

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.

DEC 02 2019

1:38

KS Dept Of Agriculture



State of Kansas

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**

*Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)*

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and for place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 13741

2. Name of applicant: STEVE W & WYLENE KLIEWER

Address: PO BOX 103

City, State and Zip: CIMARRON, KS. 67835

Phone Number: () _____ E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: STEVE W & WYLENE KLIEWER

Address: PO BOX 103

City, State and Zip: CIMARRON, KS. 67835

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

to move rate and quantity to the well authorized under File No. 28264

The change(s) (was) (will be) completed by _____ (Date)

| | | | | | | | | | | | | | | |
|----------------------|------------|--------|-------------|-------------------------------|-----------------|--------------|----------------|-----------|--------------|-----------|----|------------|------|----------------|
| For Office Use Only: | | | | | | | | | | | | | | |
| F.O. | <u>4</u> | GMD | <u>3</u> | Meets K.A.R. 5-5-1 (YES / NO) | Use | <u>IRR</u> | Source | <u>GS</u> | County | <u>GY</u> | By | <u>KJN</u> | Date | <u>12/2/19</u> |
| Code | <u>CGT</u> | Fee \$ | <u>2.00</u> | TR # | <u>20006493</u> | Receipt Date | <u>12/2/19</u> | Check # | <u>16026</u> | | | | | |

12/5/2019
LMoody

4. The presently authorized place of use is:

Owner of Land — NAME: NO CHANGE

ADDRESS: _____

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|------|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____

ADDRESS: _____

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|------|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: NO CHANGE

ADDRESS: _____

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|------|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____

ADDRESS: _____

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|------|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use. _____

Water Resources
Received

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METER COMPARISON FORM
FILE NO, 13741

KS Dept Of Agriculture

DWR METER

Manufacturer Panametrics Model No. PT 868 Serial No. 4539
Outside Diameter 6 inches (measured)
Thickness 0.139 inches (measured)
Material Carbon Steel Transducer Spacing 136.7 mm

Location of Meter:

30" Downstream from cooling coils
10 Upstream from FSV

Ending 1133 Gallons
Beginning 0 Gallons
Difference 1133 Gallons
Minutes 4 Seconds 59.6 Total time 4.993 Minutes
Rate 226.9 GPM

DIAGNOSTICS

Signal strength SS up 63.4 SS down 63.4 (50-80 good, <50 bad)
SNDSP 4751 (should be close to book based on temp. 65 Temp.)
Delta T (<Delta>) 129.17 Steady (yes/No) If no, explain _____
T up: 223.1 T down: 229.9 (bad, continuous fluctuations of 1 microsecond or more)
Signal quality: Q up 1239 Q down: 1002 (+- 300 or higher good, +- 100 bad)
AMP up: 24 AMP down: 24 (20 to 28 good, <20 or > 28 bad)
P# up: 531 P# down: 530 (100 to 900 good, <100 or >900 bad)
Nf up: 0.999 Nf down: 0.999 (0.85 to 1.0 good, <0.85 bad)

OWNER INSTALLED METER

Manufacturer _____ Model No. _____ Serial No. _____
Outside Diameter (stamped) _____ Measured Diameter _____ inches
Inside Diameter (stamped) _____ Measured Diameter _____ inches

Location of Meter:

_____ Downstream from _____
_____ Upstream from _____

Ending _____ Gallons
Beginning _____ Gallons
Difference 0 Gallons
Minutes _____ Seconds _____ Total time 0.000 Minutes
Rate #DIV/0! GPM
Calculated error #DIV/0! %

Notes

Rate test only

Good Test
 Adequate Test
Unacceptable Comparison
No Comparison Possible

Tester: Mitch French
Date: 9/16/2019

12. The presently authorized use of water is for IRR purposes.

It is proposed that the use be changed to NO CHANGE purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

THE APPLICATIONS FOLLOWS AND MEETS KAR 5-5-16

Water Resources
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KS Dept Of Agriculture

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 202 (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to 227 gallons per minute (____ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

NOT CHANGE IN SOURCE OF SUPPLY NOR LOCAL SOURCE OF SUPPLY

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

APPEARS THERE IS NO NEED FOR WAIVER REQUEST

6. The presently authorized point(s) of diversion (is) (are) ONE WELL, ONE PUMP
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) TWO WELLS, TWO PUMPS
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
One in the SW Quarter of the SE Quarter of the SE Quarter
of Section 30, Township 24 South, Range 28 (W),
in GRAY County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
Authorized Rate 700 GPM Authorized Quantity 261 AF
(DWR use only: Computer ID No. 2 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
One in the SW Quarter of the SE Quarter of the SE Quarter
of Section 30, Township 24 South, Range 28 (W),
in GRAY County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
Proposed Rate 214 GPM Proposed Quantity 181 AF
This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **Presently authorized point of diversion:**
One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
One in the NW Quarter of the NE Quarter of the SE Quarter
of Section 30, Township 24 South, Range 28 (W),
in GRAY County, Kansas, 2600 feet North 1020 feet West of Southeast corner of section.
Proposed Rate 13 GPM Proposed Quantity 21 AF
This point is: Additional Well Geo Center List other water rights that will use this point 28264

10. **Presently authorized point of diversion:**
One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (E/W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (E/W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
Proposed Rate _____ Proposed Quantity _____
This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at _____, Kansas, this _____ day of _____, 20_____.

Terry R. Hunsberger
(Owner)

Terry R. Hunsberger Trust
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

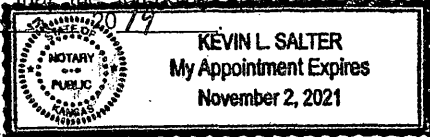
(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of FINNEY } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 26th day of November, 2019



[Signature]
Notary Public

My Commission Expires _____

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

Water Resources
Received

DEC 02 2019

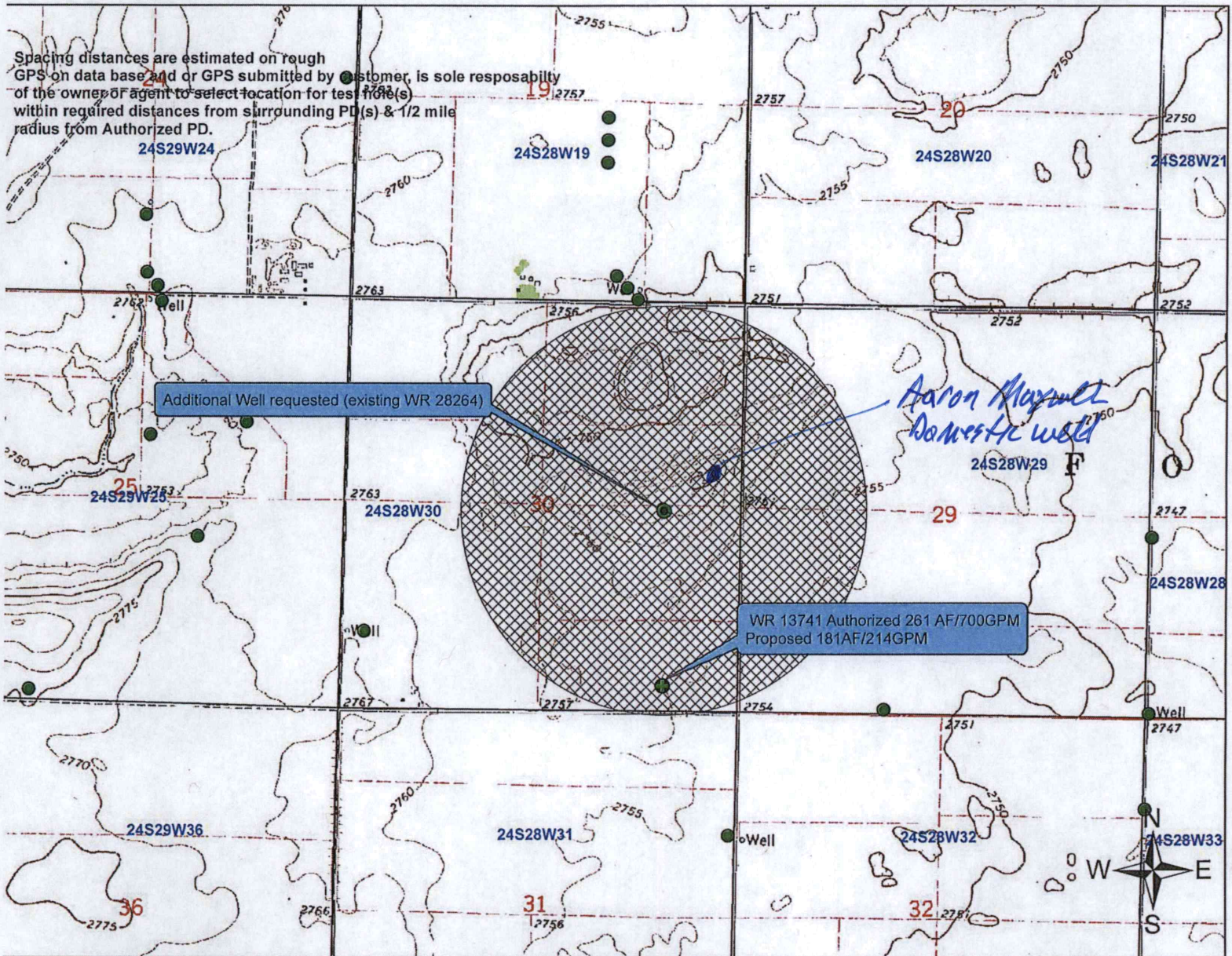
Water Resources
Received

DEC 02 2019

KS Dept Of Agriculture

Point of Diversion Change
WR 13741
T24 R 28 Section 30
Gray County

Spacing distances are estimated on rough GPS on data base and or GPS submitted by customer, is sole responsibility of the owner or agent to select location for test pit(s) within required distances from surrounding PD(s) & 1/2 mile radius from Authorized PD.



- Authorized PD
- Requested PD
- Point of Diversion

- ▨ Authorized PU
- ▨ Requested PU

○ Half Mile Radius



Applicant Signature

By signing this map the applicant is aware that no other wells (Irrigation, Domestic, Industrial etc) are within the 1/2 mile radius circle.

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

STEVE W & WYLENE KLIOWER
PO BOX 103
CIMARRON KS 67835

December 3, 2019

RE: File No **13,741**

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
- 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 Turney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: KJN

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

January 3, 2020

ARRON L & AUDREY E MAXWELL
5405 14 RD INGALLS
KS 67853-9025

FILE COPY

Re: Water Right, File No. 13,741

Dear Sir or Madam:

This letter is to inform you that an application has been filed in the office of the Chief Engineer, Division of Water Resources, to change the point of diversion under the referenced file currently authorized for irrigation use.

The application under File No. 13,741, proposes to transfer quantity and rate to the existing well authorized by File No. 28,264, the application requests File No. 13,741 be changed:

from: one (1) well located in the Southwest Quarter of the Southeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 30, more particularly described as being near a point 71 feet North and 1,120 feet West of the Southeast corner of said section, at a quantity not to exceed 261 acre-feet of water per calendar year and at a diversion rate not in excess of 700 gallons per minute (1.93 c.f.s.)

to: be reduced to an overall quantity of 202 acre-feet of water per calendar year and a maximum diversion rate of 227 gallons per minute (0.51 c.f.s.) assigned to the points of diversion authorized as follows:

one (1) well located in the Southwest Quarter of the Southeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 30, more particularly described as being near a point 71 feet North and 1,120 feet West of the Southeast corner of said section, at a quantity not to exceed 181 acre-feet of water per calendar year and at a diversion rate not in excess of 214 gallons per minute (0.48 c.f.s.), and

one (1) well located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 30, more particularly described as being near a point 2,600 feet North and 1,020 feet West of the Southeast corner of said section, at a quantity not to exceed 21 acre-feet of water per calendar year and at a diversion rate not in excess of 13 gallons per minute (0.03 c.f.s.),

all in Township 24 South, Range 28 West, Gray County, Kansas.

A map depicting the currently authorized and proposed well locations has been enclosed.

Records in this office indicate that you may have a well or wells in this vicinity of the proposed change. You are being notified of the proposal so that you may furnish this office written comments or other information you may desire to submit. Such written 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 our office, my desk phone is (785) 564-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

Sincerely,



Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI

Enclosure

pc: Garden City Field Office
Groundwater Management District No. 3

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

January 3, 2020

PENNER CATTLE INC
DENNIS PENNER
6706 13 RD
INGALLS KS 67853-9003

FILE COPY

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Sincerely,



Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI

Enclosure

pc: Garden City Field Office
Groundwater Management District No. 3