

Kansas Department of Agriculture  
Division of Water Resources

**CHANGE: P/U WORKSHEET & ORDER IN THE MATTER OF THE POINT OF DIVERSION  
ADDRESS UPDATES**

1. File Number: <b>19054</b>	2. Status Change Date: <b>5/30/2019</b>	3. Change Num: <b>C34</b>	4. Field Office: <b>04</b>	5. GMD: <b>03</b>
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: <b>3/26/19</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>GRANT A WITCHER 2213 BUCKNER DR MANHATTAN KS 66503-2159</b>  <b>Address update</b>		Person ID <b>55722</b> Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/>  <b>DOUGLAS F &amp; RENELL M BELL 1 FORD DRIVE COLBY KS 67701</b>	
8b. Landowner(s) New to system <input type="checkbox"/>  <b>ANITA C WITCHER 1120 MUNCY AVE ELKHART KS 67950-5054</b>		Person ID <del>54110</del> <sup>21920</sup> Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/> <b>VIRGINIA RENA WITCHER ET AL PO BOX 180 ELKHART KS 67950</b>	
8bb. Landowner(s) New to system <input type="checkbox"/> Add Seq# _____ <b>DONALD B &amp; ALICE WITCHER REV TRUST PO BOX 4278 SANTA FE NM 87502-4278 (correct Santa Fe)</b>		Person ID <b>55721</b>	8d. WUC New to system <input type="checkbox"/>  <b>8C</b>	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/2019</b> <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____				
10. Use Made of Water    From: _____    To: _____				
Date Prepared: <b>5/14/2019</b> By: <b>LI</b> Date Entered: <b>6/10/2019</b> By: <b>UM</b>				

File No. **19054**      11. County: **MT**      Basin: **CIMARRON RIVER**      Stream: **NA**      Formation Code: **211**      Special Use:

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files
ENT												Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	
MOD	481			CW NW	30	33	42W	2	3967	5182	GPS UPDATE	NC	NC			NONE
MOD	15051			SE SE SW	19	33	42W	3	30	2609	GPS UPDATE	NC	NC			NONE
MOD	21240			CS SE	19	33	42W	4	52	1336	GPS UPDATE	NC	NC			NONE

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **NONE NO CHANGE**  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

15. 5YR Allocation:      Allocation Type \_\_\_\_\_      Start Year \_\_\_\_\_      5 YR Amount \_\_\_\_\_      Amount Unit \_\_\_\_\_      Base Acres \_\_\_\_\_      Comment \_\_\_\_\_

16. Place of Use																		Total	Owner	Chg?	Overlap Files								
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼								
									NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
ENT	7333			20 33 42W			1		40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	8a & 8b	YES	****	***** 10193; 10194; 19054; 21094; 44631
MOD	2047			30 33 42W			1		30	30	30	30												120	8bb	no	****		
MOD	11945			19 33 42W			1		30	30	30	30					30	30	30	30				240	8C	no	****		
MOD	19630			30 33 42W			2						30	L-1 30	L-2 30	30									120	8b	no	****	
MOD	27779			29 33 42W			1						35	10	35	40									120	8cc	no	****	
MOD	54110			29 33 42W			4		10	35	40	35												120	8b	no	****		
MOD	68536			29 33 42W			5										35	40	35	10				120	8C	no	****		
												Total				1480													

Base Acres:      Year:      Minimum Reasonable Quantity:

Comments: **Complete overlap of all files 10193; 10194; 19054; 21094; 44631 is only modification to place of use.**

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**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 ( $\frac{1}{4}$ ) section pivots and one large three-quarter ( $\frac{3}{4}$ ) 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

**FILE COPY**

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](http://www.kswaterusereport.org).

If you have any questions, please contact 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

pc: 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

# THE STATE OF KANSAS

**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

## APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE AND ORDER IN THE MATTER OF THE AUTHORIZED POINTS OF DIVERSION WATER RIGHT, FILE NO. 19,054

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, as modified and amended by the Orders of the Chief Engineer dated December 27, 2002 and September 25, 2014, approving the applications to change the place of use, and by the Order of the Chief Engineer dated June 26, 2008, approving the application to change the points of diversion, 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:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
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.

That information in the office of the Chief Engineer finds that the points of diversion would more accurately be defined as:

one (1) well located near the center of the West side of the Northwest Quarter (NW¼) of Section 30, more particularly described as being near a point 3,968 feet North and 5,182 feet West of the Southeast corner of said section, and

one (1) well located in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE¼ SE¼ SW¼) of Section 19, more particularly described as being near a point 30 feet North and 2,609 feet West of the Southeast corner of said section, and

one (1) well located near the center of the South side of the Southeast Quarter (SE¼) of Section 19, more particularly described as being near a point 52 feet North and 1,336 feet West of the Southeast corner of said section,

all in Township 33 South, Range 42 West, Morton County, Kansas.

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. 19,054, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated April 30, 1987, as modified and amended by the aforementioned orders.

Ordered this 30<sup>th</sup> day of May, 2019, in Manhattan, Riley County, Kansas.

*Lane P. Letourneau*  
Lane P. Letourneau, P.G.  
Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of May, 2019, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



*Danielle Wilson*  
Notary Public

**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 14<sup>th</sup> day June, 2019, I hereby certify that the attached Approval of Application for Change in Place of Use and Order in the Matter of the Authorized Points of Diversion, Water Right, File No. 19,054 dated, May 30<sup>th</sup>, 2019 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


DONALD B & ALICE WITCHER REV TRUST  
PO BOX 4278  
SANTA FE NM 87502-4278

VIRGINIA RENA WITCHER ET AL  
PO BOX 180  
ELKHART KS 67950

With photocopies sent to:

Garden City Field Office  
Groundwater Management District No. 3

ANITA C WITCHER  
1120 MUNCY  
ELKHART KS 67950-5054

  
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. 19054

RECEIVED

1:02 PM

MAR 26 2019

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use       Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is:       Groundwater       Surface water

Garden City Field Office  
 DIVISION OF WATER RESOURCES

*& PD BETTER DESCRIBED  
 GPS DATA*

2. Name and address of Applicant: Grant Witcher

2213 Buckner Dr., Manhattan, KS 66503

Phone Number: ( )

Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: Douglas F Bell & Grant Witcher

1 Ford Drive, Colby, KS 67701

2213 Buckner Dr., Manhattan, KS 66503

Phone Number: ( )

Email address: \_\_\_\_\_

Water Resources

Received

APR 01 2019

3. The presently authorized place of use is:

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.)

KS Dept Of Agriculture

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	
19	33s	42w	30.0	30.0	30.0	30.0													240.0

*POSEID  
11945*

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

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.)

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	
19	33s	42w	30.0	30.0	30.0	30.0													240.0

For Office Use Only: Code CPU Fee \$ 200.00 TR # \_\_\_\_\_ Receipt Date 3-26-19 Check # 1016

*FD4 GMD3 G-IRR NT*

APPLICATION COMPLETE  
5/13/19  
 Reviewer LS

SCANNED  
 4/11/2019 LCM 1

5. **Presently authorized point of diversion:**  
 One in the SE Quarter of the SE Quarter of the SW Quarter of Section 19, Township 33 South, Range 42 W, in MORTON County, Kansas, 10 feet North 2610 feet West of Southeast corner of section.  
 Authorized Rate 585GPM Authorized Quantity 161AF Depth of well \_\_\_\_\_ (feet)  
 (DWR use only: Computer ID No. 3 GPS 90 feet North 2609 feet West) \* *GPS UPDATE*  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
 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 \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point NONE \* *6/6/18 COMPLIANCE*

6. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the CS Quarter of the SE Quarter of Section 19, Township 33 South, Range 42 W, in MORTON County, Kansas, 10 feet North 1315 feet West of Southeast corner of section.  
 Authorized Rate 600GPM Authorized Quantity 163AF Depth of well \_\_\_\_\_ (feet)  
 (DWR use only: Computer ID No. 4 GPS 52 feet North 1336 feet West) \* *Per 6/6/18 COMPLIANCE*  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
 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 \_\_\_\_\_ Proposed well depth (feet) NONE \*  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

7. The changes herein are desired for the following reasons?  
 (please be specific) Create a complete PU overlap

8. If a well, is the test hole log attached?  Yes  No

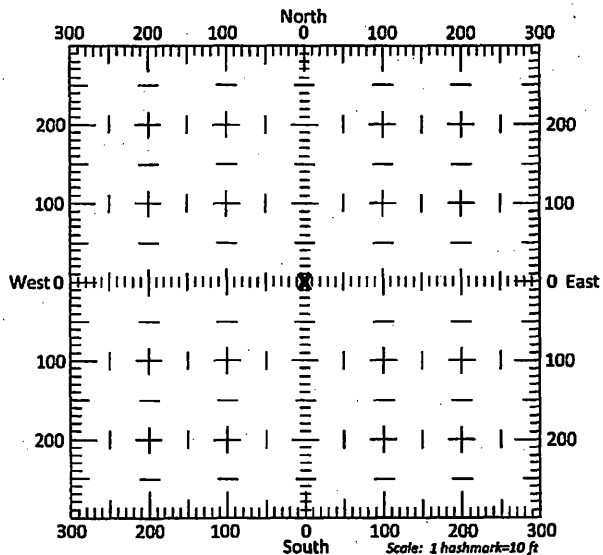
9. The change(s) (was)(will be) completed by?  
As soon as approved

10. If the point of diversion is a well:  
 (a) What are you going to do with the old well?  
 \_\_\_\_\_  
 (b) When will this be done? \_\_\_\_\_

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by GMD3/JLN

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines



13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

Water Resources  
 Received

File No. 19054

APR 01 2019

(2)

APPLICATION FOR APPROVAL TO CHANGE  
THE PLACE OF USE AND/OR POINT OF DIVERSION  
SUPPLEMENTAL SHEET  
FILE NO. 19054

**Presently authorized point of diversion:**  
One in the \_\_\_\_\_ Quarter of the CW Quarter of the NW Quarter  
of Section 30, Township 33 South, Range 42 W,  
in MORTON County, Kansas, 3960 feet North 5270 feet West of Southeast corner of section.  
Authorized Rate 625GPM Authorized Quantity 167AF Depth of well \_\_\_\_\_ (feet)  
(DWR use only: Computer ID No. Z GPS 3968 feet North 5182 feet West) \*  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
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 \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

GPS UPDATE  
COMPLIANCE  
INVESTIGATION  
7/19/18

**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 \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
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 \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

**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 \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
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 \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

**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 \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
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 \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

3

APR 01 2019

APPLICATION FOR APPROVAL TO CHANGE  
THE PLACE OF USE AND/OR POINT OF DIVERSION  
SUPPLEMENTAL SHEET  
FILE NO. 19054  
MAKE ADDITIONAL COPIES AS NECESSARY

3. *Continued:* The presently authorized place of use is:  
Owner of Land --- NAME: Anita C Witcher  
ADDRESS: 1120 Muncy Ave., Elkhart, KS 67950

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	
29	33s	42w	10.0	35.0	40.0	35.0													240.0
30	33s	42w					30.0	30.0	30.0	30.0									120.0

*see 29  
NE  
PUSD 5410  
SE  
PUSD  
685310  
NW sec 30*

Owner of Land --- NAME: Virginia Rena Witcher ET AL  
ADDRESS: 609 Mustang Trail, Elkhart, KS 67950

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	
29	33s	42w					35.0	10.0	35.0	40.0									120.0

*PUSD 27779*

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	

4. *Continued:* If this application is for a change in place of use, it is proposed that the place of use be changed to:  
Owner of Land --- NAME: Anita C Witcher & Grant A Witcher  
ADDRESS: 1120 Muncy Ave., Elkhart, KS 67950    2213 Buckner Dr., Manhattan, KS 66503

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	
20	33s	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	640.0

Owner of Land --- NAME: Anita C Witcher  
ADDRESS: 1120 Muncy Ave., Elkhart, KS 67950

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	
29	33s	42w	10.0	35.0	40.0	35.0													240.0
30	33s	42w					30.0	30.0	30.0	30.0									120.0

Owner of Land --- NAME: Virginia Rena Witcher ET AL  
ADDRESS: 609 Mustang Trail, Elkhart, KS 67950

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	
29	33s	42w					35.0	10.0	35.0	40.0									120.0

Water Resources  
Received

*TOTAL  
13600A*

⊗ *LI/OWE*  
*PUSH WALS*  
*DRAPAGE*

APR 01 2019

ⓐ

APPLICATION FOR APPROVAL TO CHANGE  
THE PLACE OF USE AND/OR POINT OF DIVERSION  
SUPPLEMENTAL SHEET  
FILE NO. 19054  
MAKE ADDITIONAL COPIES AS NECESSARY

3. *Continued:* The presently authorized place of use is:  
Owner of Land — NAME: Donald B & Alice Witcher Rev Trust  
ADDRESS: Box 4278, Santa Fe, NM, 87502

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	
30	33s	42w	30.0	30.0	30.0	30.0												120.0	

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	

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	

4. *Continued:* If this application is for a change in place of use, it is proposed that the place of use be changed to:  
Owner of Land — NAME: Donald B & Alice Witcher Rev Trust  
ADDRESS: Box 4278, Santa Fe, NM, 87502

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	
30	33s	42w	30.0	30.0	30.0	30.0												120.0	

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	

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	

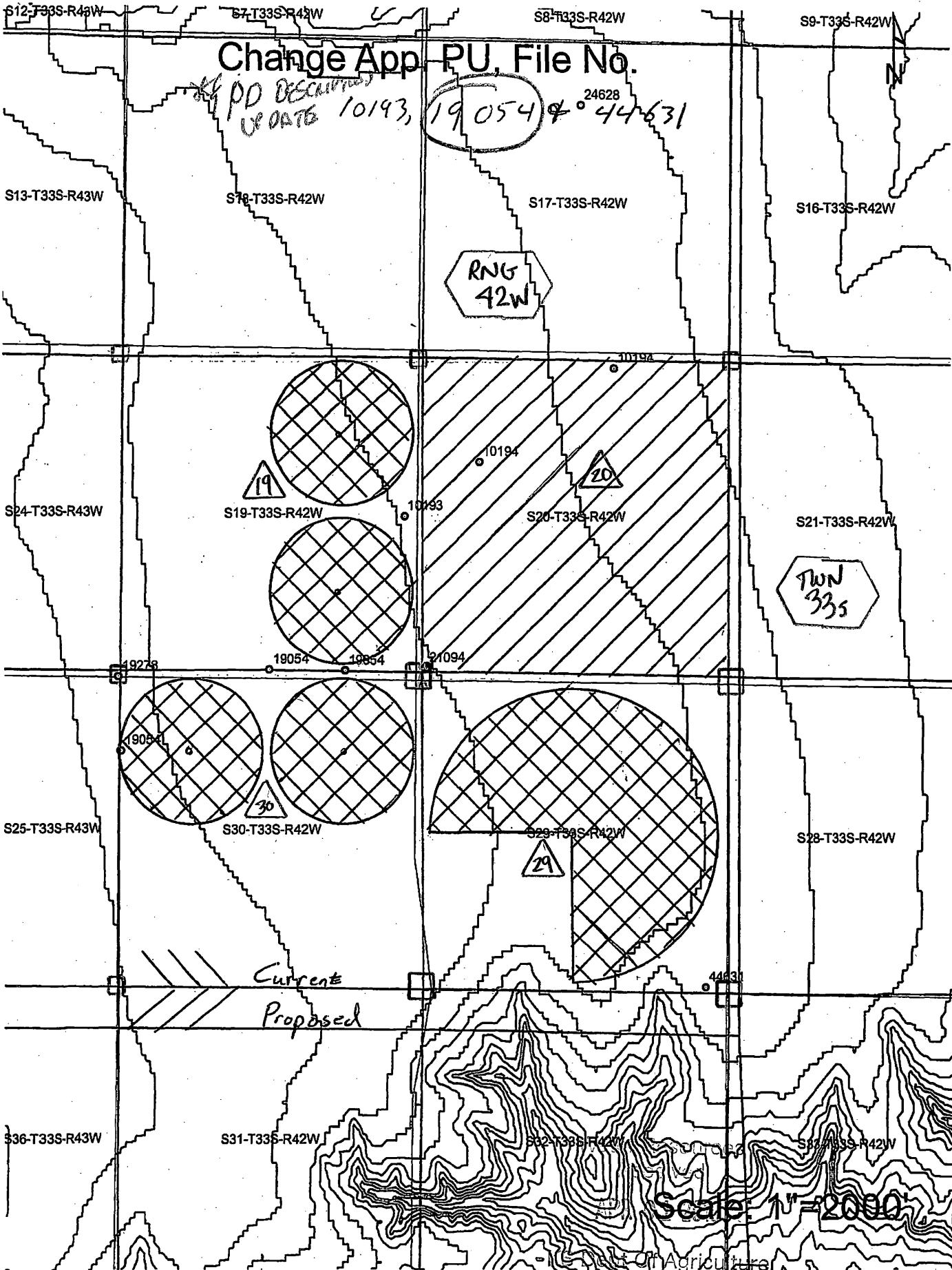
Water Resources

Received

APR 01 2019

File No. 44631-19054

SCANNED (5)



Change App PU, File No.

PD DESCRIBED  
 DATE 10193, 19054 & 44631  
 24628

RNG  
42W

TWN  
33S

Current  
Proposed

Scale 1" = 2000'

SCANNED

6

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.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or 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 agent (attach notarized statement authorizing representation).

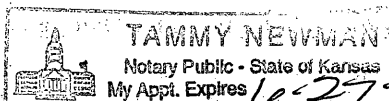
I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

*Donald B Witcher and Alice L Witcher Beneficial Trust*

<p>X _____ (Owner)</p> <p>X <i>Donald B Witcher, TTEE</i> (Please Print)</p> <p><i>Donald B. Witcher, TTEE</i> (Owner)</p> <p>_____ (Please Print)</p> <p>_____ (Owner)</p> <p>_____ (Please Print)</p>	<p>_____ (Spouse)</p> <p><i>Alice L Witcher, TTEE</i> (Please Print)</p> <p><i>Alice L Witcher, TTEE</i> (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p>
---	---

State of Kansas }  
 County of  *Riley*  } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this  *25*  day of  *March* , 20 *19* .

*Tammy Newman*  
 Notary Public

My Commission Expires  *6-27-2021*

**ONLY COMPLETE APPLICATIONS WILL BE PROCESSED.** To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures 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 diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**
- (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

Water Resources  
 Received

APR 01 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.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or 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 agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Avita Witcher  
 (Owner)  
Avita Witcher  
 (Please Print)  
William Brent Poldos  
 (Owner)  
Vigore Brent Witcher  
 (Please Print)  
Eric C Witcher  
 (Owner)  
Grant A Witcher  
 (Please Print)

\_\_\_\_\_  
 (Spouse)  
 \_\_\_\_\_  
 (Please Print)  
 \_\_\_\_\_  
 (Spouse)  
Eric C Witcher  
 (Please Print)  
 \_\_\_\_\_  
 (Spouse)  
 \_\_\_\_\_  
 (Please Print)

State of Kansas  
 County of  Riley  } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this  25  day of  March , 20 19 .

TAMMY NEWMAN  
 Notary Public - State of Kansas  
 My Appt. Expires  6-27-2021   
 Tammy Newman   
 Notary Public

My Commission Expires  6-27-2021

**ONLY COMPLETE APPLICATIONS WILL BE PROCESSED.** To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures 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 diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

(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

APR 01 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.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or 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 agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Colley, Kansas, this 8 day of March, 2019.

Douglas F. Bell  
(Owner)

Douglas F. BELL  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Please Print)

Renell M Bell  
(Spouse)

Renell M Bell  
(Please Print)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

State of Kansas }  
County of Thomas } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 8th day of March, 2019.

Shirley I Bremenkamp  
Notary Public

My Commission Expires 05-26-2022

**ONLY COMPLETE APPLICATIONS WILL BE PROCESSED.** To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures 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 diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (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 ..... Water Resources \$200
- (3) Application to change the place of use ..... \$200

APR 01 2019  
SHIRLEY I. BREMENKAMP  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 05-26-2022

**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

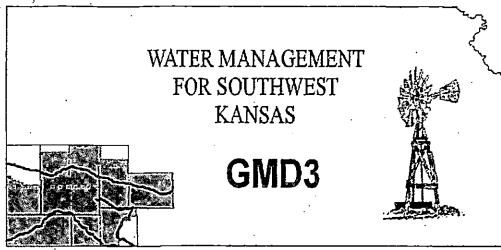
Mike,

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](mailto:Leslie.Ireland@ks.gov)  
[www.agriculture.ks.gov](http://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

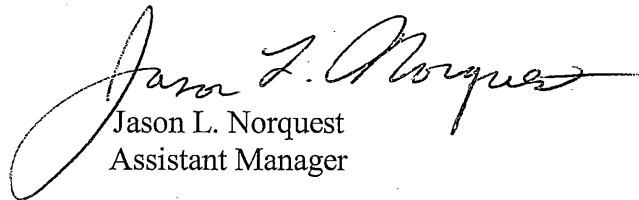
RE: Applications for Change in Place of Use  
Water Right, File Nos. 10193, 10194, 19054, 21094 & 44631

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**

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. \_\_\_\_\_.

1. 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.
2. 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
3. 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
4. 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
5. The point(s) of diversion authorized herein shall not actually be located more than \_\_\_\_\_ feet from the previously authorized point(s) of diversion.  Applicable  Not Applicable
6. 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
9. 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
11. 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.

**Administrative Appeal and Effective Date of Order**

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.

*For Use by Register of Deeds*

FOR OFFICE USE ONLY  
**APPLICATION APPROVED AND  
SUMMARY ORDER ISSUED**

By: \_\_\_\_\_  
Duly Authorized Designee of the Chief Engineer

(Print Name): \_\_\_\_\_  
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: \_\_\_\_\_

State of Kansas )  
County of \_\_\_\_\_ ) SS

Acknowledged before me on \_\_\_\_\_

by \_\_\_\_\_

Signature: \_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_  
(Notary Seal)

Water Resources  
Received File No. 19054

APR 01 2019

KS Dept Of Agriculture  
**SCANNED**

APPLICATION FOR APPROVAL TO CHANGE  
THE PLACE OF USE AND/OR POINT OF DIVERSION  
SUPPLEMENTAL SHEET  
FILE NO. 19054  
MAKE ADDITIONAL COPIES AS NECESSARY

DUPUESNE  
Cosby  
OF  
Page 4

3. Continued: The presently authorized place of use is:

Owner of Land --- NAME: Anita C Witcher

ADDRESS: 1120 Muncy Ave., Elkhart, KS 67950

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	
29	33s	42w	10.0	35.0	40.0	35.0													240.0
30	33s	42w					30.0	30.0	30.0	30.0									120.0

Owner of Land --- NAME: Virginia Rena Witcher ET AL

ADDRESS: 609 Mustang Trail, Elkhart, KS 67950

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	
29	33s	42w					35.0	10.0	35.0	40.0									120.0

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	

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

Owner of Land --- NAME: Anita C Witcher & Grant A Witcher

ADDRESS: 1120 Muncy Ave., Elkhart, KS 67950    2213 Buckner Dr., Manhattan, KS 66503

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	
20	33s	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	640.0

Owner of Land --- NAME: Anita C Witcher

ADDRESS: 1120 Muncy Ave., Elkhart, KS 67950

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	
29	33s	42w	10.0	35.0	40.0	35.0													240.0
30	33s	42w					30.0	30.0	30.0	30.0									120.0

Owner of Land --- NAME: Virginia Rena Witcher ET AL

ADDRESS: 609 Mustang Trail, Elkhart, KS 67950

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	
29	33s	42w					35.0	10.0	35.0	40.0									120.0

Witcher Resources  
Received

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

RE: File No 19054

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

SCANNED