Kansas Department of Agriculture Division of Water Resources

CHANGE: P/U WORKSHEET & ADDRESS UPDATES

| 1. File Number: | 2. Status Change Date: | 3. Change Num: | 4. Field Office: | 5. GMD: |
|---|---------------------------------|----------------------|--|---------------------------------------|
| 10194 | 5/30/2019 | C\$1 | 04 | 03 |
| 6. Status: ⊠ Approved □ □ □ | enied by DWR/GMD | Dismiss by Reques | st/Failure to Return / | 7. Filing Date of Change: 3/26/19 |
| 8a. Applicant(s) New to system □ | Person ID 55722 Add Seq# | 8c. Landown | | Person ID 40622 Add Seq# |
| GRANT A WITCHER 2213 BUCKNER DR MANHATTAN KS 6650 | 3-2159 | 1 FOR | LAS F & RENEL D DRIVE Y KS 67701 | L M BELL |
| Address update | 2)C/2 C | PO BO | • • | Person ID 63941 Add Seq# CHER ET AL |
| 8b. Landowner(s) New to system □ | Person ID 54110 Add Seq# | 8d. WUC New to sy | ystem 🗌 | Person ID 40622 Add Seq# 1 |
| ANITA C WITCHER 1120 MUNCY AVE ELKHART KS 67950-5 | | 8a 8d. WUC | | Person ID |
| 8bb. Landowner(s) New to system Add Seq# DONALD B & ALICE WITO PO BOX 4278 SANTA FE NM 87502-427 | | New to sy | ystem □ | Add Seq# |
| 9. Documents and Enclosure(s): ⊠ | | y: 12/31/2019 | N & P Date | to Comply: |
| `. | * | te Approved: | · | Driller Copy |
| 10. Use Made of Water From: | | To: | | · · · · · |
| | | | Date Prepared: 5/15 | |

| File No. 10194 | | 11. Cou | ınty: MT | E | Basin: | CII | MARR | ON RI | VER | | S | tream: | NA . | | | | | | Fo | ormation Code: 211 Special Use: |
|---------------------------------------|-----------|---------|-----------|---------|-----------|-------------------|-----------|-----------|--------------|-----------|---------|---------|--------------|-----------|-----------|-----------|-------------|---------|-------------|---|
| 12. Points of Diversion CHK MOD | | | | | | | | | | | | | | Rate | e and | Quantif | ty | | | |
| MOD | | | | | | | | | | | | | | | | Autho | orized | | | Additional |
| DEL PDIV ENT Qua | lifier | | S T | R | ID | | 'N | 'V | V | Co | mmen | it (AKA | A Line) | ı | Ra gpm | | Qua af/n | • | | ate Quantity n/cfs af/mgy Overlap PD Files |
| NO CHANGE | | | | | | | | | | | | | | | | | | | | 1 |
| | | | | | | | | | | | | | | | | | · | | | l |
| | | | | | | | | | | | | | | | | | | | | i |
| 13. Storage: Rate | | | NF | Q | uantity . | | | | | _ ac/f | t . | Additio | onal R | ate | | | | ^ | NF Ac | dditional Quantity ac/ft |
| 14. Limitation: | | | | | | | | | | | | | | | | | | | | |
| Limitation: | | a | f/yr at _ | | | | gpm | <u></u> | | | cfs) | when o | combi | ned wi | th file | numbe | er(s) | | | |
| 15. 5YR Allocation: A | llocation | Туре _ | | Start Y | ear | | 5 YF | R Amo | unt _ | | _ An | nount | Unit _ | | Bas | e Acre | s | | Commer | nt |
| 16. Place of Use CHK | | | | | NE¼ | | | NV | 1 1/4 | | | sv | V 1⁄4 | | | S | E¼ | | | Owner Chg? Overlap Files |
| MOD DEL ENT PUSE S | T R | ID | | E NV | | SE 1/4 | NE 1⁄4 | NW 1/4 | SW 1/4 | SE 1/4 | NE ¼ | NW ¼ | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE ¼ | | ***** 10193; 10194; 19054; 21094; 44631 |
| | 33 42 | | 4 | 0 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 | 8a & 8b YES **** |
| ENT 2047 30 | 33 42 | W 1 | 3 | 0 30 | 30 | 30 | | | | | | | | | | | | | 120 | 8bb no **** |
| ENT 11945 19 | 33 42 | W 1 | | 0 30 | 30 | 30 | | | | | | | | | 30 | 30 | 30 | 30 | 240 | 8C no **** |
| ENT 19630 30 | 33 42 | W 2 | | | | | 30 | L-1 30 | L-2 30 | 30 | | | | | | | | | 120 | 8b no **** |
| ENT 27779 29 | 33 42 | 2W 1 | | | | | 35 | 10 | 35 | 40 | | | | | | | | | 120 | 8cc no **** |
| ENT 54110 29 | 33 42 | W 4 | | 0 38 | 40 | 35 | | | | | | | | | | | | | 120 | 8b no **** |
| ENT 68536 29 | 33 42 | W 5 | | | | | | | | | | , | | | 35 | 40 | 35 | 10 | 120 | 8C no **** |
| | | | | | | | | | | | | | | | | | | Total | 1480 | |
| Base Acres: | Year: | | Minir | num Re | asonal | le Qua | antity: | | | | | | | | | | | | | |
| Comments: Comple | te ove | erlap o | of all f | iles 1 | 0193 | ; 10 ⁻ | 194; | 190 | 54; | 2109 | 4; 4 | 4463 | 1 is | only | mo | dific | atior | to p | lace o | of use. |

KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

<u>MEMORANDÚM</u>

TO: Files

DATE: May 15, 2019

FROM: Leslie Ireland

RE:

Water Right.

File Nos. 10,193; 10,194; 19,054; 21,094 & 44,631

Grant Witcher along with Douglas F. & Renell M. Bell, with Virginia Rena and Eric L. Witcher on behalf of Virginia Rena Witcher ET AL and Anita C. Witcher along with Donald B. & Alice Witcher Revocable Trust all as owners of the referenced water rights authorized for irrigation use have filed applications for approval to change the authorized irrigated place of use. The applications were submitted to the Garden City Field Office on March 26, 2019, and reassigned to Headquarters on April 1, 2019, due to the move of their office.

The referenced water rights are considered in compliance with both K.S.A. 82a-718, and in compliance with K.S.A. 82a-732. There appears to have been some meter and water use in excess of authorized, but all seem to have been resolved. File Nos. 10,193 & 19,054, were listed as BRO rights, with a conservation plan was a condition of the permit under File No. 44,631 and remains so today. As the applications are proposing a complete overlap in irrigated acres they are exempt from notification of nearby well owners as detailed in K.S.A. 82a-1906. The applications appear to comply with K.A.R. 5-5-2a, *Complete change application*.

At the time of filing the applications, the place of use under File Nos. 10,193; 19,054; & 44,631 authorize 840 acres with File No. 44,631 providing a limited 613 acre-feet per year when combined with File Nos. 10,193 and 19,054. This provides approximately 0.73 acre-foot per acre that appears to have certified four (4) quarter (1/4) section pivots and one large three-quarter (1/4) section pivot. The place of use authorized under File Nos. 10,194 & 21,094, is 640 acres with File No. 21,094 providing a limited 1,241 acre-feet. This provides approximately 1.94 acre-foot per acre that appears to be delivered by a fill section pivot that has not irrigated the corners for some time. The rights authorize a total of 8 wells with none of them overlapping.

The proposed place of use changes are to make a complete overlap in existing irrigated acres, with no modification of the currently authorized acres. Each file number will authorize a complete overlapping place of use comprised of 1,480 acres. There will be no increase in the acres that constitute the authorized place of use. The change applications have been evaluated according to part (b)(1) of K.A.R. 5-5-11(b) *Applications for change in places of use for irrigation purposes*, making an identical place of use under all the referenced files. There will be no net increase in authorized acres. All of the rights are certified, so base acres were not reviewed at this time. The combined quantity of a limited 1,854 ace-feet provides an irrigation ratio of 1.25 acre-foot per acre. This is slightly less than the 50% change rainfall quantity of 1.28acre-foot per acre in Morton County for irrigation as detailed in K.A.R. 5-5-12, *Net irrigation requirements*. It does appear the proposed changes will help with the historical problems of exceeding the authorized quantity. The proposed changes appear to comply with K.A.R. 5-5-11 and K.A.R. 5-5-3, *Change in consumptive use*.

The additional quantity limitations on File Nos. 21,094 and 44,631 will be not be updated to include the files that are being added to the place of use. The limitations will be maintained as currently stated. The maintaining the limitations assures compliance with K.A.R. 5-23-3, *Maximum reasonable annual quantity of water for irrigation use*.

The points of diversion under File Nos. 10,193, 19,054; 21,094 and 44,631 will be updated to the actual locations as determined by recent compliance investigations. All of the well locations appear to be within 300 feet of the authorized this complying with part a of K.A.R. 5-5-6, *Failure to construct diversion works at authorized location*.

A water conservation plan meeting the KWO guidelines is in place for File Nos. 10,193 19,054 and 44,631. It will not be updated for these change approvals.

The Southwest Kansas Groundwater Management District No. 3, assisted with the applications In a letter dated February 14, 2019 and received on April 1, 2019, Jason Norquest, Assistant Manager for the District recommended approval as the applications meet all of the adopted policies, rules and regulations.

Michael Meyer, Water Commissioner of the Garden City Field Office, was contacted for a recommendation on the proposed changes in place of use. In an email dated May 14, 2019, he recommends approval.

Water flow meters will be required. They could be excluded per K.A.R. 5-5-11(e) but as the rights have had meter issues in the past the orders will state meters will be required. The instillation of chemigating check valves will be required if chemigating. Water level measurement tubes are not applicable to these changes, as no new wells have been authorized.

Based on the above discussion, that the proposed overlapping change in place of use is reasonable, there will be no increase in the consumptive use and impairment of existing water rights is unlikely, it is recommended that the referenced applications be approved.

Leslie Ireland

Environmental Scientist

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, Secretary

Laura Kelly, Governor

June 11, 2019



GRANT A WITCHER 2213 BUCKNER DR MANHATTAN KS 66503

RE: Water Right, File Nos. 10,193; 10,194; 19,054; 21,094 & 44,631

Dear Mr. Witcher:

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.

Since these orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

Your attention is directed to the enclosures and to the terms and conditions specified in these approvals for change. A condition of the approvals is that an acceptable water flowmeter must be installed on the diversion works authorized under the referenced files. Please be reminded that the quantity of water authorized under File Nos. 21,094 and 44,631, are limited with their senior rights.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, submit your reports online at www.kswaterusereport.org.

If you have any questions, please contract Leslie Ireland, Environmental Scientist, at (785) 566-6633. 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 Applications Unit Supervisor

Water Appropriation Program

BAT:LI:li

Enclosures

oc: Garden City Field Office

Groundwater Management District No. 3

Douglas F. & Renell M. Bell Virginia Rena Witcher ET AL

Anita C. Witcher

Donald B. & Alice Witcher Revocable Trust

KANSAS DEPARTMENT OF AGRICULTURE Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCESDavid W. Barfield, Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE WATER RIGHT, FILE NO. 10,194

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Grant A. Witcher, 2213 Buckner Drive, Manhattan, Kansas 66503, along with Douglas F. and Renell M. Bell, 1 Ford Drive, Colby, Kansas 67701, with Virginia Rene Witcher and Eric L. Witcher on behalf of Virginia Rena Witcher ET AL, PO Box 180, Elkhart, Kansas 67950 and Anita Witcher, 1120 Muncy, Elkhart, Kansas 67950-5054, along with Donald B. Witcher and Alice L. Witcher on behalf of the Donald B. and Alice Witcher Rev Trust, PO Box 4278, Santa Fe, New Mexico 87502-4278, received this office on March 26, 2019, 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, 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:

| | | | NE1/4 | | | | . NW1/4 | | | SW1/4 | | | | | | | | | |
|------|------|-------|-------|-------|-------|-------|---------|---------------|---------------|-------|-------|------|-------|-------|-------|------|-------|-------|-------|
| Sec. | Iwp. | Range | NE¼ | NW1/4 | SW1/4 | SE1/4 | NE¼ | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW¼ | SW1/4 | SE1/4 | NE1/4 | NW¼ | SW1/4 | SE1/4 | TOTAL |
| 19 | 33 | 42W | 30.0 | 30.0 | 30.0 | 30.0 | | : | | | | | | | 30.0 | 30.0 | 30.0 | 30.0 | 240 |
| 20 | 33 | 42W | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 640 |
| 29 | 33 | 42W | 10.0 | 35.0 | 40.0 | 35.0 | 35.0 | 10.0 | 35.0 | 40.0 | | ` | | | 35.0 | 40.0 | 35.0 | 10.0 | 360 |
| 30 | 33 | 42W | 30.0 | 30.0 | 30.0 | 30.0 | 30.0 | LOT 1 30.0 | LOT 2 30.0 | 30.0 | | | | | | | | | 240 |

a total of 1,480 acres in Township 33 South, Range 42 West, Morton 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. 10,194, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 12, 2001.

, 2019, in Manhattan, Riley County, Kansas.

ane P. Letourneau. P.G. Program Manager Division of Water Resources Kansas Department of Agriculture

State of Kansas

County of Riley

The foregoing instrument was acknowledged before me this

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 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.

CERTIFICATE OF SERVICE

On this day only, 2019, I hereby certify that the attached Approval of Application for Change in Place of Use, Water Right, File No. 10,194 dated, Way 3019 was mailed postage prepaid, first class, US mail to the following:

GRANT A WITCHER 2213 BUCKNER DR MANHATTAN KS 66503

With a copy sent to:

DOUGLAS F & RENELL M BELL 1 FORD DRIVE COLBY KS 67701

VIRGINIA RENA WITCHER ET AL PO BOX 180 ELKHART KS 67950

ANITA C WITCHER 1120 MUNCY ELKHART KS 67950-5054 DONALD B & ALICE WITCHER REV TRUST PO BOX 4278 SANTA FE NM 87502-4278

With photocopies sent to:

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



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.

| File No. 10194 1. Application is hereby made for approval_Ether Chief-Engineer to change the (check one or both): Place of Use x Place of Use x Point-of-Diversion x x x x x x x x x | | | | | | | | | | | | | | | | | | | | RECE: | VED |
|--|-----|----------------|------------|----------|----------|---------|-----------|---------------|---------------------------------------|---------------------------|------------|---------|---------------|----------|----------|------------|----------|--------|----------|---|--------------|
| Under the water right which is the sulpect of this application in accordance with the conditions described below. The source of supply is: | | | | | | | F | File No | . <u>1019</u> | 4 | | | | | | | | | | * 11 | olpm |
| Under the water right which is the sulpect of this application in accordance with the conditions described below. The source of supply is: | 1. | Applicat | ion is he | reby n | nade f | or.appi | rovaLo | of-the-6 | Shief-E | ndinee | er to ch | ange t | the (ch | eck or | ne or b | oth): | | . 0 | 16 4 | MAK 2 | 6 ZU19 |
| under the water right which is the Sulpect of this application in accordance with the conditions described below. The source of supply is: x Groundwater Surface water 2. Name and address of Applicant: Grant Witcher 2.213 Buckner Dr., Manhattan, KS 66503 Phone Number: (2.55)565-3188 Name and address of Water Use Correspondent: Phone Number: (2.55)565-3188 Email address: Gwitch2@gmail.com APR 01 Z019 Phone Number: (1.55)565-3188 Email address: Gwitch2@gmail.com APR 01 Z019 Phone Number: (2.55)565-3188 Semant and witcher ADDRESS: 1120 Munoy Ave., Elkhart, KS 67950 2213 Buckner Dr., Manhattan, KS 66503 (If there is more than one landowner, attach supplemental sheets as necessary) Sec. Two Range NEW NWW SWW SEW, NEW NWW SWW, SEW, NEW NWW, SWW, SEW, NEW NWW, SWW, SEW, NEW, NWW, SWW, SWW, SWW, SWW, SWW, SWW, SW | | | | | ٠ | fr. | | | | | | | | | | | | 2 Q1 | 25° | Garden City | Field Office |
| 2. Name and address of Applicant: Grant Witcher 2. 213 Buckner Dr., Manhattan, KS 66503 Phone Number: (785)565-3188 Name and address of Wafer Use Correspondent: Phone Number: (| | under th | e water | right v | vhich is | s the s | | | · · · · · · · · · · · · · · · · · · · | | | | | | | | ribed t | elow. | Ы | VISION OF WAI | ER RESOURCES |
| Phone Number: (| | The sou | rce of s | upply i | s: | | х | Groun | dwater | - | | Surfac | ce wat | er | | | | | | | |
| Phone Number: (| 2 | Name a | nd addr | see of | Annlic | ant: G | rant M | litcher | | | | | | | | | | Me | ter l | Resource | 3 |
| Name and address of Water Use Correspondent: | ۷. | | | | • • | | | none | | | | | | | | | | VV | Fig | ceived | 17 |
| Phone Number: (| | Phone N | lumber: | (785) | 565-3 | 188 | | | | Email | addre | ss: gw | /itch2@ |)gmail | .com | | | | - dia em | ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ | |
| 3. The presently authorized place of use is: Owner of Land — NAME: Anita C Witcher & Grant A Witcher ADDRESS: 1120 Muncy Ave., Elkhart, KS 67950 2213 Buckner Dr., Manhattan, KS 66503 (If there is more than one landowner, attach supplemental sheets as necessary.) NEW NWW SWW SEW NEW NWW SWW SEW NEW NWW SWW SEW NEW NWW SWW SEW ACRES 20 33s 42w 40.0 40.0 40.0 40.0 40.0 40.0 40.0 40. | | Name a | nd addr | ess of | Water | Use C | orresp | onder | nt: | | | | | | | | | | APR | 01 7013 | |
| 3. The presently authorized place of use is: Owner of Land — NAME: Anita C Witcher ADDRESS: 1120 Muncy Ave., Elkhart, KS 67950 2213 Buckner Dr., Manhattan, KS 66503 (If there is more than one landowner, attach supplemental sheets as necessary.) NEK NWX SWX SEX NEX NWX SWX SEX NX SE | | Phone N | lumber: | (|) | | | | | Email | addre | ss: | | | | | | (G. T. | ept | Of Agricu | lture |
| ADDRESS: 1120 Muncy Ave., Elkhart, KS 67950 2213 Buckner Dr., Manhattan, KS 66503 (If there is more than one landowner, attach supplemental sheets as necessary.) NEW NWW SWW SEX NEW NWW SWW SWW SEX NEW NWW SWW SEX NEW NWW SWW SEX NEW NWW SWW SWW SEX NEW NWW SWW SWW SEX NEW NWW SWW SEX NEW NWW SW | 3. | - | - | | | | | | | | | | | | | | K | (0 0 | 010 | | |
| (If there is more than one landowner, attach supplemental sheets as necessary.) NE½ NW½ SW½ SE½ NW½ SE½ NW½ SW½ S | | Owner | | | | | | | | | | | | | | | 140.0 | | | | |
| NEX | | (If there i | | | | | | | | | | | 3 Buck | ner Dr | ., Man | hattan | , KS 6 | 6503 | | | |
| Sec. Twp. Range NE½ NW½ SE½ NE½ NE½ NW½ SE½ NE½ NE½ NW½ SE½ NE½ NW½ | | (ii iiieie i | 3 111016 0 | lan one | | | itacii st | ppiem | | | | Jary.) | | | | | | | | TOTAL | |
| 20 33s 42w 40.0 40.0 40.0 40.0 40.0 40.0 40.0 40. | Se | c. Two. | Range | NF% | | | SE¼ | NF1/4 | 17 | Γ | SE¼ | NE% | 1 | | SE¼ | NE½ | | | SE¼ | | |
| Owner of Land — NAME: Douglas F & Renell M Bell ADDRESS: 1 Ford Drive, Colby, KS 67701 (If there is more than one landowner, attach supplemental sheets as necessary.) NEX | | | | | | | | | | | | | | | | | | | | 640.0 | |
| Owner of Land — NAME: Douglas F & Renell M Bell ADDRESS: 1 Ford Drive, Colby, KS 67701 (If there is more than one landowner, attach supplemental sheets as necessary.) NEX | | | | | | | | | | | | | | | | | | | | | |
| Owner of Land — NAME: Douglas F & Renell M Bell ADDRESS: 1 Ford Drive, Colby, KS 67701 (If there is more than one landowner, attach supplemental sheets as necessary.) NEX | | | | | <u> </u> | | <u>L.</u> | | L_ | <u> </u> | | | <u> </u> | <u> </u> | <u> </u> | | | | | | |
| Owner of Land — NAME: Douglas F & Renell M Bell ADDRESS: 1 Ford Drive, Colby, KS 67701 (If there is more than one landowner, attach supplemental sheets as necessary.) NEX | | | | | | | | _ | | | | | | | | | | | | | |
| ADDRESS: 1 Ford Drive, Colbv, KS 67701 (If there is more than one landowner, attach supplemental sheets as necessary.) NE½ NW½ SW½ SE½ NE½ NW½ SE½ NE½ NE½ NW½ SE½ NE½ NE½ NW½ SE½ NE½ NW½ SE½ NE½ NE½ NW½ SE½ NE½ NE½ NW½ SE½ NE½ NE½ NW½ SE½ NE½ NE½ | 4. | • | | | | - | | | | | ed that | the pl | ace of | use be | e chan | ged to | : | | • | | |
| (If there is more than one landowner, attach supplemental sheets as necessary.) NE½ NW½ SW½ SE½ TOTAL ACRES | | Owner | | | | | | | | | | | | | | | | | | | |
| Sec. Twp. Range NE½ NW½ SW½ SE½ NE½ NW½ SW½ SE½ NE½ NW½ SW½ SE½ ACRES 19 33s 42w 30.0 30.0 30.0 30.0 30.0 30.0 30.0 30. | | (If there i | | | | | | | | | neces | sary.) | | | | | | | | | |
| For Office Use Only: Code QU Fee \$ 200 · 02TR # Receipt Date 3 - 26-19 Check # 200 · 02 FOUR 1-121 (Revised 04/5/2018) Receipt Date 3 - 26-19 Check # 200 · 02TR # File No. 10/94 APPLICATION COMPLETE & LT 10w1 APPLICATION COMPLETE & LT 10w1 Reviewer SCANNED | | | | | N | E¼_ | | | N/ | N¼ | | | SI | V¼ | | | SI | 1/4 | | | |
| For Office Use Only: Code CPU Fee \$ 200 · 027R # Receipt Date 3 - 26-19 Check # 200 · 00 FOU GLOSS G-IRR LT DWR 1-121 (Revised 04/5/2018) Page 1 APPLICATION COMPLETE & LT DWR APPLICATION COMPLETE & LT DWR Reviewer 5/13/19- SCANNED | _Se | c. Twp. | Range | NE1/4 | NWW | SW1/4 | SE¼ | NE1/4 | NW1/4 | SW1/4 | SE14 | NE¼ | NW1/4 | sw¼ | SE¼ | NE1/4 | NW1/4 | SW1/4 | SE1/4 | ACRES | • |
| FOY GMO3 G-IRR MT DWR 1-121 (Revised 04/5/2018) Page 1 Page 1 APPLICATION COMPLETE & LT / DWL APPLICATION COMPLETE & 5/13/19 Reviewer 5/13/19 SCANNED | 1 | 9 33s | 42w | 30.0 | 30.0 | 30.0 | 30.0 | | <u> </u> | ļ | | | <u> </u> | | <u> </u> | 30.0 | 30.0 | 30.0 | 30.0 | 240.0 | |
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| 5. | Presently author | ized point | of diversion: | | | | | | | | | |
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| - 1 | in MORTON | | County, Kansas, | 5203 | _ feet Nor | th | 200 | _feet Wes | st of Sou | theast con | ner of se | ction. |
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| 7. | The changes here (please be specific | | | | s? | 300 ETT | 200 11111111111 | 100 | North | 100 20 "["" | 908 O |) |
| 8. | If a well, is the test | hole log a | tached? | ☐ No | 2 | | 十 | _ | = 1 | + 1 + | - 1 - 1 | 200 |
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| 12. | Assisted by GMD3 | /JLN | | | | 300 | 200 | 100 | 0 | 100 20 | | ס |
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APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET FILE NO. 1019 MAKE ADDITIONAL COPIES AS NECESSARY

| | wner oi | Land - | | | | | | | | | | | | | | | | | |
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APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET FILE NO. 10194 * MAKE ADDITIONAL COPIES AS NECESSARY

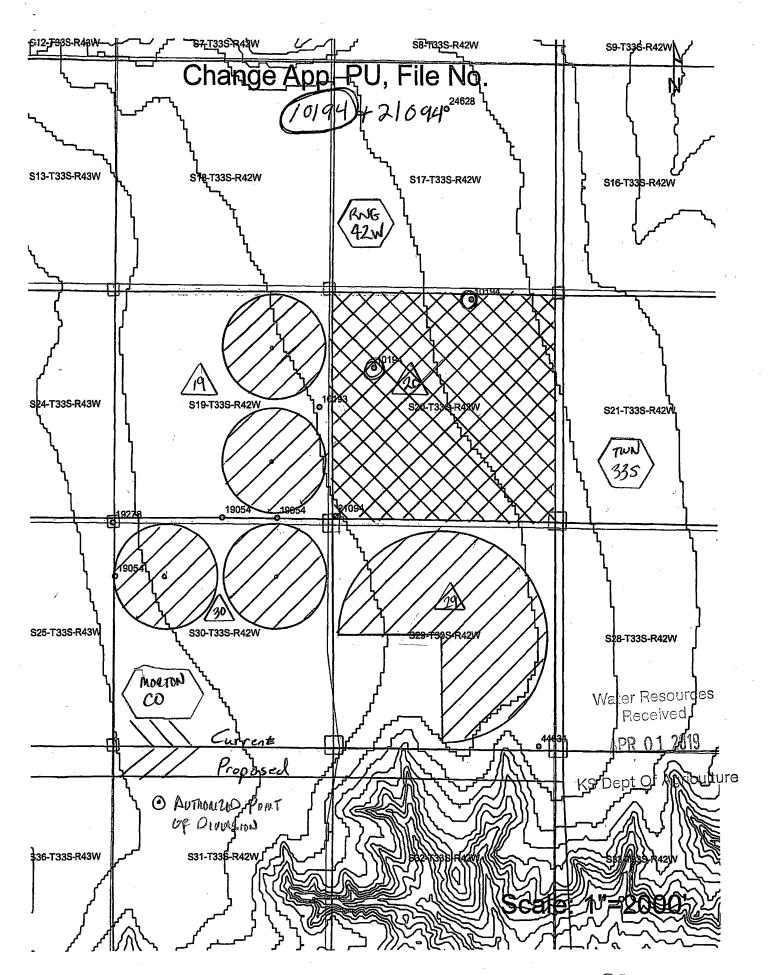
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| ec. | wner o | f Land | ADDR | AME: ESS: NI | Donal Box 4 E% SW% | d B & / 278, S | Alice V ante F | Vitcher e, NM N | Rev 1 8750 | rust 2 | | sı | N% | | | Si | = ¼ | <u> </u> | 4 | ACRES |
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| ec. 30 | Twp. | Range 42w | NE% | AME: ESS: NI NW% 30.0 | Donal Box 4 E½ SW½ | d B & / 278, S | Alice V ante F | Vitcher e, NM NW1/2 | Rev 1 8750 w/4 sw/4 | se% | NE¼ | sı | N% | | | Si | = ¼ | <u> </u> | 4 | ACRES |
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| Sec. 30 | Twp. | Range 42w | NE% | AME: ESS: NI NW½ 30.0 AME: ESS: | Donal Box 4: E¼ SW¼ 30.0 | SE½ | Alice V ante F | Vitcher e. NM NW% | Rev 1 8750 N¼ SW¼ | se% | NE¼ | SI NW% | N¼ SW¼ | | | SI NW/A | E¼ SW¼ | <u> </u> | 4 | 120.0 |
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| O ec. 30 | Twp. | Range 42w | NE% 30.0 | AME: ESS: NI NW½ 30.0 AME: ESS: | Donal Box 4 E¼ Sw¼ 30.0 | d B & A 278, S SE¼ 30.0 | Alice V | Vitcher e, NM NV X | Rev 1 8750 W% SW% | SE½ | NE¼ | SI NW% | N¼ SW¼ | SE½ | NE% | SI NW¼ | E¼ SW¼ | SEX | 4 | 120.0 |
| Sec. 30 | Twp. 33s | Range 42w | NE% 30.0 | AME: ESS: NI NW% 30.0 AME: ESSS: | Donal Box 4 E¼ Sw¼ 30.0 | d B & A 278, S SE¼ 30.0 | Alice V | Vitcher e, NM NV X | Rev 1 8750 W% SW% | SE½ | NE¼ | SI NW% | N¼ SW¼ | SE½ | NE% | SI NW¼ | E¼ SW¼ | SEX | 4 | 120.0 |
| Sec. 30 | Twp. 33s | Range 42w | NE% 30.0 | AME: ESS: NI NW% 30.0 AME: ESSS: | Donal Box 4 E¼ Sw¼ 30.0 | d B & A 278, S SE¼ 30.0 | Alice V | Vitcher e, NM NV X | Rev 1 8750 W% SW% | SE½ | NE¼ | SI NW% | N¼ SW¼ | SE½ | NE% | SI NW¼ | E¼ SW¼ | SEX | 4 | 120.0 |
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| O Sec. 30 C | Twp. 33s Where | Range 42w f Land Range | NE½ 30.0 NE½ ADDR | AME: ESS: NW% 30.0 AME: ESS: NW% AME: RESS: | Donal Box 4: E¼ SW¼ 30.0 E¼ SW¼ | SE½ 30.0 | NE% | NW1/4 | Rev 1 8750 W% SW% | SE½ | NE½ | SI NW¼ | W¼ SW¼ | SE¼ | NE% | SI NW% | E¼ SW¼ E¼ SW½ | SEX | 1/4 | TOTAL ACRES |
| O Sec. 30 C | Twp. 33s Where | Range 42w f Land Range | NE½ 30.0 NE½ ADDR | AME: ESS: NW% 30.0 AME: ESS: NW% AME: RESS: | Donal Box 4: E¼ SW¼ 30.0 | SE½ 30.0 | NE% | NW1/4 | Rev 1 8750 W¼ SW¼ | SE½ | NE½ | SI NW¼ | W% SW% | SE¼ | NE% | SI NW% | E¼ SW¼ E¼ SW½ | SEX | 1/4 | TOTAL ACRES |
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| O Sec | Twp. 33s Where | Range 42w f Land Range | NE½ 30.0 NE½ ADDR | AME: ESS: NW% 30.0 AME: ESS: NW% AME: RESS: | Donal Box 4: E¼ SW¼ 30.0 E¼ SW¼ | SE½ 30.0 | NE% | NW1/4 | Rev 1 8750 W% SW% | SE½ | NE½ | SI NW% | W¼ SW¼ W¼ SW¼ | SE¼ | NE% | SI NW% | E¼ SW¼ E¼ SW½ | SEX | 14 | TOTAL ACRES |
| O Sec. 30 C | Twp. 33s Where | Range 42w f Land Range | NE½ 30.0 NE½ ADDR | AME: ESS: NW% 30.0 AME: ESS: NW% AME: RESS: | Donal Box 4: E¼ SW¼ 30.0 E¼ SW¼ | SE½ 30.0 | NE% | NW1/4 | Rev 1 8750 W% SW% | SE½ | NE½ | SI NW% | www.sww. | SE¼ | NE% | SI NW% | E¼ SW¼ E¼ SW½ | SEX | 14 | TOTAL ACRES |
| O Sec. | Twp. Twp. Twp. | Range 42w f Land Range | NE½ 30.0 NE½ ADDR | AME: ESS: NW¼ 30.0 AME: ESS: N NW¼ NW¼ | Donal Box 4: E¼ SW¼ 30.0 E¼ SW¼ | SE½ 30.0 | NE% | NW1/4 | W½ SW½ SW½ SW½ SW½ SW½ | SE½ | NE½ | SI NW% | www.sww. | SE¼ | NE% | SI NW% | E¼ SW¼ E¼ SW½ | SEX | 14 | TOTAL ACRES |

KS Dept Of Agriculture

| 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 currentl ☐ Yes ☐ No (If no, all owners must sign this | |
| (b) Will the ownership interest of any owner of the currently affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign the | authorized place(s) of use identified in this application be adversely is application.) |
| (c) If this application is not approved expeditiously, will there ☐ Yes ☐ No (If no, all owners must sign this | |
| | rsion, a groundwater change in point of diversion greater than 300 feet owners of the currently authorized place of use, or their duly authorized |
| age and the owner, the spouse of the owner, or a duly a | affirmation and under penalty of perjury, that I am of lawfu uthorized agent of the owner(s) to make this application or is application pertains. I further verify that the statements lete. |
| Dated at , Kansa. DONALD B. WITCHER AND F | s, this, and, 20 Hick Revocable truss |
| (Owner) | (Spouse) |
| DONALD W, Teler + TEE (Please Print) | Alice LAWETCher 47 EE (Please Print) |
| Donalay Witcher + TEF | alice L. Witches, TPFE (Spouse) |
| n de kommune et e politik de la some et et el en | and the second of the second o |
| (Please Print) | (Please Print) |
| (Owner) | (Spouse) |
| (Please Print) | (Please Print) |
| State of Kansas County of Kelley SS | TAMMY NEWMAN Notary Public - State of Kansas My Appt. Expires/p - 2 / |
| I hereby certify that the foregoing application was signed of 12 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 | d in my presence and sworn to before me this 25 day |
| 01 | January J. My Two |
| My Commission Expires 4-57-5051. | Notary Public |
| ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete accurate information; maps, if necessary, must be included; signatures of a the appropriate fee must be paid. | ete, all of the applicable portions of the application form must be completed wit ill the appropriate owners' must be affixed to the application and notarized; and |
| | CHEDULE |
| forth in the schedule below: Make checks payable to: Kansas De (1) Application to change a point of diversion 300 feet or le (2) Application to change a point of diversion more than 300 feet or leading to the schedule of the schedule below: Make checks payable to: Kansas De (1) Application to change a point of diversion more than 300 feet or leading to the schedule below: | n under this section shall be accompanied by the application fee set partment of Agriculture ess |
| | Water Rescur ces Received |
| | APR 01 2019 |
| • | FILL U. LUIJ |

| 14. If the proposed g | roundwater point of diversion | is 300 or fewer feet from | n the existing p | oint of diversion, com | plete the following: |
|---------------------------------------|--|--|---|--|--------------------------|
| (a) Does the un ☐ Yes | dersigned represent all owner No (If no, all owne | rs of the currently author ers must sign this applica | | f use identified in this | application? |
| | nership interest of any owner his application is approved as i \[\] No \(\text{(If yes, all own)} \) | | | use identified in this | application be adversely |
| (c) If this application ☐ Yes | ation is not approved expedition is not approved expedition. ☐ No ☐ (If no, all owne | ously, will there be subsers must sign this applica | | to property, public he | ealth or safety? |
| or a change in place | poses a surface water change of use, the application must be ad statement authorizing repre | e signed by all owners | | | |
| age and the owne their behalf, in reg | eing first duly sworn upor r, the spouse of the owne gards to the water right(s application are true, corre | er, or a duly authorizes) to which this app | zed agent of | the owner(s) to ma | ake this application on |
| Dated at | | , Kansas, this _ | day | of | , 20 |
| × Omt | 61 Fahir | | | | |
| 1. 1. | (Owner) | | | (Spouse) | |
| HAITA | (Please Print) | | | (Please Prir | <u></u> |
| | (Flease Filipy) | | | (Flease Fill | 10 |
| 1/ 1/1/ | (Owner) | o dela | | (Spouse) |) |
| 1/25 | hora /1/ | 4601 | F | 2/1 | 1/holes |
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| Lef H | Holden | | , ,) | 2.7 | was the second |
| | (Owner) | | | (Spouse) | |
| (Trent | A. Wircher | | · · · · · · · · · · · · · · · · · · · | er en | |
| | (Please Print) | triple section | | (Please Prin | medica.e-; |
| State of Kansas County of | Pery ss | | | TAMMY NEWMAN Notary Public - State of Kan by Appt. Expires 2 - 2 | nsas |
| I hereby certify | that the foregoing applicati | ion was signed in m | ny presence a | and sworn to befor | re me this 35 day |
| | | | I we w | 1 71 | 11 min |
| My Commission Expi | ires <u>U-27-20</u> | <u> </u> | · | Notary Public | |
| | PLICATIONS WILL BE PROCESS aps, if necessary, must be included by paid. | | | | |
| | | FEE SCHEDU | i F | | |
| forth in the schedule | hange the place of use or the below: Make checks payable | point of diversion under to: Kansas Departme | r this section sh ent of Agricultu | ıre | |
| (2) Applicati | on to change a point of divers on to change a point of divers on to change the place of use | sion more than 300 feet | | | |
| (3) Applicati | on to change the place of use | · · · · · · · · · · · · · · · · · · · | : Water Res Raceiv | ource s | φ200 |
| | | | ADD A1 | 2040 | |

| 14. If the proposed groundwater point of diver | sion is 300 or fewer feet from | n the existing point of di | version, complete the fo | ollowing: |
|---|--|---|--|--|
| (a) Does the undersigned represent all ov ☐ Yes ☐ No (If no, all o | wners of the currently authori owners must sign this applica | ized place(s) of use ide tion.) | ntified in this application | n? |
| (b) Will the ownership interest of any ow affected if this application is approved | | | itified in this application | n be adversely |
| (c) If this application is not approved exp ☐ Yes ☐ No (If no, all o | editiously, will there be subst owners must sign this applica | | rty, public health or safe | ety? |
| If the application proposes a surface water cha or a change in place of use, the application mu agent (attach notarized statement authorizing r | ust be signed by all owners o | | | |
| I hereby verify, being first duly sworn uage and the owner, the spouse of the other behalf, in regards to the water rig contained in this application are true, c | wner, or a duly authorize the property of a duly authorized the property of th | ed agent of the owr ication pertains. If | er(s) to make this a | pplication or |
| Dated at Dated at | Cloud, Kansas, this | ay of Greek | M Bell | _,20_ <u>(</u> -7 |
| Douglas Fr BEZ (Please Print) | 1 | Renell | (Spouse) M Bel/ (Please Print) | |
| (Owner). (32.) | | energia (m. 1905). 1940 - Maryan 1950 - Araban | (Spouse) | on the second of |
| (Please Print) | | | (Please Print) | |
| (Owner) | | | (Spouse) | |
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| State of Kansas County of State of Kansas } s | 38 | The Control Will Contain | Kalandari Salah Barangan Kalandari Barangan | a også A |
| I hereby certify that the foregoing appl of | lication was signed in my | y presence and swo | rn to before me this Lewenkan | s <u>8th</u> day |
| My Commission Expires 05-26-20. | 22. | | Notary Public | |
| ONLY COMPLETE APPLICATIONS WILL BE PROCaccurate information; maps, if necessary, must be in the appropriate fee must be paid. | ESSED. To be complete, all of cluded; signatures of all the app | the applicable portions of ropriate owners' must be a | the application form must affixed to the application a | be completed wit nd notarized; and |
| | FEE SCHEDUL | <u>E</u> | | |
| Each application to change the place of use or forth in the schedule below: Make checks pays (1) Application to change a point of di (2) Application to change a point of di (3) Application to change the place of | able to: Kansas Departmen version 300 feet or less version more than 300 feet . fuse Water Rasourd | nt of Agriculture | | \$100 |
| | Repeived APR 01 2019 | N A STORY | RLEY I. BREMENKAMP NOTARY PUBLIC STATE OF KANSAS | |
| DWR 1-121 (Revised 04/5/2018) | KS Dept @fg&gric | STATE OF KANSAS MY | Appt. Exp. 05-26-26 | 10. <u>10193</u> |
| | | | | |



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Ireland, Leslie [KDA]

From:

Meyer, Mike [KDA]

Sent:

Wednesday, May 15, 2019 7:25 AM

To:

Ireland, Leslie [KDA]

Subject:

RE: Recommendation for Change in Place of Use File Nos. 10193,10194 xxx Witcher-Bell

Approve, and yes in the transmittal remind them of the existing limitations.

Mike

From: Ireland, Leslie [KDA]

Sent: Tuesday, May 14, 2019 3:49 PM

To: Meyer, Mike [KDA] < Mike. Meyer@ks.gov>

Subject: Recommendation for Change in Place of Use File Nos. 10193,10194 xxx Witcher-Bell

Mike,

Attached is an updated memo last paragraph page one. Should I state something in the transmittal letter about the quantities? In the attentions to terms conditions..... I can put something together, or do you guys have something out there? Added the letter.

Please let me know if you can recommend the changes to overlap all these files.

As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist Kansas Department of Agriculture Division of Water Resources - Change Unit (785) 564-6633 Leslie.Ireland@ks.gov www.agriculture.ks.gov



Southwest Kansas Groundwater Management District No. 3 2009 E. Spruce Street Garden City, Kansas 67846

(620) 275-7147 phone (620) 275-1431 fax www.gmd3.org

February 14, 2019

Michael A. Meyer Division of Water Resources 2508 N Johns Street Garden City, Kansas 67846

RE: Applications for Change in Place of Use

Water Right, File Nos. 10193 (10194,)19054, 21094 & 44631

Dear Mike:

We have assisted with the applications for the above referenced water rights. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed change in place of use for a complete overlap in irrigation acres is in accordance with K.A.R. 5-5-11. All parties involved have agreed to the changes to bridge the time while working on a remedy to fairly separate the needed acreage and ownership. It is therefore recommended that the applications be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,

Jason L. Norquest Assistant Manager

Water Resources Received

APR 01 2019

KS Dept Of Agriculture

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

| orov Vitl | is Summary Order is issued under authority of K.S.A. 82a-70 visions of the <i>Kansas Water Appropriation Law, K.S.A. 82a-7</i> n the exception of those conditions expressly contained herein tations of File No. | 701 et. seg., and rules and regula | tions promulgated thereunder. |
|---|--|---|---|
| ۱. | A change application was received on diversion authorized under the above-referenced file numb | requesting that the er be changed as described in the | place of use and / or point of application. |
| 2. | On and after the effective date of this summary order, the auti the topographic map accompanying the application to char | norized place(s) of use shall be loc nge the place of use. | ated substantially as shown on able \text{Not Applicable} |
| 3. | The change in point of diversion shall not impair existing righ previously authorized. The point of diversion authorized by radius of the authorized point(s) of diversion. | y this summary order shall be loca | source or sources of water as ted within a foot |
| 1. | The point(s) of diversion described herein is administrative Positioning System (GPS), as described in the application. | ly corrected to be more accurate ☐ Applicable ☐ Not Applicable | ly described using the Global |
| 5. | The point(s) of diversion authorized herein shall not actually authorized point(s) of diversion. Applicable No. | pe located more than ot Applicable | feet from the previously |
| 3. | As required by K.A.R. 5-3-5d, if the works for diversion is a w or other device suitable for making water level measurement K.A.R. 5-6-13. Applicable Not Applicable | ell with a diversion rate of 100 gall | ons per minute or more, a tube maintained in accordance with |
| 7. | The owner of the authorized place(s) of use shall pro December 31, 20, or before the first use of water, operated and maintained in accordance with K.A.R. 5-1-4 t K.A.R. 5-3-5e, the owner shall maintain records and report diverted annually to the Chief Engineer by March 1 followin Applicable Not Applicable | whichever occurs first. The wate hrough 5-1-12. As required by K.S the reading of the water flow mete | r flow meter shall be installed, 3.A. 82a-732. as amended, and |
| 3. | Installation of the works for diversion of water shall be authorized extension of time. By March 1, 20 the works for diversion has been completed, on the form provi ☐ Applicable ☐ Not Applicable | completed on or before Decemi applicant shall notify the Chief En ded by the Chief Engineer, as requ | per 31, 20, or within any gineer that construction of the lired by K.A.R. 5-8-4e. |
| 9. | The completed well log shall be submitted with the requi | red notice. | ☐ Not Applicable |
| 10. | All diversion works into which any type of chemical or other f with an in-line, automatic, quick-closing check valve capat check valve(s) shall be installed, operated and maintained i | ole of preventing pollution of the sc | ource of the water supply. The |
| 11. | Additional Conditions are attached. | | |
| 12. | In accordance with K.S.A. 82a-708a, as amended, and K.A. water appropriated under the above-referenced file numb limitations, as amended and/or supplemented by this Sum Appropriation Law and the Rules and Regulations promu result in civil penalties pursuant to K.S.A. 82a-737, as am water or appropriation right or any other enforcement actions. | er are responsible for compliance imary Order, and with applicable p Igated thereunder. Failure to con ended, and/or the suspension or r | with its terms, conditions and provisions of the <i>Kansas Water</i> pply with these provisions may |
| | Administrative Appeal and Effective Date of Order | FOR OFFICE | · |
| you Eng Agr filed adn day revi File 665 | ou are aggrieved by this order, pursuant to K.S.A. 82a-1901, may request an evidentiary hearing before the Chief jineer or request administrative review by the Secretary of iculture. A request for hearing by the Chief Engineer must be d within 15 days of service of this Order and a request for ninistrative review by the Secretary must be filed within 30 is pursuant to K.S.A. 77-531. Any request for administrative iew must state a basis for review pursuant to K.S.A. 77-527. It is any request with Kansas Department of Agriculture, gal Division, 1320 Research Park Drive, Manhattan, KS 102. Failure to timely request a hearing or review may clude review under the Kansas Judicial Review Act. | (Print Name): Division of Water Resources - Resources | nee of the Chief Engineer Kansas Department of Agriculture |
| | For Use by Register of Deeds | County of | _) |
| | | Acknowledged before me on | |
| | | by | · |
| | | Signature: | Notary Public |
| | | My commission expires: | • |
| | | Water Resources | (Houry Cour) |
| DW | R 1-121 (Revised 04/5/2018) Pag | e4 Received | File No. 10194 |

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

Laura Kelly, Governor

| GRANT WITCHER |
|---------------------|
| 2213 BUCKNER DR |
| MANHATTAN, KS 66503 |

April 4, 2019

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RE: File No 10194

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