

Kansas Department of Agriculture
Division of Water Resources
CHANGE: P/U WORKSHEET & ORDER IN MATTER OF PD, OWNERSHIP

1. File Number: 250	2. Status Change Date: 4/4/2019	3. Change Num: C1	4. Field Office: 4	5. GMD: 1
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: 10/11/2018
8a. Applicant(s) New to system <input type="checkbox"/> GARY & BETH WILBUR 426 W COUNTY ROAD L LEOTI KS 67861-6270		Person ID 26508 Add Seq# _____		
8b. Landowner(s) New to system <input checked="" type="checkbox"/> KENNETH J & MARY F GERSTBERGER 512 E LOGAN LEOTI KS 67861 ELMER LEE GERSTBERGER DECEASED		Person ID 66679 Add Seq# _____		
		8c. Landowner(s) New to system <input checked="" type="checkbox"/> VIRGINIA LEE TRUST TERRY LEE POA 2908 ST JAMES PL GARDEN CITY KS 67846		
		8d. WUC New to system <input type="checkbox"/> 8B		
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: 3/28/2019 By: LI Date Entered: 4/8/2019 By: CM				

File No. **250** 11. County: WH Basin: LADDER CREEK 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	52495		SW NE NW		28	17	36W	1	4191	3824	GPS UPDATE	NO CHANGE				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) _____
 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		
MOD	37764			28	17	36W	3		40.0	40.0	40.0	40.0									160.0	8B	YES	25192		
DEL	21385			28	17	36W	1	40.00				40.00										80.0	8C	YES	10290 D2	
DEL	53206			28	17	36W	4			40.0	40.0											80.0	8A	NO	10290 D1 &13831	

Base Acres: Year: Minimum Reasonable Quantity:
 Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: March 26, 2019

FROM: Leslie Ireland

RE: Water Right,
File Nos. 250; 10,290-D1; 13,831 & 25,192

Gary & Beth Wilbur have filed applications for change in place of use along with the owners Kenneth J. and Mary F. Gerstberger and Terry Lee with POA for the Virginia Lee Trust, all owners of the referenced rights authorized for irrigation use. The applications were received on October 11, 2018 in the Garden City Field Office and reassigned to Headquarters Office on November 5, 2018, due to the requested division of File No. 10,290.

The referenced files were found not to be abandoned as per K.S.A. 82a-718 and in compliance with K.S.A. 82a-732. Notification letters as required by K.S.A. 82a-1906, were not needed as all wells in the area are own by the applicants. After much work by Brent Turney, Change Unit Supervisor, the proposals were clarified to separate the property and rights owned by Gary & Beth Wilbur which consist of File Nos. 13,831 & the D1 portion of File No. 10,290. The applications comply with K.A.R. 5-5-2a, *Complete change application*.

The division and reduction of File No. 10,290 into one portion for the wells and two portions for the place of use. It will reduce the quantity and rate will result in both D1 & D2 authorizing only the well in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28 to divert 360 acre-feet at 502 gallons per minute divided between each portion. File No. 10,290-D1 authorizing 180 AF for 80 acres in the W $\frac{1}{2}$ NE $\frac{1}{4}$, and File No. 10,290-D2 authorizing 180 AF for 80 acres in the E $\frac{1}{2}$ NE $\frac{1}{4}$, all in Section 28, Township 17 South, Range 36 West, Wichita County. The changes propose to overlap the D1 portion with the 160 acres in the SE $\frac{1}{4}$ of Section 21, Township 17 South, Range 36 West, Wichita County authorized by File No. 13,831. The change is allowed by part (b)(1) to create identical place of use per K.A.R. 5-5-11, *Applications for change in place of use for irrigation purposes*. There is no increase in net authorized acres and both rights are certified. File No. 10,290-D1, will have a base-acres of 80 acres, that developed 2.25 acre-foot per acre, for an annual diversion of 180 acre-feet at 251 gallons per minute. The well assigned to this portion is located on the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of the section and was determined to by an August 2016, DWR Compliance Investigation to be located 5,301 feet North and 2,459 feet West of the Southeast corner. The approval will update the location of the well to provide the feet distances.

It appears the well under File No. 13,831 will need to be updated by the place of use change approval. Its actual location was determined by a 2106 DWR Compliance Investigation to be 107 feet North and 76 feet West of the Southeast corner of Section 21, Township 17, Range 36 West. This well is authorized 320 acre-feet at a rate of 1,095 gallons per minute. It is proposed to overlap its 160 acres in the SE $\frac{1}{4}$ of Section 21 with the 80 acres under File No. 10,290-D1. The 240 acres to be authorized by File Nos. 10,290-D1 and 13,831 will provide a total of 500 acre-feet of water per year providing 2.08 acre-foot per acre. This quantity appears to be reasonable based on the historical agriculture production. The irrigation ratio meets part (d)(1) of K.A.R. 5-3-23, *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right*, as the property has been used for alfalfa production. The 240 acres of File Nos. 10,290-D1 & 13,831, is and will remain owned by Gay & Beth Wilbur.

The division of File No. 10,290, authorized a separate place of use in the E½ NE¼, of Section 28. This will be irrigated from the same point of diversion with File No. 10,290-D1. The D2 portion will authorize 80 acres in the E½ NE¼ of Section 28, Township 17 South, Range 36 West to be irrigated with its developed 180 acre-feet from the well located in the NW¼ NW¼ NE¼ of Section 28. This well will be authorized both D1 & D2. The D2 portion will become a standalone right, and owned by the Virginia Lee Trust. This change result in an irrigation ratio of 2.25 acre-foot per acre that was historically developed. It appears to comply with K.A.R. 5-3-23, *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right*. The 2.25 AF/A complies with K.A.R. 5-3-24, *Reasonable quantity for irrigation use*, as these rights have historically irrigated alfalfa. This right will become a standalone right it will remain as detailed in the order dividing File No. 10,290, and owned by the Virginia Lee Trust.

The requested changes in place of use under File Nos. 250 & 25,192 will facilitate an overlap in place of use to authorize 160 acres in the Northwest Quarter of Section 28. This place of use has historically been authorized by these two rights. The proposed changes are creating an identical place of use and comply with K.A.R 5-5-11(b)(1). The 160 acres will be authorized a combined total of 360 acre-feet by File Nos. 250 & 25,192. The order for File No. 250, will also update the point of diversion to add the feet distances determined by the April 2013, DWR Compliance Investigation, placing the well 4,191 feet North 3,824 feet West of the Southeast corner of Section 28. The point of diversion under File No. 25,192, is just an alternate well. It's 310 acre feet at a rate of 750 gallons per minute, will remain as authorized, but the additional limitation on File No. 25,192 will be modified to remove File No.10,290, and limited to is developed 2.25 AF/A or 360 acre-feet with File No. 250. These changes will have an irrigation ratio of 2.25 acre-foot per acre, complying with K.A.R. 5-3-23, *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right* as developed and certified.

The summary memo was sent to Michael Meyer, Water Commissioner of the Garden City Field Office who indicated in an e-mail note dated March 14, 2019, that he would recommend approval of the proposed changes. He coordinated the review and recommendation of the proposal with Western Kansas Groundwater Management District No. 1.

In a letter dated March 22, 2019, and received on March 25, 2019, Kyle Spencer, district Manager of Western Kansas Groundwater Management District No. 1 indicated the Districts recommendation for approval as long as no negative responses from nearby well owners were receive, if needed. No nearby notifications were sent as there were only the applicants wells within one-half (½) mile of the wells requesting changes to their place of use.

Water flowmeters would not be a condition of the approvals for File Nos. 10,290-D1 & 13,831, as the proposed changes meet the requirement of part (e) of K.A.R 5-5-11. It does appear these meters were found to be in compliance in 2017. It appears the changes under File Nos. 250 & 25,192 also comply with part e of K.A.R. 5-5-11 and the approval wouldn't need to state the meter requirement, however there was a meter issue under File No. 25,192, in 2013 showing they were out of compliance for an hour meter, therefore the approvals will have the wording that require meters meeting the specifications of K.A.R. 5-1-4, *Water flowmeter specifications*. A water level measurement tube and WWC-5 will not be required by any of the change approvals as no new wells will be authorized, just updated.

Based on the above discussion, that the changes are reasonable, consumptive use will not be increased and that impairment of existing water rights is unlikely, it is recommended that the referenced applications be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

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. 250

RECEIVED
 3:40 PM
 OCT 11 2018

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

Place of Use Point of Diversion

Garden City Field Office
 DIVISION OF WATER RESOURCES

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

2. Name and address of Applicant: GARY & BETH WILBUR

Water Resources
 Received

426 W COUNTY ROAD L, LEOTI KS 67861-6270

Phone Number: (620)375-4838 620-874-5106 Email address: see attached

NOV 05 2018

Name and address of Water Use Correspondent: Same

KS Dept Of Agriculture

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: Same see attached

ADDRESS: _____

(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	
28	17	36	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	320

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: Same see attached

ADDRESS: _____

(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	
28	17	36	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	320
21	17	36	 	 	 	 	 	 	 	 	 	 	 	 	 	 	 	 	160

For Office Use Only: Code _____ Fee \$ 200.00 TR # _____ Receipt Date 10-11-18 Check # 13346

OCT 25 2018

APPLICATION COMPLETE
3/25/19 *BAP/DoJD
 Registrar LI 2-18-19 AS PENG, Wilbur
 SCANNED No. 250

11/6/2018 UM

5. **Presently authorized point of diversion:**
 One in the SW Quarter of the NE Quarter of the NW Quarter
 of Section 28, Township 17 South, Range 36W
 in WICHITA 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. 1 GPS 4191 feet North 3824 feet West COMPLIANCE DATED 3/13)
 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 _____
 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 _____

6. **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 _____

7. The changes herein are desired for the following reasons?
 (please be specific) Place of use overlap

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

9. The change(s) (was)(will be) completed by?
ASAP

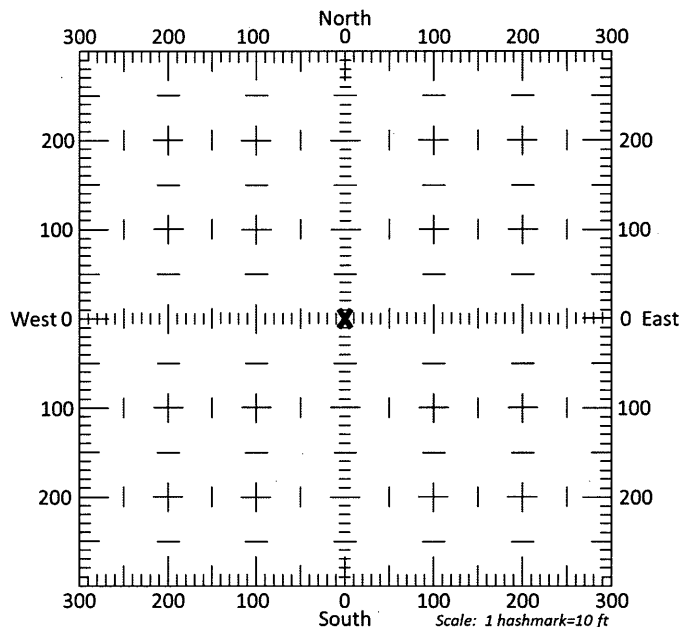
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?

 (b) When will this be done? _____

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by mf/GCFO _____

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.)

3/13/19 LF/DWR

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, Acting Secretary

Laura Kelly, Governor

April 12, 2019

KENNETH J & MARY F GERSTBERGER
512 E LOGAN
LEOTI KS 67861

FILE COPY

RE: Water Right, File Nos. 250 & 25,192

Dear Mr. & Mrs. Gerstberger:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the reference files.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the 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.

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.

As owner of the place of use authorized by the referenced files, you have been designated as the water use correspondent. The annual water use report will be sent to you at the address listed above.

If you have any questions, please contact Leslie Ireland, Environmental Scientist, at (785) 564-6633. 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

BAT:LI:li
Enclosures

pc: Garden City Field Office
Groundwater Management District No. 1

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Acting 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. 250

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Gary and Beth Wilbur, 426 W. County Road L, Leoti, Kansas 67861-6270, along with Kenneth J. and Mary F. Gerstberger, 512 E. Logan, Leoti, Kansas 67861, and Terry Lee, POA for the Virginia Lee Trust, 2908 St. James Place, Garden City, Kansas 67846, received in the office of the Chief Engineer on October 11, 2018, 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 Findings and Order of the Chief Engineer dated October 10, 1979, in the matter of the authorized 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	
28 17 36W					40.00	40.00	40.00	40.00									160.0

a total of 160.0 acres in Section 28, Township 17 South, Range 36 West, Wichita 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 authorized would more accurately be defined as:


one (1) well located in the Southwest Quarter of the Northeast Quarter of the Northwest Quarter (SW¼ NE¼ NW¼) of Section 28, more particularly described as being near a point 4,191 feet North and 3,824 feet West of the Southeast corner of said section, in Township 17 South, Range 36 West, Wichita 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.

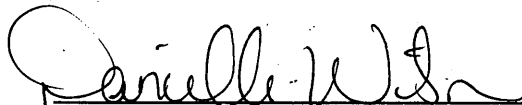
In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 250, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated October 26, 1950 as modified and amended by the aforementioned order.

Ordered this 4th day of April, 2019, in Manhattan, Riley County, Kansas.


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

State of Kansas)
County of Riley) SS

The foregoing instrument was acknowledged before me this 4th day of April, 2019, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.


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 24th day April, 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. 250 dated, April 4th, 2019 was mailed postage prepaid, first class, US mail to the following:

Kenneth J. and Mary F. Gerstberger
512 E. Logan
Leoti, KS 67861

With copies to:

Garden City Field Office
Groundwater Management District No. 1


Division of Water Resources

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

FILE NO. 250

MAKE ADDITIONAL COPIES AS NECESSARY

G.W. 10-30-18
B.W. 10-30-18
K.P. 10-31-18
M.P. 10-31-18

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

Owner of Land ---- NAME: GARY WILBUR
ADDRESS: 426 W COUNTY ROAD L, LEOTI KS 67861

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	
28	17	36W		40	40													80	

Owner of Land ---- NAME: KENNETH J GERTSBERGER,
ADDRESS: 512 E LOGAN, LEOTI KS 67861

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	
28	17	36W					40	40	40	40								160	

Owner of Land ---- NAME: VIRGINIA LEE TURST, ATTN TERRY LEE
ADDRESS: 2908 ST JAMES PL, GARDEN CITY KS 67846

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	
28	17	36W	40			40												80	

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: KENNETH J GERTSBERGER,
ADDRESS: 512 E LOGAN, LEOTI KS 67861

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	
28	17	36W					40	40	40	40								160	

Owner of Land ---- NAME: _____
ADDRESS: _____ *67861 W 25192 -*

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
NOV 05 2018

SCANNED

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 Leoti, Kansas, this 8th day of October, 2018.

Gary Wilbur
 (Owner)

Bae Wilbur
 (Spouse)

Gary Wilbur
 (Please Print)

Beth Wilbur
 (Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

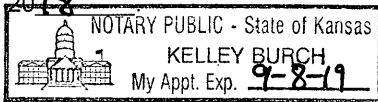
(Spouse)

(Please Print)

(Please Print)

State of Kansas }
 County of Wichita } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 8th day of October, 2018.



Kelley Burch
 Notary Public

My Commission Expires 9-8-19

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 **Water Resources** \$200

RECEIVED

Received

OCT 25 2018

NOV 05 2018

X

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).

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Dated at Leoti, Kansas, this 31 day of October, 2018.

Kenneth J Gerstberger
(Owner)

Mary F Gerstberger
(Spouse)

Kenneth J Gerstberger
(Please Print)

Mary F Gerstberger
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

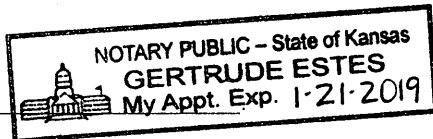
(Please Print)

(Please Print)

State of Kansas }
County of Wichita } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 31 day of October, 2018.

My Commission Expires 1-21-2019



Gertrude Estes
Notary Public

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.

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- (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

NOV 05 2018

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.)
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Dated at Leoti, Kansas, this 30th day of October, 2018.

Gary Wilbur
(Owner)

Gary Wilbur
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

Beth Wilbur
(Spouse)

Beth Wilbur
(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Wichita } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 30th day of October, 2018.

My Commission Expires 1-21-2019



Gertrude Estes
Notary Public

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- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use **Water Resources** \$200

Received

NOV 05 2018

SCANNED

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- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
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Dated at Garden City, Kansas, this 2nd day of November, 2018.

 POA (Owner)	(Spouse)
Terry Lee, POA. (Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)

State of Kansas }
County of Stimmes } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 2nd day of November, 2018.



My Commission Expires _____

Julie Jones
Notary Public

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.

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- (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

NOV 05 2018

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 250 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 250 00 IRR

Water Right and Points of Diversion Within 1.25 miles of point defined as:

-SW-NE-NW of Section 28 T 17S R 36W

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Tw	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 250 00	IRR	NK	G*	0	--	SW	NE	NW	-----	-----	28	17	36W	1		320.00	320.00	AF
A__ 4762 00	IRR	NK	G	4063	--	--	--	CW	-----	-----	27	17	36W	1		248.00	248.00	AF
A__ 5141 00	IRR	NK	G	4189	--	SW	SW	SW	-----	-----	28	17	36W	2		320.00	320.00	AF
A__ 8682 00	IRR	NK	G	6519	--	NE	NE	NW	-----	-----	32	17	36W	1		320.00	320.00	AF
A__ 10290 00	IRR	NK	G*	0	--	SW	NE	NW	-----	-----	28	17	36W	1		720.00	400.00	AF
Same				1491	--	NW	NW	NE	-----	-----	28	17	36W	3				AF
A__ 13831 00	IRR	NK	G*	3743	--	SE	SE	SE	100	100	21	17	36W	1		320.00	320.00	AF
A__ 16430 00	IRR	NK	G	4243	--	SW	SW	SE	210	2380	20	17	36W	2		120.00	120.00	AF
A__ 16431 00	IRR	NK	G	4243	--	SW	SW	SE	210	2380	20	17	36W	2		160.00	160.00	AF
A__ 25192 00	IRR	NK	G*	1778	--	NW	NW	NW	4993	5382	28	17	36W	4		310.00	.00	AF
P_20180286 00	IND	GY	G	5501	--	SW	NW	NW	4380	4840	21	17	36W	2		.92	.92	AF
VWH 6 00	IRR	AA	G	3346	--	NW	SE	SE	-----	-----	20	17	36W	1		240.00	240.00	AF

APPLICANT

APPLICANT

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.92	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	2208.00	.00
Total Vested Amount (AF) =	240.00	.00
TOTAL AMOUNT (AF) =	2448.92	.00

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.25 miles of point defined as:

-SW-NE-NW of Section 28 T 17S R 36W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 250 00	IRR	NK	G
> ELMER GERSTBERGER			
>			
> 512 E LOGAN			
> LEOTI KS 67861			
>-----			
A__ 4762 00	IRR	NK	G
> LONNIE J & JOYCE E LEWIS TRUSTS			
>			
> PO BOX 460			
> LEOTI KS 67861			
>-----			

A__ 5141 00 IRR NK G

> DOUG MCKINNEY
>
> 511 W BROADWAY
> LEOTI KS 67861

A__ 8682 00 IRR NK G

> MARK BERNING
>
> PO BOX 775
> LEOTI KS 67861

A__ 10290 00 IRR NK G

> GARY & BETH WILBUR
>
> 426 W COUNTY ROAD L
> LEOTI KS 67861

> ELMER GERSTBERGER

>
> 512 E LOGAN
> LEOTI KS 67861

A__ 13831 00 IRR NK G

> GARY & BETH WILBUR
>
> 426 W COUNTY ROAD L
> LEOTI KS 67861

A__ 16430 00 IRR NK G

> ELMER GERSTBERGER
>
> 512 E LOGAN
> LEOTI KS 67861

A__ 16431 00 IRR NK G

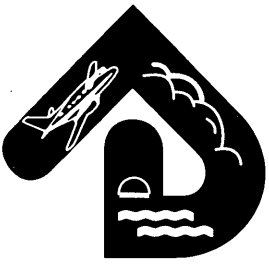
> ELMER GERSTBERGER
>
> 512 E LOGAN
> LEOTI KS 67861

A__ 25192 00 IRR NK G

> ELMER GERSTBERGER
>
> 512 E LOGAN
> LEOTI KS 67861

P__ 20180286 00 IND GY G

> LANDMARK RESOURCES INC
>
> 1616 S VOSS RD #150
> HOUSTON TX 77057



WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

March 22, 2019

Leslie Ireland
Environmental Scientist
Water Appropriation Program
1320 Research Park Drive
Manhattan, KS. 66502

RE: Water Right, File Nos. 250,10290, 13831 and 25192

Dear Ms. Ireland,

After reviewing the referenced change applications, the Western Kansas Groundwater Management District #1 recommends approval contingent upon no negative responses to letters, if any, sent to neighboring well owners.

Sincerely,

Kyle Spencer
District Manager

WATER RESOURCES
RECEIVED

MAR 25 2019

KS DEPT OF AGRICULTURE

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, Acting Secretary

Laura Kelly, Governor

March 15, 2019

WESTERN KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 1
KYLE SPENCER
PO BOX 604
SCOTT CITY KS 67861

FILE COPY

Re: Applications for Change,
Water Right, File Nos. 250; 10,290; 13,831 & 25,192
Application to Divide a Water Right, File No. 10,290

Dear Mr. Spencer:

We are enclosing a copy of each of the applications referred to above which appear to be in proper form. The applicants are proposing to divide and reduce File No. 10,290. The D1 portion is proposed to overlap with File No. 13,831, and the D2 portion of File No. 10,290, to stand alone in the East Half of the Northeast Quarter of Section 28, Township 17, Range 36 West, Hamilton County. The owners have also requested to overlap File Nos. 250 & 25,192 in the Northwest Quarter of Section 28.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit a recommendation concerning the applications referenced above.

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact our office.

Sincerely,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li
Enclosures

pc: Garden City Field Office
Gary Wilber

SCANNED

Terry Lee
Sign

DONE 11/2/18 LILAW
3/12/19 -

- 14. If the proposed groundwater point of diversion is 300 or fewer feet from the
 - (a) Does the undersigned represent all owners of the currently authorized
 - Yes No (If no, all owners must sign this application)
 - (b) Will the ownership interest of any owner of the currently authorized
 - 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
 - change in place of use, the application must be signed by all owners of the
 - agent (attach notarized statement authorizing representation).

VOID

If the application proposes a surface water change in point of diversion, a growth or a change in place of use, the application must be signed by all owners of the 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 the lawful agent 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_____.

(Owner)

(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of _____ } SS

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

My Commission Expires _____.

Notary Public

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

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- (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

NOV 05 2018

Property Details for PID: 1020782800000001000

QuickRef ID :	R753
Owner Name :	LEE, VIRGINIA; TRUST
Location:	COUNTRY PARCEL, Leoti, KS 67861
Abbreviated Boundary Description:	RURAL PARCEL, S28, T17, R36, ACRES 81.2, E2 NE4 LESS RD R/W SECTION 28 TOWNSHIP 17 RANGE 36

Owner Information:

Owner	LEE, VIRGINIA; TRUST
Mailing Address	Attn: LEE, TERRY 2908 ST JAMES PL GARDEN CITY, KS 67846

Property Information:

Type	Agricultural Use
Status	Active
Taxing Unit	RURAL PARCEL
Neighborhood Code	007

Secondary Address Details

Address 00000, Leoti, KS 67861

Market Land Details:

Actual Width:	0
Eff. Width	0
Eff. Depth	0
Acres	0
Square Feet	0

No Permit Details found

No Orion Deed Book Page Details found

Additional Deed Book Page Details

Deed Book/Page 0054/0344 0050/0099 084P/0020 0034/0632

Value Details

	Year	2018
Current Final Value (Agricultural)	Land	\$13,640.00
	Building	\$0.00
	Total	\$13,640.00

No Dwelling Details found

Kansas Department of Agriculture / Division of Water Resources
Garden City Field Office

TO: HEADQUARTERS

BRENT TURNEY

RE Vested Right; Water Right; Appropriation of Water; Application

File No(s). 250, 10290, 13831, 25192 County WH

Enclosed are the following checked items:

A _____ FIR Full Partial Inspection Return to Field Office
 Proposed Certificate to deliver to Certificate Unit

A Compliance Check Inspection on _____
 Meter Install New App Chg App Other _____
 In Compliance Not in Compliance, why _____
Modify Point of Diversion No Yes, document attached
Indicate all overlapping p/d files _____

- An application and judgment sheet with recommendation.
- A memorandum dated _____
- A request for an extension of time to perfect or complete.
- A verified report.
- A closure request.
- A field investigation report.
- Notice of Non-Compliance
- An ownership change (name(s) and address(es) below).
- A water use report for _____
- A letter dated _____

Water Resources
Received

NOV 05 2018

KS Dept Of Agriculture

A copy of an **Approval** to Change the place of use and/or point of diversion,
 Filing Fee attached.

An Advanced **copy** of a change application and the filing fee, to be processed at the field office.

An original field office change **application** and the filing fee needing headquarters office review and further processing.

Other: signatures for pending change applications
& Division Request.

Updated supplemental sheets (10290) to clarify "equal" status

[Signature]
Water Commissioner

11-2-18
Date

Priority

SCANNED

Kansas Department of Agriculture / Division of Water Resources
Garden City Field Office

TO: HEADQUARTERS

BRENT TURNEY

RE Vested Right; Water Right; Appropriation of Water; Application

File No(s). 250, 10290, 13831, 25192

County _____

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A closure request.

A field investigation report.

Notice of Non-Compliance

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A letter dated _____

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An original field office change **application** and the filing fee needing headquarters office review and further processing.

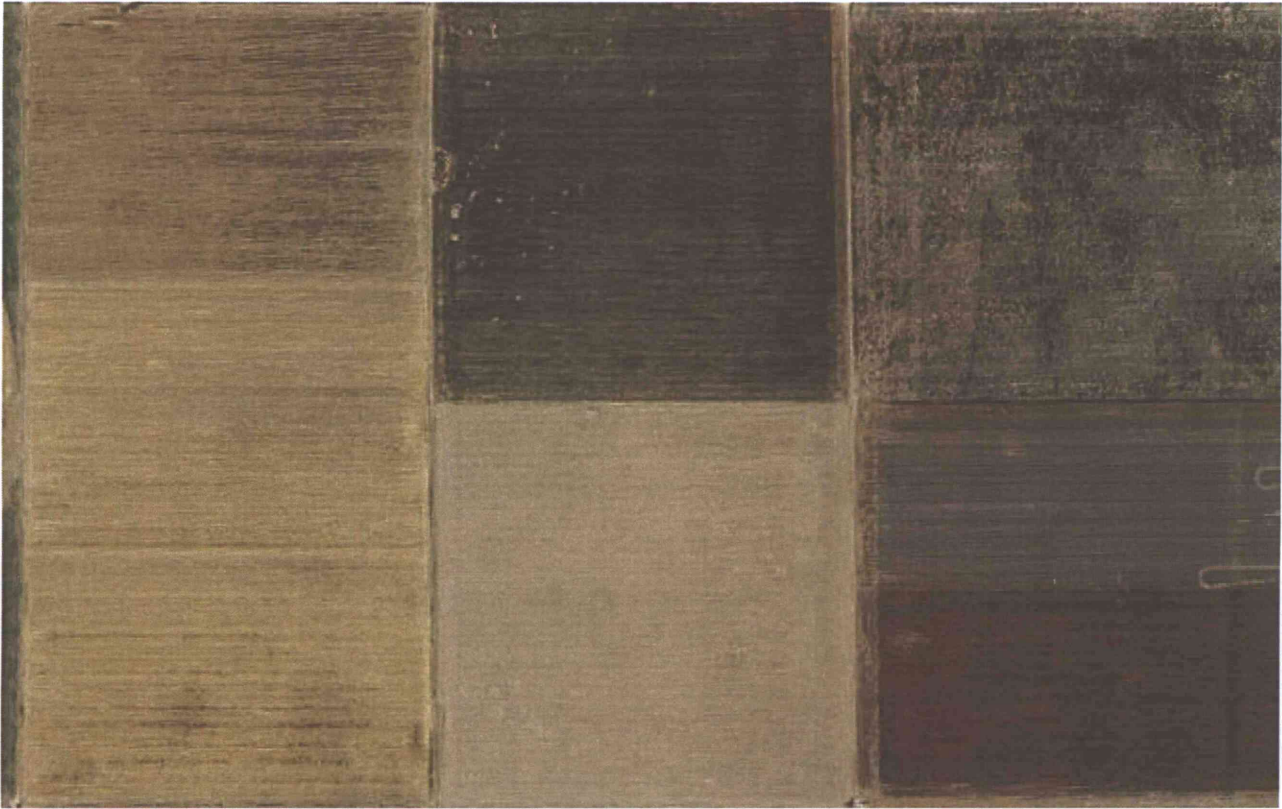
Other: Also division agreement & check for File No. _____

#10290

PROCESS AS A PACKAGE

[Signature]
Water Commissioner

11-17-18
Date



Property Details for PID: 10207828000000001010

QuickRef ID : R754

Owner Name : WILBUR, GARY

Location: COUNTRY PARCEL, Leoti, KS 67861

Abbreviated Boundary Description: RURAL PARCEL, S28, T17, R36, ACRES 81.1, W2 NE4 LESS RD R/W SECTION 28 TOWNSHIP 17 RANGE 36

Owner Information:

Owner WILBUR, GARY

Mailing Address 426 W COUNTY ROAD L LEOTI, KS 67861

Property Information:

No Manufactured Home Details found

No Additional Dwelling Details found

No Other Improvements found

No Commercial Building Details found

No Commercial Building Section Details found

Ag Land Details

Acre Type :	No Acres :	Map Unit :	Irrig :	Well Depth :
-------------	------------	------------	---------	--------------

Dry Land - DR	81.20	1761		
---------------	-------	------	--	--

Total Acres :	81.20			
----------------------	-------	--	--	--

No Ag Building Details found

Aerial image

Acre Type :	No Acres :	Map Unit :	Irrig :	Well Depth :
Irrigated Land - IR	81.10	1761	F	200
Total Acres :	81.10			

No Ag Building Details found

Aerial image



Property Details for PID: 1020782800000002000

QuickRef ID : R755

Owner Name : GERSTBERGER, KENNETH J

NW 1/4

Location: COUNTRY PARCEL, Leoti, KS 67861

Abbreviated Boundary Description: RURAL PARCEL, S28, T17, R36, ACRES 159.5, NW4 LESS RD R/W SECTION 28 TOWNSHIP 17 RANGE 36

Owner Information:

Owner GERSTBERGER, KENNETH J

Mailing Address 512 E LOGAN LEOTI, KS 67861

Property Information:

Type Agricultural Use

Status Active

Taxing Unit RURAL PARCEL

Neighborhood Code 007

Secondary Address Details

Address 00000, Leoti, KS 67861

Market Land Details:

Actual Width: 0

Eff. Width 0

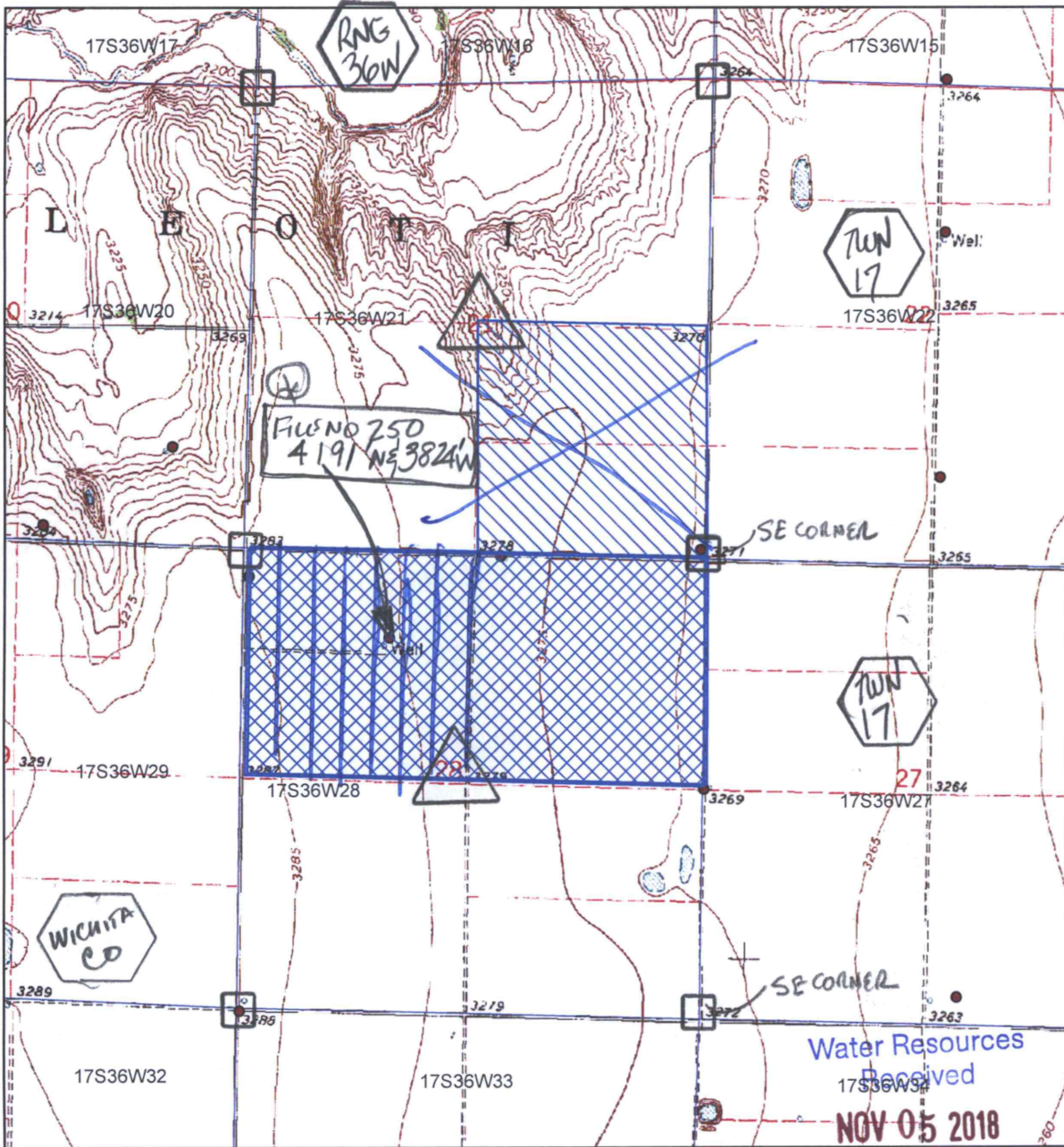
Eff. Depth 0

Acres 0

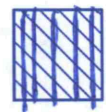
Square Feet 0

Change in Place of Use for File # 250
Sections 21 & 28, Township 17 South, Range 36 West,
Wichita County, Kansas

G.W. 10-30-18
 B.W. 10-30-18
 KOK 10-31-18
 mfg 10-31-18



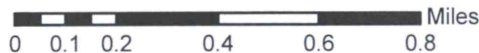
Authorized Place of Use



Proposed Place of Use

LI/DWR FROM 2016 COMPLIANCE INVESTIGATION 3/13/19

KS Dept Of Agriculture



RECEIVED
OCT 25 2018

Garden City Field Office
 Division of Water Resources

All wells within 1/2 miles are on this map.

X Gary Williams

SCANNED