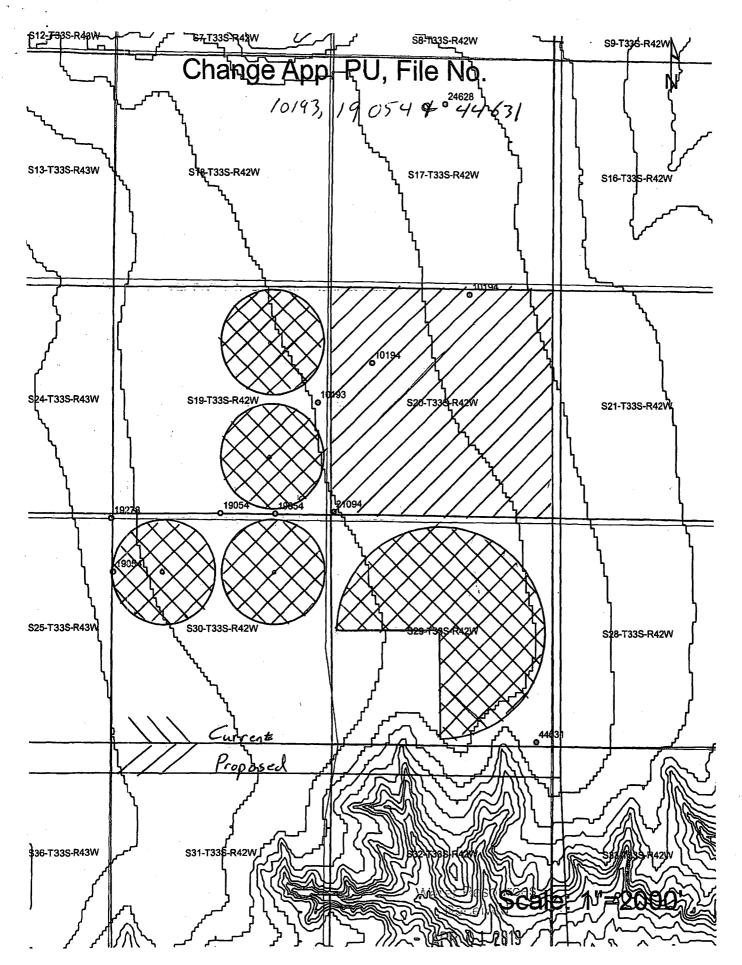
APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

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DWR 1-121-2 (Rev. 04/24/2018)

APR 01 2019

File No. 10193



14. If the proposed groundwater point of diversion is 300 or fewer	er feet from the existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the curred ☐ Yes ☐ No (If no, all owners must sign t	
 (b) Will the ownership interest of any owner of the current affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign 	
(c) If this application is not approved expeditiously, will ther ☐ Yes ☐ No (If no, all owners must sign t	re be substantial damage to property, public health or safety? his application.)
	version, a groundwater change in point of diversion greater than 300 feet Il owners of the currently authorized place of use, or their duly authorized
	r affirmation and under penalty of perjury, that I am of lawfu authorized agent of the owner(s) to make this application on
	this application pertains. I further verify that the statements
Dated at , Kan	sas, this day of
> Donald B. Witcher	and Alice L. Witcher Revocable trust
(Owner)	(Spouse)
X Donald B. Witchertt	Et Aliee L. Witcher ATTE
(Please Print)	(Please Print)
Danald B- Witcher ++Kx	Alice & Witcher TFEE
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(Please Print)	(Rlease Print)
State of Kansas / ()	A TAMMY NEWMAN
County of Aller SS	Notary Public - State of Kansas
A Same with the first of the Control	My Appt. Expires() -27-21-2/
I hereby certify that the foregoing application was sign of hand, 20/7.	
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The same of the sa	Motory Public
My Commission Expires $(42) - 205$.	Notary Pūblic
ONLY COMPLETE ADDITIONS WILL BE DECCESSED. To be con-	nplete, all of the applicable portions of the application form must be completed with
accurate information; maps, if necessary, must be included; signatures of	of all the appropriate owners' must be affixed to the application and notarized; and
the appropriate fee must be paid.	
FEE.	SCHEDULE
Each application to change the place of use or the point of divers forth in the schedule below: Make checks payable to: Kansas I	sion under this section shall be accompanied by the application fee set
	r less
(2) Application to change a point of diversion more than	300 feet
(-)	
	Water Resources
	Received

Page 3

DWR 1-121 (Revised 04/5/2018)

APR 01 2019

File No. 10193

14. If the proposed groundwater point of diversion is 300 or fewer feet	from the existing point of diversion, complete the following:
 (a) Does the undersigned represent all owners of the currently at ☐ Yes ☐ No (If no, all owners must sign this ap 	
 (b) Will the ownership interest of any owner of the currently aut affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this a 	
(c) If this application is not approved expeditiously, will there be s ☐ Yes ☐ No (If no, all owners must sign this ap	plication.)
If the application proposes a surface water change in point of diversion or a change in place of use, the application must be signed by all own agent (attach notarized statement authorizing representation).	
 Refer to the material magnitude of the property o	A CONTROL OF THE CONT
I hereby verify, being first duly sworn upon my oath or affi age and the owner, the spouse of the owner, or a duly auth their behalf, in regards to the water right(s) to which this a contained in this application are true, correct and complete	orized agent of the owner(s) to make this application on application pertains. I further verify that the statements
Dated at , Karsas, tr	is day of , 20 .
Ontal Welshow The Control of the Con	
(Owner)	(Spouse)
Aunta Witcher	
(Please Print)	(Please Print)
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State of Kansas	TAMMY NEWMAN
County of Acley SS	Notary Public - State of Kansas My Appt. Expires Le - 27 - 20 21
I hereby certify that the foregoing application was signed in of 120/11	
and a graduate that the state of the state o	
the state of the s	Jenney Ville Man
My Commission Expires 6 27 300	Section 1997 - Controlling to the section of the se
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, accurate information; maps, if necessary, must be included; signatures of all the the appropriate fee must be paid.	
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FEE SCHE Each application to change the place of use or the point of diversion use	
forth in the schedule below: Make checks payable to: Kansas Depar (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 f (3) Application to change the place of use	tment of Agriculture
ing the second s	APR 0.1 2019

14.	If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:
	(a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application? Yes No (If no, all owners must sign this application.)
	(b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected 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 substantial damage to property, public health or safety? Yes No (If no, all owners must sign this application.)
or a	ne application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized ent (attach notarized statement authorizing representation).
ag	ereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful e and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on
	eir behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements ntained in this application are true, correct and complete.
	ted at
υa	Die FNW Rose
-	(Owner) (Spouse)
75.75 21.15	Douglas FBELL
_	(Please Print) (Please Print)
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Со	unty of
of	hereby certify that the foregoing application was signed in my presence and sworn to before me this 874 day
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	Sherleef Fremenhan
Му	Commission Expires $05-36-2022$.
	WOOMDIETE ADDITIONS WILL BE DOOFSEED. To be a state of the state of th
acc	LY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with curate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and appropriate fee must be paid.
	FEE SCHEDULE
Ea	ch application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set
for	th in the schedule below: Make checks payable to: Kansas Department of Agriculture
	(1) Application to change a point of diversion 300 feet or less
	(3) Application to change the place of use
	N
	Received STATE OF KANSAS My Appt. Exp. 05-26-20 12

DWR 1-121 (Revised 04/5/2018)

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File No. <u>/0/93</u>

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. ______ 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. 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.

Applicable Not Applicable The point(s) of diversion authorized herein shall not actually be located more than authorized point(s) of diversion.

Applicable
Not Applicable feet from the previously 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 7. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20____, 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 Not Applicable 8. Installation of the works for diversion of water shall be completed on or before December 31, 20_____, or within any 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 Not 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 Not Applicable Additional Conditions are attached. ☐ Yes □ No 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, 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 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. File any request with Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act. **SUMMARY ORDER ISSUED** By: Duly Authorized Designee of the Chief Engineer Division of Water Resources - Kansas Department of Agriculture Date of Issuance: State of Kansas SS For Use by Register of Deeds County of _ Acknowledged before me on ___ by _ Signature: **Notary Public** My commission expires: ___ (Notary Seal) Water Resources Received File No. 10/93 DWR 1-121 (Revised 04/5/2018)

APR 01 2019

1320 Research Park Drive Manhattan, KS 66502 785-564-6700 www. agriculture.ks.gov



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

Mike	Beam,	Interim	Secretary
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Laura Kelly, Governor

GRANT WITCHER		-
2213 BUCKNER DR		
MANHATTAN, KS 669	5C	3

April 4, 2019

RE: File No 10193

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 Tourney, L.G.

Change Applications Unit Supervisor

Water Appropriation Program

BAT: DLW3