

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/U WORKSHEET

1. File Number: 31853	2. Status Change Date: 8-22-19	3. Change Num: C2	4. Field Office: 4	5. GMD: 3
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: 5/9/2019
8a. Applicant(s) New to system <input type="checkbox"/> JEFFREY J & SHARLEEN L UNRUH 3051 A RD COPELAND KS 67837-9008		8c. Landowner(s) New to system <input type="checkbox"/>		Person ID <u>41838</u> Add Seq# _____
8b. Landowner(s) New to system <input type="checkbox"/> 8a		8d. WUC New to system <input type="checkbox"/> 8a		Person ID _____ Add Seq# _____
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/2019</u> <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 5/21/2019 By: AM Date Entered: _____ By: _____				

File No. **31853** 11. County: FO Basin: CROOKED CREEK Stream: Formation Code: 211 Special Use:

12. Points of Diversion
 CHK
 MOD
 DEL PDIV
 ENT
 Qualifier S T R ID 'N 'W Comment (AKA Line) Rate gpm/cfs Quantity af/mgy Rate gpm/cfs Quantity af/mgy Overlap PD Files

CHK 7007

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 CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files			
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼							
MOD 4807	35	26S	36W	1			17.5	17.5		17.5			17.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	314	8a	Y	19971

Base Acres: Year: Minimum Reasonable Quantity:

Comments: WR REMOVED FROM WCA; OVERLAPPING TERM PERMITS TO BE DISMISSED

Garden City Field Office
4532 W. Jones, Suite B
Garden City, KS 67846



Phone: 620-276-2901
Fax: 620-276-9315
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

August 22, 2019

JEFFREY J & SHARLEEN L UNRUH
3051 A RD
COPELAND KS 67837-9008

RE: Water Right, File Nos. 19971 & 31853

Dear Sir and Madam:

Enclosed are orders executed by the designee of 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 are that acceptable water flow meters must be installed on the diversion works authorized under the referenced file numbers and meet current specifications. Please return the required notification of completion of the diversion works and installation of the required meters as soon as these actions are completed.

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.

Should you have any questions, please feel free to call this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael A. Meyer".

Michael A. Meyer
Water Commissioner

MAM:
enclosures

pc:

GROUNDWATER MANAGEMENT DISTRICT NO. 3

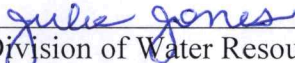
CERTIFICATE OF SERVICE

On this 22nd day of August, 2019, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Water Right, File Nos. 19,971 & 31,853 dated 22nd day of August, 2019 was mailed postage prepaid, first class, US mail to the following:

JEFFREY J & SHARLEEN L UNRUH
3051 A RD
COPELAND KS 67837-9008

Pc:

GROUNDWATER MANAGEMENT DISTRICT NO. 3



Division of Water Resources Staff

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. 31853

RECEIVED
 8:31 AM
 MAY 09 2019

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

Place of Use Point of Diversion

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

Garden City Field Office
 Division of Water Resources

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: JEFFREY J & SHARLEEN L UNRUH

3051 A RD, COPELAND KS 67837-9008

Phone Number: () Email address: _____

Name and address of Water Use Correspondent: _____

3051 A RD, COPELAND KS 67837-9008

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: JEFFREY J & SHARLEEN L UNRUH

ADDRESS: 3051 A RD, COPELAND KS 67837-9008

(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		
35	29	26w		18	32	1	18				28	29.25	29.25	29.25	29.25	27	33	22	18	314

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: JEFFREY J & SHARLEEN L UNRUH

ADDRESS: 3051 A RD, COPELAND KS 67837-9008

(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		
35	29	26w		17.5	17.5		17.5				17.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	314

For Office Use Only: Code _____ Fee \$ <u>200.00</u> TR # _____ Receipt Date <u>5-10-19</u> Check # <u>3385</u>
--

5. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____
 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 the _____
 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 _____

6. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____
 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 the _____
 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) _____

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

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

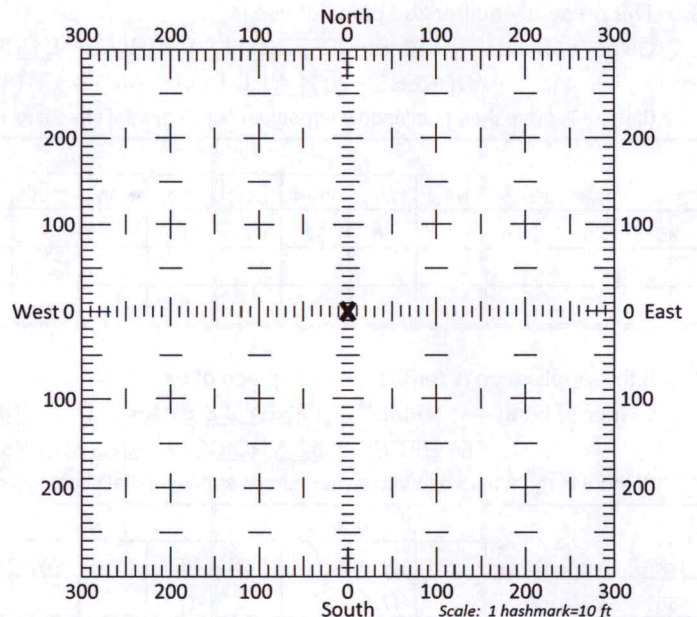
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?

 (b) When will this be done? _____

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by _____

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.)**

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:
- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
 - (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
 - (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

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

Dated at _____, Kansas, this _____ day of _____, 20____.

Jeffrey J. Unruh

 (Owner)

Jeffrey J Unruh

 (Please Print)

 (Owner)

 (Please Print)

 (Owner)

 (Please Print)

Sharleen L. Unruh

 (Spouse)

SHARLEEN L. UNRUH

 (Please Print)

 (Spouse)

 (Please Print)

 (Spouse)

 (Please Print)

State of Kansas }
 County of FENNEY } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 09 day of May, 2019.



[Signature]

 Notary Public

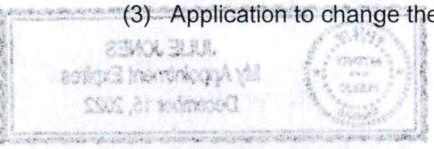
My Commission Expires _____

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

(1) Application to change a point of diversion 300 feet or less	\$100
(2) Application to change a point of diversion more than 300 feet	\$200
(3) Application to change the place of use	\$200



RECEIVED
MAY 09 2019

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. 31853.

1. A change application was received on May 9, 2019 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a _____ foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than _____ feet from the previously authorized point(s) of diversion. Applicable Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2019**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable
8. **Installation of the works for diversion of water shall be completed on or before December 31, 20_____**, or within any authorized extension of time. By March 1, 20_____ the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
9. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
11. Additional Conditions are attached. Yes No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

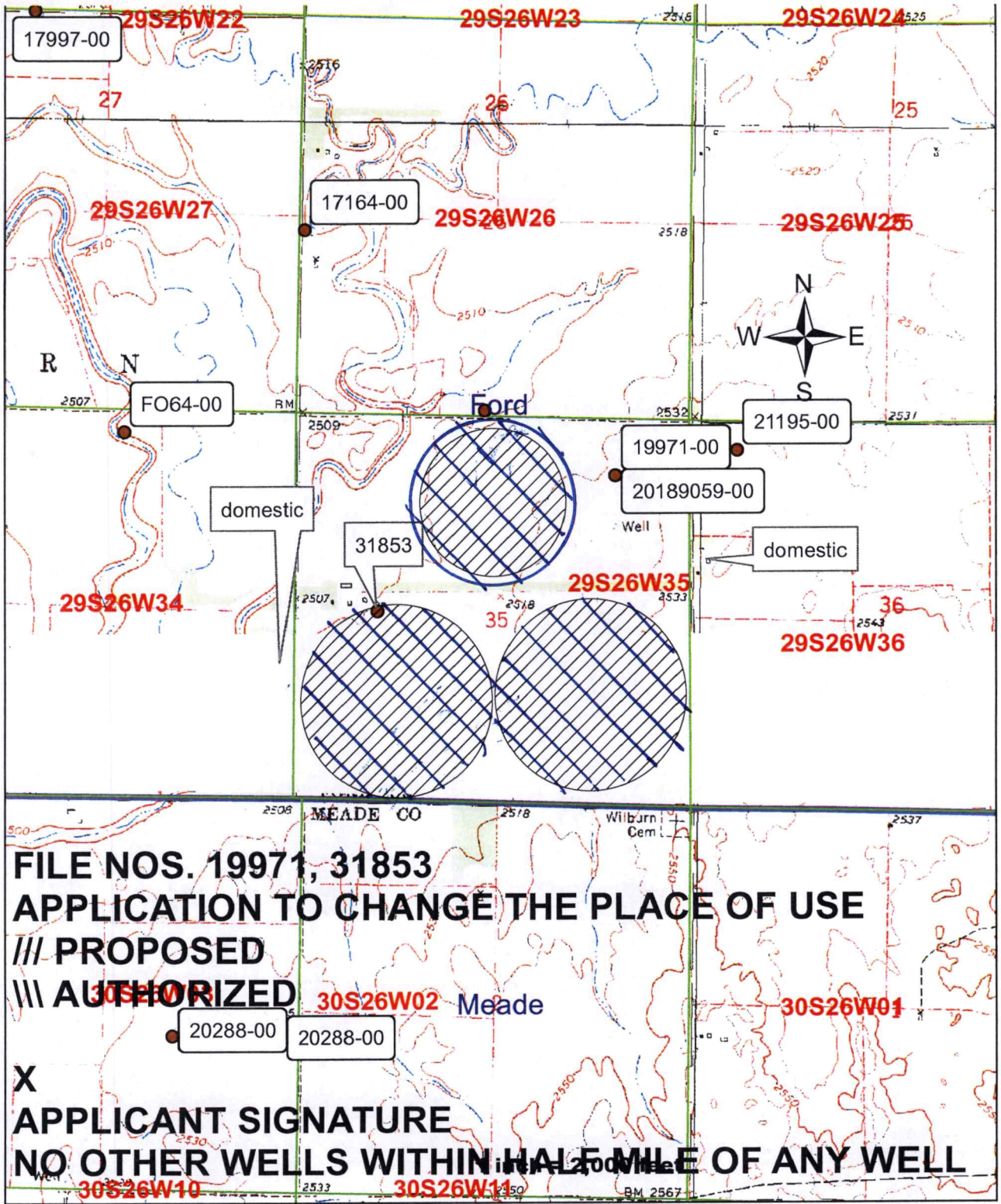
If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

FOR OFFICE USE ONLY
APPLICATION APPROVED AND SUMMARY ORDER ISSUED

By: _____
Duly Authorized Designee of the Chief Engineer
(Print Name): MICHAEL A. MEYER
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: August 22, 2019
State of Kansas _____)
County of Linney) SS
Acknowledged before me on August 22, 2019
by Michael A Meyer
Signature: Julie Jones

My commission expires: _____

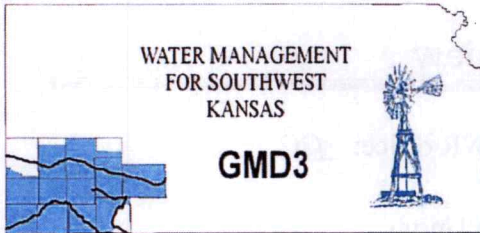



FILE NOS. 19971, 31853
APPLICATION TO CHANGE THE PLACE OF USE
/// PROPOSED
\\\\ AUTHORIZED
X APPLICANT SIGNATURE
NO OTHER WELLS WITHIN HALF MILE OF ANY WELL

RECEIVED

MAY 09 2019

Garden City Field Office
 Division of Water Resources



Southwest Kansas
Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

August 20, 2019

Michael A. Meyer
Division of Water Resources
4532 W Jones Ave, Suite B
Garden City, Kansas 67846

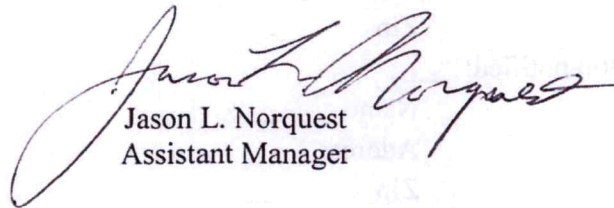
RE: Applications for Change in Place of Use
Water Right, File No. 19971 & 31853

Dear Mike:

We have completed a review of the application for the above referenced water rights. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). Since these acres are not part of an MOU monitoring agreement and have been dismissed from a WCA, the acres irrigated need to come into compliance. The proposed change in place of use meets the 10% base acre increase allowable in accordance with K.A.R. 5-5-11(b)(1). It is therefore recommended that the application be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,



Jason L. Norquest
Assistant Manager

GMD3 Change Review

File No(s): 19971 & 31853.

DWR office: GC.

App filed to change: PU.

Is Landowner(s) correct in WRIS: Jeffrey & Sharleen Unruh.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? Yes, new owners within the last year.

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-5-11

Point of diversion ID No(s) being changed.

	ft. North	ft. West			
Authorized PD					
Proposed PD					
Difference	0	0			
a2 + b2 = c2	0	0	0		

GPS for proposed PD: Lat: Long: .

Is proposed PD stacking on existing WRs? .

Is Proposed PU overlapping existing WRs? Keeping a complete overlap on the two water rights, but reducing acres back to the base acres after being in MOU and WCA.

Land Owner(s) notified: .

Name .

Name .

Address .

Address .

Zip .

Zip .

Neighboring certified well(s) notified: .

Name .

Name .

Address .

Address .

Zip .

Zip .

Domestic well(s) notified: .

Name .

Name .

Address .

Address .

Zip .

Zip .

Base Acres: [169 + 135 respectively] = 304 (+10).

Perfected Acres: .

Irr. Return-Flow %

These WRs were in the MOU program prior to 2011, when apps were filed to get out of the program for the new land owner. New owner did not reduce the acres under pivot to meet the change applied for.

The water rights were then put into WCA program to continue watering the unauthorized acres, and then was subsequently sold.

Current owners opted out of the WCA and reduced the acres being watered.

Both WRs stayed within the WCA limits for the short time in the program and no issue with getting out of the volunteer program.

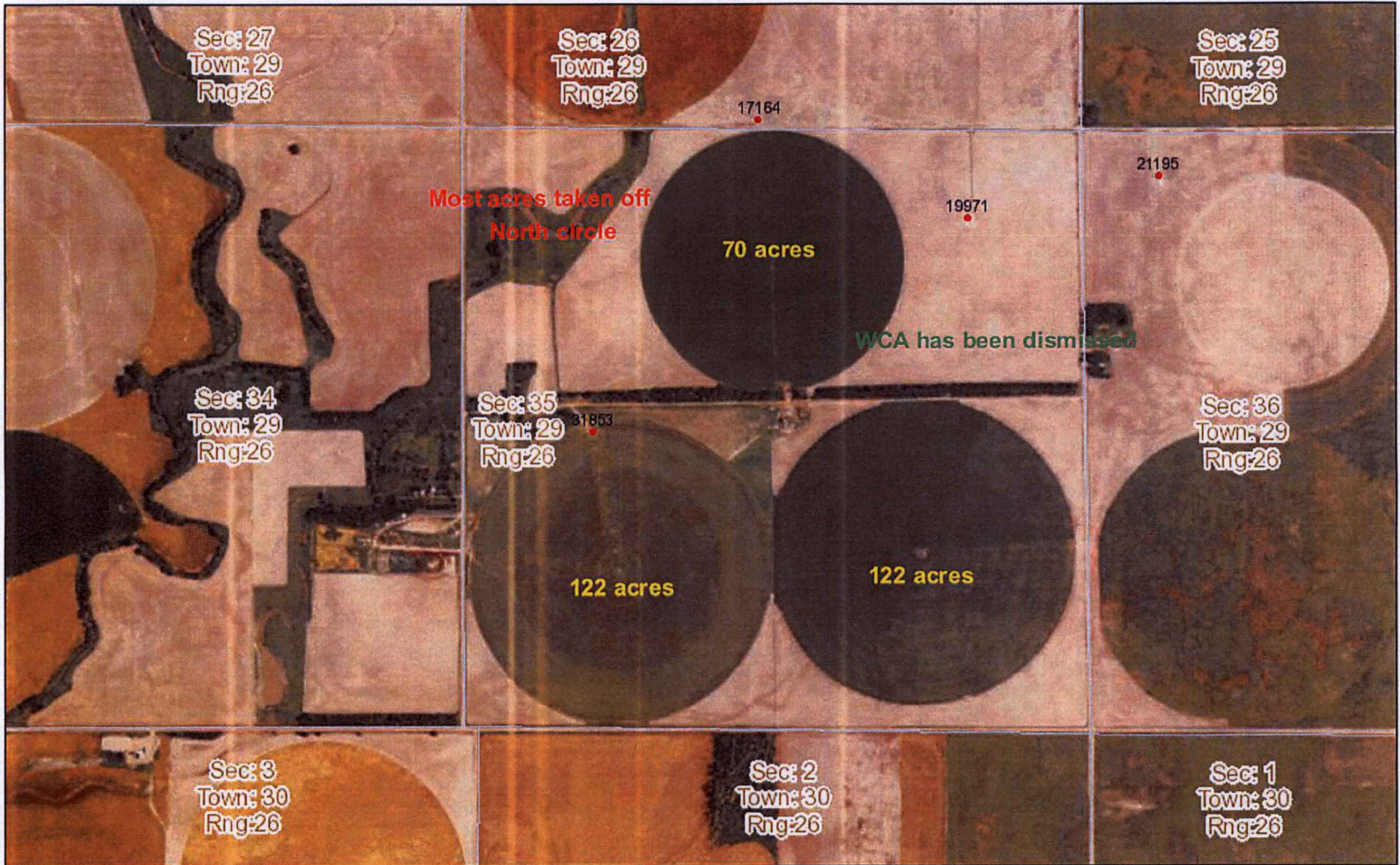
GMD3 Change Review

This proposal is not reverting back to the reversionary acres like most MOUs, but is bringing in acres not originally authorized to match the current operation. With that in mind they are proposing 10 acres over combined base, which is allowable with the rules.

Is a waiver needed: No, meets current area rules.

Recommendation: After review of all available information, it appears current area rules are met. They properly asked out of the WCA, which does not seem to raise any issues. Staff therefore recommends approval of the applicaiton.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

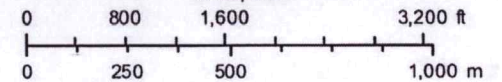


August 20, 2019
13:14 PM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:18,056

Wells	+	CON	●	FPR	▲	MUN	⚡	THX	
?	Other	⊠	DEW	+	HYD	⌂	REC	?	Empty
●	IRR	⚡	DOM	★	IND	⊠	STK	□	Sections



Meyer, Mike [KDA]

From: Meyer, Mike [KDA]
Sent: Tuesday, August 20, 2019 7:46 AM
To: 'Norquest, Jason (Norquest@gmd3.org)'
Subject: request for recommendation, File Nos. 19971 & 31853
Attachments: 20190820072710092.pdf

Jason

Attached are changes in place of use to adjust acres to meet base acres of 304 acres or 314 acres as per regulation. please note that as of yesterday, the formal WCA has been dismissed per request of the Unruhs and the term permits were dismissed earlier. The pending change applications cover the current place of use with the new ownership. The unruhs physically adjusted the pivot(s) and modified the place of use to ensure that all acres are now covered. Both wells stayed well within their authorized quantities in calendar year 2018. Please promptly review so we can get this finalized. Hind sight is that should have waited to dismissed the terms as a package when approving these change apps, but the term dismissals went to headquarters and we didn't coordinate well enough.

Please review the change applications and submit a recommendation within 15 days.

Thanks

Mike

Garden City Field Office
4532 W. Jones, Suite B
Garden City, KS 67846



Phone: 620-276-2901
Fax: 620-276-9315
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

August 19, 2019

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO. 3
409 CAMPUS DRIVE, SUITE 106
GARDEN CITY KS 67846

Re: Water Right, File Nos. 19971 and 31853

Dear Mr. Norquest:

This is to advise you that Jeff and Sharleen Unruh, has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use for the above referenced files. These applications are proposing to adjust acres to meet base acres.

We are delaying action on the change applications to allow you time to review and provide a recommendation. Please submit a recommendation within 15 days from the date of this letter.

Thank you and as always feel free to contact this office at any time.

Sincerely,

A handwritten signature in blue ink that reads "Michael A. Meyer".

Michael A. Meyer
Water Commissioner

MAM
Enclosures

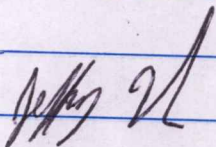
REF # 19971

31853

20189059

20189060

WE THE NEW LANDOWNERS OF THE BARLETT FARMS
WCA ~~WE~~ REQUEST THAT THE CONSENT AGREEMENT AND
ORDER DESIGNATING A WATER CONSERVATION AREA
BE NULL AND VOID. AS THE NEW OWNERS WE WISH
TO GO BACK TO ORIGINAL BASE WATER RIGHTS.



Shaheen Umruk

RECEIVED

MAY 09 2019

Garden City Field Office
Division of Water Resources