Kansas Department of Agriculture Division of Water Resources

CHANGE: P/U WORKSHEET

1. File Number: 25033	2. Status Change Date:	3. Change Num:	4. Field Office: 04	5. GMD:
6. Status: Approved	☐ Denied by DWR/GMD ☑ Dis r		igned 3-1-2021 eived 3-1-2021	7. Filing Date of Change: 2/26/2021
8a. Applicant(s) New to system C & W LIMITED PA PO BOX 327 LEOTI, KS 67861	Person ID 50587Add Seq#	8c. Landov New to	vner(s) system □	Person IDAdd Seq#
8b. Landowner(s) New to system □	Person IDAdd Seq#	— New to BRAI PO B	system □ D WHITHAM OX 327 TI, KS 67861	Person ID 65501 Add Seq#
☐ Anti-Reverse Meter	s): DWR Meter(s) Date to Compl Meter Seal Check Valve te Required: Da	□ N & P Form	☐ Water Tube ☐	to Comply: H & E Letter to Comply:
10. Use Made of Water Fro	om:	To: _		
NO INFO ON BA	ACK		Date Prepared: 3/3/ Date Entered:	21 By: MAM By:

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

March 3, 2021

C & W WHITHAM LIMITED PARTNERSHIP PO BOX 327 LEOTI, KS 67861

RE: Water Right, File Nos. 664, 6815, 7959, 8799, 22279, 25033

Dear Mr. Whitham:

Enclosed are the Findings and Orders by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, which dismisses the Application for Approval to Change the Place of use under the referenced file numbers that were received in our office on February 16, 2021 and requested to be dismissed on March 1, 2021.

If you have any questions, please contact us 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,

Michael A. Meyer Water Commissioner

MAM

Enclosures

pc: Groundwater Management District No. 1

Brad Whitham PO Box 327 Leoti, KS 67861

KANSAS DEPARTMENT OF AGRICULTURE Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCESEarl D. Lewis Jr., Chief Engineer

FINDINGS AND ORDER
IN THE MATTER OF THE DISMISSAL
OF AN APPLICATION FOR APPROVAL
TO CHANGE THE AUTHORIZED
PLACE OF USE
UNDER WATER RIGHT, FILE NO. 25033

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

- 1. That on June 14, 1994, the Chief Engineer, in accordance with K.S.A. 82a-714, issued a Certificate of Appropriation pursuant to Water Right, File No. 25033, for permit to appropriate water for irrigation use.
- 2. That on February 16, 2021 an Application for Approval to Change the Place of Use for the file described in paragraph No. 1 of these findings was received in the office of the Chief Engineer.
- 3. That by means of a written request dated March 1, 2021, received in the office of the Chief Engineer on March 1, 2021, Brad Whitham, PO Box 327, Leoti, Kansas 67861, owner of the authorized place of use, requested that the Application for Approval to Change Place of Use, Water Right, File No. 25033 received on March 1, 2021, described in Finding No. 2 above be dismissed.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, the Application for Approval to Change the Place of Use under an Existing Water Right, received in the Office of the Chief Engineer on February 16, 2021, under Water Right, File No. 25033, shall be dismissed and its priority forfeited.

RE: Water Right, File No. 25033

In all other respects, the Certificate of Appropriation for Beneficial Use of Water, issued pursuant to irrigation use under Water Right, File No. 25033, dated June 14, 1994, remains as authorized.

Ordered this 3rd day of March, 2021, in Garden City, Finney County, Kansas.

Michael A. Meyer
Water Commissioner
Division of Water Resources
Kansas Department of Agriculture

State of Kansas

SS

County of Finney

The foregoing instrument was acknowledged before me this 3rd day of March 2021, by, Michael A. Meyer, Water Commissioner, Division of Water Resources, Kansas Department of Agriculture.

JULIE JONES
My Appointment Expires
December 15, 2022

Notary Public

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77 601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas. The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

CERTIFICATE OF SERVICE

On this 3rd day of March 2021, I hereby certify that the foregoing Findings and Order in the Matter of the Dismissal of Application to Change the Place of Use under Water Right, File No. 25033, dated was mailed postage prepaid, first class, US mail to the following:

C & W LIMITED PARTNERSHIP PO BOX 327 LEOTI, KS 67861

With photocopies to:

BRAD WHITHAM PO BOX 327 LEOTI, KS 67861

Garden City Field Office Groundwater Management District No. 1

Division of Water Resources

KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

MEMORANDUM

TO: Files

DATE: March 2, 2021

FROM: Michael A. Meyer

Water Commissioner

RE: Water Right,

File Nos. 664, 6815, 7959, 8799,

22279, 25033

On February 16, 2021, Brad Whitham with C & W Limited Partnership, filed six applications proposing a change in place of use to have a complete overlap in place of use with all files and authorized wells. Mr. Whitham changed his mind to overlap the place of use with another landowner.

The owner has requested the change applications be dismissed. This will allow only his land to remain completely overlapped in place of use and not be joined with another landowner.

Based on the above discussion, it is recommended that the applications to change the place of use filed on February 16, 2021, be dismissed by a Findings and Order.

Michael A. Meyer

Water Commissioner

Meyer, Mike [KDA]

From:

Meyer, Mike [KDA]

Sent:

Monday, March 1, 2021 11:05 AM

To:

bcwhitham@gmail.com

Subject:

water right form to complete

Attachments:

20210301105235917.pdf

Importance:

High

Brad,

please see the attached form if you can sign and return. this is a request to dismiss the applications filed on section 10, 11, 14 and 22. recall our conversation that sections 10,11, and 14 are already tied together and it is your request not to include section 22 at this time. please sign and return so we can dismiss this applications.

let me know if you get this email

thank you

Michael A. Meyer, PG Kansas Department of Agriculture Division of Water Resources Garden City Field Office 4532 W Jones Ave, Suite B Garden City KS 67846 Lat 37.98820, Lon -100.944470 (620)-276-2901 mike.meyer@ks.gov

VOLUNTARY DISMISSAL OF AN APPLICATION FOR CHANGE

То:	Chief Engineer Kansas Department of Agriculture Division of Water Resources 1320 Research Park Drive Manhattan, Kansas 66502	\	Appropriation of Water Vater Right Vested Right Ferm Permit	8799, 22279,
	Application to Change: Place of Use	☐Point of Diversion	☐Use Made of Water	25033
	Application filed with DWR on:	2/16/2021 Date	anne de la companya d	
voluntarily	signed owner(s) and/or authorized agent(s) request that the application for change de my understanding and agreement that I ame.	scribed above be dism	ilssed. By signing this w	alver, i am
The signal (attach du	ture(s) below represent all present owners plicate copies of this document as necessal	(or an authorized ager ry).	it) for the file number sh	own above
regarding	ture(s) below also indicate(s) a walver of at the dismissal of the application for change to the Division of Water Resources, it will	e described above. IA	we recognize that if this	request is
Check the	following if applicable:			
☐ Proces	sing dismissal is contingent upon approval	of:		The state of the s
-	3.1/1/3/1	New or Chang	ge Application, etc., include Fi	le No.
B	Signate of Owner or Authorized Agent	Signature of Sp	couse or Tille of Authorized Agent	STATE CONTINUES AND ADMINISTRATION
De	Friot Name	Employanesses were acceptable and acceptable and acceptable and acceptable ac	Print Name	country on minimum Ed." In
PO.	Box 327 Address	A construction of the companies of the construction of the constru	Address	powers group in the 20th Statement
Le	di KS 67861	and the second control of the second of the	City, State, Zip	NAME OF THE PROPERTY OF THE PR
	City, State, Zip	and the same	ong, otato, ap	
	Date: 3 - /	-2/		

MM/GCFO
DWR Initials

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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3. F	о вох	327, LI	EOTI, I	KS 67	861														
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11	16	38	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	33	633
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APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. 25033 MAKE ADDITIONAL COPIES AS NECESSARY

 Continued: The presently authorized place of use is: Owner of Land --- NAME: ADDRESS:

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	(DWR use only: Com	puter ID No GP	S	feet North	feet West)
	☐This point will not be	changed This point will be change	ed as follows:	No change, point better describ	ed with GPS as follows:
	Proposed point of div	version: (Complete only if change	je is requested	d or if existing point is bette	r described by GPS)
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	in	County, Kansas,	feet North	feet West of South	east corner of section.
	Proposed Rate	Proposed Quantity		Proposed well depth (feet)	
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	Presently authorized			Quarter of the	Quarte
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	of Section	, Township			
	in	County, Kansas,	feet North	feet West of South	east corner of section.
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	This point is: Addit The changes herein at (please be specific) moresources If a well, is the test hole The change(s) (was)(with ASAP If the point of diversion is	re desired for the following reason re efficient use of irrigation log attached? Yes No	s? 300 200 100	200 100 0 10 200 100 0 10	200 300 200 - + - 200 + - 100 100
	This point is: Addit The changes herein at (please be specific) moresources If a well, is the test hole The change(s) (was)(with ASAP If the point of diversion is	re desired for the following reason re efficient use of irrigation log attached? Yes No Il be) completed by?	s? 300 200 100 West 0	200 100 0 10 200 100 0 10	200 300
	This point is: Addit The changes herein at (please be specific) moresources If a well, is the test hole The change(s) (was)(with ASAP If the point of diversion is	re desired for the following reason re efficient use of irrigation log attached? Yes No Il be) completed by? is a well:	s? 300 200 100	200 100 0 10 200 100 0 10	200 300 200 + - 200 100 100
ο.	This point is: Addit The changes herein ar (please be specific) moresources If a well, is the test hole The change(s) (was)(with ASAP If the point of diversion is (a) What are you going (b) When will this be defined for a simple of the change (c) (d) When will this be defined for a simple of the change (d) (e) When will this be defined for a simple of the change (e) (e) (f) (f) (f) (f) (f) (f) (f) (f) (f) (f	re desired for the following reason re efficient use of irrigation log attached? Yes No Il be) completed by? is a well:	s? 300 200 100 West 0	200 100 North 200 100 0 10	200 300
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14. If the proposed groundwater point of diversion is 300 or fewer feet f	from the existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently aut ☐ Yes ☐ No (If no, all owners must sign this app	
 (b) Will the ownership interest of any owner of the currently authority affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this approved in the currently authority authority). 	
(c) If this application is not approved expeditiously, will there be su ☐ Yes ☐ No (If no, all owners must sign this app	
f the application proposes a surface water change in point of diversion, or a change in place of use, the application must be signed by all owner agent (attach notarized statement authorizing representation).	
hereby verify, being first duly sworn upon my oath or affir age and the owner, the spouse of the owner, or a duly autho heir behalf, in regards to the water right(s) to which this ap	orized agent of the owner(s) to make this application opplication pertains. I further verify that the statemen
contained in this application are true, correct and complete.	oth
Dated at, Kansas, this	s 8th day of Jelemany, 20 21
	0
Droll Ghill	
(Owner)	(Spouse)
Bradlex C. Whither	
(Please Print)	(Please Print)
	Bert Bar - Cor Bargo
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
County of SS I hereby certify that the foregoing application was signed in r	my presence and sworn to before me this 8^h day of
THE INFO	
JULIE JONES My Appointment Expires	Notary Rublic
My Commission Expires December 15, 2022	/ Houry/Jubilo
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, a	all of the applicable portions of the application form must be completed to
accurate information; maps, if necessary, must be included; signatures of all the	
the appropriate fee must be paid.	
FEE SCHED	
Each application to change the place of use or the point of diversion und	
forth in the schedule below: Make checks payable to: Kansas Departr (1) Application to change a point of diversion 300 feet or less.	
(2) Application to change a point of diversion more than 300 fe	et
(3) Application to change the place of use	\$200

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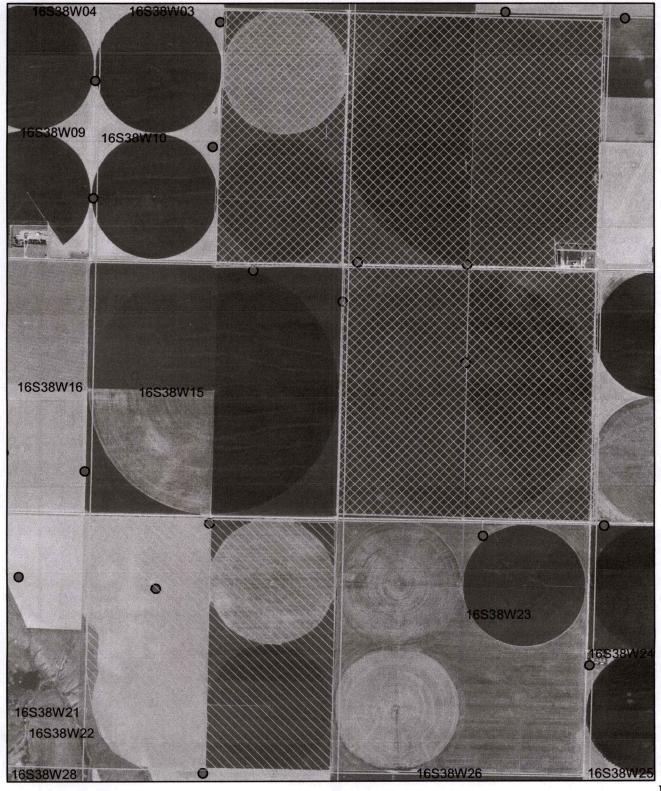
File No.

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

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

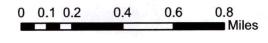
pro Wit	s Summary Order is issued under authority of K.S.A. 82a-70 visions of the <i>Kansas Water Appropriation Law, K.S.A.</i> 82a-th the exception of those conditions expressly contained her a limitations of File No. 25033	701 et. seq., and rules and regulation	ns promulgated thereunder,			
1.	A change application was received on diversion authorized under the above-referenced file numbers.	requesting that the p	lace of use and / or point of oplication.			
2.	On and after the effective date of this summary order, the a on the topographic map accompanying the application to	uthorized place(s) of use shall be loc change the place of use. Applicable	ated substantially as shown le			
3.	The change in point of diversion shall not impair existing right previously authorized. The point of diversion authorized tradius of the authorized point(s) of diversion. Applicable	by this summary order shall be located	ource or sources of water as d within afoot			
4.	The point(s) of diversion described herein is administrative Positioning System (GPS), as described in the application	ely corrected to be more accurately . Applicable Not Applicable	described using the Global			
5.	The point(s) of diversion authorized herein shall not actually authorized point(s) of diversion. Applicable N	be located more thanot Applicable	feet from the previously			
6.	As required by K.A.R. 5-3-5d, if the works for diversion is a tube or other device suitable for making water level accordance with K.A.R. 5-6-13. Applicable N	measurements shall be installed, or	llons per minute or more, a perated and maintained in			
7.	The owner of the authorized place(s) of use shall proper December 31, 20, or before the first use of water, operated and maintained in accordance with K.A.R. 5-1- and K.A.R. 5-3-5e, the owner shall maintain records and water diverted annually to the Chief Engineer by March 1 Applicable Not Applicable	whichever occurs first. The water flow through 5-1-12. As required by K. steport the reading of the water flow me	ow meter shall be installed, S.A. 82a-732, as amended, eter and the total quantity of			
8.	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 prov Applicable Not Applicable	completed on or before December applicant shall notify the Chief Engin ided by the Chief Engineer, as require	r 31, 20 , or within any eer that construction of the d by K.A.R. 5-8-4e.			
9.	The completed well log shall be submitted with the requ	ired notice.	Not Applicable			
10.	All diversion works into which any type of chemical or other with an in-line, automatic, quick-closing check valve capa check valve(s) shall be installed, operated and maintain Applicable	ble of preventing pollution of the sour	ce of the water supply. The			
11.	Additional Conditions are attached. Yes No					
12.	In accordance with K.S.A. 82a-708a, as amended, and K.A water appropriated under the above-referenced file number limitations, as amended and/or supplemented by this Sun Appropriation Law and the Rules and Regulations promuresult in civil penalties pursuant to K.S.A. 82a-737, as an water or appropriation right or any other enforcement actions.	per are responsible for compliance win nmary Order, and with applicable proving the comply algated thereunder. Failure to comply the comply alended, and/or the suspension or revo	th its terms, conditions and visions of the Kansas Water with these provisions may			
	Administrative Appeal and Effective Date of Order					
you Eng Agr filed adn day revi File Leg 665	ou are aggrieved by this order, pursuant to K.S.A. 82a-1901, may request an evidentiary hearing before the Chief gineer or request administrative review by the Secretary of iculture. A request for hearing by the Chief Engineer must be divithin 15 days of service of this Order and a request for ninistrative review by the Secretary must be filed within 30 repursuant to K.S.A. 77-531. Any request for administrative few must state a basis for review pursuant to K.S.A. 77-527. Fany request with Kansas Department of Agriculture, and Division, 1320 Research Park Drive, Manhattan, KS 602. Failure to timely request a hearing or review may clude review under the Kansas Judicial Review Act.	By: Duly Authorized Designee of the Chief Engineer (Print Name): Division of Water Resources - Kansas Department of Agriculture Date of Issuance:				
	For Use by Register of Deeds	State of Kansas)) SS			
		County of)			
		Acknowledged before me on				
		by	•			
		Signature:Not	ary Public			
DW	R 1-121 (Revised 04/5/2018) Pag	e 4	File No.			

Change in Place of Use for Water Right 25033





Authorized place of use





Proposed place of use

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

R. C. M.			
X			