

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: 21094	2. Status Change Date: 5/30/2019	3. Change Num: C81	4. Field Office: 04	5. GMD: 03
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: 3/26/19
8a. Applicant(s) New to system <input type="checkbox"/> GRANT A WITCHER 2213 BUCKNER DR MANHATTAN KS 66503-2159 Address update		Person ID 55722 Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/> ANITA C WITCHER 1120 MUNCY AVE ELKHART KS 67950-5054		Person ID ²¹⁹²⁰ 54440 Add Seq# _____		
8bb. Landowner(s) New to system <input type="checkbox"/> Add Seq# _____ DONALD B & ALICE WITCHER REV TRUST PO BOX 4278 SANTA FE NM 87502-4278 (correct Santa Fe)		Person ID 55721 Add Seq# _____		
8c. Landowner(s) New to system <input type="checkbox"/> DOUGLAS F & RENELL M BELL 1 FORD DRIVE COLBY KS 67701		Person ID 40622 Add Seq# _____		
8cc. Landowner(s) New to system <input type="checkbox"/> VIRGINIA RENA WITCHER ET AL PO BOX 180 ELKHART KS 67950		Person ID 63941 Add Seq# _____		
8d. WUC New to system <input type="checkbox"/> 8a		Person ID 40622 Add Seq# 1		
8d. WUC New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2019 <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: 5/14/2019 By: LI Date Entered: 6/6/2019 By: UM				

File No. **21094** 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)	Rate gpm/cfs	Quantity af/mgy	Additional Rate gpm/cfs	Additional Quantity af/mgy	Overlap PD Files
MOD	67390	SW	SWSW		20	33	42W	6	87	5194	GPS UPDATE	NC	NC			NONE

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: **1241**/yr at _____ gpm (_____ cfs) when combined with file number(s) **10194** **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										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID		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					
MOD	7333				20	33	42W	1		40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	8a & 8b	YES	****
ENT	2047				30	33	42W	1		30	30	30	30													120	8bb	no	****	
ENT	11945				19	33	42W	1		30	30	30	30					30	30	30	30					240	8C	no	****	
ENT	19630				30	33	42W	2						30	L-1 30	L-2 30	30									120	8b	no	****	
ENT	27779				29	33	42W	1						35	10	35	40									120	8cc	no	****	
ENT	54110				29	33	42W	4		10	35	40	35													120	8b	no	****	
ENT	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

MEMORANDUM

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

FILE COPY

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,

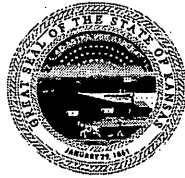
Brent A. Turney, P.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT:LI:li

Enclosures

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 POINT OF DIVERSION
WATER RIGHT, FILE NO. 21,094**

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 Order of the Chief Engineer dated April 25, 2002, approving the application to change the point 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 point of diversion would more accurately be defined as:

one (1) well located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW¼ SW¼ SW¼) of Section 20, more particularly described as being near a point 87 feet North and 5,194 feet West of the Southeast corner of said section, 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. 21,094, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 12, 2001, as modified and amended by the aforementioned order.

Ordered this 30th 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 30th 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 14th 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 Point of Diversion, Water Right, File No. 21,094 dated, May 30th, 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

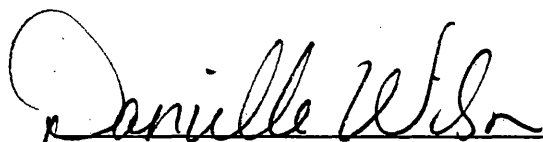
DONALD B & ALICE WITCHER REV TRUST
PO BOX 4278
SANTA FE NM 87502-4278

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. 21094

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

RECEIVED
 1:03 PM
 MAR 26 2019
 Garden City Field Office
 DIVISION OF WATER RESOURCES

2. Name and address of Applicant: Grant Witcher

2213 Buckner Dr., Manhattan, KS 66503

Phone Number: (785)565-3188

Email address: gwitch2@gmail.com

Name and address of Water Use Correspondent: _____

*XPD BETTER DESCRIBED
 GPS UPDATE Water Resources
 10/18/07 x Received
 APR 01 2019

Phone Number: () _____

Email address: _____

KS Dept Of Agriculture

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.)

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

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

F04 GMD3
 DWR 1-121 (Revised 04/5/2018)

G-1R2 M
 Page 1

APPLICATION COMPLETED / DWSB
5/13/19
 Reviewer LT

File No. 21094

SCANNED
 4/11/2019 CM

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 21094
MAKE ADDITIONAL COPIES AS NECESSARY

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

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	

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									35.0	40.0	35.0	10.0	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
Division

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

FILE NO. _____
MAKE ADDITIONAL COPIES AS NECESSARY

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

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		

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, Sante 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

5. **Presently authorized point of diversion:**
 One in the SW Quarter of the SW Quarter of the SW Quarter of Section 20, Township 33 South, Range 42 W, in MORTON County, Kansas, 90 feet North 5188 feet West of Southeast corner of section.
 Authorized Rate 1045GPM Authorized Quantity 683AF** 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 SW Quarter of the SW Quarter of the SW Quarter of Section 20, Township 33 South, Range 42 W (EW), in MORTON County, Kansas, 87 feet North 5194 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

* L5/2018
 OPS UPDATES

6. **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 _____ 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 _____ (EW), 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 _____

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

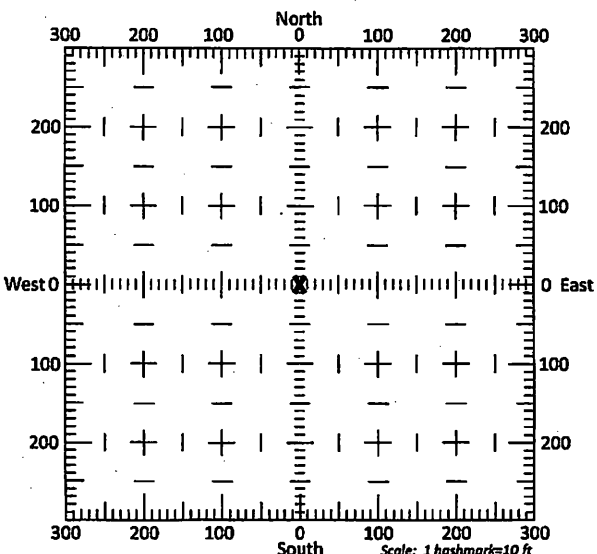
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?

 (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

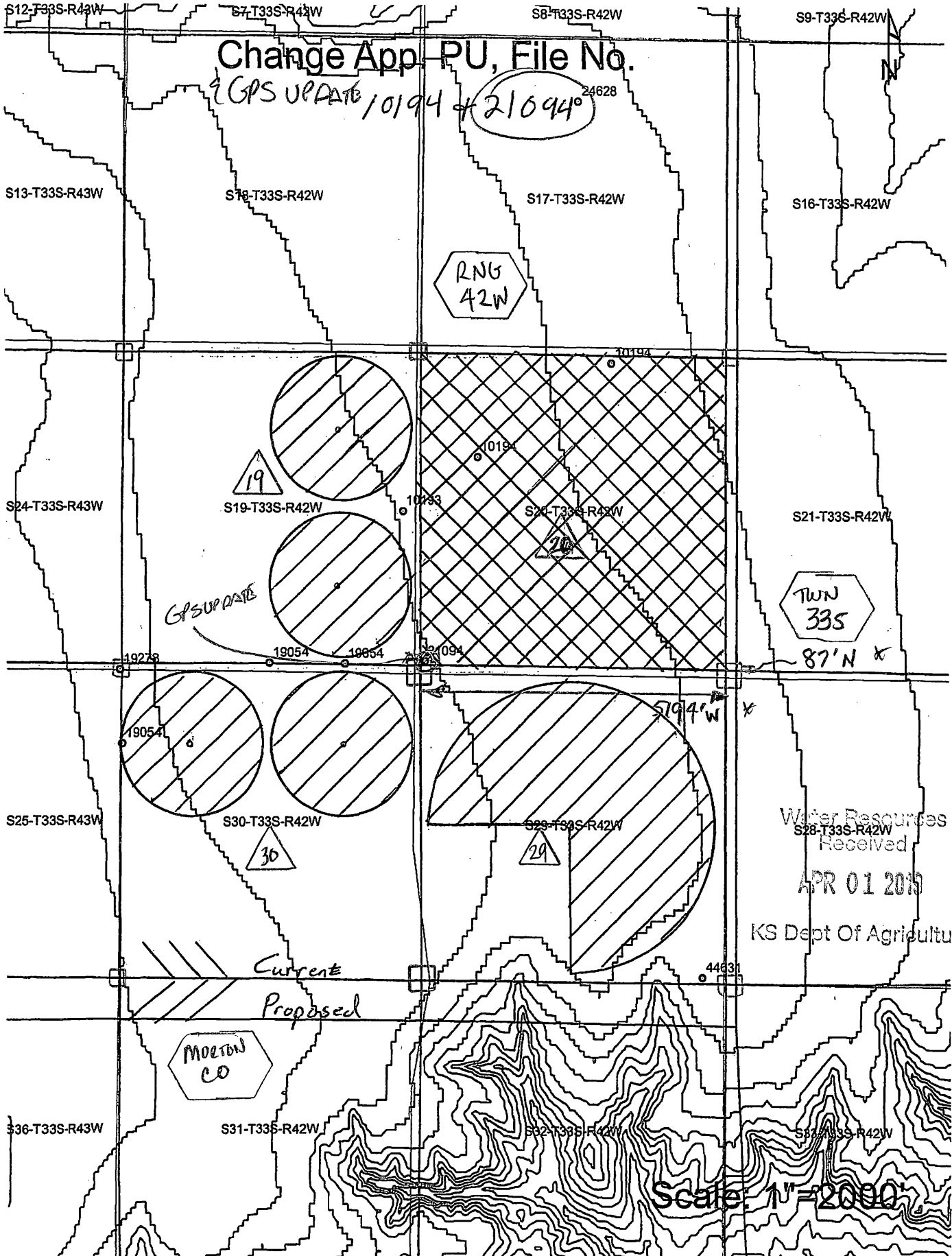


13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of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

Water Resources
 Received

File No. 21094

APR 01 2019



Change App. PU, File No.

GPS UPDATE 10194 + 21094° 24628

RNG
42W

TWN
33S

Water Resources
Received

APR 01 2013

KS Dept Of Agriculture

GPS UPDATE

19

20

36

29

MORTON
CO

Scale 1" = 2000'

Current
Proposed

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 Revocable Trust

X
X

(Owner)

(Spouse)

Donald B. Witcher, TTEE

Alice L. Witcher, TTEE

(Please Print)

(Please Print)

Donald B. Witcher, TTEE

Alice L. Witcher, TTEE

(Owner)

(Spouse)

(Please Print)

(Please Print)

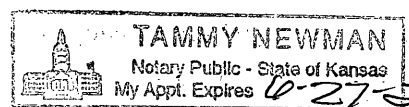
(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of *Kiley* } 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 *10-27-2021*

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_____.

Amela Witcher
(Owner)

ANITA Witcher
(Please Print)

Jayne Kay Witcher
(Owner)

Jayne Kay Witcher
(Please Print)

Art Witcher
(Owner)

Grant A Witcher
(Please Print)

(Spouse)

(Please Print)

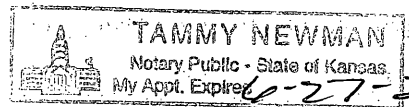
(Spouse)

Eric L Witcher
(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Reley } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 25 day of March, 2019.

Tammy S. 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)

Renell M. Bell
 (Spouse)

Douglas F. BELL
 (Please Print)

Renell M. Bell
 (Please Print)

(Owner)
 (Please Print)

(Spouse)
 (Please Print)

(Owner)
 (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	\$200
(3) Application to change the place of use	\$200

Water Resources
 Received

APR 01 2019

	SHIRLEY I. BREMENKAMP NOTARY PUBLIC STATE OF KANSAS
	My Appt. Exp. <u>05-26-2022</u> File No. <u>10193</u>

SCANNED

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

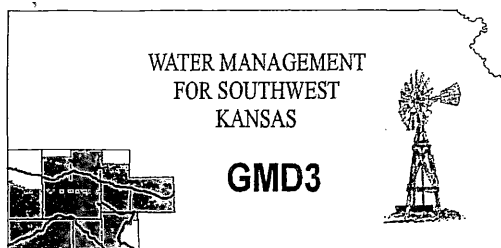
Mike,

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

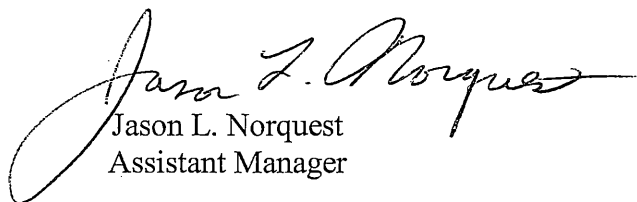
RE: Applications for Change in Place of Use
Water Right, File Nos. 10193, 10194, 19054, 21094 & 44631

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

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)

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 21094

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