Kansas Department of Agriculture Division of Water Resources CHANGE: PU WORKSHEET

1. File Number: 28365	2. Status Change Date: 8/9/2019	3. Change Num:	4. Field Office:	5. GMD:
6. Status: Approved Den	ied by DWR/GMD	Dismiss by Reques	st/Failure to Return	7. Filing Date of Change: 20-MAR-2019
8a. Applicant(s) New to system □	Person ID <u>25160</u> Add Seq# <u>1</u>	8c. Landown New to sy	er(s) estem [Person ID Add Seq#
BLANE F & KASSANDRA 412 GRAY HORSE CIRC WOODLAND PARK CO	LE			·
8b. Landowner(s) New to system □	Person ID 25160 Add Seq# 1	8d. WUC New to sy	rstem 🗌	Person ID
BLANE F & KASSANDRA 412 GRAY HORSE CIRC WOODLAND PARK CO	LE	2428 RI	IANSON	
ADDRESS CHANGE ONI	<u>_Y</u>			
9. Documents and Enclosure(s): DV	VR Meter(s) Date to Comp	ly:	N & P Date to	o Comply:
☐ Anti-Reverse Meter ☐ Meter	Seal 🛛 Check Valve	□ N & P Form	☐ Water Tube ☐ [Oriller Copy ☐ H & E Letter
☐ Conservation Plan Date Requir	ed: Da	ate Approved:	Date to	o Comply:
10. Use Made of Water From:		To		
			Date Prepared: 7/23/ Date Entered: 8/15/ LMod	/2019 B y :

File No 2836	5		11.	County	GL	Ва	asin: V	VHITE	WON	/AN	CREI	EK	Stı	ream:					-		Fo	rmation Cod	e: 211	Spe	ecial Use:	
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14. Limitation: Limitation:									pm (cfs	; s) wher	omb	ined w	vith file	numbe	er(s)								····
15. 5YR Allocation	on:	Allocat	ion Type		_ Stai	rt Year	•	;	5 YR A	mount	<u> </u>	^	Amoun	t Unit		Bas	e Acre	s		Comn	nent				-	
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ENT 11089	22	178	39W	2	40.00	40.00	40.00	40.00										٠.			160.00	8B	NO	4412;	28365 ;	& 29427
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DEL 22254	23	178	39W	2									40.00	40.00	40.00	40.00					160.00					
Base Acres: Comments:		Yea	r:	М	inimum	Reas	onable	Quant	ity:																	

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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



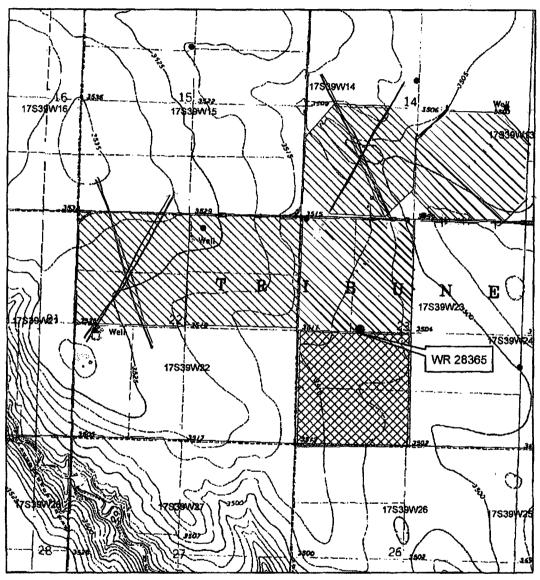
STATE OF KANSAS

Filling Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.

Fee Schedule is on the third page of this application form.

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Change in Place of Use for Water Right 28365 Township 17 South, Range 39 West, Greeley County



Authorized Place of Use

X Pv modified per Map 4412 + 29427 + 5/22/14 enail Mitch French Garage

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

MAR 2 0 2019

MS SETT OF AGRICULTURE

* Pak/own 5/22/19

SCANNED

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET FILE NO. 28365

FILE NO. 28365
MAKE ADDITIONAL COPIES AS NECESSARY

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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? Groundwater Management District recommendation attached? Yes No Assisted by mf/GCFO Assisted by mf/GCFO 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 serial 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 R 1-121 (Revised 04/5/2018) Page 2 West 0 West o West 0 West o West o West 0	The deep never as nerves as	may sessentation. Ab		
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R 1-121 (Revised 04/5/2018) Page 2 File No. 28365	feet but within 2,640 feet of a topographic map or a sources, show all wells (in of the proposed point of addresses of the owners. names and addresses downstream and one-ha	of the existing point of diversion, attach serial photograph. For groundwater cluding domestic) within one-half mile diversion and the names and mailing For surface water sources, show the of the landowner(s) one-half mile	13b. If the proposed point of diversion will be rof the existing point of diversion, indic diagram shown above in relation to diversion. (PLEASE NOTE: The "X" above represents the presently diversion.)	elocated <u>within 300 fe</u> ate its location on the the existing point in center of diagra
R 1-121 (Revised 04/5/2018) Page 2 File No. 20363	111163			
20 to the same the same to th	0 4 404 (Double-4 04/5/0040)	Dás		File No. 28365
	1-121 (Kevised U4/5/2018)	Pag		1 BE 110. 2000

14. If the proposed groundwater point of diversion is 300 or fewer feet from	m the existing point of diversion, complete the following:
 (a) Does the undersigned represent all owners of the currently author ☐ Yes ☐ No (If no, all owners must sign this application) 	
 (b) Will the ownership interest of any owner of the currently authors 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 subs	
If the application proposes a surface water change in point of diversion, a or a change in place of use, the application must be signed by all owners agent (attach notarized statement authorizing representation).	groundwater change in point of diversion greater than 300 feet, of the currently authorized place of use, or their duly authorized
I hereby verify, being first duly sworn upon my oath or affirmating and the owner, the spouse of the owner, or a duly authoristheir behalf, in regards to the water right(s) to which this appropriate in this application are true, correct and complete.	ted agent of the owner(s) to make this application on lication pertains. I further verify that the statements
Dated at, Kansas, this	11 day of March , 20 19.
Blan 7 Kleyn	March 2019.
(Owner)	(Spouse)
Blane F. Kleymann	Kacsando E. Kleymann
(Pleasé Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
	•
(Owner)	(Spouse)
(Owner) (Please Print)	(Spouse) (Please Print)
(Please Print) State of Kenses (D)	
(Please Print) State of Kansas © County of T-UL SS SHANNON L.	(Please Print)
(Please Print) State of Kansas (a) County of Tulu SSS SHANNON L. NOTARY PL NOTARY PL NOTARY ID 200 My Commission Expire	(Please Print) CHAPA JBLIC TO PRESENCE and sworn to before me this day 04026687
(Please Print) State of Kansas (2) County of Tulus I hereby certify that the foregoing application was a sign of mar (2) NOTARY PL NOTARY ID 200 My Commission Expir	(Please Print) CHAPA JBLIC TO PRESENCE and sworn to before me this day 04026687
(Please Print) State of Kansas (2) County of The State of Kansas (2) I hereby certify that the foregoing application versa region in the NOTARY PLEASE (20) NOTARY ID 200 My Commission Expires	(Please Print) CHAPA JBLIC Dispresence and sworn to before me this 1 day 04026687 es 10-02/2020 Notary Public
(Please Print) State of Kansas (2) County of Tulus I hereby certify that the foregoing application was a sign of mar (2) NOTARY PL NOTARY ID 200 My Commission Expir	(Please Print) CHAPA BLIC Dispresence and sworn to before me this day 040266877 es 10-02-2020 Notary Public If the applicable portions of the application form must be completed with
(Please Print) State of Kenses (2) County of Tulus SHANNON L. NOTARY PL I hereby certify that the foregoing application versationer in the price of My Commission Expires My Commission Expires ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all caccurate information; maps, if necessary, must be included; signatures of all the ap the appropriate fee must be paid. FEE SCHEDU	(Please Print) CHAPA JBLIC Dipplease and sworn to before me this day 04026687 es 10-02/2020 Notary Public If the applicable portions of the application form must be completed with propriate owners' must be affixed to the application and notarized; and
(Please Print) State of Kensas Co County of Tulus I hereby certify that the foregoing application versational NOTARY PL NOTARY ID 200 My Commission Expires ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all caccurate information; maps, if necessary, must be included; signatures of all the apthe appropriate fee must be paid.	(Please Print) CHAPA JBLIC Dispressore and sworn to before me this day 04026637 es 10-02/2020 Notary Public If the applicable portions of the application form must be completed with propriate owners' must be affixed to the application and notarized; and LE If this section shall be accompanied by the application fee set int of Agriculture \$100 \$200
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(Please Print) State of Kansas (2) County of Tulus SHANNON L. NOTARY PL I hereby certify that the foregoing application versations in NOTARY ID 200 My Commission Expires ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all caccurate information; maps, if necessary, must be included; signatures of all the ap the appropriate fee must be paid. FEE SCHEDU Each application to change the place of use or the point of diversion under forth in the schedule below: Make checks payable to: Kansas Departme (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 feet.	(Please Print) CHAPA JBLIC Dispressince and sworn to before me this day 040266877 es 10-02/2020 Notary Public If the applicable portions of the application form must be completed with propriate owners' must be affixed to the application and notarized; and LE If this section shall be accompanied by the application fee set int of Agriculture \$100 \$200 \$200 \$200

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

pro	is Summary Order Is issued under authority of K.S.A. 82a-70 visions of the <i>Kansas Water Appropriation Lew, K.S.A. 82a</i> -th the exception of those conditions expressly contained herein itations of File No. 28365	701 et. seg., and rules and regulatio	ns promulgated thereunder.
1.	A change application was received on	requesting that the poer be changed as described in the ap	lace of use and / or point of oplication.
2.	On and after the effective date of this summary order, the aut the topographic map accompanying the application to char	thorized place(s) of use shall be locate nge the place of use.	ed substantially as shown on le
3.	The change in point of diversion shall not impair existing righ previously authorized. The point of diversion authorized by radius of the authorized point(s) of diversion. Applicable	y this summary order shall be located	
4.	The point(s) of diversion described herein is administrative Positioning System (GPS), as described in the application.	ely corrected to be more accurately. Applicable Not Applicable	described using the Global
5 .	The point(s) of diversion authorized herein shall not actually authorized point(s) of diversion. ☐ Applicable ☑ No.		feet from the previously
6.	As required by K.A.R. 5-3-5d, if the works for diversion is a w or other device suitable for making water level measurement K.A.R. 5-6-13. Applicable Not Applicable		
7.	The owner of the authorized place(s) of use shall pro December 31, 2019, or before the first use of water, which and maintained in accordance with K.A.R. 5-1-4 through 5-3-5e, the owner shall maintain records and report the read annually to the Chief Engineer by March 1 following the en Applicable Not Applicable	ever occurs first. The water flow mete 5-1-12. As required by K.S.A. 82a-73 ding of the water flow meter and the to	r shall be installed, operated 2, as amended, and K.A.R.
8.	installation of the works for diversion of water shall be authorized extension of time. By March 1, 20 <u>19</u> the applic for diversion has been completed, on the form provided by ⊠ Applicable ☐ Not Applicable	ant shall notify the Chief Engineer th	at construction of the works
9.	The completed well log shall be submitted with the requi	red notice. 🔲 Applicable 🛛	Not Applicable
10.	All diversion works into which any type of chemical or other for with an in-line, automatic, quick-closing check valve capabeteck valve(s) shall be installed, operated and maintained in	oreign substance will be injected into ble of preventing pollution of the sourd n accordance with K.A.R. 5-3-5c. ☑ A	the water shall be equipped ce of the water supply. The opplicable ☐ Not Applicable
11.	Additional Conditions are attached.		!
12.	In accordance with K.S.A. 82a-708a, as amended, and K.A. water appropriated under the above-referenced file numb limitations, as amended and/or supplemented by this Sum Appropriation Law and the Rules and Regulations promul result in civil penalties pursuant to K.S.A. 82a-737, as amwater or appropriation right or any other enforcement actions.	er are responsible for compliance wi mary Order, and with applicable prov lgated thereunder. Failure to comply ended, and/or the suspension or revo	th its terms, conditions and visions of the Kansas Water with these provisions may
4	Administrative Appeal and Effective Date of Order	FOR OFFICE USE	
If yo	ou are aggrieved by this order, pursuant to K.S.A. 82a-1901,	APPLICATION APPI SUMMARY ORDE	······································
you	may request an evidentiary hearing before the Chief incer or request administrative review by the Secretary of	SOMMAN1 ONDE	KIGGOLD
Agri	culture. A request for hearing by the Chief Engineer must be I within 15 days of service of this Order and a request for	By:	of the Chief Engineer
adn	ninistrative review by the Secretary must be filed within 30		of the Chief Engineer
	s pursuant to K.S.A. 77-531. Any request for administrative ew must state a basis for review pursuant to K.S.A. 77-527.	(Print Name):	as Department of Agriculture
File	any request with Kansas Department of Agriculture, at Division, 1320 Research Park Drive, Manhattan, KS	Date of Issuance:	
665	02. Failure to timely request a hearing or review may	State of Kansas)
pred	clude review under the Kansas Judicial Review Act. For Use by Register of Deeds	Charles of	SS
	, ar oos a, crogreter er accus	County of	,
		Acknowledged before me on	
		by	•
		Signature:	ary Public
			•
-		My commission expires:	(Noton: Cool)
			(NOTARY SHAI)
DWI	R 1-121 (Revised 04/5/2018) Page	45	File No. 28365

SCANNED

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

Krueger, Richelle [KDA]

From:

Krueger, Richelle [KDA]

Sent:

Tuesday, July 23, 2019 10:27 AM

To:

McColloch, Austin [KDA]

Subject:

RE: Request for Recommendation Blaine Kleymann Changes in PU File Nos. 4421; 28365

and 29427

No problem, I will proceed with the change apps, thanks!

From: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>

Sent: Tuesday, July 23, 2019 10:16 AM

To: Krueger, Richelle [KDA] < Richelle. Krueger@ks.gov>

Subject: RE: Request for Recommendation Blaine Kleymann Changes in PU File Nos. 4421; 28365 and 29427

I sent the vol. dismissal to Kristen on 6/28/2019. Attached is the email. Sorry for not including you in that email. Not sure where it is on Kristens desk.

Austin McColloch Ph: (620) 276-2901

From: Krueger, Richelle [KDA]

Sent: Tuesday, July 23, 2019 10:08 AM

To: McColloch, Austin [KDA] < Austin.McColloch@ks.gov >

Subject: RE: Request for Recommendation Blaine Kleymann Changes in PU File Nos. 4421; 28365 and 29427

Hi again Austin, just following up on this, have you heard anything else from Mr. Kleymann on dismissing the MFYAs?

From: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>

Sent: Thursday, June 27, 2019 4:43 PM

To: Meyer, Mike [KDA] < Mike. Meyer@ks.gov >; Krueger, Richelle [KDA] < Richelle. Krueger@ks.gov >

Cc: Turney, Brent [KDA] < Brent.Turney@ks.gov>

Subject: RE: Request for Recommendation Blaine Kleymann Changes in PU File Nos. 4421; 28365 and 29427

Just waiting on a call from Mr. Kleymann to tell me if he wants to get rid of them or not. Said he will call back soon.

Austin McColloch Ph: (620) 276-2901

From: Meyer, Mike [KDA]

Sent: Thursday, June 27, 2019 4:23 PM

To: Krueger, Richelle [KDA] < Richelle. Krueger@ks.gov>

Cc: McColloch, Austin [KDA] < <u>Austin.McColloch@ks.gov</u>>; Turney, Brent [KDA] < <u>Brent.Turney@ks.gov</u>>
Subject: RE: Request for Recommendation Blaine Kleymann Changes in PU File Nos. 4421; 28365 and 29427

I recommend approval but want to wait to further process until we know exactly what is the status of the myfas. Austin let us know once you finalize a plan on the status of the myfas

Mike

From: Krueger, Richelle [KDA]

Sent: Thursday, June 27, 2019 12:03 PM

To: Meyer, Mike [KDA] < Mike. Meyer@ks.gov >

Cc: McColloch, Austin [KDA] < <u>Austin.McColloch@ks.gov</u>>; Turney, Brent [KDA] < <u>Brent.Turney@ks.gov</u>> Subject: Request for Recommendation Blaine Kleymann Changes in PU File Nos. 4421; 28365 and 29427

Hi Mike,

Attached is a draft memo for the referenced changes, WRIS shows the wells under File No. 29427 are overlapped by pending MFYAS 905 AF for 20197013MF and 20197014MF 830 MF 456 acres? Docuware shows a voluntary dismissal filed for 3/12/19 on 20197013MF but not 20197014MF? I am not familiar with the MYFAS.....I think maybe Austin has these?

Do you recommend approval of the referenced changes in pu for File Nos. 4421; 28365 and 29427?

Thanks,

Richelle

Krueger, Richelle [KDA]

From:	Meyer, Mike [KDA]		•
Sent:	Wednesday, June 19, 2019 8	3:57 AM	
To:	Krueger, Richelle [KDA]; Mey	yer, Mike [KDA]	
Cc:	McColloch, Austin [KDA]		•
Subject:	Re: 29427		
•			
Gmd1 is reviewing but wh Thank you	en you get their recommendation h	nold until we confirm status of	f myfas with Austin
	·		
Sent from my Verizon, Samsun	g Galaxy smartphone		•
Original message		•	
From: "Krueger, Richelle [K	(DA]" <richelle.krueger@ks.gov></richelle.krueger@ks.gov>		***
Date: 6/19/19 8:46 AM (GN	•	,	•
To: "Meyer, Mike [KDA]" <	Mike.Meyer@ks.gov>		
Subject: RE: 29427			•
-	are only showing 456 acres and 90 pluntary dismissal filed for 3/12/19		
From: Krueger, Richelle [KI Sent: Wednesday, June 19, To: Meyer, Mike [KDA] <m Subject: RE: 29427</m 	, 2019 8:37 AM		
within the file & overall lim	412 <u>640 AF</u> - File No. 28365 <u>320 AF</u> hited to 783 AF w/c File No. 4412 s ac so appears soI haven't looked	o 1103 AF on 616 proposed	acres =1.79 AF/ac Greeley
From: Meyer, Mike [KDA]			
Sent: Wednesday, June 19,	, 2019 8:21 AM		
To: Krueger, Richelle [KDA]	< <u>Richelle.Krueger@ks.gov</u> >		•
Subject: Re: 29427			
.			
Proposed quantities make	sense?		
	•		
	•		V
Sent from my Verizon, Samsung	g Galaxy smartphone		
,	- ·		\
Original message	TAIL challe Krisses Street		•
Prom: "Krueger, Richelle [K Date: 6/19/19 8:18 AM (GN	(DA]" < <u>Richelle.Krueger@ks.gov</u> >		
To: "Meyer, Mike [KDA]" <	•		•
TO THE POLY MINE [NDM]	THE PROPERTY OF THE PROPERTY O		

Subject: RE: 29427

Hi Mike,

WRIS Shows File Nos. 20197013MF and 20197014MF pending initial review. The new apps spreadsheet shows that

Austin has those....

Richelle

From: Meyer, Mike [KDA]

Sent: Wednesday, June 19, 2019 8:13 AM

To: Krueger, Richelle [KDA] < Richelle.Krueger@ks.gov>

Subject: 29427 Importance: High

Richelle is there pending myfas with these overlaps?

Sent from my Verizon, Samsung Galaxy smartphone



WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

June 19, 2019

Richelle A. Krueger **Environmental Scientist** Water Appropriation Program 1320 Research Park Drive Manhattan, KS 66502

RE: Water Right, File Nos. 4412, 28,365, and 29,427

Dear Ms. Krueger,

At the June 19, 2019 board meeting, the Western Kansas Groundwater Management District #1 Board of Directors reviewed the referenced change of Place of Use applications and voted unanimously to recommend approval of the applications.

Sincerely,

Kyle Spencer

District Manager

WATER RESOURCES RECEIVED

JUN 2 6 2019

KS DEPT OF AGRICULTURE

1320 Research Park Drive Manhattan, KS 66502 785-564-6700 www. agriculture.ks.gov



May 29, 2019

900 SW Jackson, Room 456 Topeka, KS 66612 785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO 1 ATTN KYLE SPENCER PO BOX 604 SCOTT CITY KS 67871

FILE CODY

Re: Water Right, File Nos. 4,412; 28,365 and 29,427

Dear Mr. Spencer:

In accordance with your letter dated May 24, 2019, the Chief Engineer has extended until June 25, 2019 the time in which to submit your recommendations concerning the applications to change the place of use for File Nos. 4,412; 28,365 and 29,427.

If you have any questions, please contact me at (785) 564-6635. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Richelle A. Krueger Environmental Scientist

Water Appropriation Program

Enclosures

pc: Garden City Field Office



WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

May 24, 2019

Ms. Richelle A. Krueger Environmental Scientist Water Appropriation Program 1320 Research Park Drive Manhattan, Kansas 66502

RE: Change Applications for Water Right, File Nos. 4,412; 28,365; and 29,427

Dear Ms. Krueger:

We are requesting an extension to submit recommendations for the referenced applications until after our next Board Meeting, scheduled to be held on June 19th.

Thanks for your consideration of this request.

Sincerely,

Kyle Spencer District Manager

> WATER RESOURCES RECEIVED

> > MAY 2 8 2019

KS DEPT OF AGRICULTURE

Krueger, Richelle [KDA]

From:

Krueger, Richelle [KDA]

Sent:

Wednesday, May 22, 2019 9:19 AM

To:

gmd1@wbsnet.org

Subject:

Blane Kleymann changes in place of use File Nos. 4412; 28365 and 29427

Attachments:

28365revisedmap.pdf

Good Morning Kyle,

I checked with Mitch on the place of use and all of the files should form an exact overlap in place of use. The written description on File No. 28365 is correct, the map is in error. I have attached the revised map, let me know if you need anything else. Thanks for catching that, have a good one!

Richelle

Richelle Krueger, Environmental Scientist
Kansas Department of Agriculture
Water Appropriation Program
(785) 564-6635
<u>Richelle Krueger@ks.gov</u> (please note e-mail address change)
www.ksda.gov/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, Secretary

Laura Kelly, Governor

WESTERN KANSAS GROUNDWATER May 14, 2019 MANAGEMENT DISTRICT NO 1 ATTN KYLE SPENCER PO BOX 604 SCOTT CITY KS 67871

FILE COPY

Re: Water Right, File Nos. 4,412; 28,365 and 29,427

Dear Mr. Spencer:

We are enclosing copies of the applications to change the place of use for the referenced file numbers.

We are delaying further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning these applications.

Please submit your recommendations within the allowed time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger Environmental Scientist

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Water Appropriation Program

Enclosures

pc: Garden City Field Office

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

BLANE F & KASSANDRA F KLEYMANN 412 GRAY HORSE CIR WOODLAND PARK, CO 80863 March 25; 2019

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number

RE: File No 28365

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

mont A. Juney

Water Appropriation Program

BAT: DLW1

KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources <u>M E M O R A N D U M</u>

TO: Files

FROM: Richelle A. Krueger RE: Water Right

File Nos. 4,412, 28,365 and

29,427

DATE: July 30, 2019

Blaine F. and Kassandra F. Kleymann, water right owners, filed applications for approval to change the authorized place of use for the referenced file numbers, authorized for irrigation use in the Whitewoman Creek Basin.

The referenced files do not appear abandoned as per K.S.A. 82a-718.

File Nos. 4,412 and 29,427 are authorized a combined limited quantity of 783 acrefeet for irrigation of the same 456 acres in Sections 14, 22 and 23, Township 17 South, Range 39 West, Greeley County. File No. 28,365 has no overlaps and is authorized 320 acre-feet for 160 acres in the aforementioned Section 23. File No. 29,427 has an additional multiyear limitation of 316 acre-feet. The two wells authorized by File No. 29,427 are overlapped by MYFA Application, File Nos. 20197013MF and 20197014MF, however the MYFA applications are pending dismissal.

The applicants propose to create an exact overlap in the place of use between File Nos. 4,412/29,427 and File No. 28,365 for a total of 616 acres pursuant to K.A.R. 5-5-11(b)(1) *Identical places of use*. There will be no net increase in authorized acres and no new acres will be irrigated. The total quantity of water to be authorized for the proposed place of use, 1,103 acre-feet, will irrigate the 616 acres with 1.79 acre-feet per acre. The 50% net irrigation requirement for the full irrigation of corn with 85% efficiency in Greeley County is 1.45 acre-feet per acre, so the proposal appears reasonable.

The same local source of supply will not change, previously determined to be Ogallala Formation (211).

Western Kansas Groundwater Management District No. 1 recommended approval of the referenced applications in a letter dated June 19, 2019 from Kyle Spencer, District Manager.

In an e-mail dated June 27, 2019 Mike Meyer, Water Commissioner of the Garden City Field Office, indicated that he recommends approval but wanted to wait to further process until the status of the MYFAs was determined. In an e-mail dated July 23, 2019, Austin McCullough, Assistant Water Commissioner, indicated that the voluntary dismissal for the MYFAs was filed.

Water flow meters are required. Check valves are required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended the change applications be approved.

Richelle A. Krueger 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

BLANE F & KASSANDRA F KLEYMANN 412 GRAY HORSE CIRCLE WOODLAND PARK CO 80863

August 20, 2019

FILE COPY

RE: Water Right, File Nos. 4,412; 28,365 and 29,427

Dear Mr. and Mrs. Kleymann:

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.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file numbers. Please return the required notification of completion of the diversion works and/or installation of the required meters as soon as these actions are completed.

Since the orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Change Application Unit Supervisor

Water Appropriation Program

BAT:rak

pc: Garden City Field Office

Groundwater Management District No. 1

Tony Hanson

KANSAS DEPARTMENT OF AGRICULTURE Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCESDavid W. Barfield, Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE WATER RIGHT FILE NO. 28,365

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Blane F. and Kassandra F. Kleymann, 412 Gray Horse Circle, Woodland Park, Colorado 80863, received in this office on March 20, 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, 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 irrigation place of use shall be:

				NE	Ξ1/4			NV	V1/4			SV	V1⁄4			TOTAL			
Sec.	Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW¼	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	ACRES
14	17S	39W																	136.00
				ļ															
22	17S	39W	40.00	40.00	40.00	40.00													160.00
_23	17S	39W		L	L		40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00					320.00

a total of 616.00 acres in Township 17 South, Range 39 West, Greeley County, Kansas,

located substantially as shown on the map accompanying the application to change the place of use.

All 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. 28,365, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated August 27, 1985.

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 the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 review 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 the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this H day of Hygust , 2019, in M Kansas.

, 2019, in Manhattan, Riley County,

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
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 Control of Agriculture.

The foregoing instrument was acknowledged before me this day of Agriculture.

DANIELLE WILSON
My Appointment Expires
August 23, 2020

Notary Public

CERTIFICATE OF SERVICE

On this 20 day of Approval of Application for the Change in Place of Use, File No. 28,365, dated Approval of Application for the Change in Place of Use, File No. 28,365, dated Approval 2019 was mailed postage prepaid, first class, US mail to the following:

BLANE F & KASSANDRA F KLEYMANN 412 GRAY HORSE CIRCLE WOODLAND PARK CO 80863

With photocopies to:

TONY HANSON 2428 RD J TRIBUNE KS 67879

Groundwater Management District No. 1
Garden City Field Office

Division of Water Resources