Kansas Department of Agriculture Division of Water Resources

CHANGE: P/U WORKSHEET & ORDER IN THE MATTER OF THE POINT OF DIVERSION ADDRESS UPDATES

1. File Number:	2. Status Change Date:	3. Change Num:	4. Field Office:	5. GMD:
44631	5/30/209	C\$2	04	03
6. Status: ☐ Approved ☐ Deni	ed by DWR/GMD	Dismiss by Reques	st/Failure to Return	7. Filing Date of Change:
	·			3/26/19
8a. Applicant(s) New to system □	Person ID 55722 Add Seq#	8c. Landown New to sy		Person ID 40622 Add Seq#
GRANT A WITCHER 2213 BUCKNER DR MANHATTAN KS 66503-2	2159	1 FORI	LAS F & RENEL D DRIVE / KS 67701	L M BELL
Address update		8cc. Landow New to sy	∕stem □	Person ID 63941 Add Seq#
		РО ВО	NIA RENA WITC X 180 ART KS 67950	HER ET AL
8b. Landowner(s) New to system □	Person ID <u>54110</u> Add Seq#	8d. WUC	∕stem □	Person ID 40622 Add Seq# 1
ANITA C WITCHER 1120 MUNCY AVE ELKHART KS 67950-505	4	8A		
8bb. Landowner(s) New to system □Add Seq# DONALD B & ALICE WITCH	Person ID <u>55721</u> ER REV TRUST	- 8d. WUC New to sy	∕stem □	Person IDAdd Seq#
PO BOX 4278 SANTA FE NM 87502-4278	(correct Sant <u>a</u> Fe)			
9. Documents and Enclosure(s): 🛛 DV	VR Meter(s) Date to Compl	y: 12/31/201	n & P Date t	o Comply:
☐ Anti-Reverse Meter ☐ Meter	Seal	□ N & P Form	☐ Water Tube ☐	Driller Copy
☐ Conservation Plan Date Require	ed: Dat	te Approved:	Date t	o Comply:
10. Use Made of Water From:		To:		
			Date Prepared: 5/15/	

File No	. 4463 ⁴	1		11. (County:	МТ	Ba	sin:	CIN	IARR	ON RIV	/ER		St	tream:	NA						Fo	rmation C	ode: 211	Special Use:	
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	R Allocatio						* "																	•		
CHK	ace of Use						NE	E 1/4			NW	11/4			sv	V ¹ / ₄			s	E¼			Owner			
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MOD	19630	30	33 4	2W	2					30	L-1 30	L-2 30	30									120	8b	no	***	
MOD	27779	29	33 4	2W	1					35	10	35	40									120	8cc	no	***	
MOD	54110	29	33 4	2W	4	10	35	40	35													120	8b	no	***	
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Comm	ents: Col	mple	ete ov	/erla _l	p of a	II file	s 10	193;	101	94;	190	54; 2	2109	4; 4	1463	1 is	only	mo	dific	atior	to p	lace o	f use.			

KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

<u>M E M O R A N D U M</u>

TO: Files

DATE: May 15, 2019

FROM: Leslie Ireland

RE: Water Right.

File Nos. 10,193; 10,194; 19,054; 21,094 & 44,631

Grant Witcher along with Douglas F. & Renell M. Bell, with Virginia Rena and Eric L. Witcher on behalf of Virginia Rena Witcher ET AL and Anita C. Witcher along with Donald B. & Alice Witcher Revocable Trust all as owners of the referenced water rights authorized for irrigation use have filed applications for approval to change the authorized irrigated place of use. The applications were submitted to the Garden City Field Office on March 26, 2019, and reassigned to Headquarters on April 1, 2019, due to the move of their office.

The referenced water rights are considered in compliance with both K.S.A. 82a-718, and in compliance with K.S.A. 82a-732. There appears to have been some meter and water use in excess of authorized, but all seem to have been resolved. File Nos. 10,193 & 19,054, were listed as BRO rights, with a conservation plan was a condition of the permit under File No. 44,631 and remains so today. As the applications are proposing a complete overlap in irrigated acres they are exempt from notification of nearby well owners as detailed in K.S.A. 82a-1906. The applications appear to comply with K.A.R. 5-5-2a, *Complete change application*.

At the time of filing the applications, the place of use under File Nos. 10,193; 19,054; & 44,631 authorize 840 acres with File No. 44,631 providing a limited 613 acre-feet per year when combined with File Nos. 10,193 and 19,054. This provides approximately 0.73 acre-foot per acre that appears to have certified four (4) quarter (1/4) section pivots and one large three-quarter (3/4) section pivot. The place of use authorized under File Nos. 10,194 & 21,094, is 640 acres with File No. 21,094 providing a limited 1,241 acre-feet. This provides approximately 1.94 acre-foot per acre that appears to be delivered by a fill section pivot that has not irrigated the corners for some time. The rights authorize a total of 8 wells with none of them overlapping.

The proposed place of use changes are to make a complete overlap in existing irrigated acres, with no modification of the currently authorized acres. Each file number will authorize a complete overlapping place of use comprised of 1,480 acres. There will be no increase in the acres that constitute the authorized place of use. The change applications have been evaluated according to part (b)(1) of K.A.R. 5-5-11(b) *Applications for change in places of use for irrigation purposes*, making an identical place of use under all the referenced files. There will be no net increase in authorized acres. All of the rights are certified, so base acres were not reviewed at this time. The combined quantity of a limited 1,854 ace-feet provides an irrigation ratio of 1.25 acre-foot per acre. This is slightly less than the 50% change rainfall quantity of 1.28acre-foot per acre in Morton County for irrigation as detailed in K.A.R. 5-5-12, *Net irrigation requirements*. It does appear the proposed changes will help with the historical problems of exceeding the authorized quantity. The proposed changes appear to comply with K.A.R. 5-5-11 and K.A.R. 5-5-3, *Change in consumptive use*.

The additional quantity limitations on File Nos. 21,094 and 44,631 will be not be updated to include the files that are being added to the place of use. The limitations will be maintained as currently stated. The maintaining the limitations assures compliance with K.A.R. 5-23-3, *Maximum reasonable annual quantity of water for irrigation use*.

The points of diversion under File Nos. 10,193, 19,054; 21,094 and 44,631 will be updated to the actual locations as determined by recent compliance investigations. All of the well locations appear to be within 300 feet of the authorized this complying with part a of K.A.R. 5-5-6, *Failure to construct diversion works at authorized location*.

A water conservation plan meeting the KWO guidelines is in place for File Nos. 10,193 19,054 and 44,631. It will not be updated for these change approvals.

The Southwest Kansas Groundwater Management District No. 3, assisted with the applications In a letter dated February 14, 2019 and received on April 1, 2019, Jason Norquest, Assistant Manager for the District recommended approval as the applications meet all of the adopted policies, rules and regulations.

Michael Meyer, Water Commissioner of the Garden City Field Office, was contacted for a recommendation on the proposed changes in place of use. In an email dated May 14, 2019, he recommends approval.

Water flow meters will be required. They could be excluded per K.A.R. 5-5-11(e) but as the rights have had meter issues in the past the orders will state meters will be required. The instillation of chemigating check valves will be required if chemigating. Water level measurement tubes are not applicable to these changes, as no new wells have been authorized.

Based on the above discussion, that the proposed overlapping change in place of use is reasonable, there will be no increase in the consumptive use and impairment of existing water rights is unlikely, it is recommended that the referenced applications be approved.

Leslie Ireland

Environmental Scientist

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



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

Mike Beam, Secretary

Laura Kelly, Governor

June 11, 2019

FILE COPY

GRANT A WITCHER 2213 BUCKNER DR MANHATTAN KS 66503

RE: Water Right, File Nos. 10,193; 10,194; 19,054; 21,094 & 44,631

Dear Mr. Witcher:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

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

Your attention is directed to the enclosures and to the terms and conditions specified in these approvals for change. A condition of the approvals is that an acceptable water flowmeter must be installed on the diversion works authorized under the referenced files. Please be reminded that the quantity of water authorized under File Nos. 21,094 and 44,631, are limited with their senior rights.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, submit your reports online at www.kswaterusereport.org.

If you have any questions, please contract Leslie Ireland, Environmental Scientist, at (785) 566-6633. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A. Turney, P.G.

Change Applications Unit Supervisor

Water Appropriation Program

BAT:LI:li

Enclosures

oc: Garden City Field Office

Groundwater Management District No. 3

Douglas F. & Renell M. Bell Virginia Rena Witcher ET AL

Anita C. Witcher

Donald B. & Alice Witcher Revocable Trust

KANSAS DEPARTMENT OF AGRICULTURE

Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES David W. Barfield, Chief Engineer

-APPROVAL OF APPLICATION CHANGE IN PLACE OF USE ORDER IN THE MATTER OF THE AUTHORIZED POINT OF DIVERSION WATER RIGHT, FILE NO. 44,631

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Grant A. Witcher, 2213 Buckner Drive, Manhattan, Kansas 66503, along with Douglas F. and Renell M. Bell, 1 Ford Drive, Colby, Kansas 67701, with Virginia Rene Witcher and Eric L. Witcher on behalf of Virginia Rena Witcher ET AL, PO Box 180, Elkhart, Kansas 67950 and Anita Witcher, 1120 Muncy, Elkhart, Kansas 67950-5054, along with Donald B. Witcher and Alice L. Witcher on behalf of the Donald B. and Alice Witcher Rev Trust, PO Box 4278, Santa Fe, New Mexico 87502-4278, received this office on March 26, 2019, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated September 25, 2014, approving the application to change the place of 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 place of use shall be:

				NE	1/4			NV	V1⁄4			SV	V1⁄4			SI	1/4		
Sec.	Twp.	Range	NE1/4	NW½	SW1/4	SE1/4	NE1/4	NW <u>1/4</u>	SW1/4	SE1/4	NE1/4	NW¼	SW1/4	SE1/4	NE1/4	NW¼	SW1/4	SE1/4	TOTAL
19	33	42W	30.0	30.0	30.0	30.0									30.0	30.0	30.0	30.0	240
20	33	42W	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640
29	33	42W	10.0	35.0	40.0	35.0	35.0	10.0	35.0	40.0					35.0	40.0	35.0	10.0	360
30	33	42W	30.0	30.0	30.0	30.0	30.0	LOT 1 30.0	LOT 2 30.0	30.0									240

a total of 1,480 acres in Township 33 South, Range 42 West, Morton County, Kansas,

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

That information in the office of the Chief Engineer finds that the point of diversion would more accurately be defined as:

one (1) well located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE½ SE½ SE½) of Section 29, more particularly described as being near a point 103 feet North and 410 feet West of the Southeast corner of said section, in Township 33 South, Morton County, Kansas.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The 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. 44,631, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated August 18, 2014, as modified and amended by the aforementioned order.

Ordered this 30 day of May

, 2019, in Manhattan, Riley County, Kansas.

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

State of Kansas

SS

County of Riley

The foregoing instrument was acknowledged before me this

, 2019, by

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

NCTARY PUBLIC

DANIELLE WILSON My Appointment Expires August 23, 2020

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.

On this day , 2019, I hereby certify that the attached Approval of Application for Change in Place of Use and Order in the Matter of the Authorized Point of Diversion, Water Right, File No. 44,631 dated, Water Right, File No. 44,631 dated, was mailed postage prepaid, first class, US mail to the following:

GRANT A WITCHER 2213 BUCKNER DR MANHATTAN KS 66503

With a copy sent to:

DOUGLAS F & RENELL M BELL 1 FORD DRIVE COLBY KS 67701

VIRGINIA RENA WITCHER ET AL PO BOX 180 ELKHART KS 67950

ANITA C WITCHER 1120 MUNCY ELKHART KS 67950-5054 DONALD B & ALICE WITCHER REV TRUST PO BOX 4278 SANTA FE NM 87502-4278

With photocopies sent to:

Garden City Field Office
Groundwater Management District No. 3

Division of Water Resources

Submit completed application to: Kansas Department of Agriculture Division of Water Resources Field Office for your area. Call for address:

Topeka -- (785) 296-5733 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787 Garden City -- (620) 276-2901 http://agriculture.ks.gov/dwr

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended. Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

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APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET FILE NO. 4463 MAKE ADDITIONAL COPIES AS NECESSARY

		A	ADDRE	ESS:	1120 N	<i>luncy</i>	Ave., E	Ikhart	KS 6	7950									
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O' Sec. 20	Twp.	Range 42w	NE½ 40.0	AME: ESS: NW% 40.0	Anita 1120 I	SE¼ 40.0	her Ave., NE½ 40.0	Elkhar NV NW¼ 40.0	x, KS 6	SE¼ 40.0	Gra 221	SV	ner Dr	., Man	hattan NE%	si NW1/4	6503 E¼ SW¼	SE1/4	ACRE
O' Sec. 20	Twp.	Range 42w	NE½ 40.0	AME: ESS: NW/4 40.0 AME: ESS:	Anita (1120 SW¼ 40.0 Anita (1120	SE¼ 40.0	her Ave., NE½ 40.0	NW NW 40.0	t, KS 6 v/4 SW/4 40.0	SE¼ 40.0	Gra 221	SV NW% 40.0	vix swix 40.0	., Man	hattan NE%	si NW¼ 40.0	6503 E¼ SW¼ 40.0	SE1/4	640.I
O' Sec. 20	Twp. 33s	Range 42w	NE% 40.0	AME: BSS: NIII NWW 40.0 AME: ESS:	Anita (1120 SWW 40.0 Anita (1120 1120 EW	SEX 40.0	her Ave., NE¼ 40.0 her Ave.,	Elkhar NW NW 40.0	t, KS 6 v// SW// 40.0	SE¼ 40.0	Gra 221	SV NW% 40.0	vitcher ner Dr vi swi 40.0	Man	NE% 40.0	si NW¼ 40.0	6503 E¼ SW¼ 40.0	SE¼ 40.0	640.4 TOTA
Sec.	Twp. 33s wner o	Range 42w f Land	NE% ADDRI NE% 40.0 NE%	AME: ESS: NIII NW¼ 40.0 AME: ESS: NIII NW¼	Anita (1120 SW¼ 40.0 Anita (1120 SW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SW¼	SE¼ 40.0 C Witc Muncy	her Ave., NE½ 40.0	Elkhar NW NW 40.0	t, KS 6 v// SW// 40.0	SE¼ 40.0	Gra 221	SV NW% 40.0	vix swix 40.0	Man	NE½ 40.0	SI NW¼ 40.0	6503 E¼ SW¼ 40.0	SE¼ 40.0	640.0
O Sec. 29	Twp. 33s Twp. 33s	Range 42w f Land Range 42w	NE% 40.0	AME: BSS: NIII NWW 40.0 AME: ESS:	Anita (1120 SWW 40.0 Anita (1120 1120 EW	SEX 40.0	her Ave., NE¼ 40.0	Elkhar	t. KS 6 V¼ SW¼ 40.0 t. KS 6	SE¼ 40.0	Gra 221	SV NW% 40.0	vitcher ner Dr vi swi 40.0	Man	NE% 40.0	SI NW¼ 40.0	6503 E¼ SW¼ 40.0	SE¼ 40.0	640.0 TOTA ACRE 240.0
Sec.	Twp. 33s wner o	Range 42w f Land	NE% ADDRI NE% 40.0 NE%	AME: ESS: NIII NW¼ 40.0 AME: ESS: NIII NW¼	Anita (1120 SW¼ 40.0 Anita (1120 SW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SW¼	SE¼ 40.0 C Witc Muncy	her Ave., NE¼ 40.0 her Ave.,	Elkhar	t, KS 6 v/2 SW/2 40.0	SE¼ 40.0	Gra 221	SV NW% 40.0	vitcher ner Dr vi swi 40.0	Man	NE½ 40.0	SI NW¼ 40.0	6503 E¼ SW¼ 40.0	SE¼ 40.0	TOTA ACRE 640.0 TOTA ACRE 240.0
O Sec. 29	Twp. 33s Twp. 33s	Range 42w f Land Range 42w	NE% ADDRI NE% 40.0 NE%	AME: ESS: NIII NW¼ 40.0 AME: ESS: NIII NW¼	Anita (1120 SW¼ 40.0 Anita (1120 SW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SW¼	SE¼ 40.0 C Witc Muncy	her Ave., NE¼ 40.0	Elkhar	t. KS 6 V¼ SW¼ 40.0 t. KS 6	SE¼ 40.0	Gra 221	SV NW% 40.0	vitcher ner Dr vi swi 40.0	Man	NE½ 40.0	SI NW¼ 40.0	6503 E¼ SW¼ 40.0	SE¼ 40.0	640.0 TOTA ACRE 240.0
O Sec. 29 30	Twp. 33s Twp. 33s 33s	Range 42w f Land Range 42w 42w 42w	NE% 40.0 NE% 10.0	AME: ESS: NI NW¼ 40.0 AME: ESS: NI NW¼ 35.0 AME:	Anita (1120 I) SW4 40.0 Anita (1120 I) E¼ SW4 40.0 Virgin	SE¼ 40.0 C Witco Muncy SE¼ 35.0	her Ave her Ave NE¼ 40.0 her Ave NE¼ 30.0	Elkhar NW¼ 40.0 Elkhar NW¼ 40.0	t, KS 6 v/4 40.0 t, KS 6 v/4 30.0	SE¼ 40.0 SE¼ SE¼ SE¼ SE¼ SE¼ SO.0	Gra 221	SV NW% 40.0	vitcher ner Dr vi swi 40.0	Man	NE½ 40.0	SI NW¼ 40.0	6503 E¼ SW¼ 40.0	SE¼ 40.0	640.0 TOTA ACRE 240.0
O Sec. 29 30	Twp. 33s Twp. 33s 33s	Range 42w f Land Range 42w 42w 42w	NE% 40.0 NE% 10.0	AME: ESS: NW 40.0 AME: ESS: NW 35.0	Anita (1120 I) SW4 40.0 Anita (1120 I) E¼ SW4 40.0 Virgin	SE¼ 40.0 C Witco Muncy SE¼ 35.0	her Ave her Ave NE¼ 40.0 her Ave NE¼ 30.0	Elkhar NW¼ 40.0 Elkhar NW¼ 40.0	t, KS 6 v/4 40.0 t, KS 6 v/4 30.0	SE¼ 40.0 SE¼ SE¼ SE¼ SE¼ SE¼ SO.0	Gra 221	SV NW% 40.0	vitcher ner Dr vi swi 40.0	Man	NE½ 40.0	SI NW¼ 40.0	6503 E¼ SW¼ 40.0	SE¼ 40.0	640.0 TOTA ACRE 240.0
O Sec. 29 30	Twp. 33s Twp. 33s 33s	Range 42w f Land Range 42w 42w 42w	NE% 40.0 NE% 10.0	AME: ESS: NI NW¼ 40.0 AME: ESS: NI NW¼ 35.0 AME: ESS:	Anita (1120 I) SW4 40.0 Anita (1120 I) E¼ SW4 40.0 Virgin	SE¼ 40.0 C Witco Muncy SE¼ 35.0	her Ave her Ave NE¼ 40.0 her Ave NE¼ 30.0	Elkhar NW¼ 40.0 Elkhar NW¼ 30.0	t, KS 6 v/4 40.0 t, KS 6 v/4 30.0	SE¼ 40.0 SE¼ SE¼ SE¼ SE¼ SE¼ SO.0	Gra 221	SV NW% 40.0	vitcher ner Dr vi swi 40.0	Man	NE½ 40.0	SI NW¼ 40.0	6503 E¼ SW¼ 40.0	SE¼ 40.0	TOTA ACRE 240. 120.
O Sec. 29 30	Twp. 33s Twp. 33s 33s	Range 42w f Land Range 42w 42w 42w	NE½ 40.0 NE½ 10.0 NE½ ADDR	AME: ESS: NW¼ 40.0 AME: ESS: NW¼ 35.0 AME: ESS:	Anita (1120 I) SW¼ 40.0 Anita (1120 I) E¼ SW¼ 40.0 Virgin 609 M	SE¼ 40.0 C Witco Muncy SE¼ 35.0 ia Ren Justan	her Ave her Ave NE¼ 40.0 her Ave NE¼ 30.0	Elkhar NW¼ 40.0 Elkhar NW¼ 40.0 her ET Elkha	t, KS (SE¼ 40.0 SE¼ 30.0 SE¼	Gra 221	SV NW% 40.0	ritcher ner Dr v/4 sw/4 40.0	Man	NE½ 40.0	SI NW¼ 40.0 SI NW¼	6503 E¼ SW¼ 40.0 E¼ SW¼ 35.0	SE½ 40.0	640.4 TOTA ACRE 240.
O Sec. 20 O Sec. 29 30 O	Twp. 33s 33s wner o	Range 42w 42w 42w f Land	NE½ 40.0 NE½ 10.0 NE½ ADDR	AME: ESS: NW¼ 40.0 AME: ESS: NW¼ 35.0 AME: ESS:	Anita (1120 I) SW¼ 40.0 Anita (1120 I) E¼ SW¼ 40.0 Virgin 609 M	SE¼ 40.0 C Witco Muncy SE¼ 35.0 ia Ren Justan	her Ave NE½ 40.0 her Ave NE½ 30.0 a Witco Trail,	Elkhar NW¼ 40.0 Elkhar NW¼ 40.0 her ET Elkha	t, KS (SE¼ 40.0 SE¼ 30.0 SE¼	Gra 221	SV NW% 40.0	ritcher ner Dr v/4 sw/4 40.0	SE½ 40.0	NE¼ 40.0	SI NW¼ 40.0 SI NW¼	6503 E¼ SW¼ 40.0 E¼ SW¼ 35.0	SE½ 40.0	TOTA ACRE 240. 120.
O Sec. 20 O Sec. Sec.	Twp. 33s 33s wner o	Range 42w f Land Range 42w 42w f Land Range	NE½ 40.0 NE½ 10.0 NE½ ADDR	AME: ESS: NW¼ 40.0 AME: ESS: NW¼ 35.0 AME: ESS:	Anita (1120 I) SW¼ 40.0 Anita (1120 I) E¼ SW¼ 40.0 Virgin 609 M E¼	SE¼ 40.0 C Witco Muncy SE¼ 35.0 ia Ren Justan	her Ave., NE¼ 40.0 her Ave., NE¼ 30.0 a Witc Trail, NE¼	Elkhar NW¼ 40.0 Elkhar NW¼ 30.0 her ET Elkha NW¼	t, KS (SE¼ 40.0 SE¼ 30.0 67950	Gra 221	SV NW% 40.0	ritcher ner Dr v/4 sw/4 40.0	SE½ 40.0	NE¼ 40.0	SI NW¼ 40.0 SI NW¼	6503 E¼ SW¼ 40.0 E¼ SW¼ 35.0	SE½ 40.0	TOTA ACRE 240. 120.

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

FILE NO. _______MAKE ADDITIONAL COPIES AS NECESSARY

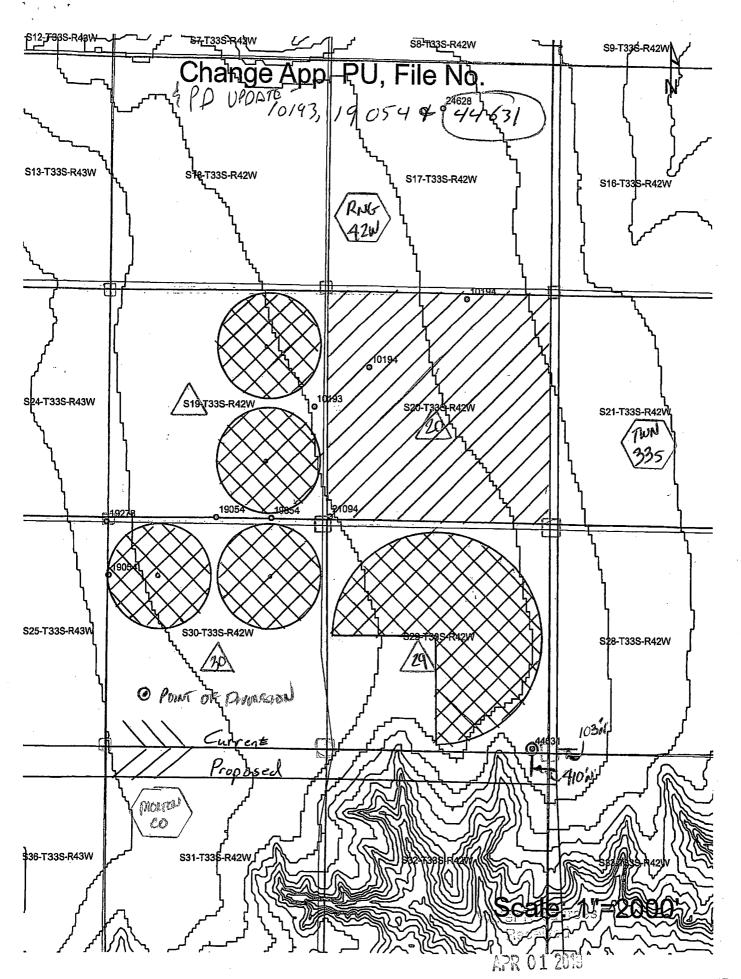
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Sec.	Twp.	Range 42w	NE% 30.0	AME: ESS: NW% 30.0 AME: ESS:	Donald Box 42 =¼ sw¼ 30.0	1 B & / 278, Sa SE¼ 30.0	Alice Wante Fo	place of titcher e, NM, NW 1/4	Rev T 87502 V¼	SE¼	NE%	SI NW¼	N% SW%	SE¼	· · · · ·	SI NW1/A	Ξ¼	SE½	ACRES
Ov.	Twp. 33s	Range 42w	NE% 30.0	AME: ESS: NW% 30.0	Donald Box 42 =¼ sw¼ 30.0	1 B & / 278, Sa SE¼ 30.0	Alice Wante Fo	place of titcher e, NM, NW 1/4	Rev T 87502 V% SW%	SE¼	NE%	SI NW¼	N% SW%	SE¼	NE%	SI NW1/A	5% SW%	SE½	120.0
Ov.	Twp. 33s	Range 42w	NE% 30.0	AME: ESS: NW% 30.0 AME: ESS:	Donald Box 42 =¼ sw¼ 30.0	1 B & / 278, Sa SE¼ 30.0	Alice Wante Fo	place of titcher e, NM, NW 1/4	Rev T 87502 V% SW%	SE¼	NE%	SI NW¼	N% SW%	SE¼	NE%	SI NW1/A	5% SW%	SE½	ACRES 120.0 TOTAL
Ov.	Twp. 33s	Range 42w	NE% 30.0	AME: ESS: NW% 30.0 AME: ESS:	Donald Box 42 =¼ sw¼ 30.0	1 B & / 278, Sa SE¼ 30.0	Alice Wante Fo	place of titcher e, NM, NW 1/4	Rev T 87502 V% SW%	SE¼	NE%	SI NW¼	N% SW%	SE¼	NE%	SI NW1/A	5% SW%	SE½	120.0
On On One of the other of the o	Twp. 33s wner o	Range 42w f Land	NE½ 30.0 NE½ ADDR	AME: ESS: NE NW% 30.0 AME: ESS: NI NW%	Donald Box 42 =¼ sw¼ 30.0	1 B & / 278, Sa SE¼ 30.0	Alice Wante Fo	place of titcher e, NM, NW 1/4	Rev T 87502 V% SW%	SE¼	NE%	SI NW¼	N% SW%	SE¼	NE%	SI NW1/A	5% SW%	SE½	120.0
On On One of the other of the o	Twp. 33s wner o	Range 42w f Land	NE% 30.0	AME: ESS: NE NW% 30.0 AME: ESS: NI NW%	Donald Box 42 =¼ sw¼ 30.0	1 B & / 278, Sa SE¼ 30.0	Alice Wante Fo	place of fitcher e. NM. NW/A NW/A	Rev T 87502 V% SW% N% SW%	SE¼	NE%	SI NW¼	WWW SWW	SE¼	NE%	SI NW%	5W% SW%	SE½	TOTAL ACRES
On Sec.	Twp. 33s where	Range 42w f Land	NE½ 30.0 NE½ ADDR	AME: ESS: NE NW% 30.0 AME: ESS: NI NW%	Donald Box 42 Sw¼ 30.0	SE% 30.0	NE½	place of fitcher e. NM. NW1/4 NW1/4 NW1/4	Rev T 87502 V% SW% SW% SW%	SE½	NE½	SI NW¼	WWW	SE¼	NE½	SI NW%	E% SW% SW%	SE¼	TOTAL ACRES
On Sec. 30	Twp. 33s where	Range 42w f Land	NE½ 30.0 NE½ ADDR	AME: ESS: NE NW% 30.0 AME: ESS: NI NW%	SW% SW%	1 B & / 278, Sa SE¼ 30.0	Alice Wante Fo	place of fitcher e. NM. NW/A NW/A	Rev T 87502 V% SW% SW% SW%	SE½	NE%	SI NW¼	WWW SWW	SE¼	NE%	SI NW%	E% SW% SW%	SE¼	TOTAL ACRES
On Sec. 30	Twp. 33s where	Range 42w f Land	NE½ 30.0 NE½ ADDR	AME: ESS: NE NW% 30.0 AME: ESS: NI NW%	Donald Box 42 Sw¼ 30.0	SE% 30.0	NE½	place of fitcher e. NM. NW1/4 NW1/4 NW1/4	Rev T 87502 V% SW% SW% SW%	SE½	NE½	SI NW¼	WWW	SE¼	NE½	SI NW%	E% SW% SW%	SE¼	TOTAL ACRES
On Sec.	Twp. 33s where	Range 42w f Land	NE½ 30.0 NE½ ADDR	AME: ESS: NE NW% 30.0 AME: ESS: NI NW%	Donald Box 42 Sw¼ 30.0	SE% 30.0	NE½	place of fitcher e. NM. NW1/4 NW1/4 NW1/4	Rev T 87502 V% SW% SW% SW%	SE½	NE½	SI NW¼	W¼ SW¼ SW¼ SW¼	SE¼	NE½	SI NW%	E¼ SW¼	SE¼	120.0
On Sec. 30	Twp. 33s where	Range 42w f Land	NE½ 30.0 NE½ ADDR	AME: ESS: NE NW% 30.0 AME: ESS: NI NW%	Donald Box 42 Sw¼ 30.0	SE% 30.0	NE½	place of fitcher e. NM. NW1/4 NW1/4 NW1/4	Rev T 87502 V% SW% SW% SW%	SE½	NE½	SI NW¼	W¼ SW¼ SW¼ SW¼	SE%	NE½	SI NWX	E¼ SW¼	SE¼	TOTAL ACRES

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5.	Presently authorized point of diversion:					
ł	One in theSEQuarter of theSE	= c	uarter of the	SF	Quarter	
- 1	of Section 29, Township 33	s	outh. Range	42	_ add.10.	
1	in MORTON County, Kansas, 102 feet N	Jorth 398	feet West of	Southeast corner of	of section	
- 1	Authorized Rate <u>730GPM</u> Authorized Quantity <u>172</u>	AF** De	nth of well	(feet)	or secuori.	
	(DWR use only: Computer ID No GPS	fo	et North	foot Moot		
- 1	X This point will not be changed This point will be changed as fo	llowe: No c	hange point hotte	reet vvesi	i)	
- 1	Proposed point of diversion: (Complete only if change is re	nuested or if	nange, ponk bette svietina soist id	r described with GPS S bottor deposibed	as follows:	
	One in theQuarter of the	S C	existing point is	b Detter described	Dy GPS)	(n
.	of Section 29 Township	2	tuarter or the	42 11/	Quarter	GROUPDANE
- 1	of Section 29 , Township 29 in MOLTON County, Kansas, 103 feet N	larth 41/2	outn, Range	42 W	(E/W),	COMPLIME
	Proposed Pate Proposed Quantity	101(11 <u>- 110</u>	reet west or	Southeast comer of	of section.	Front
	Proposed Rate Proposed Quantity This point is: Additional Well Geo Center List other wa	Pro	posea well depth	(feet)	•	12/19/18
L	This point is. LI Additional Well LI Geo Center List other wa	ter rights that	will use this poin	t	<u> </u>	10/11/10
г						•
6.	Presently authorized point of diversion:					
	One in the Quarter of the	c	luarter of the		Quarter	
	of Section, Township	s	outh, Range	•	w,	
	in County, Kansas, feet N	iorth	feet West of	Southeast corner of	of section.	
	Authorized Rate Authorized Quantity	De	pth of well	(feet)		
	(DWR use only: Computer ID No GPS	fe	et North	feet West	e)	
	X This point will not be changed This point will be changed as fo	ollows: 🗌 No cl	nange, point better	described with GPS	as follows:	
	Proposed point of diversion: (Complete only if change is re-	quested or if	existing point is	s better described	by GPS)	
	One in the Quarter of the					
	of Section, Township		outh Range		(EAA/)	
	in County, Kansas, feet N	iorth C	feet West of	Southeast corner	of section	
	Proposed Rate Proposed Quantity	Dr.	reet west of	(foot)	n secuon.	•
i	This point is: Additional Well Geo Center List other wa	ter rights that	will use this poin	· (1861)	 -	
L	parameter to the control motoritor was	tor rigitto triat	Will GOO WING POINT		 -	
7.	The changes herein are desired for the following reasons? (please be specific) Create a complete PU overlap	300 200	Norti	100 200	300	
		<u> </u>	արակավագո	որուրուրուրու	mg	
_		₽ ∸	<u> </u>	<u> </u>	4	
8.	If a well, is the test hole log attached? Yes No	200 = 1 +	+ . =	1 + 1 + 1	三200	
٥	The change (a) (week) will be a completed by 2	- E ' '	· ' ' 🖺		3.00	
9.	The change(s) (was)(will be) completed by?		_ <u>=</u>	- , -	1	
	As soon as approved	100 = +	· + =	! + ! + !	—]100	
40	If the point of diversion is a well:	E _	_ =	· — —	3	
10.	if the point of diversion is a well:	اا		ափոսիավասիութ		
	(a) What are you going to do with the old well?	vest o Emilionili	mumlunin a	ataalaataalaat	H B C East	
		F -	_ - =		킠	
	***	100 -	· ၊ + ၊ 흑	1+1+1	⊒100	
	(b) When will this be done?	Ē ' '	- '- '- <u>-</u>		3	
		F Ţ			<u> </u>	
11.	Groundwater Management District recommendation attached?	200 [+	· ㅣ + ㅣ 글	1+1+1	<u>-</u> 클200	
	☐ Yes ☐ No	₽ -	_ =	_ _	킠	
10	Assisted by CMD2/ II N	ետուհ	անակափու∄	 www.hodoot		
12.	Assisted by GMD3/JLN	300 200		100 200	300	
13a	If the proposed point of diversion will be relocated <u>more than 300</u> 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	of the existir diagram sho diversion. (I above repridiversion.)	ed point of diversions of diversions of diversions above in replementations.		vithin 300 feet cation on the ting point of r of diagram	: :
					44631	
DW	R 1-121 (Revised 04/5/2018) Page 2	APR	01 2019	File No.	7707	
		No 16	J			

KS Dept Of Agriculture

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14. If the proposed groundwater point of diversion is 300 or fewer fe	eet 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	
 (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 	authorized 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 diversi or a change in place of use, the application must be signed by all ow agent (attach notarized statement authorizing representation).	ion, a groundwater change in point of diversion greater than 300 feet, where of the currently authorized place of use, or their duly authorized
age and the owner, the spouse of the owner, or a duly au	ffirmation and under penalty of perjury, that I am of lawful thorized agent of the owner(s) to make this application on application pertains. I further verify that the statements
Dated at, Kansas,	, this, 20
Donald B. Witcher and Alia	o 1. Witcher Revocable trust
(Owner)	(Spouse)
DONALD B. WITCHERTTEE (Please Print) Donald B. Witcher TTEE	Alica L. Watcher + + E5 (Please Print)
Donald Bod Telas TTEE	Alina L. Witchen TIFE
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas County of SS SS	TAMMY NEWMAN Notary Public - State of Kansas My Appt. Expires (2-27-20-2)
I hereby certify that the foregoing application was signed of 1210 km 20/1	in my presence and sworn to before me this 25 day
of 1211/4.	
	Synney S. Hurke
My Commission Expires $(4.37.303)$.	a service of a service of the servic
	ete, all of the applicable portions of the application form must be completed with the appropriate owners' must be affixed to the application and notarized; and
FEE SCI	HEDULE
	partment of Agriculture
, , , , , , , , , , , , , , , , , , ,	Water Recourdes Received
	APR 01 2019

14. If the proposed groundwater point of diversion is 300 or fewer feet from	om the existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently auth ☐ Yes ☐ No (If no, all owners must sign this appli	
 (b) Will the ownership interest of any owner of the currently autho affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this app 	
(c) If this application is not approved expeditiously, will there be sub ☐ Yes ☐ No (If no, all owners must sign this appli	
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).	
I hereby verify, being first duly sworn upon my oath or affirm age and the owner, the spouse of the owner, or a duly author their behalf, in regards to the water right(s) to which this ap contained in this application are true, correct and complete.	ized agent of the owner(s) to make this application on
Dated at, Kansas, this	day of, 20
anta Witcher	kti, meg juan ng Pakin. Tanggan ng paking pakin ng paking pakin Tanggan paking pakin
(Owner)	(Spouse)
(Please Print)	(Please Print)
War hand Sales	
(Owner)	(Spouse)
Vigginia Kene W toha	La Colora
(Please Print)	(Please Print)
(Owner)	(Spouse)
(7/ant A. Without)	(Please Print)
State of Kapsas)	TAMMY NEWMAN
County of See SS	Notary Public - State of Kansas Wy Appt. Expires 6 - 27 - 30
I hereby certify that the foregoing application was signed in of 1,20,100.	my presence and sworn to before me this 35 day
	Land 1. The Day
My Commission Expires U-27-203/	Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all accurate information; maps, if necessary, must be included; signatures of all the at the appropriate fee must be paid.	
FEE SCHED	<u>ULE</u>
Each application to change the place of use or the point of diversion und forth in the schedule below: Make checks payable to: Kansas Departm (1) Application to change a point of diversion 300 feet or less	ent of Agriculture
(2) Application to change a point of diversion more than 300 fee(3) Application to change the place of use	
	Water Resources Received
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14.	If th	ne proposed gro	undwater poi	nt of diversior	is 300 or few	er feet fron	n the existing	g point of di	version, com	plete the follo	owing:
	(a)	Does the unde ☐ Yes ☐			rs of the curre ers must sign t			s) of use ide	ntified in this	application?	
	(b)	Will the owner affected if this ☐ Yes ☐	application is	approved as				of use ider	ntified in this	application b	e adversely
	(c)	If this application ☐ Yes ☐			iously, will the ers must sign t			ige to prope	erty, public he	alth or safety	?
or a	cha	plication proposinge in place of attach notarized	use, the appl	ication must b	e signed by a						
age the	an ir b	y verify, bein d the owner, t ehalf, in rega ned in this ap	he spouse rds to the	of the own water right(er, or a duly s) to which	/ authoriz this appl	ed agent o	of the owr	ner(s) to ma	ke this app	olication on
Dat	ed a	<u> </u>		Coll	بيد , Kan	nsas, this _	_ <i>8</i> d	lay of $\underline{\mathcal{Y}}$	narc	lı,	20 19
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7			(Owner)	· · · · · · · · · · · · · · · · · · ·	·			(Śpouse)	n - 1 - 1 - 1	
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			(Owner	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	34	_	· · · · · · · · · · · · · · · · · · ·		(Spouse)	the state of the s	V* *
	٠.		JOWNER	J. Peris					(Opouse)		
	•	 	(Please Pi	int)		-	**	<u> </u>	(Please Prin	t)	
			Table Joseph St.	1		e de la	, t			, W.,	
, Terri	**		(Owner) 13					(Spouse) V/ater Re	sources	
-	1		(Please Pi	int)		- 	<u> </u>		(Please Prin	t)	
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Cou	inty (of Ka	neas	SS	;					``	_
l of	•	eby certify tha	t the foreg	oing applicat	ion was sign	ned in m	y presence			Agricultur e me this	g gthday
_						_	Shere) D. 12.	Drem	ulrans)
Му	Com	ımission Expires	05-6	26-208	<u>12</u>			9	Notary Public		
accı	urate	OMPLETE APPLIC information; maps opriate fee must be	, if necessary	L BE PROCES must be includ	SED. To be cor ed; signatures o	mplete, all o of all the app	f the applicab propriate own	le portions of ers' must be	the application	n form must be pplication and	completed with notarized; and
					FEE	SCHEDUL	<u>.E</u>				
	h in t (plication to char the schedule bel (1) Application (2) Application (3) Application	ow: Make cl to change a to change a	necks payable point of divers point of divers	e to: Kansas I sion 300 feet o sion more thar	Departme or less n 300 feet .	nt of Agricu	ılture 	SHIRI FY L	REMENKAMF	\$100 \$200
		•						N N N N N N N N N N N N N N N N N N N	NOTAR'	Y PUBLIC F KANSAS	

Ireland, Leslie [KDA]

From:

Meyer, Mike [KDA]

Sent:

Wednesday, May 15, 2019 7:25 AM

To:

Ireland, Leslie [KDA]

Subject:

RE: Recommendation for Change in Place of Use File Nos. 10193,10194 xxx Witcher-Bell

Approve, and yes in the transmittal remind them of the existing limitations.

Mike

From: Ireland, Leslie [KDA]

Sent: Tuesday, May 14, 2019 3:49 PM

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

Subject: Recommendation for Change in Place of Use File Nos. 10193,10194 xxx Witcher-Bell

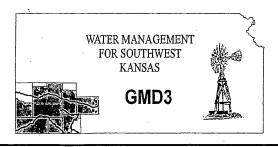
Mike,

Attached is an updated memo last paragraph page one. Should I state something in the transmittal letter about the quantities? In the attentions to terms conditions..... I can put something together, or do you guys have something out there? Added the letter.

Please let me know if you can recommend the changes to overlap all these files.

As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist Kansas Department of Agriculture Division of Water Resources - Change Unit (785) 564-6633 Leslie.Ireland@ks.gov www.agriculture.ks.gov



Southwest Kansas Groundwater Management District No. 3 2009 E. Spruce Street

Garden City, Kansas 67846

(620) 275-7147 phone (620) 275-1431 fax www.gmd3.org

February 14, 2019

Michael A. Meyer Division of Water Resources 2508 N Johns Street Garden City, Kansas 67846

RE: Applications for Change in Place of Use

Water Right, File Nos. 10193, 10194, 19054, 21094 & 44631

Dear Mike:

We have assisted with the applications for the above referenced water rights. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed change in place of use for a complete overlap in irrigation acres is in accordance with K.A.R. 5-5-11. All parties involved have agreed to the changes to bridge the time while working on a remedy to fairly separate the needed acreage and ownership. It is therefore recommended that the applications be approved at this time.

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

Sincerely,

Jason L. Norquest Assistant Manager

Water Resources Received

APR 01 2019

KS Dept Of Agriculture

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

orov Nitl	visions of the Kansas Water Appropriation Law, K.S.A. 82a-7	8b, as amended, and K.A.R. 5-5-1, <i>et seq.</i> and other applicable 701 et. seq., and rules and regulations promulgated thereunder n, this Summary Order does not change the terms, conditions and
۱.	A change application was received on	requesting that the place of use and / or point oper be changed as described in the application.
2.		thorized place(s) of use shall be located substantially as shown or nge the place of use.
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	nts and shall be limited to the same source or sources of water as by this summary order shall be located within afoot le
1.	The point(s) of diversion described herein is administrative Positioning System (GPS), as described in the application.	ely corrected to be more accurately described using the Globa
5.	The point(s) of diversion authorized herein shall not actually leathorized point(s) of diversion. ☐ Applicable ☐ No.	be located more than feet from the previousl ot Applicable
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	vell with a diversion rate of 100 gallons per minute or more, a tub ints shall be installed, operated and maintained in accordance with
7.	December 31, 20, or before the first use of water, operated and maintained in accordance with K.A.R. 5-1-4 t	operly install an acceptable water flow meter on or before whichever occurs first. The water flow meter shall be installed through 5-1-12. As required by K.S.A. 82a-732, as amended, and the reading of the water flow meter and the total quantity of watering the end of each calendar year.
3.	Installation of the works for diversion of water shall be authorized extension of time. By March 1, 20 the works for diversion has been completed, on the form provi Applicable □ Not Applicable	completed on or before December 31, 20, or within an applicant shall notify the Chief Engineer that construction of the ided by the Chief Engineer, as required by K.A.R. 5-8-4e.
9.	The completed well log shall be submitted with the requi	ired notice. Applicable Not Applicable
10.	with an in-line, automatic, quick-closing check valve capat	foreign substance will be injected into the water shall be equippe ble of preventing pollution of the source of the water supply. Th in accordance with K.A.R. 5-3-5c. ☐ Applicable ☐ Not Applicabl
11.	Additional Conditions are attached.	
12.	water appropriated under the above-referenced file numb limitations, as amended and/or supplemented by this Sum Appropriation Law and the Rules and Regulations promu	a.R. 5-5-14, all of the owners of the authorized place(s) of use oper are responsible for compliance with its terms, conditions another are responsible for compliance with its terms, conditions another are considered. The control of the contro
	Administrative Appeal and Effective Date of Order	FOR OFFICE USE ONLY
f vo	ou are aggrieved by this order, pursuant to K.S.A. 82a-1901,	APPLICATION APPROVED AND
you	may request an evidentiary hearing before the Chief ineer or request administrative review by the Secretary of	SUMMARY ORDER ISSUED
Agr	iculture. A request for hearing by the Chief Engineer must be	Ву:
iiled adn	I within 15 days of service of this Order and a request for ninistrative review by the Secretary must be filed within 30	Duly Authorized Designee of the Chief Engineer
day	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):
File	any request with Kansas Department of Agriculture,	Date of Issuance:
665	pal Division, 1320 Research Park Drive, Manhattan, KS 02. Failure to timely request a hearing or review may	State of Kansas)
pre	clude review under the Kansas Judicial Review Act.) SS
	For Use by Register of Deeds	County of)
	•	Acknowledged before me on
	,,	by
		Signature:Notary Public
		•
		My commission expires:(Notary Seal)
DW	R 1-121 (Revised 04/5/2018) Pag	Water Resources File No. <u>44631</u> Received

APR 01 2019

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

TO: _	HEADQUARTERS DESCRIPTION OF THE PROPERTY OF TH
RE [Vested Right; Water Right; Appropriation of Water; Application
-	File No(s). 10/93, 10/94, 19054, 2/094, County
Enclos	ed are the following checked items: 4/463/
☐ A .	FIR Full Partial Inspection Return to Field Office Proposed Certificate to deliver to Certificate Unit
[[n	ompliance Check Inspection on
	application and judgment sheet with recommendation. Water Resources Received
□ A	quest for an extension of time to perfect or complete. APR 01 2019
	erified report. osure request. KS Dept Of Agriculture
	osure request. All investigation report. RS Dept Of Agriculture
	ce of Non-Compliance
	ownership change (name(s) and address(es) below).
	ater use report for tter dated
	tiel dated
☐ A	opy of an <u>Approval</u> to Change the place of use and/or point of diversion, Filing Fee attached.
	Advanced <u>copy</u> of a change application and the filing fee, to be processed at the field
	original field office change <u>application</u> and the filing fee needing headquarters office lew and further processing.
X o	er: Aleas regular processing, Field Office MOVP
<i>'</i> .	don't want to get lost in Mx.
	GMB3 pec- attached
	Marfal Na 3-2749
	Water Commissioner Date

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



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

Mike Beam, Interim Secretary

Laura Kelly, Governor

GRANT WITCHER
2213 BUCKNER DR
MANHATTAN, KS 66503

April 4, 2019

RE: File No 44631

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

☐ place of use PU☐ point of diversion☐ use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tourney, L.G.

Change Applications Unit Supervisor

Water Appropriation Program

BAT: DLW3