### Kansas Department of Agriculture Division of Water Resources

## CHANGE: P/U WORKSHEET, ORDER IN MATTER OF LIMITATION, OWNERSHIP

1. File Number: <b>25192</b>	2. Status Change Date: 4/4/2019	3. Change Num:	4. Field Office:	5. GMD:
6. Status: ⊠ Approved ☐ Den	ied by DWR/GMD ☐	Dismiss by Reques	t/Failure to Return	7. Filing Date of Change: 10/11/2018
8a. Applicant(s)  New to system □	Person ID 26508 Add Seq#	8c. Landowne New to sy		Person IDAdd Seq#
GARY & BETH WILBUR 426 W COUNTY ROAD L LEOTI KS 67861-6270		TERRY 2908 S	IIA LEE TRUST ' LEE POA T JAMES PL EN CITY KS 6784	16
8b. Landowner(s)  New to system ⊠	Person ID 6679 Add Seq#	8d. WUC New to sy	rstem 🗌	Person IDAdd Seq#
KENNETH J & MARY F ( 512 E LOGAN LEOTI KS 67861	BERSTBERGER	8B		
ELMER LEE GERSTSBE	RGER DECEASED			
9. Documents and Enclosure(s):   D\	VR Meter(s) Date to Comp	ly: <u>12/31/2019</u>	N & P Date to	Comply:
☐ Anti-Reverse Meter ☐ Meter	Seal	□ N & P Form	☐ Water Tube ☐ D	riller Copy
☐ Conservation Plan Date Requir	ed: Da	te Approved:	Date to	Comply:
10. Use Made of Water From:		To: _		
			Date Prepared: <b>3/28/2</b> Date Entered: 4 <b>/</b> 9 <b>/</b> ひ	· · · · · · · · · · · · · · · · · · ·

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# 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 NW1/4 NW1/4 NE1/4 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 W½ NE¼, and Flle No. 10,290-D2 authorizing 180 AF for 80 acres in the E½ NE¼, 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 SE1/4 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 NW1/4 NW1/4 NE1/4 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 SE½ 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 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 contract 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

# 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 WATER RIGHT, FILE NO. 25,192

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.

This order effectively modifies the additional limitation on the quantity of water to a total quantity not to exceed 360 acre-feet per calendar year when combined with Water Right, File No. 250 for irrigation use on the land described herein.

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:

				NE	Ξ¼			NV	V1/4			SV	V1/4			SE	1/4		
Sec.	Twp. I	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE¼	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	TOTAL
28	17	36W					40.00					;							160 <u>.</u> 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.

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. 25,192, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated March 22, 2000.

Ordered this 44 day of April

DANIELLE WILSON

My Appointment Expires August 23, 2020 , 2019, in Manhattan, Riley County, Kansas.

ane 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 day of day of day of 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 day April , 2019, I hereby certify that the attached Approval of Application for Change in Place of Use, Water Right, File No. 25,192 dated, 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

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

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Garden City Field Office Division of Water Resources

5.	Presently authorized point of diversion:			11	,	
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	of Section 28 , Township	17	_South, Range		6W	,
	in WH County, Kansas, 4993 fe	et North 53	<u> 82</u> feet Wes	t of Southea	ast corner o	of section.
	Authorized Rate 750 GAN Authorized Quantity	310 AF	Depth of well		(feet)	
	(DWR use only: Computer ID No GPS					
0	This point will not be changed This point will be changed as	s follows: No	change, point be	tter describe	d with GPS a	as follows:
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	* AMMEND YMITING					
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6.	Presently authorized point of diversion:  One in the Quarter of the	COMR	0 · W/ /-/2	ENO-	450	Ougston
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7.	The changes herein are desired for the following reasons?					
	(please be specific) Place of use overlap	300	200 100	North 0 100	200	300
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	(b) When will this be done?	Ē	<u> </u>	<u> </u>		
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11.	Groundwater Management District recommendation attached?	200 📒	+   +	=   +	+	글200
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14.		300	200 100	0 100	200 ale: 1 hashmark=	300
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	13b.If the proper	osed point of dive sting point of di	ersion will be	relocated w	uthin 300 feet
	sources, show all wells (including domestic) within one-half mile	diagram s	shown above ir	n relation to	the exist	ing point of
	of the proposed point of diversion and the names and mailing	diversion.	(PLEASE NOT	E: The "X"	" in center	of diagram
	addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile	above re diversion	epresents the	presently	authorize	d point of
	downstream and one-half mile upstream from your property	4.70101011	•,			

lines

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

**FILE NO. 25192** 

MAKE ADDITIONAL COPIES AS NECESSARY

BW-10-30-18 My 10-31-18 Mfg 10-31-18 SE1/4 TOTAL **ACRES** NW¼ SW1/4 SE1/4 SE1/4 NE1/4 80 SE1/4 TOTAL ACRES NW1/4 SW1/4 SE1/4 NE1/4 SE1/4 160 SE1/4 TOTAL **ACRES** SE1/4 NE1/4 NW1/4 SW1/4 SE1/4 80

Continued: The presently authorized place of use is: Owner of Land ---- NAME: GARY WILBUR ADDRESS: 426 W COUNTY ROAD L, LEOTI KS 67861 SW1/4 NW1/4 NW1/4 SW1/4 NW1/4 SW1/4 SE1/4 NE1/4 NE1/4 NW¼ SW1/4 SE1/4 NE1/4 Sec. Twp. Range 40 28 17 36W 40 Owner of Land ---- NAME: KENNETH J GERTSBERGER ADDRESS: 512 E LOGAN, LEOTI KS 67861 SW1/4 NE1/4 NW1/4 NW1/4 SW1/4 NE1/4 NE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 SE1/4 Sec. Twp. Range 40 17 36W 40 40 40 28 Owner of Land ---- NAME: VIRGINIA LEE TURST, ATTN TERRY LEE ADDRESS: 2908 ST JAMES PL, GARDEN CITY KS 67846 SW1/4 NE1/4 NW1/4 NE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 Range NE1/4 NW1/4 SW1/4 SE1/4 Twp. Sec. 36W 40 40 17 28 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 TOTAL NE1/4 NW1/4 SW1/4 **ACRES** NW1/4 SW1/4 NW1/4 SW1/4 SE1/4 NW1/4 SW1/4 SE1/4 NW¼ SW1/4 SE1/4 NE1/4 Sec. Twp. Range NE1/4 160 17 36W 40 40 28 OVOLUSA W FILE NO. 250 Owner of Land ---- NAME: ADDRESS:

				NE	Ξ1/4			NV	V1/4			SV	V1⁄4			SE	1/4		TOTAL
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14. If the proposed groundwater point of diversion is 300 or fewer feet f	rom the existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently autl ☐ Yes ☐ No (If no, all owners must sign this appl	
(b) Will the ownership interest of any owner of the currently author affected if this application is approved as requested?  ☐ Yes ☐ No (If yes, all owners must sign this applications)	
(c) If this application is not approved expeditiously, will there be su ☐ Yes ☐ No (If no, all owners must sign this appl	
If the application proposes a surface water change in point of diversion, or a change in place of use, the application must be signed by all owner agent (attach notarized statement authorizing representation).	a groundwater change in point of diversion greater than 300 feet, is of the currently authorized place of use, or their duly authorized
I hereby verify, being first duly sworn upon my oath or affirm age and the owner, the spouse of the owner, or a duly autho their behalf, in regards to the water right(s) to which this ap contained in this application are true, correct and complete.	rized agent of the owner(s) to make this application on oplication pertains. I further verify that the statements
Dated at, Kansas, this	8th day of October, 20/8.
Hary Willer	Bath Willow
(Owner)	(Spouse)
Gary Wilbur	Both Willow
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas )	
County of Wichita SS	y/
I hereby certify that the foregoing application was signed in	my presence and sworn to before me this day
of October, 20/8 NOTARY PUBLIC - State of Ka	
My Commission Expires 9-8-/9	Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, at accurate information; maps, if necessary, must be included; signatures of all the at the appropriate fee must be paid.	Il of the applicable portions of the application form must be completed with appropriate owners' must be affixed to the application and notarized; and
FEE SCHED	ULE
Each application to change the place of use or the point of diversion und forth in the schedule below: Make checks payable to: Kansas Departn (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 feet (3) Application to change the place	der this section shall be accompanied by the application fee set ment of Agriculture \$100 et
OCT 2.5. 2018	Received

Garden City Field Office Page 3 Division of Water Resources

NOV 05 2018

#### 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. 13831 requesting that the place of use and / or point of A change application was received on diversion authorized under the above-referenced file number be changed as described in the application. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on 2. the topographic map accompanying the application to change the place of use. 

Applicable 

Not Applicable 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 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 The point(s) of diversion authorized herein shall not actually be located more than \_\_\_ authorized point(s) of diversion. ☐ Applicable ☒ Not Applicable \_\_\_\_\_ feet from the previously 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 The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2018, 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. ☐ Not Applicable Installation of the works for diversion of water shall be completed on or before December 31, 20\_\_\_\_ 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. Not Applicable Not Applicable The completed well log shall be submitted with the required notice. ☐ 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. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, **SUMMARY ORDER ISSUED** 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 Duly Authorized Designee of the Chief Engineer administrative review by the Secretary must be filed within **30** days pursuant to K.S.A. 77-531. Any request for administrative (Print Name): review must state a basis for review pursuant to K.S.A. 77-527. Division of Water Resources - Kansas Department of Agriculture File any request with Kansas Department of Agriculture, Date of Issuance: Legal Division, 1320 Research Park Drive, Manhattan, KS 66502. Failure to timely request a hearing or review may State of Kansas preclude review under the Kansas Judicial Review Act. ) SS For Use by Register of Deeds County of Acknowledged before me on Signature: \_\_\_ Notary Public My commission expires: \_\_\_

(Notary Seal)

14. If th	ne proposed groundwater point of diversion is 300	or fewer feet from th	e existing point of dive	rsion, complete the	following:
(a)	Does the undersigned represent all owners of the Yes No (If no, all owners mu	ne currently authorize st sign this application		fied in this application	on?
(b)	Will the ownership interest of any owner of the affected if this application is approved as reque Yes No (If yes, all owners m			ied in this application	on be adversely
(c)	If this application is not approved expeditiously, ☐ Yes ☐ No (If no, all owners mu	will there be substant st sign this application		, public health or sa	ıfety?
or a cha	plication proposes a surface water change in poinge in place of use, the application must be sign attach notarized statement authorizing representations.	ed by all owners of th			
age an	by verify, being first duly sworn upon my d the owner, the spouse of the owner, or ehalf, in regards to the water right(s) to ned in this application are true, correct are	a duly authorized which this applicand complete.	agent of the owner	(s) to make this ther verify that t	application on
Dateu a	20 11	, Narisas, tris	uay or	1000	, 20 <u>_<b>/ ()</b></u> .
	Dary Wellyr		Bore is	suole a	
	(Owner)			(Spouse)	
	Dary Wilbur		Beth	Wilber	
	/ (Please Print)		(PI	lease Print)	
	(Owner)		,	(Spouse)	
	(Please Print)		(Pl	lease Print)	
	(Owner)		(	(Spouse)	
	(Please Print)		(PI	ease Print)	
	of Wichita ) ss				. •
I here	eby certify that the foregoing application w	as signed in my p	resence and sworn	to before me th	is <u>30<sup>1</sup></u> day
My Com	mission Expires 1-21-2019 My App	BLIC – State of Kansas RUDE ESTES t. Exp. 1-21-2019	Hertrude Noti	Estes ary Public	
accurate	DMPLETE APPLICATIONS WILL BE PROCESSED. Tinformation; maps, if necessary, must be included; sign priate fee must be paid.				
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forth in t	plication to change the place of use or the point of the schedule below: Make checks payable to: Karaman (1) Application to change a point of diversion and (2) Application to change a point of diversion moves (3) Application to change the place of use	ansas Department o 0 feet or less ore than 300 feet	f Agriculture ······Water Resc	ources	\$100
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DWR 1-1	21 (Revised 04/5/2018)	Page 3	KS Dept Of Ag	griculture File 1	No

SCANNED

14. If the	e proposed groundwater point o	f diversion is 300 or fewer feet fro	m the existing poin	t of diversion, complete	e the following:
		nt all owners of the currently autho o, all owners must sign this applic		se identified in this app	llication?
	affected if this application is ap	any owner of the currently author proved as requested? es, all owners must sign this appli		e identified in this app	lication be adversely
		ed expeditiously, will there be sub o, all owners must sign this applic		property, public health	or safety?
or a char		ter change in point of diversion, a ion must be signed by all owners rizing representation).			
age and their be	I the owner, the spouse of half, in regards to the wat	vorn upon my oath or affirm the owner, or a duly authori er right(s) to which this app rue, correct and complete.	zed agent of the	owner(s) to make s. I further verify t	this application on hat the statements
Dated at	Leoti	, Kansas, this	31 day of	October	, 20_18
Le Le	und I Sen Dece	rue, correct and complete, Kansas, this	Many	7 Seastle	uze
	(Owner)		A 4 -	(Spouse)	1/2.02
<u>Ken</u>	mell J Gerstbo	rger	19/01	(Please Print)	+ berger
	(Flease Fillit)			(Flease Fillit)	
	(Owner)	<del></del>		(Spouse)	
	(Please Print)			(Please Print)	
	(Owner)	<del></del>		(Spouse)	
	(Please Print)			(Please Print)	
State of k	Kansas	)			
County o	f Wichita	)			
l here	by certify that the foregoing	g application was signed in n 	ny presence and	sworn to before m	e this <u>31</u> day
		NOTARY PUBLIC - State of K	ansas Hatt	Tuda Esta	<b>^</b> >
My Comr	nission Expires <u>1-21-2019</u>	GERTRUDE ESTE	S // P P P P P P P P P P P P P P P P P P	Notary Public	
ONLY CO	MPLETE APPLICATIONS WILL BE	PROCESSED. To be complete, all of	of the applicable portion	ons of the application form	n must be completed with
	nformation; maps, if necessary, mu priate fee must be paid.	st be included; signatures of all the ap	propriate owners' mu	st be affixed to the applica	ation and notarized; and
		FEE SCHEDU			
		use or the point of diversion unde as payable to: <b>Kansas Departme</b>		pe accompanied by the	application fee set
(*	<ol> <li>Application to change a poir</li> </ol>	nt of diversion 300 feet or less			\$100
(2	<ol> <li>Application to change a poir</li> <li>Application to change the plant</li> </ol>	nt of diversion more than 300 feet ace of use			
(,	o, Application to change the pi	ace of use	Wa		ψ200
				Received	
			N	NV 05 2018	

14. If the proposed groundwater point of diversion is 300 or fewer fe	et from the existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently Yes No (If no, all owners must sign this a	
<ul> <li>(b) Will the ownership interest of any owner of the currently a     affected if this application is approved as requested?         ☐ Yes ☐ No (If yes, all owners must sign this)</li> </ul>	uthorized place(s) of use identified in this application be adversely application.)
(c) If this application is not approved expeditiously, will there be ☐ Yes ☐ No (If no, all owners must sign this a	
If the application proposes a surface water change in point of diversion a change in place of use, the application must be signed by all ow agent (attach notarized statement authorizing representation).	
I hereby verify, being first duly sworn upon my oath or af age and the owner, the spouse of the owner, or a duly aut their behalf, in regards to the water right(s) to which this contained in this application are true, correct and comple	horized agent of the owner(s) to make this application on application pertains. I further verify that the statements
Dated at Kansas,	this 3nd day of November, 2018
Just Lul Dist	
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas	
County of SS	nd
I hereby certify that the foregoing application was signed of	in my presence and sworn to before me this <u>a</u> day
JULIE JONES  My Appointment Expires  My Commission Expires  December 15, 2018	Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete	and of the applicable parties of the application form must be completed with
accurate information; maps, if necessary, must be included; signatures of all t the appropriate fee must be paid.	
<u>FEE SCH</u>	EDULE
Each application to change the place of use or the point of diversion of forth in the schedule below: Make checks payable to: Kansas Depa (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 (3) Application to change the place of use	rtment of Agriculture  s
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### 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** 

Kyle Spring

WATER RESOURCES

MAR **2 5** 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

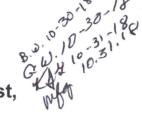
Enclosures

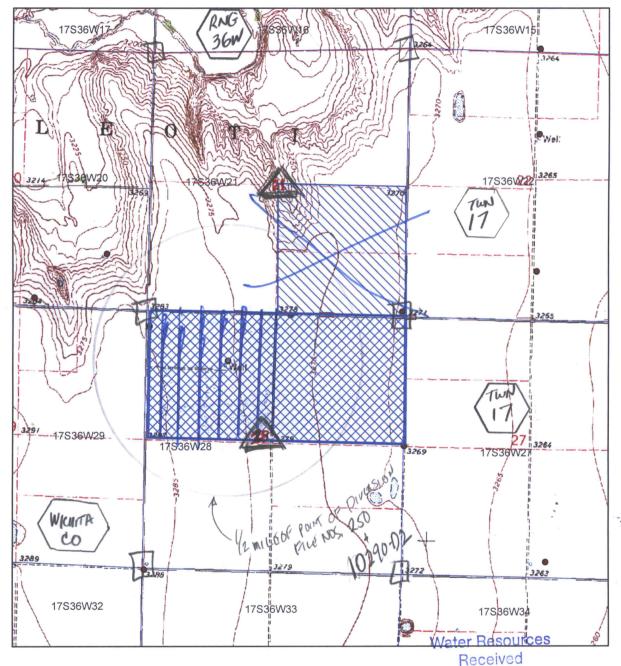
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Garden City Field Office

Gary Wilber

## Change in Place of Use for File # 25192 Sections 21 & 28, Township 17 South, Range 36 West, Wichita County, Kansas





**Authorized Place of Use** 







Proposed Place of Use

OCT 25 2018

Garden City Field Office Division of Water Resources All wells within 1/2 miles are on this map.

X Hary William SCANNED