## Kansas Department of Agriculture Division of Water Resources

CHANGE: P/U WORKSHEET

1. File Number: <b>6815</b>	2. Status Change Date: 3 - 3 - 202	3. Change Num:	4. Field Office: <b>04</b>	5. GMD:
6. Status: Approved D	enied by DWR/GMD 🛛 <b>Dis</b> i		igned 3-1-2021 eived 3-1-2021	7. Filing Date of Change: <b>2/26/2021</b>
8a. Applicant(s) New to system □	Person ID 50587 Add Seq#	8c. Landov New to	vner(s) system ☐	Person IDAdd Seq#
C & W LIMITED PARTN PO BOX 327 LEOTI, KS 67861	IERSHIP			
8b. Landowner(s)  New to system □	Person ID Add Seq#		system 🗌	Person ID 65501 Add Seq#
		РО В	O WHITHAM OX 327 TI, KS 67861	
9. Documents and Enclosure(s):	DWR Meter(s) Date to Comp	lv:	□ N & P Date to	Comply:
☐ Anti-Reverse Meter ☐ Mete		□ N & P Form	☐ Water Tube ☐ □	Oriller Copy
10. Use Made of Water From:		To: _		
NO INFO ON BACK			Date Prepared: <b>3/3/2</b> ′ Date Entered:	<b>1</b> 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 RESOURCES Earl 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. 6815

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 January 11, 1984, the Chief Engineer, in accordance with K.S.A. 82a-714, issued a Certificate of Appropriation pursuant to Water Right, File No. 6815, 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. 6815 received on March 1, 2021, described in Finding No. 2 above be dismissed.

#### <u>ORDER</u>

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. 6815, shall be dismissed and its priority forfeited.

In all other respects, the Certificate of Appropriation for Beneficial Use of Water, issued pursuant to irrigation use under Water Right, File No. 6815, dated January 11, 1984, remains as authorized.

Ordered this 3d 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 <sup>3</sup> 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 3 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. 6815, dated March 3,2021 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	\	oppropriation of Water Vater Right Vested Right Ferm Permit 1664, 6815, 7959	
	Application to Change: Place of Use	☐Point of Diversion	☐Use Made of Water	25033
	Application filed with DWR on:	2/16/2021 Date	Sanue	
oluntarily	rsigned owner(s) and/or authorized agent(s r request that the application for change de my understanding and agreement that I am a.	escribed above be dism	issed. By signing this w	raiver, i am
	ture(s) below represent all present owners plicate copies of this document as necessa		t) for the file number sh	own above
egarding	ture(s) below also indicate(s) a waiver of a 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
heck the	following if applicable:			
7 Proces	ssing dismissal is contingent upon approval	of:		
1	3.1/1/2/ill	New or Chang	ge Application, etc., include F	lle No.
B.	Signature of Owner or Authorized Agent	Signature of Sp	rouse or Title of Authorized Agen	appropriate and to the contraction
Do	Frint Name	1 September 200 de la companya del companya de la companya del companya de la companya del la companya de la co	Print Name	STATE STATE OF THE
Le	di KS 67861	Section (Company of the Company of t	Address	page 1974 - 107 157 1974 - 1.
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	Date: 3 - 1	1-2/		

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.

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						⊠ P	lace of	f Use			Point	of Dive	ersion			D	ivisio	n of Wa	ater Resour
uı	nder the	e water	right w	hich is	s the s	ubject	of this	applic	ation i	n acco	rdance	with t	the cor	ndition	s desc	ribed b	elow.		
Т	he sour	e water right which is the subject of this applicance of supply is:			☐ Surface water														
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		umber:					١		Email	addres	ss: bc	whitha	m@gr	nail.co	m				
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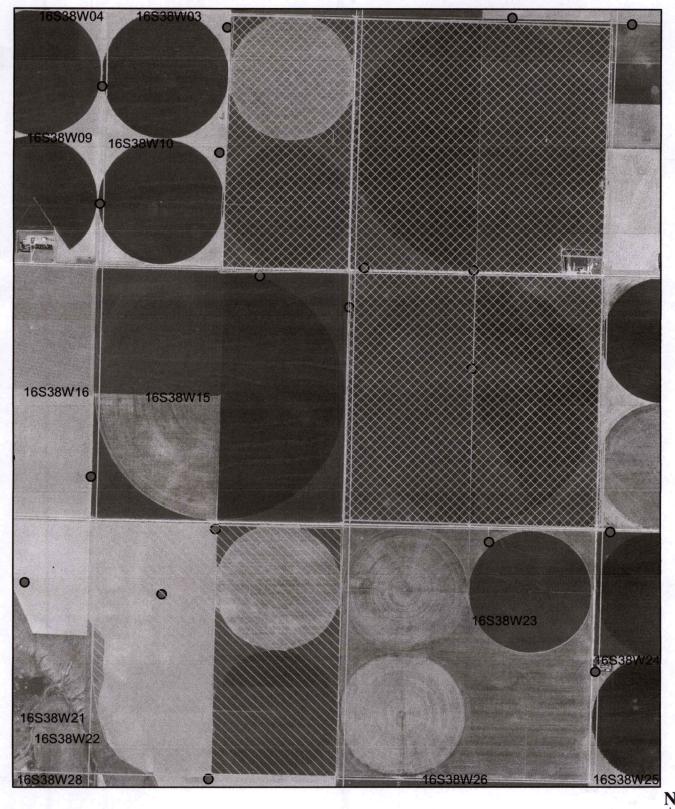
5.	Presently authorized point of diversion:		
٠.	One in the Quarter of the	Quarter of theQ	Quarte
	of Section, Township	South, Range	(E/W
	in County, Kansas, fe	eet North feet West of Southeast corner of sec	ction.
	Authorized Rate Authorized Quantity	Depth of well (feet)	
	(DWR use only: Computer ID No GPS	feet North feet West)	
	☐This point will not be changed ☐This point will be changed as		llows
	Proposed point of diversion: (Complete only if change is	s requested or if existing point is better described by G	GPS)
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	of Section, Township	South, Range	(E/W
	in County, Kansas, fe	eet North feet West of Southeast corner of sec	ction
	Proposed Rate Proposed Quantity	Proposed well depth (feet)	
	This point is: Additional Well Geo Center List other	r water rights that will use this point	-
	Presently authorized point of diversion:		
i.	One in the Quarter of the	Quarter of the	Juart
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	in County, Kansas, fe	eet North feet West of Southeast corner of sec	ction
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	This point will not be changed This point will be changed as		lows:
	Proposed point of diversion: (Complete only if change is		
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	(please be specific) more efficient use of irrigation resources	300 200 100 0 100 200 300	)
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	If a well, is the test hole log attached?	$200 \left[ + + + + + \frac{1}{2} + + + + + \frac{1}{2} \right]$	200
).	The change(s) (was)(will be) completed by?		
	ASAP	100 =   +   +   =   +   +   = 10	100
4			
0.	If the point of diversion is a well:		
	(a) What are you going to do with the old well?	West 0 Hilling in the last of	) East
		100 + + + + + + + + + + + + + + + + + +	100
	(b) When will this be done?		
1.	Groundwater Management District recommendation attached? Yes No	200	200
0	Assisted by set/CCFO	<u> </u>	
2.	Assisted by mf/GCFO	300 200 100 0 100 200 300 South Scale: 1 hashmark=10 ft	)
3a	If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines	13b.If the proposed point of diversion will be relocated with feet of the existing point of diversion, indicate its location diagram shown above in relation to the existing producersion. (PLEASE NOTE: The "X" in center of diagram shown above represents the presently authorized positiversion.)	on on point diag
14/	R 1-121 (Revised 04/5/2018)	ge 2 File No.	

ion is 300 or fewer feet from the	existing point of diversion, complete the	following:
		n?
as requested?		n be adversely
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wner, or a duly authorized a ht(s) to which this applicati	gent of the owner(s) to make this a on pertains. I further verify that t	application of
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S ation was signed in my pres	ence and sworn to before me this	8th day of
JULIE JONES Appointment Expires ecember 15, 2022	Notary Public	*
ESSED. To be complete, all of the a luded; signatures of all the appropria	pplicable portions of the application form must the owners' must be affixed to the application a	t be completed wit and notarized; and
ble to: <b>Kansas Department of</b> Persion 300 feet or less ersion more than 300 feet	Agriculture	\$100 \$200
Page 3	File I	No.
	princers of the currently authorized planers must sign this application.)  per of the currently authorized planes requested?  where must sign this application.  ditiously, will there be substantial where must sign this application.  Inge in point of diversion, a ground to be signed by all owners of the expresentation).  Poon my oath or affirmation where, or a duly authorized and the expression of the expr	winers must sign this application.) ditiously, will there be substantial damage to property, public health or saturers must sign this application.)  age in point of diversion, a groundwater change in point of diversion great at the signed by all owners of the currently authorized place of use, or their presentation).  Appendix my authorized agent of the owner(s) to make this interest and complete.  When this application pertains. I further verify that the third this application pertains. I further verify that the third thing the t

#### SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

pro Wit	visions of the Kansas Water Appropriation Law, K.S.A. 82a-	08b, as amended, and K.A.R. 5-5-1, et seq. and other applicable -701 et. seq., and rules and regulations promulgated thereunder, rein, this Summary Order does not change the terms, conditions
1.	A change application was received on diversion authorized under the above-referenced file num	requesting that the place of use and / or point of ber be changed as described in the application.
2.	On and after the effective date of this summary order, the a on the topographic map accompanying the application to	authorized place(s) of use shall be located substantially as shown change the place of use.   Applicable Not Applicable
3.	The change in point of diversion shall not impair existing rigl previously authorized. The point of diversion authorized laradius of the authorized point(s) of diversion.	hts and shall be limited to the same source or sources of water as by this summary order shall be located within a foot ble Not Applicable
4.	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 Global n.   Applicable Not Applicable
5.	The point(s) of diversion authorized herein shall not actually authorized point(s) of diversion.  Applicable N	be located more than feet from the previously lot Applicable
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	a well with a diversion rate of 100 gallons per minute or more, a measurements shall be installed, operated and maintained in Not Applicable
7.	December 31, 20, or before the first use of water, operated and maintained in accordance with K.A.R. 5-1-	operly install an acceptable water flow meter on or before whichever occurs first. The water flow meter shall be installed, 4 through 5-1-12. As required by K.S.A. 82a-732, as amended, report the reading of the water flow meter and the total quantity of following the end of each calendar year.
8.	authorized extension of time. By March 1, 20 the	e completed on or before December 31, 20, or within any applicant shall notify the Chief Engineer that construction of the rided by the Chief Engineer, as required by K.A.R. 5-8-4e.
9.	The completed well log shall be submitted with the requ	ired notice.
10.	with an in-line, automatic, quick-closing check valve capa	foreign substance will be injected into the water shall be equipped able of preventing pollution of the source of the water supply. The ined in accordance with K.A.R. 5-3-5c. Applicable Not
11.	Additional Conditions are attached.  Yes No	
12.	water appropriated under the above-referenced file number limitations, as amended and/or supplemented by this Sun Appropriation Law and the Rules and Regulations promu	A.R. 5-5-14, all of the owners of the authorized place(s) of use of ber are responsible for compliance with its terms, conditions and mmary Order, and with applicable provisions of the <i>Kansas Water</i> ulgated thereunder. Failure to comply with these provisions may nended, and/or the suspension or revocation and dismissal of the ons authorized by law.
	Administrative Appeal and Effective Date of Order	
you Eng Agr filed adn	ou are aggrieved by this order, pursuant to K.S.A. 82a-1901, a 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 d within 15 days of service of this Order and a request for ninistrative review by the Secretary must be filed within 30 ys pursuant to K.S.A. 77-531. Any request for administrative	FOR OFFICE USE ONLY  APPLICATION APPROVED AND  SUMMARY ORDER ISSUED  By:  Duly Authorized Designee of the Chief Engineer
revi	iew must state a basis for review pursuant to K.S.A. 77-527.	(Print Name):
Leg	gal Division, 1320 Research Park Drive, Manhattan, KS 02. Failure to timely request a hearing or review may	Division of Water Resources - Kansas Department of Agriculture
	clude review under the Kansas Judicial Review Act.	Date of Issuance:
	For Use by Register of Deeds	State of Kansas ) ) SS
		County of)
		Acknowledged before me on
		by
		Signature:
		Notary Public

### Change in Place of Use for Water Right 6815





Authorized place of use

0 0.1 0.2 0.4 0.6 0.8 Miles S



Proposed place of use

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

X\_\_\_\_\_