Kansas Department of Agriculture Division of Water Resources

CHANGE: P/U WORKSHEET

1. File Number: 7190-D1	2. Status Change Date: 9-21-2020	3. Change Num:	4. Field Office:	5. GMD:
6. Status: ⊠ Approved □ □	enied by DWR/GMD	Dismiss by Reques	st/Failure to Return	7. Filing Date of Change: 9/14/2020
8a. Applicant(s) New to system GARY GRAFF 368 SOUTH COUNTY F MARIENTHAL, KS 6786		Attn: G 368 S G MARIE	Stem C F BROTHERS BARY GRAFF COUNTRY ROA NTHAL, KS 678	
8b. Landowner(s) New to system GRAFF LAND TRUST Attn: GARY GRAFF 368 S COUNTRY ROAD MARIENTHAL, KS 6786		8d. WUC New to sy	vstem □	Person IDAdd Seq#
9. Documents and Enclosure(s): Anti-Reverse Meter	er Seal	□ N & P Form	☐ Water Tube ☐	Driller Copy
10. Use Made of Water From:		To: _		
			Date Prepared: 9/16 Date Entered:	5/2020 ву: АМ ву:

File No. 7190-D1	11. Cour	nty: WH	Bas	sin: W	HITEV	VOMA	N CR	EEK	1	S	tream:							Fo	rmation C	Code: 21 1	Special Use:
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15. 5YR Allocation: Allocation	Гуре	Sta	rt Year		-	5 YR	Amou	nt		Amo	ount U	nit		Base	Acres		_ C	omment.			
16. Place of Use CHK			NE	Ξ1/4			NV	V1/4			sv	N¹/4			s	E1/4		Total	Owner	Chg?	Overlap Files
MOD DEL ENT PUSE S T R	ID	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	III.			
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Base Acres: Year: Comments:		Minimum	n Reas	onable	Quar	ntity:	N. C. M. S. P.														

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

September 21,2020

GARY GRAFF 368 SOUTH COUNTY ROAD 23 MARIENTHAL, KS 67863

RE: Water Right, File Nos. 7190-D1 & 25118

Dear Sir:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval 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 number and meet current specifications. Please return the required notification of completion of the diversion works and/or installation of the required water flowmeter as soon as these actions are completed.

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

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

Sincerely,

Michael A. Meyer Water Commissioner

MAM enclosures

pc:

GROUNDWATER MANAGEMENT DISTRICT NO. 1

CERTIFICATE OF SERVICE

On this 21st day of September 2020, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Water Right, File Nos. 7190-D1 and 25118 dated 21st day of September 2020 was mailed postage prepaid, first class, US mail to the following:

GARY GRAFF 368 SOUTH COUNTY ROAD 23 MARIENTHAL, KS 67863

Pc:

GROUNDWATER MANAGEMENT DISTRICT NO. 1

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.

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7.	The changes herein ar	e desired for the following reasons?										
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9.	The change(s) (was)(wil	I be) completed by?	E	/ =								
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11.	Groundwater Manageme	ent District recommendation attached?	200	141+1=	1 + 1 + 1 = 200							
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12.	Assisted by		300	200 100 0	100 200 300							
132	If the proposed point of a	liversion will be relocated more than 30	0	South	Scale: 1 hashmark=10 ft							
100	feet but within 2,640 feet	of the existing point of diversion, attac	h 13b. If the p	roposed point of diversio	n will be relocated within a 30							
	a topographic map or	aerial photograph. For groundwate including domestic) within one-half mile	er foot rac	dius of the existing point of	of diversion, indicate its location relation to the existing point							
	of the proposed point o	f diversion and the names and mailin	g diversion	on. The proposed point	of diversion must be locate							

on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

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

File No. 7190 0

Any use of water that is not as authorized by the water right or permit to authorize water <u>before</u> the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

Dated at Marienthal	, Kansas, this	15	day ofS	eptember	, 20 20	2
Graff Land Trust by Bary Graff	Ppa					
Graff Land Trust by Gary Graff P.C. (Please Print)	20			(Spouse)		
(Please Print)				(Please Print)		
(Owner)		1.75		(Spouse)		
(Please Print)				(Please Print)		
(Owner)				(Spouse)		
(Please Print)				(Please Print)		
county of (1)1Chita) ss	My	JONI M. Notary Public Appt. Expires	STEGMA - State of Kar	N nsas	1/4	
I hereby certify that the foregoing application was of September, 20 20	signed in my	presence	and swom	before me this Homan	- 15	_ day
My Commission Expires 12-5-2020		0		Notary Public		

Make check payable to Kansas Department of Agriculture.

14.	If the proposed groundwater point of diversion is 300 or fewer feet fr	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		on?
	 (b) Will the ownership interest of any owner of the currently authoraffected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this application) 	enil de me el recommenda en control de critaril en	on be adversely
	(c) If this application is not approved expeditiously, will there be sul ☐ Yes ☐ No (If no, all owners must sign this appli		ifety?
or a	e application proposes a surface water change in point of diversion, a change in place of use, the application must be signed by all owners it (attach notarized statement authorizing representation).		
age thei con	reby verify, being first duly sworn upon my oath or affirm and the owner, the spouse of the owner, or a duly author r behalf, in regards to the water right(s) to which this ap tained in this application are true, correct and complete.	rized agent of the owner(s) to make this plication pertains. I further verify that t	application on he statements
Date	d at <u>Marjenthal</u> , Kansas, this	10th day of September	_,2020
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1	hereby certify that the foregoing application was Notary Public	State of Kapses and sworn to before me th	is Inthay
of	September, 20 20.		Landin AgA
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accur	COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all ate information; maps, if necessary, must be included; signatures of all the appropriate fee must be paid.	of the applicable portions of the application form mus ppropriate owners' must be affixed to the application a	t be completed with and notarized; and
	AND NOTICE TO A STATE OF THE ST	Articles and the second	
Fach	FEE SCHEDU application to change the place of use or the point of diversion under		lication fee set
	in the schedule below: Make checks payable to: Kansas Departm	ent of Agriculture	
	(1) Application to change a point of diversion 300 feet or less(2) Application to change a point of diversion more than 300 fee	t	\$100
of sales	(3) Application to change the place of use		
	JULIE JONES		
- 31	Wy Appointment Expir		
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Page 3

File No.

DWR 1-121 (Revised 09/11/2019)

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. 7190 D1 change application was received on <u>September 14, 2020</u> 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. A change application was received on On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on 2. the topographic map accompanying the application to change the place of use. Applicable Not Applicable The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as 3. previously authorized. The point of diversion authorized by this summary order shall be located within a ____ radius of the authorized point(s) of diversion.

Applicable

Not Applicable The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application.

Applicable The point(s) of diversion authorized herein shall not actually be located more than authorized point(s) of diversion.

Applicable Not Applicable feet from the previously 5 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.

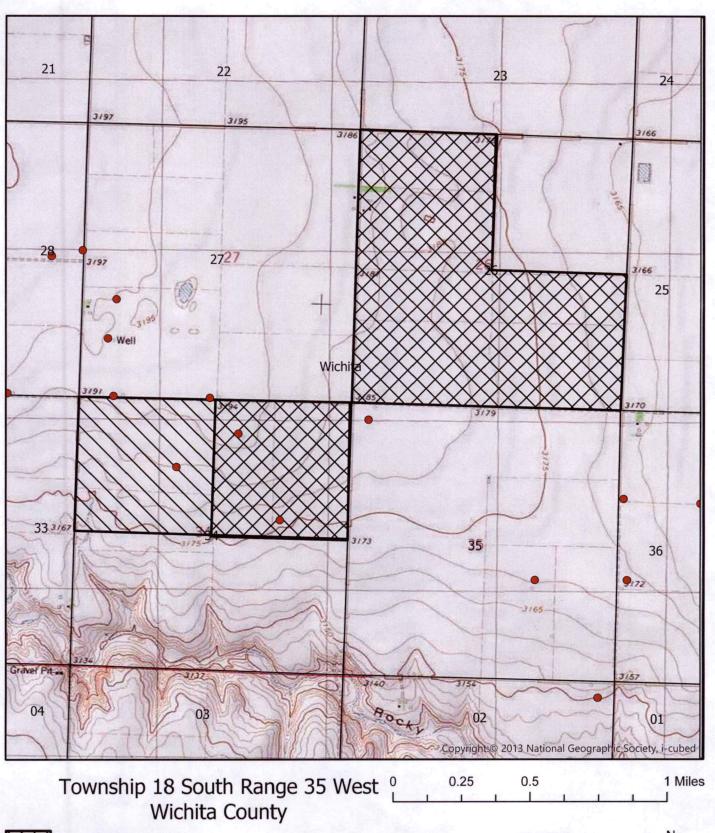
Applicable Not Applicable The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before **December 31, 20**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. ☐ Not Applicable Applicable Installation of the works for diversion of water shall be completed on or before December 31, 20_ authorized extension of time. By March 1, 20____ the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable Not Applicable The completed well log shall be submitted with the required notice. ☐ Applicable 10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable 11. Additional Conditions are attached. ☐ Yes No 12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water* Appropriation Law and the Rules and Regulations promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, SUMMARY ORDER ISSUED you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for Duly Authorized Designee of the Chief Engineer administrative review by the Secretary must be filed within 30 MICHAETA. MEYER days pursuant to K.S.A. 77-531. Any request for administrative (Print Name): review must state a basis for review pursuant to K.S.A. 77-527. Division of Water Resources - Kansas Department of Agriculture File any request with Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS Date of Issuance: 66502. Failure to timely request a hearing or review may State of Kansas preclude review under the Kansas Judicial Review Act. SS For Use by Register of Deeds County of Acknowledged before me on Signature: gnes Notary Public TATE OA **JULIE JONES** NOTARY My commission expires: My Appointment Expires PUBLIC & (Notary Seal) 15, 2022

Page 4

File No.

DWR 1-121 (Revised 09/11/2019)

CHANGE IN PLACE OF USE FILE NO. 7190-D1



AUTHORIZED PLACE OF USE

PROPOSED PLACE OF USE

POINT OF DIVERSION



Created By: AM/GCFO