

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: PD WORKSHEET

Document Signature DWB

1. File Number: 11637	2. Status Change Date: 8/29/2016	3. Change Num: C3	4. Field Office: 02	5. GMD:
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: 9/21/2015
8a. Applicant(s) New to system <input type="checkbox"/> JAMIE HOLOPIREK 222 W 6TH ST LARNED KS 67550-3023		8c. Landowner(s) New to system <input type="checkbox"/> JAMIE T & GRETCHEN C HOLOPIREK 222 W 6TH ST LARNED KS 67550-3023		
8b. Landowner(s) New to system <input type="checkbox"/> PERRY L & KARLA HOLOPIREK PO BOX 304 OTIS KS 67565 Water Right Only Owner (No Change)		8c. Landowner(s) New to system <input type="checkbox"/> IRENE M HOLOPIREK 113 N LOCUST ST TIMKEN KS 67575-7638		
8d. WUC New to system <input type="checkbox"/> 8c		8d. WUC New to system <input type="checkbox"/> 8c		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/16 <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/16				
<input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 7/8/2016 By: LI Date Entered: 8/30/2016 By: LM				

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: August 8, 2016

FROM: Leslie Ireland

RE: Water Right, File Nos. 376; 11,637 & 21,697

Jamie & Gretchen Holopirek along with Perry L. & Karla K. Holopirek, all as owners of the referenced files authorize for irrigation use filed applications on September 21, 2015, for File Nos. 11,637 & 21,697, requesting approval to change the authorized points of diversion. A request to reduce the rate under File No. 376 which serves the same place of use was submitted with the applications for change.

The subject water rights are located in an area subject K.S.A. 82a-718, and are therefore not abandoned. The rights are in compliance with K.S.A. 82a-732.

The referenced files each authorize one(1)well with a total combined quantity of 150 acre-feet, and a common place of use of use of 132 acres. The points of diversion are all located in Section 28, Township 18 South, Range 17 West, Rush County. All of the rights have been determined to be Main Stem Alluvium of the Walnut Creek in Rush County and within the Walnut Creek IGUCA.

The ownership of File No. 11,637, is unusual. A portion of this right was conveyed in 2013, and withheld from the place of use. The applications comply with K.A.R. 5-5-2a, *Complete change application*.

The applications propose to split the quantity and rates that will overlap with existing wells. No new wells will be drilled. The applications will be processed by K.A.R. 5-5-16, *Additional wells*. The owner was informed by a letter dated May 9, 2016, of the priority of the quantities and rates that will be reassigned as additional wells.

File No. 376, has is certified for 600 gallons per minute for the diversion of 30 acre-feet for only irrigation use from one(1) well. It is the most western well of the rights that serve the same 132 acres. File No. 11,637, has authorized one(1) well certified for 555 gallons per minute for the diversion of 60 acre-feet. File No. 21,697, is also authorized one(1) well that it certified for 615 gallons per minute for the diversion of 60 acre-feet. Together, they developed a total 120 maximum irrigated acres. The determination of the consumptive use calculation as required by K.A.R. 5-5-16(a)(2)(C)(i) utilizing K.A.R. 5-5-12:

$$(120 \text{ acres} \times 1.23 \text{ (80\%NIR RH Co.)}) \div 0.85 = 173.6 \text{ acre-feet}$$

Together the rights authorize a total of 150 acre-feet, so no reduction in quantity will be required for the proposed additional wells. As the proposed changes are mainly a redistribution of quantity and not due to declining rate or lost quantity, the changes appear to comply with, K.A.R. 5-5-3, *Change in consumptive use*.

As required by K.A.R. 5-5-16(a)(3)(A), the wells under File Nos. 11,637 & 21,697, were tested for their current maximum rate. On April 28, 2016, Don Mies, Stafford Field Office conducted the meter flow rate testing, that was reviewed by the Assistant Water Commissioner, Cameron Conant. The well authorize under File No. 11,637, located in the SW¼ NW¼ NE¼, approximately 4,300 feet North and 2,143 feet West of the Southeast corner of Section 28, produced a tested rate of 558 gallons per minute with a 3.34 percent error. The well authorized under File No. 21,697, located in the NE SE NW approximately 3,329 feet North and 3,246 feet West of the Southeast corner of Section 28, produced a maximum rate of 512 gallons per minute with a 0.72% error.

Authorized & Requested Assignments of Rate & Quantity

File No.	Authorized P_Id	Authorized		Proposed P_Id	Proposed		Proposed Quantity, AF per Well
		Rate	Quantity, AF		Quantity	Quantity	
11,637	ID 9	555	60	ID 9	350	34	ID 9
				ID 14	205	26	34
21,697	ID14	615	60	ID 14	400	26	ID 14
				ID 5	115	34	60
376	ID15	600	30	ID 5	300	30	ID 15 64

File No. 21,697, will have the additional limitation that ID 5, not exceed 300 gallons per minute when combined with Water Right, File No. 376.

All of the rights are located South of the Walnut Creek and are moving the requested diversions of quantity away from the creek. The submitted well driller logs for wells completed in the Northeast Quarter in 1988 and in the Southwest Quarter in 2008, both in Section 28, indicated the wells are approximately 55 to 65 feet deep, with static water levels of 23 to 31 feet. The source of supply for the points of diversion has been determined to be the Main Stem Alluvium of the Walnut Creek. The changes will not move the authorized points of diversion out of the alluvium, indicating the appropriations will remain in the same local source of supply. It appears the requested changes comply with the Walnut Creek IGUCA and K.A.R. 5-5-13, *Relocation of alluvial wells*.

It was confirmed that this existing wells and the proposed wells are located approximately 1,500 feet apart. The owner has requested a **waiver of K.A.R 5-4-4, Well spacing**, under File No. 21,697, as the proposed point of diversion authorized by File No. 376 is located only 866 feet from the well authorize for irrigation use by File No. 220, and the domestic well owned by Irene Holopirek, Perry Holopirek POA. Perry Holopirek signed a *Domestic Well Spacing Consent Form*, on September 16, 2015. The owners of File No. 220, Margaret J. & Edward J. Oborny along with 8 other nearby well owners were informed of the proposed changes. The Obornys did not comment on the applications. The only comment was a call from Francis Vondracek, the son of the late Marie E. Vondracek. He had no objections.

As justification for the flow rates and waiver, the owner submitted information completed by Lee Wheeler Engineering. The September 14, 2015 letter of Mr. Wheeler, PE, states that pumping the well authorized by File No. 376 produced less than a foot of static water level decline at the wells authorized by File Nos. 22,697 & 11,637. His letter further stated that the wells were shown to experience some recharge due to the Walnut Creek. As this area has approximately 24 feet of saturated thickness, it would appear the requested waiver of spacing will not result in impairment to the wells less that the generally recommended 1,320 feet of well to well spacing. **A waiver of part (d) of K.A.R 5-4-4**, has been prepared for File No. 21,697.

Jeff Lanterman, Water Commissioner was sent a copy of this memorandum for comments and a recommendation on the proposed changes and waiver. He indicated in an e-mail dated August 8, 2016, that he recommends approval of the changes and supports the reduction in rate under File No. 376 and waiver of K.A.R. 5-4-4.

Water flowmeters will be required according to KSA 82a-706c. A check valve will be required if chemigating. Water level measurement tubes and WWC-5 logs will not be conditions of the approvals. The owner will be required to submit notice of completion for the changes.

Based on the above discussion, that the waiver of regulation is approved, the changes appear to be reasonable as impairment to existing water rights is unlikely, and there will be no change in the local source of supply, and the requirements of the Walnut IGUCA have been met.


Leslie Ireland
Environmental Scientist
Water Appropriation Program

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

September 13, 2016

Governor Sam Brownback

JAMIE T & GRETCHEN C HOLOPIREK
222 W 6TH ST
LARNED KS 67550-3023

FILE COPY

RE: Water Right, File Nos. 376; 11,637 & 21,697

Dear Mr. & Mrs. Holopirek:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under File Nos. 11,637 and 21,697 and the requested reduction for File No. 376.

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 flowmeter must be installed on the diversion works authorized. Please return the required, Notification of the Completion of the Diversion Works, prior to December 31, 2016.

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.

The applications are adding an additional point of diversion therefor are approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the quantity and rate approved as the portion of the additional well shall be considered to have the priority of the date the applications were filed (September 21, 2015).

If you have any questions, please contact Leslie Ireland, Environmental Scientist, at (785) 564-6633. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent A. Turney".

Brent A. Turney, P.G.
Change Application Unit Supervisor

BAT:LI:li:
Enclosures

pc: Stafford Field Office
Perry L. & Karla Holopirek

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN POINT OF DIVERSION
WATER RIGHT
FILE NO. 11,637**

FILE COPY

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Jamie T. & Gretchen C. Holopirek, 222 W. 6th Street, Larned, Kansas 67550-3023, along with Perry L. & Karla Holopirek, PO Box 304, Otis, Kansas 67565-0304, received in this office on September 21, 2015, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the order of the Chief Engineer dated December 16, 1987, approving the application to change the authorized point of diversion, and by the orders of the Chief Engineer dated April 2, 2013 and September 25, 2015, approving the applications to change the authorized place of use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply 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 points of diversion shall be:

one(1) well located in the Southwest Quarter of the Northwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 28, more particularly described as being near a point 4,275 feet North and 2,155 feet West of the Southeast corner of said section, at a diversion rate not in excess of 350 gallons per minute (0.78 c.f.s.) and in a quantity not to exceed 34.0 acre-feet per calendar year, and

one(1) well located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 28, more particularly described as being near a point 3,329 feet North and 3,246 feet West of the Southeast corner of said section, at a diversion rate not in excess of 205 gallons per minute (0.46 c.f.s.) and in a quantity not to exceed 26 acre-feet per calendar year,

both in Township 18 South, Range 17 West, Rush County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the points of diversion.

Installation of the works for diversion of water shall be completed on or before December 31, 2016 or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

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.

The application, therefore, is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional well shall be considered to have the priority of the date the application was filed (September 21, 2015) to add the additional well.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 11,637, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated April 1, 1977, as modified and amended by the aforementioned orders.

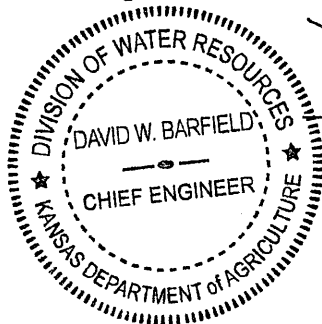
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

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.

Ordered this 29th day of August, 2016, at Topeka, Shawnee County, Kansas.



David W. Barfield

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
County of Riley) SS

The foregoing instrument was acknowledged before me this 29th day of August, 2016, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter
Notary Public

CERTIFICATE OF SERVICE

On this ^{12th} day of ~~September~~ 2016, I hereby certify that the attached Approval of Application for Change in Point of Diversion, Water Right, File No. 11,637, dated *August 19, 2016* was mailed postage prepaid, first class, US mail to the following:

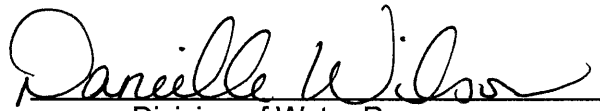
Jamie T. & Gretchen C. Holopirek
222 W. 6th Street
Larned, KS 67550-3023

With a True & Correct Copy to:

Perry L. & Karla Holopirek
PO Box 304
Otis, KS 67565-0304

With a Photocopy to:

Stafford Field Office


Division of Water Resources

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- (Check one or more)
- Place of Use
 - Point of Diversion
 - Use Made of Water

WATER RESOURCES
RECEIVED

MAY 17 2016

11:12

File No. 11637

KS DEPT OF AGRICULTURE

WATER RESOURCES
RECEIVED

SEP 21 2015

12:42

KS DEPT OF AGRICULTURE

2. Name of applicant: Jamie Holopirek

Address: 222 W 6th St

City, State and Zip: Larned KS 67550-3023

Phone Number: (620)923-5001

E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: Jamie Holopirek

Address: 222 W 6th St

City, State and Zip: Larned KS 67550-3023

Phone Number: (620) 923-5001

E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): The proposed changes will help balance out the authorized quantities between three wells on the place of use

The change(s) will completed by May 1, 2016

(Date)

For Office Use Only:

F.O. 2 GMD 0 Meets K.A.R. 5-5-: YES NO Use IRR Source G/S County RH By LI Date 9/21/15
Code CGT Fee 200 TR # 10008918 Receipt Date 9/21/15 Check # 3046

9/28/2015 CM

6. The presently authorized point(s) of diversion is one well
(Provide description and number of points)
7. The proposed point(s) of diversion are two wells
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SW Quarter of the NW Quarter of the NE Quarter of Section 28, Township 18 South, Range 17 W, in Rush County, Kansas, 4300 feet North 2143 feet West of Southeast corner of section.
 Authorized Rate 555 gpm Authorized Quantity 60 AF
 (DWR use only: Computer ID No. 9 GPS 4275 feet North 2155 feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the SW Quarter of the NW Quarter of the NE Quarter of Section 28, Township 18 South, Range 17 W, in Rush County, Kansas, 4275 feet North 2155 feet West of Southeast corner of section.
 Proposed Rate 350 gpm Proposed Quantity 34 AF
 This point is: Additional Well Geo Center List other water rights that will use this point none

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NE Quarter of the SE Quarter of the NW Quarter of Section 28, Township 18 South, Range 17 W, in Rush County, Kansas, 3329 feet North 3246 feet West of Southeast corner of section.
 Proposed Rate 205 gpm Proposed Quantity 26 AF
 This point is: Additional Well Geo Center List other water rights that will use this point 21697

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. not applicable

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL WATER RESOURCES RECEIVED AS NECESSARY WATER RESOURCES RECEIVED

SCANNED

MAY 17 2016

SEP 21 2015

4. The presently authorized place of use is:

Owner of Land — NAME: Jamie & Gretchen Holopirek

ADDRESS: 222 W 6th St, Larned KS 67550-3023

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
28	18S	17W																	48

List any other water rights that cover this place of use. 376 & 21697

Owner of Land — NAME: Perry L & Karla Holopirek (water right only)

ADDRESS: PO Box 304, Otis KS 67565-0304

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
28	18S	17W	11	17			24			32									84

List any other water rights that cover this place of use. 376 & 21697

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: No Change

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NEEDED

SCANNED

MAY 17 2016

SEP 21 2015

12. The presently authorized use of water is for Irrigation purposes.
It is proposed that the use be changed to No Change purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
Not Applicable

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to N/A (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to N/A gallons per minute (____ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- a. If a change in the location of the point(s) of diversion is proposed, show:
 - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

Please see attached documentation.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

The proposed additional well does not meet spacing to a domestic well owned by the landowner. This domestic well is the old irrigation well that was authorized under File No. 21697.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL PAGES AS NECESSARY

SCANNED

MAY 17 2016

SEP 21 2015

Any use of water that is not as authorized by the water right or permit to authorize water before 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.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Larned, Kansas, this 15th day of September, 2015.

Jamie Holopirek
(Owner)

Gretchen Holopirek
(Spouse)

Jamie Holopirek
(Please Print)

Gretchen Holopirek
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

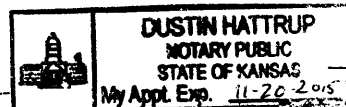
(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Lawrence } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 15 day of September, 2015.



[Signature]
Notary Public

My Commission Expires 11-20-2015

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

MAY 17 2016

SEP 21 2015

SCANNED

KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE

Any use of water that is not as authorized by the water right or permit to authorize water **before** 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.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Great Bend Barton, Kansas, this 16th day of September, 20 15.

^{Perry}
X Perry L. Holopirek
(Owner)

^{Karla}
X Karla K. Holopirek
(Spouse)

X Perry L. Holopirek
(Please Print)

X Karla K. Holopirek
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)


(Please Print)

State of Kansas }
County of Barton } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 16th day of September, 20 15.

Jennifer Keener
Notary Public

My Commission Expires 8-24-19
State of Kansas Notary Public

 **Jennifer Keener**
My Commission Expires 8-24-19

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

MAY 17 2016

SEP 21 2015

SCANNED

KS DEPT OF AGRICULTURE

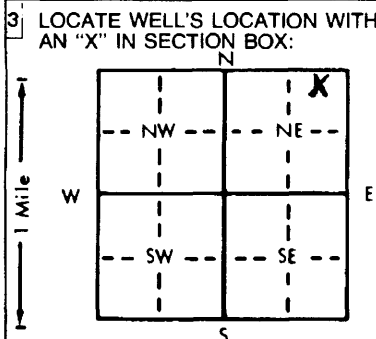
KS DEPT OF AGRICULTURE

Possible well PID 6 or 9 LI/AWR

1 LOCATION OF WATER WELL: County: Rush Fraction: nw 1/4 ne 1/4 ne 1/4 Section Number: 28 Township Number: T 18 S Range Number: R 17 EW

Distance and direction from nearest town or city street address of well if located within city? 1 west, 1/2 south 1/2 west of Timken, Ks.

2 WATER WELL OWNER: RR#, St. Address, Box #: Al Holoperik, Timken, Ks. 67582 Board of Agriculture, Division of Water Resources Application Number: 11637



3 LOCATE WELL'S LOCATION WITH AN 'X' IN SECTION BOX: 4 DEPTH OF COMPLETED WELL: 55 ft. ELEVATION: WELL'S STATIC WATER LEVEL: 31 ft. below land surface measured on mo/day/yr 1-27-88

5 TYPE OF BLANK CASING USED: 1 Steel, 2 PVC, 3 RMP (SR), 4 ABS, 5 Wrought iron, 6 Asbestos-Cement, 7 Fiberglass, 8 Concrete tile, 9 Other (specify below), CASING JOINTS: Glued, Clamped, Welded, Threaded.

6 GROUT MATERIAL: 1 Neat cement, 2 Cement grout, 3 Bentonite, 4 Other. Grout intervals: From 0 ft. to 20 ft. What is the nearest source of possible contamination: 1 Septic tank, 2 Sewer lines, 3 Watertight sewer lines, 4 Lateral lines, 5 Cess pool, 6 Seepage pit, 7 Pit privy, 8 Sewage lagoon, 9 Feedyard, 10 Livestock pens, 11 Fuel storage, 12 Fertilizer storage, 13 Insecticide storage, 14 Abandoned water well, 15 Oil well/Gas well, 16 Other (specify below), unknown.

Table with columns: FROM, TO, LITHOLOGIC LOG. Data: 0-3 Top soil, 3-28 Light brown clay, 28-30 Sandy brown clay, 30-51 Sand and gravel, 51-59 Clay mixed with sand stone, 59-75 White clay. Includes stamp: WATER RESOURCES RECEIVED SEP 21 2015 KS DEPT OF AGRICULTURE

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) 2-22-1988 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 134 This Water Well Record was completed on (mo/day/yr) 3-30-88 under the business name of Rosencrantz-Bemis by (signature) Frieda Dodson

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Office of Oil Field and Environmental Geology, Regulation and Permitting Section, Topeka, Kansas 66620-7500, Telephone: 913-862-9360. Send one to WATER WELL OWNER and retain one for your records.

Submit completed form to:
Kansas Department of Agriculture
Division of Water Resources
Field Office:

RE: Domestic Well Spacing Consent Form

Dear Sir or Madam:

I am aware of the application by Jamie Holopirek under Water Right, File No. 11637 to ~~redrill his well~~ add a well to the permit at the following location:

One in the NE Quarter of the SE Quarter of the NW Quarter of Section 28, Township 18 South, Range 17 W, in Rush County, Kansas, 3329 feet North 3246 feet West of Southeast corner of section.

Proposed Rate 205 gpm Proposed Quantity 26 AF Proposed well depth (feet) 65

I have a domestic well located approximately as follows:

One in the NE Quarter of the SE Quarter of the NW Quarter of Section 28, Township 18 South, Range 17 W, in Rush County, Kansas, 3351 feet North 3246 feet West of Southeast corner of section.

My domestic well or wells is located approximately 22 feet away from the proposed well.

The well is used solely for Domestic use as follows:

1. Household Use
2. Watering of livestock, poultry, farm and domestic animals used in operating a farm and/or
3. Irrigation of lands not exceeding a total of (2) acres in area for the growing of gardens, orchards or lawns

-
1. I am aware that the well or well battery at the proposed location does not meet spacing to my domestic well pursuant to K. A. R. 5-4-4. JMH by PLH POA Initials.
 2. I am aware that the operation of the proposed well or well battery may impact the use of my domestic well. JMH by PLH POA Initials
 3. If I believe impairment of my domestic use of water has occurred I agree to exhaust all investigative options prior to claiming impairment with the Division of Water Resources pursuant to K.A.R 5-4-1. If I claim impairment I understand a complainants report may be required that includes the following: JMH by PLH POA Initials
 - a. Be prepared by a licensed well driller, a professional engineer, or a licensed geologist;
 - b. Describe the construction and the components of the well;
 - c. Provide data to show the extent to which the well has fully penetrated the productive portions of the aquifer with water of acceptable quality for the authorized use; and
 - d. provide testing and inspection data to show the extent to which the pump and well are in good working condition to make full use of the available aquifer.

SEP 21 2015

By giving my permission, I do not waive any right I may have to file a complaint with the Chief Engineer or to make written request to secure water pursuant to K.A.R. 5-4-1 if the use of my well becomes impaired such that I am unable to exercise my domestic water right, nor do I waive any other rights I may have under the Kansas Water Appropriation Act or the rules and regulations of the Chief Engineer.

I acknowledge that my permission has been given freely and voluntarily. I further acknowledge that I have not entered any agreement either oral or in writing with any person(s) including the Applicant, land owner, or any representative or agent of the applicant or land owner that conditions my permission or reliance on any person or entity other than the Chief Engineer to investigate any claims of impairment I may make with respect to my domestic well or to secure water to satisfy my domestic water right.

Irene M. Holopirek
Signature

By Perry L. Holopirek POA
Printed Name

4602 12th st.
Address

Great Bend, Ks 67530
City/Town, State


(620) 546-3876
Phone

State of Kansas
County of Barton } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 16th day of September, 2015.

My Commission Expires 8-24-19.

Jennifer Keener
Notary Public

 State of Kansas - Notary Public
Jennifer Keener
My Commission Expires 8-24-19

WATER RESOURCES
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SEP 21 2015

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COPY

JOINT TENANCY QUIT CLAIM DEED

On this 4th day of ~~January~~ ^{February}, 2013

IRENE HOLOPIREK, A SINGLE PERSON

("Grantor(s)") QUITCLAIM(S) to

PERRY L. HOLOPIREK and KARLA HOLOPIREK

("Grantee(s)") as JOINT TENANTS and not as tenants in common, with full rights of survivorship, the whole estate to vest in the survivor in the event of death of either, all of the following-described real estate in RUSH County, Kansas:

GRANTOR conveys without limitation all of Grantor's vested and appropriation water rights with full authority being granted unto Grantees to make application for and to use said rights and to make application for a point of diversion and place of use determined by Grantees discretion specifically in regards to Water Appropriation File No. 11637, covering the:

The Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) and the West Half (W/2) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section Twenty-eight (28), Township Eighteen (18) South, Range Seventeen (17) West of the 6th Principal Meridian, Rush County, Kansas,

INCLUDING AN EASEMENT WITH RIGHT OF INGRESS AND EGRESS ACROSS THE ABOVE DESCRIBED PROPERTY FOR ACCESS TO SAID IRRIGATION SYSTEM

For the sum of --- to clear title

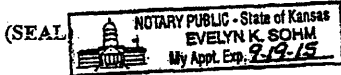
SUBJECT TO: Easements, restrictions, highway right of ways and right of ways of record, if any.

Irene M. Holopirek
Irene M. Holopirek

STATE OF KANSAS, COUNTY OF Rush, ss:

BE IT REMEMBERED, That on this 4th day of ~~January~~ ^{February}, 2013, the undersigned, a notary public in and for the County and State aforesaid, came Irene M. Holopirek, a single person, personally known to me to be the same person(s) who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official SEAL, the day and year last above written.



Evelyn K. Sohm
Printed Name: Evelyn K. Sohm
Notary Public

My commission expires: 9-19-2015

A Kansas Sales Validation Questionnaire is not required due to Exception No. 12.

Reserved for Register of Deeds Office
MICROFILMED
STATE OF KANSAS, RUSH COUNTY, S.S.
THIS INSTRUMENT WAS FILED FOR RECORD ON THE 4 DAY OF FEB A.D. 20 13 AT 1:55 O'CLOCK P. AND DULY RECORDED IN BOOK 60 OF Deeds AT PAGE 222
Dela Wheeler
REGISTER OF DEEDS
INDEXED G N
#157 #800

#11637

WATER RIGHT TRANSFERRED

WATER RESOURCES RECEIVED
APR 05 2013
Entered in Transfer Record in my Office on this day of February

DIVISION OF WATER RESOURCES—KANSAS DEPARTMENT OF AGRICULTURE
METER FLOW RATE/VOLUME TEST

FILE NO. 11637 Date: 4/28/16 Tester: Don Mies Tested 1 of 1 installations
 Point of Diversion: SW NW NE Sec. 28, T. 18S, R. 17W
 Approximately 4300 ft. North and 2143 ft. West of SE corner of Sec 28.
 How were distances determined? 6/10/15 CI Latitude --- Longitude ---
 Person(s) present at the test: Jamie Holopirek Relationship(s) to owner: owner/tenant
 TEST METER INFORMATION: Test meter location at well Last verified N/A
 Manufacturer Panametrics Model # PT878 Serial # 09641
 Sensor has 28.8 in of upstream spacing from check valve
 Sensor has 12 in of downstream spacing from water flowmeter propeller

Non-Intrusive Meter Test Meter Type Panametrics Meter Serial No. 09641
 Test #1 Test #2
 Ending 3362.370 gal. Ending --- gal.
 Beginning 0 gal. Meas. O.D. 6.63" Beginning --- gal.
 Difference 3362.370 gal. Meas. Wall 0.212" Difference --- gal.
 Time 361.4 seconds or 6.02 min. XDCR Setting 143.093 mm Time --- min.
 Rate 558.22 gpm. Material Type pvc Rate --- gpm.
 Average Rate ---

↳ GOT SSD AS AUTOMATIC

Diagnostics:(test#1)
 Signal Strength SS up: 68.8 SS dn: 68.8 (Should be over 55 highest on PVC, up and dn should be close to the same)
 SNDSP: 4836.4 (Should be close to book value for the soundspeed at measured temp) Temp 56 F
 Delta T (<Delta>): --- Is this number stable? (Yes / No) If no please explain: ---
 T up: 238.04 T dn: 237.80 (Bad: continuous large fluctuations of 1 microsecond or more)
 Signal Quality: Q up 4021 Q dn 4364 (Should be + - 300 or greater)
 AMPup: 27.8 AMPdn: 28.1 (Should be 20 - 28 fluctuations)
 P#up: 457 P#dn: 455 (100 to 900, closest to 500 is best)
 Nfup: --- Nfdn: --- (Should Be 0.85 to 1.0)

Installed Meter Test Manufacturer Netafim Serial # 13-22582 Model # WST Type propeller
 Units gallons Multiplier Factor x10,000 Chamber w/ vane req? Y Present? Y Security Seal Present? Y Labeled no label
 Distance Upstream: 48" check valve to sensor Distance Downstream: 25.2" sensor to pipe bend Installed Properly? Y
 Sealed to Pipe by DWR? N KDA/DWR Seal No. N/A AR Gears? N Rate Needle N/A
 Outside Diameter (Stamped) N/A inches (Measured) unknown inches
 Inside Diameter (Stamped) N/A inches (Measured) unknown inches

Test #1 (3.34% Low)		Test #2 (---% High/Low)	
Ending <u>0,023,817,000</u>	gal.	Ending <u>---</u>	gal./AF
Beginning <u>0,023,814,500</u>	gal.	Beginning <u>---</u>	gal./AF
Difference <u>2,500</u>	gal.	Difference <u>---</u>	gal./AF
Time <u>4:38</u>	min.	Time <u>---</u>	min.
Rate <u>539.57</u>	gpm.	Rate <u>---</u>	gpm.
Average Rate <u>---</u>		Average Rate <u>---</u>	

% Error Calculation: $\frac{\text{Test} - \text{Meter}}{\text{Test}} \times 100$ % error -3.34%

Other Flowmeter Use Supplemental Sheet (include meter identification, data and calculations).

COMMENTS: Crop duster started on this field, so some items did not get written down. This was a 6" pipe setup wiith ~5 pipe diameters up and down. This was not a perfect test, but it is adequate and acceptable.

Typed by EKF/SFFO

- Good Test
 Adequate Test
 Unacceptable Comparison

Reviewed by Cameron R. Coval Date 5/12/16 Entered by Jamie Holopirek Date 6/1/16

See supplemental page 2 for additional pictures.

May 13, 2016

CHIEF ENGINEER

Division of Water Resources

Kansas Department of Agriculture

1320 Research Park Drive

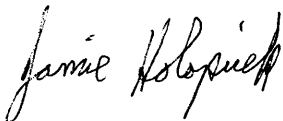
Manhattan, Kansas 66502

Attached are my completed applications for change. On File No. 21697 I made one change on No. 9 to the proposed rate and it has been pen & inked with the correct number on the gpm. All owners have initialed and dated this change.

Also, a current water flow rate test has been completed on both points of diversion by the Stafford Field Office. I spoke with Elizabeth Fitch from the Stafford Field Office yesterday on the phone and she insured me that the water test information would be mailed to your office in the next few days.

Please let me know if there is any additional information you need from myself or the Stafford Field Office. I can be reached at 620-923-5001 or my email is jamieholopirek@yahoo.com.

Sincerely,



Jamie Holopirek

Owner/Operator

WATER RESOURCES
RECEIVED

MAY 17 2016

KS DEPT OF AGRICULTURE

SCANNED

NOTES

ADDRESS LIST
FILE NOS. 11637 & 21,697

MARIE E VONDRACEK - PASSED AWAY
1870 CR 300
TIMKEN KS 67575-7657

32797 - FRANCIS - VONDRACEK

ERNEST BUCI IRREVACABLE TRUST
LOARN BUCI
PO BOX 575
SUBLETTE KS 67877

BERNARD JUNO
2064 CR 360
BISON KS 67520

IRENE M HOLOPIREK
113 N LOCST ST
TIMKEN KS 67575

LETTER RETURNED BUT PERRY L. HOLOPIREK, POA
SIGNED LETTER GIVING PERMISSION TO REDUCE
SPACING TO THE DOMESTIC WELL -

BAUL E BESPERAT
3062 AVENUE R
TIMKEN KS 67575

SERPAN FAMILY TRUST
DEBRA K DUNTZ
106 E 4TH BOX 3
RAYMOND KS 67573

OBORNY LIVING TRUST ET AL
2122 CR 320
BISON KS 67520-0921

JAMES & CAROLE JO JECHA
3049 HWY 96
TIMKEN KS 67575

FILE COPY

Ireland, Leslie

From: Lanterman, Jeff
Sent: Thursday, August 04, 2016 3:31 PM
To: Ireland, Leslie
Cc: Conant, Cameron
Subject: FW: Recommendations for Change in Point of Diversion, File Nos. 11,327 & 21,697 Holopirek
Attachments: Holopirek DWR letter Sept 2015.doc; 376_reduc_11637_21697_PD 5-4-4 waiver irr IGUCA_2__0.doc

Leslie;

See Cameron's edits below for your memo.

I know you know how much I dislike waiving spacing. Especially if we are moving quantity or rate to a well that never had that before. I think this one is OK since we are cutting rate to the well currently authorized by 376.

But generally I am going to ask for a geologists report to prove that the additional rate or quantity is not going to impair the well we are waiving spacing to. I don't think that what Lee did here necessarily fits what we need to waive spacing. Especially with such thin saturated thickness. Additionally it appears as if this round of changes will allow him to install some drip irrigation and become more efficient with his water.

Anyway I think with the rate limitation these are OK to approve.

Let me know if you need anything else.

Jeff

From: Conant, Cameron
Sent: Wednesday, August 3, 2016 11:32 AM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>
Subject: FW: Recommendations for Change in Point of Diversion, File Nos. 11,327 & 21,697 Holopirek

Jeff, this is a packet of change applications/reduction in the Walnut IGUCA. The changes were filed to help balance out the authorized quantities between all wells within the authorized place of use.

These application were filed under the additional well reg. They are not actually drilling new wells, but they are going from 1 authorized pd to 2 on both file 11637 & 21697. The second point on each application is an existing well already included with the current place of use. The total quantity of 150AF will still be authorized, just re-apportioned between existing wells.

The rate tests were completed by Don and the applications seem to accurately reflect the new rates based on the recent tests. *(Leslie, the tests were completed by Don Mies, reviewed by Cameron, can you please correct the memo)*

Lee Wheeler submitted a brief report showing that his study concluded the impacts with these lower rate wells will be minimal (<1' of decline to surrounding wells). The report was completed in part to help show that the proposed changes will not impair nearby wells. A waiver of spacing between proposed 21967(existing File No. 376) and File No. 220 owned by Margaret and Edward Oborny (I show ~960' apart) was requested. Also a waiver of spacing between 21967 and a domestic well owned by Irene Holopirek was requested. A domestic spacing consent letter was received for this one.

Hearing no responses from nearby owners, most notably, File No. 220, and with the understanding that the well currently authorized by File No. 376 will be allowed to pump less rate but more quantity. It appears this application can be recommended for approval of waivers of spacing to the nearby domestic well and the Irrigation well authorized by

File No. 220. There is most certainly some interaction that has always occurred between File No. 376 and File No. 220. Neither owner of the water rights has brought concerns to DWR about any interaction between the wells or potential impairment. It would have been helpful if Mr. Wheelers study made specific reference to potential impacts of the decreased rate and increased quantity of File 376 had on File 220. But, when looking at the <1' decline Mr. Wheeler calculated from 376 to 21697, it can be inferred that the impact will be a little more at File No. 220, but still not enough to impair the use of water with ~25-30' of apparent saturated thickness.

Please pass on to Leslie if you agree with this determination.

Cameron

From: Ireland, Leslie
Sent: Friday, July 01, 2016 1:00 PM
To: Lanterman, Jeff; Conant, Cameron
Subject: Recommendations for Change in Point of Diversion, File Nos. 11,327 & 21,697 Holopirek

Jeff & Cameron,

Please let me know if you could recommend these changes. A waiver of 5-4-4 is needed for File No. 21697 due to the proposed existing well being close to a nearby irrigation well.

As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

June 3, 2016

ADDRESS LIST

RE: Water Right, File Nos. 11,637 & 21,697

Dear Sir or Madam:

This is to advise you that Jamie Holopirek, has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the points of diversion under the above referenced files.

The applications propose the following changes in the points of diversion that will reallocate quantity and rate between existing wells and may update the description of the well locations,

File No. 11,637, proposes the following change from:

one (1) well located in the Southwest Quarter of the Northwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 28, more particularly described as being near a point 4,300 feet North and 2,143 feet West of the Southeast corner of said section, at a maximum diversion rate not in excess of 555 gallons per minute and to a quantity not to exceed 60 acre-feet per calendar year,

to: one (1) well located in the Southwest Quarter of the Northwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 28, more particularly described as being near a point 4,300 feet North and 2,155 feet West of the Southeast corner of said section, at a maximum diversion rate not in excess of 350 gallons per minute and to a quantity not to exceed 34 acre-feet per calendar year, and

one (1) well also authorized by File No. 21,697, located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 28, more particularly described as being near a point 3,329 feet North and 3,246 feet West of the Southeast corner of said section, at a maximum diversion rate not in excess of 205 gallons per minute and to a quantity not to exceed 26 acre-feet per calendar year,

File No. 21,697, proposes the following change from:

one (1) well in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) more particularly described as being near a point 3,329 feet North and 3,246 feet West of the Southeast corner of Section 28, at a maximum diversion rate not in excess of 615 gallons per minute and to a quantity not to exceed 60 acre-feet per calendar year,

FILE COPY

to: one (1) well in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) more particularly described as being near a point 3,329 feet North and 3,246 feet West of the Southeast corner of Section 28, at a maximum diversion rate not in excess of 400 gallons per minute and to a quantity not to exceed 26 acre-feet per calendar year, and

one (1) well, also authorized by File No. 376, located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 28, more particularly described as being near a point 2,575 feet North and 4,532 feet West of the Southeast corner of said section, at a maximum diversion rate not in excess of 115 gallons per minute and to a quantity not to exceed 34 acre-feet per calendar year,

all in Township 18 South, Range 17 West, Rush County, Kansas.

Additionally, the owners have requested to reduce the rate of diversion authorized under Water Right, File No. 376, to 300 gallons per minute.

You are being notified of the proposed changes in the points of diversion and requested reduction so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact me at (785)564-6633. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Leslie Ireland
Environmental Scientist
Appropriation Program

FILE COPY

LI:li

pc: Stafford Field Office
Jamie Holopirek

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

June 3, 2016

IRENE M HOLOPIREK
113 N LOCST ST
TIMKEN KS 67575

RETURNED - 6/9/2016 MOTHER
OF
APPLICANT

RE: Water Right, File Nos. 11,637 & 21,697

Dear Sir or Madam:

This is to advise you that Jamie Holopirek, has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the points of diversion under the above referenced files.

The applications propose the following changes in the points of diversion that will reallocate quantity and rate between existing wells and may update the description of the well locations,

File No. 11,637, proposes the following change from:

one (1) well located in the Southwest Quarter of the Northwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 28, more particularly described as being near a point 4,300 feet North and 2,143 feet West of the Southeast corner of said section, at a maximum diversion rate not in excess of 555 gallons per minute and to a quantity not to exceed 60 acre-feet per calendar year,

to: one (1) well located in the Southwest Quarter of the Northwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 28, more particularly described as being near a point 4,300 feet North and 2,155 feet West of the Southeast corner of said section, at a maximum diversion rate not in excess of 350 gallons per minute and to a quantity not to exceed 34 acre-feet per calendar year, and

one (1) well also authorized by File No. 21,697, located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 28, more particularly described as being near a point 3,329 feet North and 3,246 feet West of the Southeast corner of said section, at a maximum diversion rate not in excess of 205 gallons per minute and to a quantity not to exceed 26 acre-feet per calendar year,

File No. 21,697, proposes the following change from:

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Leslie Ireland
Environmental Scientist
Appropriation Program

LI:li

pc: Stafford Field Office
Jamie Holopirek

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

June 3, 2016

OBORNY LIVING TRUST ET AL
2122 CR 320
BISON KS 67520-0921

RE: Water Right, File Nos. 11,637 & 21,697

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Environmental Scientist
Appropriation Program

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pc: Stafford Field Office
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Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

June 3, 2016

JAMES & CAROLE JO JECHA
3049 HWY 96
TIMKEN KS 67575

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(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

June 3, 2016

SERPAN FAMILY TRUST
DEBRA K DUNTZ
106 E 4TH BOX 3
RAYMOND KS 67573

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Topeka, Kansas 66612
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Jackie McClaskey, Secretary

Governor Sam Brownback

June 3, 2016

PAUL E BESPERAT
3062 AVENUE R
TIMKEN KS 67575

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Environmental Scientist
Appropriation Program

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pc: Stafford Field Office
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Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

June 3, 2016

IRENE M HOLOPIREK
113 N LOCST ST
TIMKEN KS 67575

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Jackie McClaskey, Secretary

Governor Sam Brownback

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BERNARD JUNO
2064 CR 360
BISON KS 67520

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Jackie McClaskey, Secretary

Governor Sam Brownback

June 3, 2016

ERNEST BUCI IRREVACABLE TRUST
LOARN BUCI
PO BOX 575
SUBLETTE KS 67877

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June 3, 2016

MARIE E VONDRACEK
1870 CR 300
TIMKEN KS 67575-7657

RE: Water Right, File Nos. 11,637 & 21,697

Dear Sir or Madam:

This is to advise you that Jamie Holopirek, has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the points of diversion under the above referenced files.

The applications propose the following changes in the points of diversion that will reallocate quantity and rate between existing wells and may update the description of the well locations,

File No. 11,637, proposes the following change from:

one (1) well located in the Southwest Quarter of the Northwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 28, more particularly described as being near a point 4,300 feet North and 2,143 feet West of the Southeast corner of said section, at a maximum diversion rate not in excess of 555 gallons per minute and to a quantity not to exceed 60 acre-feet per calendar year,

to: one (1) well located in the Southwest Quarter of the Northwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 28, more particularly described as being near a point 4,300 feet North and 2,155 feet West of the Southeast corner of said section, at a maximum diversion rate not in excess of 350 gallons per minute and to a quantity not to exceed 34 acre-feet per calendar year, and

one (1) well also authorized by File No. 21,697, located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 28, more particularly described as being near a point 3,329 feet North and 3,246 feet West of the Southeast corner of said section, at a maximum diversion rate not in excess of 205 gallons per minute and to a quantity not to exceed 26 acre-feet per calendar year,

File No. 21,697, proposes the following change from:

one (1) well in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) more particularly described as being near a point 3,329 feet North and 3,246 feet West of the Southeast corner of Section 28, at a maximum diversion rate not in excess of 615 gallons per minute and to a quantity not to exceed 60 acre-feet per calendar year,

SCANNED

to: one (1) well in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) more particularly described as being near a point 3,329 feet North and 3,246 feet West of the Southeast corner of Section 28, at a maximum diversion rate not in excess of 400 gallons per minute and to a quantity not to exceed 26 acre-feet per calendar year, and

one (1) well, also authorized by File No. 376, located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 28, more particularly described as being near a point 2,575 feet North and 4,532 feet West of the Southeast corner of said section, at a maximum diversion rate not in excess of 115 gallons per minute and to a quantity not to exceed 34 acre-feet per calendar year,

all in Township 18 South, Range 17 West, Rush County, Kansas.

Additionally, the owners have requested to reduce the rate of diversion authorized under Water Right, File No. 376, to 300 gallons per minute.

You are being notified of the proposed changes in the points of diversion and requested reduction so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact me at (785)564-6633. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Leslie Ireland
Environmental Scientist
Appropriation Program

LI:li

pc: Stafford Field Office
Jamie Holopirek

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

May 9, 2016

JAMIE T & GRETCHEN C HOLOPIREK
222 W 6TH ST
LARNED KS 67550-3023

RE: Water Right, File No. 11,637 & 21,697

Dear Mr. & Mrs. Holopirek:

Reference is made to the applications for approval of the Chief Engineer to change the point of diversion under the above referenced file numbers which were received in the office of the Chief Engineer on September 21, 2015. Upon review of the applications, we find that additional information is needed.

According to the applications, it appears that you are proposing to change the point of diversion which will add an additional point of diversion beyond what is presently authorized by each right, therefore, the applications will be subject to K.A.R. 5-5-16, *Additional wells*.

This regulation requires that the combined rate of diversion for the authorized and proposed well not exceed the rate of diversion of a single well at the currently authorized location, and that said rate of diversion be determined by either:

- (A) a current **water flow rate** test done on the point or points of diversion; **or**
- (B) a value based on a **valid hydraulic analysis** submitted by the applicant showing the current capacity of the aquifer to yield water at the currently authorized point or points of diversion.

If you choose to use method (A) as described above, we would like to have the water flow rate tests completed during the irrigation season. In order to complete the tests, our field office staff has agreed to conduct the testing. To schedule an appointment please contact Cameron Conant, Assistant Water Commissioner of the Stafford Field Office;

105 N Main Street, Drawer F
Stafford, KS 67578 -1342
Phone: (620)234-5311

FILE COPY

SCANNED

Upon conclusion of the determination of the rates of diversion, the additional well regulation requires the **assignment of a maximum instantaneous rate of diversion** and quantity of water for each well authorized under the right. The applications as received do assign the authorized rates and quantities. However, should the wells' tested rates of diversion be **less than authorized** the applications will need to be modified. The rate of diversion will be required to be reduced and the tested rate will need to be recorded in part No. 15 of the corresponding application. Additionally, if the tested rate obtained per right is less than the rate authorized, the rate of diversion listed in part Nos. 8 & 9 of each application will need to be modified to reflect the total tested rate obtained for that right. **All modifications to the applications will need to be initialed and dated by all owners.**

The regulation further requires that the rate and quantity that will move to the well that will become the additional well for the referenced file, have the priority date of the date the application for change was filed. In this case the additional wells that will be authorized by each of the referenced files will have the priority date of September 21, 2015. Furthermore, the Chief Engineer specifically retains jurisdiction to review the approval of the additional well at intervals of no fewer than five years, and no more than ten years to determine if the total annual quantity of water actually being withdrawn by the two (2) wells authorized by the approval of the application for change is exceeding the total annual quantity of water that could have been physically withdrawn. The Chief Engineer retains the authority to make a reasonable reduction in the authorized quantity of water as may be deemed to be in the public interest.

Your applications for change are being returned so that you may comply with the above instructions. In order that the applications retain their priority of filing, the enclosed original applications and attachments must be returned, with the requested information to this office by June 8, 2016, or any requested and authorized extension thereof.

You have a period of **30 days, until June 8, 2016**, to supply the requested information, modify and return the applications, to our office. Should you wish to request additional time, you must do so in writing, before the 30 day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office.

According to law, default in the returning of the applications as outlined above within the time allowed or any authorized extension of time, shall cause dismissal of the applications for change under the above referenced files.

If you have any questions, feel free to contact me at (785)564-6633 or Brent Turney, Change Application Unit Supervisor at (785)564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Leslie Ireland
Environmental Scientist
Water Appropriation Program

FILE COPY

SCANNED

LI:li
Enclosures
pc: Stafford Field Office

Ireland, Leslie

From: Ireland, Leslie
Sent: Thursday, April 21, 2016 1:52 PM
To: Turney, Brent
Subject: FW: Change Applications File No. 11637 & 21697
Attachments: 201604211347.pdf

Brent,

The field office finally confirmed the base acres for the additional wells requested by these changes.

What was wondering is if you think the information supplied by Lee Wheeler Engineering is sufficient for the required hydrologic analysis instead of the flow test. It looks more as a means to support the well to well spacing waiver.

If it would work how do you apply the information to assign a value to the rate?

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@kda.ks.gov
www.agriculture.ks.gov

From: Conant, Cameron
Sent: Wednesday, April 20, 2016 10:08 AM
To: Ireland, Leslie <Leslie.Ireland@KDA.KS.GOV>
Subject: FW: Change Applications File No. 11637 & 21697

Sorry for not responding more quickly! I guess you must have been waiting on base acres from us.

Go ahead and send your letter out that you attached an example on a couple emails ago. Jamie has been in touch with Elizabeth so we'll be working to schedule a test, but sending the letter is still a good idea, it has lots of good information in it.

Cameron

From: Fitch, Elizabeth
Sent: Wednesday, April 20, 2016 10:00 AM
To: Conant, Cameron
Subject: RE: Change Applications File No. 11637 & 21697

Cameron,

Here are the base acres as found in Docuware:

376: 30 acres (from 1951)
11637: 40 acres (from 1977)
21697: 50 acres (from 1990)

Let me know if we need anything else.

Elizabeth K Fitch, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
Stafford Field Office
(620) 234-5311
elizabeth.fitch@kda.ks.gov
agriculture.ks.gov

From: Conant, Cameron
Sent: Tuesday, April 19, 2016 11:26 AM
To: Fitch, Elizabeth
Subject: FW: Change Applications File No. 11637 & 21697

From: Ireland, Leslie
Sent: Wednesday, February 03, 2016 1:57 PM
To: Conant, Cameron
Subject: RE: Change Applications File No. 11637 & 21697

It is defiantly something to talk about.

I'll need the base acres... as we then do a letter like the one attached to let them know about 5-5-16, except if the quantity needs to be reduced the letter would do that too. Additional wells are common in the Garden City Field Office.

Leslie

From: Conant, Cameron
Sent: Wednesday, February 03, 2016 1:52 PM
To: Ireland, Leslie <Leslie.Ireland@KDA.KS.GOV>
Subject: RE: Change Applications File No. 11637 & 21697

Oh my. I'm not overly excited about this one...

From: Ireland, Leslie
Sent: Wednesday, February 03, 2016 1:42 PM
To: Conant, Cameron
Subject: FW: Change Applications File No. 11637 & 21697

Cameron,

This is much more interesting to talk about.. than that change.. but will send that next.

Leslie

From: Ireland, Leslie
Sent: Monday, February 01, 2016 8:22 AM
To: Lanterman, Jeff <Jeff.Lanterman@KDA.KS.GOV>
Cc: Turney, Brent <Brent.Turney@KDA.KS.GOV>
Subject: Change Applications File No. 11637 & 21697

Jeff,

Looking at these changes in point of diversion the applications are proposing additional wells in that they are moving quantity and rate to wells that have not been historically authorized and keeping the currently authorized wells. Both of the referenced files will go from one point of diversion to two. Resulting in the application of K.A.R. 5-5-16 .

Could you please determine the max acres for File Nos. 11,637 & 21,697. I've looked at the IGUCA allocations, and am not sure if the max acres is the 40 for 11637 and 50 for 21,697? These have such low quantities that reductions may not be necessary.

Not 100% sure additional well applications would be allowed in the IGUCA, but we transfer quantity... and the proposal is moving away from the creek, so perhaps.... The IGUCA order does prohibit any change that would "result in increases in allocations"

I am bringing all of this up as I don't see rate tests that need to be done during the irrigation period for the wells. So if you'd like to proceed with the proposed changes and supply me the number of max acres for 11,637 & 21,697, I'll send him the additional well letter which informs him to contact your office to schedule the rate test.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@kda.ks.gov
www.agriculture.ks.gov

Water Rights and Points of Diversion Within 1.00 miles of point defined as:

3329 ft N and 3246 ft W of the SE Corner of Section 28, T 18S, R 17W

Located at: 99.209089 West Longitude and 38.459291 North Latitude

GROUNDWATER ONLY

** PROPOSED ADDITIONAL WELLS FILE NO 11,637-*

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth	Quan	Add_Quan	Unit
A__ 220	00	IRR	NK	G	• 1984	--	SW	SW	NW	3105	5217	28	18	17W	13		68.00	68.00	AF
A__ 376	00	IRR	NK	G	• 1491	--	NE	NW	SW	2575	4532	28	18	17W	15		30.00	30.00	AF
A__ 2864	00	IRR	NK	G	4316	--	NW	SE	SE	925	1050	20	18	17W	3		52.50	52.50	AF
A__ 3754	00	IRR	NK	G	4503	--	CW	NW	SW	2005	5230	21	18	17W	14		41.00	41.00	AF
A__ 8298	00	IRR	NK	G	4316	--	NW	SE	SE	925	1050	20	18	17W	3		47.00	47.00	AF
A__ 10507	00	IRR	NK	G	• 1524	--	NW	SW	NE	3800	1800	28	18	17W	5		41.00	41.00	AF
A__ 11539	00	IRR	NK	G	3675	--	SW	NW	NW	-----	-----	27	18	17W	3		90.00	90.00	AF
Same					4471	--	NE	NW	NW	5180	4450	27	18	17W	5				
A__ 11637	00	IRR	NK	G*	• 1474	--	SW	NW	NE	4300	2143	28	18	17W	9		60.00	60.00	AF
A__ 16116	00	IRR	NK	G	• 2592	--	SW	SE	SW	500	3835	21	18	17W	16		60.00	60.00	AF
A__ 20655	00	IRR	NK	G	4503	--	CW	NW	SW	2005	5230	21	18	17W	14		55.00	55.00	AF
A__ 21697	00	IRR	NK	G*	0	--	NE	SE	NW	3329	3246	28	18	17W	14		60.00	60.00	AF
A__ 26176	00	IRR	NK	G	3499	--	NE	NW	SE	2550	1360	29	18	17W	6		64.00	64.00	AF
A__ 27109	00	IRR	NK	G	3793	NC	W2	W2	SW	1320	5015	21	18	17W	10		93.00	.00	AF
A__ 31363	00	IRR	NK	G	3645	--	NW	NE	NE	4750	1265	29	18	17W	5		84.00	84.00	AF
A__ 32792	00	IRR	NK	G	4726	--	SW	NW	SW	1504	5253	22	18	17W	10		77.00	77.00	AF
VRH 21	00	IRR	AA	G	4989	--	SW	SW	SE	330	2310	20	18	17W	9		93.00	93.00	AF
VRH 22	D1	IRR	AA	G	5092	--	SW	SE	NW	3038	3857	21	18	17W	12		113.00	113.00	AF
VRH 22	D2	IRR	AA	G	3109	--	SW	SE	SE	406	1237	21	18	17W	13		87.00	87.00	AF
VRH 23	D1	IRR	AA	G	5092	--	SW	SE	NW	3038	3857	21	18	17W	12		71.50	71.50	AF
VRH 25	00	IRR	AA	G	3562	--	SW	NW	SE	1455	2370	21	18	17W	15		75.00	75.00	AF
VRH 28	00	IRR	AA	G	• 2236	--	SW	NW	NW	4353	5250	28	18	17W	10		39.00	39.00	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	829.50	.00
Total Vested Amount (AF) =	478.50	.00
TOTAL AMOUNT (AF) =	1308.00	.00

IMPROVES SPRING TO THIS WELL

An * after the source of supply indicates a pending application for change for the file number.
 An * after the ID indicates a 15 AF exemption was granted for the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.00 miles of point defined as:

99.209089 West Longitude and 38.459291 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR	
A__ 220	00	IRR	NK	G
> MARGARET J & EDWARD J OBORNY				
>				
> 2122 CR 320				

RATE TEST VS. HYDROLOGIC STUDY? ~~HE~~

a LEE WHEELER BNG IS MORE FOR THE SPRING WATER

- NEARBY NOTIFICATION LETTERS -

DIVISION OF WATER RESOURCES—KANSAS DEPARTMENT OF AGRICULTURE
COMPLIANCE INVESTIGATION

Field Office No. 02 G.M.D. No. _____ County Rush

File No. 376 Overlap PU File No(s). 11637, 21697

Agency KDA/DWR Inspector Patrick Dick

In Compliance/ Date	
<input type="checkbox"/> Yes	<u>5/12/2016</u>
<input type="checkbox"/> No, see comments	_____
<input type="checkbox"/> Re-investigation	_____

Reason: New Application Regular P/D Change P/U Change
 Meter Installed Short Move P/D Change Other _____

Date of Order 9/25/15 Date of N of C Ack _____ Chg No. C2 Date completed _____ If PD chg, old PD ID _____

Current Landowner Jamie & Gretchen Holopirek Phone No. 620-923-5001

Address 222 W 6th St., Larned, KS 67550-3023

Additional landowners and addresses identified in remarks section.

Water Use Correspondent same Phone No. _____

Authorized Water Use Classification Domestic Industrial Irrigation Municipal Hydraulic Dredging
 Recreation Stockwatering Water Power Artificial Recharge Contamination Remediation
 Dewatering Fire Protection Thermal Exchange Sediment Control Other _____

Water currently being used for Irrigation

Source: Groundwater Surface Water Basin/Stream Walnut Creek

Authorized Point of Diversion: NE NW SW Sec. 28, T. 18S, R. 17W ID No. 15

Approximately 2575 ft. North and 4532 ft. West of SE corner of Sec 28.

Actual Point of Diversion: NE NW SW Sec. 28, T. 18S, R. 17W

Approximately 2578 ft. North and 4541 ft. West of SE corner of Sec 28.

How were distances determined? GPS and LeoBase (acc.6.5, count 600) Latitude 38.45723 Longitude 99.21361

Distance from old pd ft (N/S) and ft (E/W) Old well: plugged capped equipped other: _____?

Location (site) map attached? **YES** Sketch or Map below

Comments: Center pivot system designed to irrigate 48.1 acres, 816.9' length at 250 gpm.

Ireland, Leslie

From: Conant, Cameron
Sent: Wednesday, April 20, 2016 10:08 AM
To: Ireland, Leslie
Subject: FW: Change Applications File No. 11637 & 21697

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Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@kda.ks.gov
www.agriculture.ks.gov

1320 Research Park Drive
Manhattan, Kansas 66502

Jackie McClaskey, Secretary



Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

JAMIE HOLOPIREK
222 W. 6TH ST
LARNED KS 67550

September 24, 2015

RE: File No. 11637

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PD
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

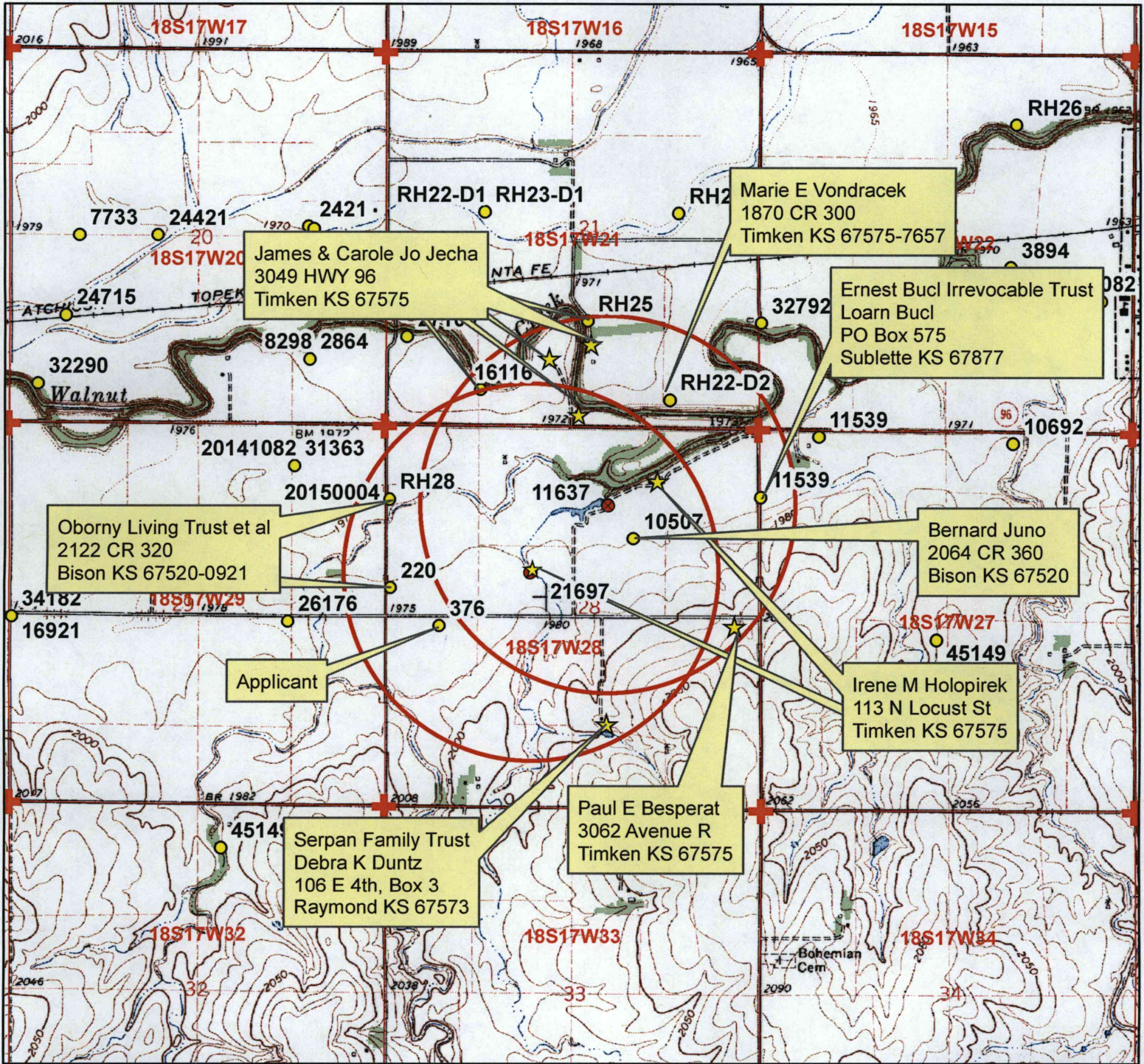
A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

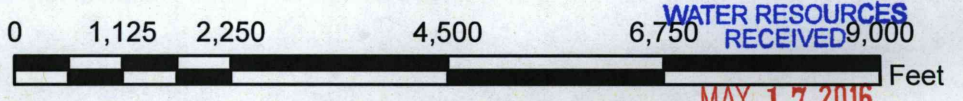
Brent A Turney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STAFFORD Field Office
0



Legend

- Water Appropriations
- ⊗ Proposed Points of Diversion
- ⊕ Section Corner
- Half Mile Circle
- ▭ Section Line



Water Right, File No. 11637
 Change in Point of Diversion Application Map
 Additional Well Application / 28-18S-17W / Rush County

To the best of my knowledge, all wells within 1/2 mile are shown.

SCANNED *Jamie Holopirek*
 Signature

WATER RESOURCES RECEIVED
 MAY 17 2016
 WATER RESOURCES RECEIVED
 SEP 21 2015
 KS DEPT OF AGRICULTURE