Kansas Department of Agriculture Division of Water Resources

CHANGE: P/U WORKSHEET

1. File Number: 3556	2. Status Change Date:	3. Change Num:	4. Field Office:	5. GMD:
3556		C2	4	
6. Status: ☐ Approved ☐ Deni	ed by DWR/GMD	Dismiss by Reques	t/Failure to Return 7	. Filing Date of Change:
				2/3/2023
8a. Applicant(s) New to system □	Person ID 40620 Add Seq#	8c. Landowne		Person ID
TERRY & DEBBIE PENK PO BOX 201 DIGHTON, KS 67839-201				
8b. Landowner(s) New to system VICTOR E & ELEANOR F Attn: WILLIAM PENKA T 201 N RURAL EAGLE RE HEALY, KS 67850	RUSTEE	8d. WUC New to sy.	stem □	Person IDAdd Seq#
9. Documents and Enclosure(s): 🛛 DV	VR Meter(s) Date to Compl	y: 12/31/2023	N & P Date to C	omply: 3/1/2024
☐ Anti-Reverse Meter ☐ Meter	Seal	⊠ N & P Form	☑ Water Tube ☐ Dril	ler Copy
☐ Conservation Plan Date Require	ed: Da	te Approved:	Date to C	Comply:
10. Use Made of Water From:		To: _		
			Date Prepared: 2/6/202 Date Entered:	By: AM By:

File No.	3556		11. County:	LE	Ва	sin: W	ALNU	T CRE	EK			St	tream:	5 2						Fo	rmation Co	ode: 211	Special Use:	
12. Poi CHK MOD	nts of Dive	ersion															and Qu	uantity zed		A	dditional			
DEL ENT	PDIV	Qualifier	S	Т	R	ID	*	N	ʻW		Com	ment	(AKA I	Line)		Rate		Quantit af	у	Rate		antity af	Overlap PD Files	
СНК	43126																			L				
13. Stor	age: Rate			IF.	Quai	ntity _					ac/ft	Ad	ddition	al Rat	e				NF	Addi	tional Qua	ntity		_ ac/ft
																							1 1	
Limi	tation:		af/yr a	t			9	gpm (_				cfs) wh	nen co	mbine	ed with	file no	umber	(s)						
15. 5YR	Allocation	: Allocation	Туре	Sta	rt Yea	r	_	5 YR	Amou	nt		Amo	unt U	nit	_	Base	Acres		_ Co	omment .				
16. Pla	ace of Use			NE1/4			NW1/4				SW¹/4			SE1/4			Total	Owner	Chg?	Overlap Files				
MOD DEL ENT	PUSE	STR	ID	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE ¼	NW 1/4	SW 1/4	SE 1/4	NE 1⁄4	NW 1/4	SW 1/4	SE ¼	NE ¼	NW 1/4	SW 1/4	SE 1/4					
CHK 1	2813	25 17830)W 1					30.2	30.2	30.2	30.2									120.8	8b	N	15983	
MOD 1	7595	23 17530)W 1	15.3	15.3	32	32									38.4	38.4	12	12	195.4	8b	N	15983	
CHK 5	8870	26 17530)W 1	30.2	30.2	30.2	30.2													120.8	8b	N	15983	
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									, 1															
Base Ad		Year:	M	inimum	Reas	onable	Quan	tity:																

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

February 6, 2023

VICTOR E & ELEANOR PENKA TRUSTS Attn: WILLIAM PENKA TRUSTEE 201 N RURAL EAGLE RD HEALY, KS 67850

RE:

Filed Office Application for Change Water Right, File Nos. 3556 & 15983

Dear Sir or Madam:

Enclosed is the order 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. **Note:** this approval does not allow any single point of diversion to exceed its annual authorized quantity.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval 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 meter as soon as these actions are completed.

Since the order modifies the original document 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,

Austin J. McColloch

Assistant Water Commissioner

AM: enclosures

pc: GROUNDWATER MANAGEMENT DISTRICT NO. 1

CERTIFICATE OF SERVICE

On this 6th day of February, 2023, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Water Right, File Nos. 3,556 and 15,983 dated 6th day of February, 2023 was mailed postage prepaid, first class, US mail to the following:

VICTOR E & ELEANOR PENKA TRUSTS Attn: WILLIAM PENKA TRUSTEE 201 N RURAL EAGLE RD HEALY, KS 67850

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.

tha		t, or if pl	lace of	use w															ion is greater osed point(s)
																	R	ECE	EIVED
																			5 pm
						ŀ	File No	3	556								F	EB 0	3 2023
1.	. Application is hereby made for approval of the Chief Engineer to change the (check one or both): Garden City Field Office											Field Office							
										ater Resource									
	under the water right which is the subject of this application in accordance with the conditions described below.																		
	The sou	rce of s	upply i	s:		\boxtimes G	Ground	water			Surfac	ce wate	er						
2.	Name a						& DEE	BBIE P	PENKA										
	PO BOX					9						DDAI	D 0 0 T						
	Phone N		-				—					BRAL	D@ST	-IEL.	NEI				
	Name a			Water	Use C	orresp	onden	t: <u>SAM</u>	ME AS	ABO\	/E								
	SAME A																		
	Phone N								Email	addres	ss:								
3.	The pres	,																	
	Owner o																		
			ADDR																
	(If there is	s more th	nan one	landov	wner, at	tach su	ippleme	ental sh	eets as	neces	sary.)								
				N	E1/4			NV	V1/4			SV	V1/4			SE	=1/4		TOTAL
Se	ec. Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE¼	NE1/4	NW¼	SW1/4	SE1/4	ACRES
2	5 17	30					30.20	30.20	30.20	30.20									120.80
2	3 17	30	6.60	6.60	34.50	21.30									30.50	34.90	30.50	30.50	195.40
2	6 17	30	30.20	30.20	30.20	30.20													120.80
4.	If this ap	of Land		AME:	VICTO)R E &	ELEA	NOR I	PENKA	A TRU	STS	ace of	use be	e chan	ged to	:			
	(If there is																		

	N	E1/4			NW1/4				SV	V1/4		SE1/4				TOTAL
NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	ACRES
				30.20	30.20	30.20	30.20									120.80
15.3	15.3	32	32									38.40	38.40	12	12	195.4
30.20	30.20	30.20	30.20													120.80
	15.3	NE¼ NW¼ 15.3 15.3	15.3 15.3 32	NE½ NW¼ SW¼ SE½ 15.3 15.3 32 32	NE¼ NW¼ SW¼ SE¼ NE¼ 30.20	NE¼ NW¼ SW¼ SE¼ NE¼ NW¼ 30.20 30.20 15.3 15.3 32 32	NE¼ NW¼ SW¼ SE¼ NE¼ NW¼ SW¼ 30.20 30.20 30.20 15.3 15.3 32 32	NE¼ NW¼ SW¼ SE¼ NE¼ NW¼ SW¼ SE½ 30.20 30.20 30.20 30.20 15.3 15.3 32 32	NE½ NW¾ SW¼ SE½ NE½ NW¼ SW¾ SE½ NE½ 30.20 30.20 30.20 30.20 15.3 15.3 32 32	NE¼ NW¼ SW¼ SE¼ NE¾ NW¼ SW¼ SE⅓ NE¼ NW¼ SW¼ SE⅓ NE¼ NW¼ SU¾ SE⅓ NE⅓ NW¼ SU¾ SU¾ SE⅓ NE⅓ NE⅓ NW¼ SU¾ SU¾ SE⅓ NE⅓ NW¼ SU¾ SU¾ SE⅓ NE⅓ NW¼ SU¾ SU¾ NW¼ SU¾ SU¾ NW¼ SU¾ NW¼ SU¾ SU¾ NW¼ SU¾ NW	NE¼ NW¼ SW¼ SE¼ NE½ NW¼ SW¼ SE¼ NE¼ NW¼ SW¼ SE¼ NE¼ NW¼ SW¼ SW¼ SE¼ NE¾ NW¼ SW¼ SW¼ SE¾ NE¾ NW¼ SW¼ SE¾ NE¾ NW¼ SW¼ SW¼ SE¾ NW¼ SW¼ SW¼ SW¼ SE¾ NW¼ SW¼ SW¼ SW¼ SW¼ SE¾ NW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SW¼ S	NE¼ NW¼ SW¼ SE¼ NE¾ NW¼ SW¼ SE¼ NE¾ NW¼ SW¼ SE⅓ NW¼ SE⅓ NW NW¼ SW¼ SE⅓ NW NW¼ SW¼ SE⅓ NW NW¼ SW¼ SE⅓ NW NW¼ SW¼ SE⅓ NW NW¼ SW NW	NE¼ NW¼ SW¼ SE¼ NE¼ NW¼ SW¼ SE¼ NE¼ NW¼ SW¼ SE¼ NE¼ NW¼ SW¼ SE¼ NE½ NE¼ NW¼ SW¼ SE¼ NE½ NE¼ NW¼ SW¼ SE¼ NE¼ NE¾ NW¼ SW¼ SE¾ NE¾ NW¼ SW¼ SE¾ NE¾ NE¾ NW¼ SW¼ SE¾ NE¾ NE¾ NW¼ SW¼ SE¾ NE¾ NW¼ SW¼ SE¾ NE¾ NE¾ NW¾ NW¼ SW¼ SE¾ NE¾ NW¼ SW¼ SE¾ NE¾ NW¾ NW¾ NW¾ NW¼ SW¼ SE¾ NE¾ NW¾ NW¾ NW¾ NW¾ NW¾ NW¾ NW¾ NW¾ NW¾ NW	NE¼ NW¼ SW¼ SE¼ NE¼ NW¼ SW¼ SE¼ NE¼ NW¼ SW¼ SE¼ NE¼ NW¼ SW¼ SE¾ NE¾ NW¼ SW¼ SE¾ NW¼ SE¾ NW¼ SW¼ SE¾ NW¼ SE¾ NW¼ SW¼ SE¾ NW¼ SW¼ SE¾ NW¼ SE¾ NW¼ SE¾ NW¼ SW¼ SE¾ NW¼ SE¾ NW¼ SW¼ SE¾ NW¼ SW¼ SE¾ NW¼ SW¼ SW¼ SW¼ SE¾ NW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SW¼ S	NE¼ NW¼ SW¼ SE¼ NE¼ NW¼ SW¼ SE½ NE½ NE¾ NW¾ SW¼ SE¾ NE¾ NW¾ SW¾ SE¾ NW¾ SE¾ NW¾ SE¾ NW¾ SE¾ NW¾ SE¾ NW¾ SE¾ NW¾ SW¾ SE¾ NW¾ SW¾ SE¾ NW¾ SW¾ SE¾ NW¾ SE	NE¼ NW¼ SW¼ SE¼ NE½ NW¼ SW¼ SE½ NE½ NE¼ NW¼ SW¼ SE¾ NE¾ NE¾ NW¾ SW¾ SE¾ NE¾ NW¾ SW¾ SE¾ NE¾ NE¾ NW¾ NW¾ SW¾ NE¾ NW¾ NW¾ NW¾ NW¾ NW¾ NW¾ NW¾ NW¾ NW¾ NW

For Office Use Only: Code	Fee \$ 200.00 TR #	Receipt Date $2-3-23$	Check # 3482	
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5.	Presently authorized point of divers	sion:				
	One in the	Quarter of the		Quarter of the	C)uarter
	of Section	, Township		South, Range		W,
	in County, h					
	Authorized Rate Au					
	(DWR use only: Computer ID No. 1					
	☐This point will not be changed ☐This					lows:
	Proposed point of diversion: (Com					
	One in the					
	of Section					
	in County, I					
	Proposed Rate Pr					
	This point is: Additional Well	•				
a [Presently authorized point of divers	sion:				
٠.	One in the			Quarter of the	C)uarter
	of Section					
	in County, H					
	Authorized Rate Au					
	(DWR use only: Computer ID No	GPS		feet North	feet West)	
	☐This point will not be changed ☐This					ows:
	Proposed point of diversion: (Com					
	One in the					
	of Section					
	in County, I					
	Proposed Rate Pr					
	This point is: Additional Well					
L	This point is. Additional Well	OCO OCITICI LIST OTITCI	water rigi	ito triat will add triio point		
7.	The changes herein are desired for the	ne following reasons?				
	(please be specific)			North		
			300	200 100 <u>0</u>	100 200 300)
			E	<u> </u>		
8.	If a well, is the test hole log attached?	X Yes □ No	E	-141+1=		
			200	-1/+ + =	1+1+1=	200
9.	The change(s) (was)(will be) completed	by?	=	·/ =	\=	
			100	/ı + ı + ı =	1 + 1 + 1 + 1 + 1	.00
			1			
10.	If the point of diversion is a well:		F			
	(a) What are you going to do with the o	old well?	West 0	edanjanjanjanjan		East
			#	. – – 🚆		
			100	+1 + 1 + 1 =	+ + + + 1	.00
	(b) When will this be done?		- E	/, , , , , , ,		
			E			
11.	Groundwater Management District recor	mmendation attached?	200	-14 1 + 1 =	+ +/ =	200
	☐ Yes ☐ No		E.		_ /_]	
10	Assisted by IC/CCTO		E			
12.	Assisted by JG/GCFO		300		100 200 300 Scale: 1 hashmark=10 ft)

13a. 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 13b. If the proposed point of diversion will be relocated within a 300 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

foot radius of the existing point of diversion, indicate its location 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.)

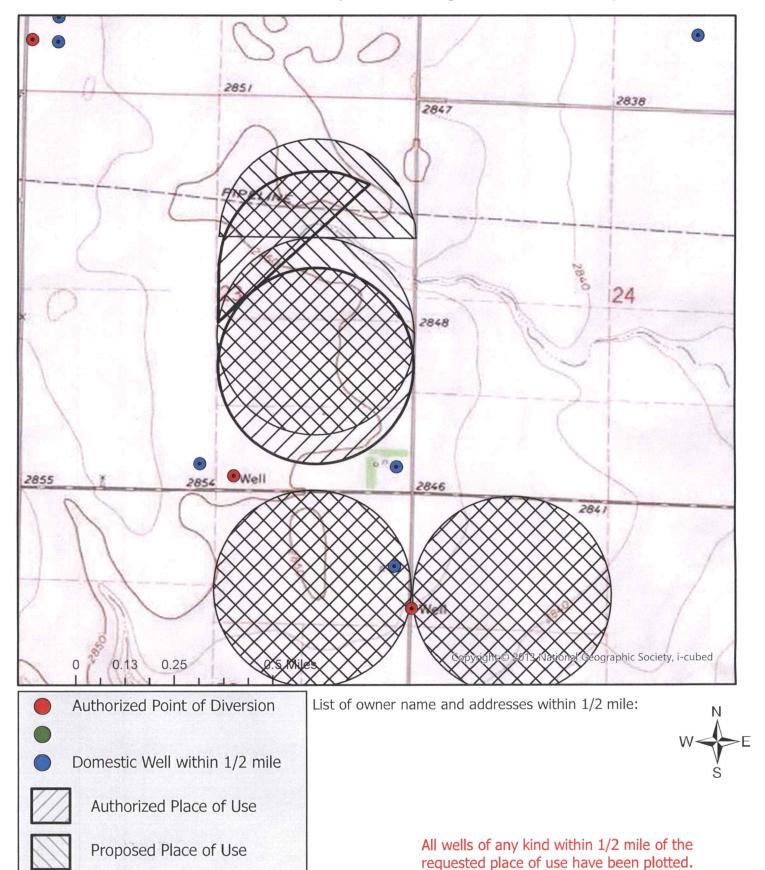
14. If the proposed groundwater point of diversion is 300 or fewer feet from	m the existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently author ☐ Yes ☐ No (If no, all owners must sign this application)	
 (b) Will the ownership interest of any owner of the currently author affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this application) 	
(c) If this application is not approved expeditiously, will there be sublined Yes ☐ No (If no, all owners must sign this application)	
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).	groundwater change in point of diversion greater than 300 feet, of the currently authorized place of use, or their duly authorized
I hereby verify, being first duly sworn upon my oath or affirmage and the owner, the spouse of the owner, or a duly authori their behalf, in regards to the water right(s) to which this approportained in this application are true, correct and complete.	zed agent of the owner(s) to make this application on lication pertains. I further verify that the statements
Dated at Scott City, Kansas, this	JAN. 31 day of January , 20 23.
Dated at SCOH CITY, Kansas, this	
(Owner)	(Spouse)
(Please Print) William W Penka TTEE (Owner) William W PENKA TTEE	(Please Print)
(Owner) William W PENKA TIEF	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas) SS	
County of Scotl	_
I hereby certify that the foregoing application was signed in n of, 20_3	ny presence and sworn to before me this 31 day
My Commission Expires Toni Palen Notary Public	Notary Public
STATE OF KANSAS	
ONLY COMPLETE APPLICATIONS W.L. B. TROCESSED. accurate information; maps, if necessary, must be included; signature of the apthe appropriate fee must be paid.	of the applicable portions of the application form must be completed with propriate owners' must be affixed to the application and notarized; and
FEE SCHEDU	<u>LE</u>
Each application to change the place of use or the point of diversion unde forth in the schedule below: Make checks payable to: Kansas Departme (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use	ent of Agriculture \$100 \$200
Wy Appointment Expin	

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

pro Wit	s 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 visions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, he the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and tations of File No
1.	A change application was received on
2.	On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3.	The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a foot radius of the authorized point(s) of diversion. Applicable
4.	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 ☒ Not Applicable
5.	The point(s) of diversion authorized herein shall not actually be located more than feet from the previously authorized point(s) of diversion. Applicable Not Applicable
6.	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
7.	The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20 3, 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. Applicable
8.	Installation of the works for diversion of water shall be completed on or before December 31, 20 → or within any 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
9.	The completed well log shall be submitted with the required notice.
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 <i>Kansas Water Appropriation Law</i> and the <i>Rules and Regulations</i> 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.
2	Administrative Appeal and Effective Date of Order FOR OFFICE USE ONLY
If yo	bu are aggrieved by this order, pursuant to K.S.A. 82a-1901,
you	may request an evidentiary hearing before the Chief spineer or request administrative review by the Secretary of
Agr	iculture. A request for hearing by the Chief Engineer must be By:
adn	d within 15 days of service of this Order and a request for Duly Authorized Designee of the Chief Engineer ninistrative review by the Secretary must be filed within 30.
	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.
File	any request with Kansas Department of Agriculture pal Division, 1320 Research Park Drive, Manhattan, KS
665	02. Failure to timely request a hearing or review may
pre	For Loo by Paginter of Doods) SS
	County of
	by Austin McCalloch.
	Signature:
	O Stery Public
	My commission expires: My Appointment Expires My Appointment Expires

CHANGE IN PLACE OF USE WATER RIGHT, FILE NO. 3556

SE 1/4 of Section 23 Township 17 South Range 30 West Lane County



Date JG/GCFO 1:24,000 Scale

(Signature)

Date