

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

| | | | | |
|---------------------------------|---|-----------------------------|-------------------------------|----------------------|
| 1. File Number: 20210 | 2. Status Change Date: 12/14/2020 | 3. Change Num: C1 | 4. Field Office: 04 | 5. GMD: 03 |
|---------------------------------|---|-----------------------------|-------------------------------|----------------------|

| | |
|--|---|
| 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: 6/25/2020 |
|--|---|

| | |
|--|---|
| <p>8a. Applicant(s) New to system <input checked="" type="checkbox"/></p> <p>Person ID _____ Add Seq# _____</p> <p>MARTIN SMITH MARTIN T SMITH REVOCABLE TRUST 625 S BLVD RICHFIELD KS 67953-2504</p> | <p>8c. Landowner(s) New to system <input type="checkbox"/></p> <p>Person ID 16642 Add Seq# _____</p> <p>JOHN B SMITH JR & HOWARD C SMITH LOGAN SMITH 630 S BLVD RICHFIELD KS 67953-2504</p> <p>8cc. Landowner(s) New to system <input type="checkbox"/></p> <p>Person ID 38418 Add Seq# _____</p> <p>HOWARD C SMITH PO BOX 429 ELKHART KS 67950</p> |
|--|---|

| | |
|--|--|
| <p>8b. Landowner(s) New to system <input type="checkbox"/></p> <p>Person ID 67400 Add Seq# _____</p> <p>BRYON C SMITH REV TRUST ETAL 630 S BLVD RICHFIELD KS 67953-2504 Address update MARTIN 50% TERESA 25% BRYON 25%</p> | <p>8d. WUC New to system <input type="checkbox"/></p> <p>Person ID 67401 Add Seq# _____</p> <p>LOGAN SMITH 630 S 625 S BLVD RICHFIELD KS 67953-2504</p> |
|--|--|

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/21** N & P Date to Comply: _____

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **11/25/2020** By: **li**
Date Entered: **12/16/2020** By: **LMoody**

File No. **20210** 11. County: **MT** Basin: **N F CIMARRON RIVER** Stream: **NA** Formation Code: **NO CHANGE** Special Use: **NA**

12. Points of Diversion
 CHK
 MOD
 DEL PDIV
 ENT

Rate and Quantity
 Authorized
 Additional

Qualifier S T R ID 'N 'W Comment (AKA Line) Rate gpm Quantity mgy Rate gpm Quantity mgy Overlap PD Files

NO CHANGE

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) **NONE NO CHANGE**
 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 | | | | |
| ENT | 2106 | 13 | 32 | 43W | 2 | | | | | | | | | 31.25 | 31.25 | 31.25 | 31.25 | | | | | 125 | 8c | NO | 28200 |
| MOD | 37747 | 13 | 32 | 43W | 1 | 40.0 | 40.0 | 40.0 | 40.0 | DEL | | | | | | | | 40.0 | 40.0 | 40.0 | 40.0 | 320 | 8b | NO | 28200 |
| ENT | 21614 | 24 | 32 | 43W | 1 | | | | | 31.25 | 31.25 | 31.25 | 31.25 | | | | | | | | | 125 | 8c | NO | 28200 |
| MOD | 28308 | 12 | 32 | 43W | 1 | | | | | | | | | | | | | 40.0 | 40.0 | 40.0 | 40.0 | 160 | 8b | NO | 28200 |

Base Acres: Year: Minimum Reasonable Quantity:

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE
WATER RIGHT, FILE NO. 20,210**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Martin T. Smith, Trustee, Martin T. Smith Revocable Trust, Teresa B. Smith, Trustee, Teresa B. Smith Revocable Trust and Byron C. Smith, Trustee, Byron C. Smith, Revocable Trust, all at 625 S. Boulevard, Richfield, Kansas 67953, received in the office of the Chief Engineer on June 25, 2020, 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 place of use shall be:

| Sec. Twp. Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL |
|-----------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
| | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 12 32S 43W | | | | | | | | | | | | | 40.00 | 40.00 | 40.00 | 40.00 | 160.00 |
| 13 32S 43W | 40.00 | 40.00 | 40.00 | 40.00 | | | | | 31.25 | 31.25 | 31.25 | 31.25 | 40.00 | 40.00 | 40.00 | 40.00 | 445.00 |
| 24 32S 43W | | | | | 31.25 | 31.25 | 31.25 | 31.25 | | | | | | | | | 125.00 |

a total of 730 acres, in Township 32 South, Range 43 West, Morton County, Kansas,

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

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 20,210, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 6, 1983.

Ordered this 14 day of December, 2020, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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 14 day of December, 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
Notary Public

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

December 21, 2020

HOWARD C SMITH
PO BOX 429
ELKHART, KS 6795

RE: Water Right, File Nos. 20,210 & 28,200

Dear Mr. Smith:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the referenced files. A true and correct copy of the order under File No. 20,210, has been sent to you for your records.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is that an acceptable water flow meter must be installed on the diversion works authorized. Please return the required notification of installation of the meter as soon as this action is 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.

If you have any questions, please contact Leslie Ireland, Environmental Scientist, at (785) 564-6640. If you have any questions regarding the installation of the required flow meter, please contact Michael Meyer, with our Garden City Field Office at 620-276-2901. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Justin Koehn
Change Unit Leader
Water Appropriation Program

JK:LI:li

Enclosures

pc: Garden City Field Office
Groundwater Management District No. 3

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.

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.

CERTIFICATE OF SERVICE

On this 21 day December, 2020, I hereby certify that the attached Approval of Application for Change in Place of Use, File No. 20,210 dated, 14 December 2020 was mailed postage prepaid, first class, US mail to the following:

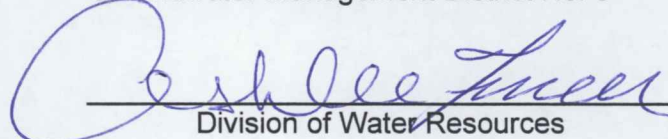
MARTIN SMITH
625 S BLVD
RICHFIELD KS 67953

With a True & Correct Copy to:

HOWARD C SMITH
PO BOX 429
ELKHART KS 67950

With photocopies sent to:

Garden City Field Office
Groundwater Management District No. 3


Division of Water Resources

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



900 SW Jackson, Room 456
Topeka, KS 66612
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Mike Beam, Secretary

Laura Kelly, Governor

December 21, 2020

MARTIN SMITH
MARTIN T SMITH REVOCABLE TRUST
625 S BLVD
RICHFIELD KS 67953-2504

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Dear Mr. Smith:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the referenced files. A true and correct copy of the order under File No. 28,200, has been sent to you for your records.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is that an acceptable water flow meter must be installed on the diversion works authorized. Please return the required notification of installation of the meter as soon as this action is completed.

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Sincerely,

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Change Unit Leader
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