

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

Document Signature LPL

| | | | | |
|---|--|---|---|---|
| 1. File Number: 45113 | 2. Status Change Date: <i>1/18/2017</i> | 3. Change Num: C2 | 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: 10/1/2013 |
| 8a. Applicant(s) New to system <input type="checkbox"/> JOHN PAUL GROTHER 11804 S HYDRAULIC ST PECK KS 67120-9702 | | Person ID 6608 Add Seq# _____ | 8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ | |
| 8b. Landowner(s) New to system <input type="checkbox"/> 8A | | Person ID 6608 Add Seq# _____ | 8d. WUC New to system <input type="checkbox"/> JOHN PAUL GROTHER 11804 S HYDRAULIC ST PECK KS 67120-9702 | |
| 9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/18 <input type="checkbox"/> N & P Date to Comply: _____ | | | | |
| <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input 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: 12/23/16 By: LI Date Entered: <i>1/19/2017</i> By: <i>UM</i> | | | | |

File No. **45113** 11. County: **SG** Basin: **ARKANSAS RIVER** Stream: **COWSKIN CREEK (ARKANSAS)** Formation Code: Special Use:

| 12. Points of Diversion | | | | | | | | | | Rate and Quantity | | | | |
|-------------------------|------|-----------|---|---|---|----|----|----|---------|-------------------|-----------------|-------------|-----------------|------------------|
| MOD DEL ENT | PDIV | Qualifier | S | T | R | ID | 'N | 'W | Comment | Authorized | | Additional | | Overlap PD Files |
| | | | | | | | | | | Rate gpm | Quantity mgy | Rate gpm | Quantity mgy | |

NO CHANGE

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **remains as written: 208AF/YR COM/W #29729**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

| 16. Place of Use T MOD DEL ENT | PUSE | S | T | R | ID | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Total | Owner | Chg? | Overlap Files | |
|--|------|----|----|---|----|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|--------|-------|------|---------------|------------------|
| | | | | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | | | | | |
| MOD 32018 | 34 | 29 | 1E | 3 | | | | | | | | | | 42.0 | 42.0 | 32.2 | 42.0 | | | | | 158.20 | 8A | yes | 29729 | 46299-A 46301 |
| MOD 59049 | 33 | 29 | 1E | 2 | | | | | | | | | 17.46 | | | | | 35.8 | 11.0 | | 7.1 | 71.36 | 8A | no | 29729 | 46299-A 46301 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | |

Comments: SEGWICK CO OWNERSHIP SHOWS JOHN PAUL GROTHER IS THE OWNER OF THE PU

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: File

DATE: December 23, 2016

FROM: Leslie Ireland

RE: Water Right, File No. 29,729
Appropriation of Water, File No. 45,113

John Paul Grother, owner of the referenced files submitted applications to change the irrigated place of use. The applications were received October 12, 2013, but delayed due to the processing of the new applications under File Nos. 46,299A & 46,301, proposing the same place of use.

The appropriations appear to be in compliance with K.S.A. 82a-732, *Annual water use report required penalty for violations*, and the applications comply with K.A.R. 5-5-2a, *Complete change application*. The referenced files are located in Sedgwick County in the Arkansas River Basin. File No. 29,729, is for the diversion of groundwater and File No. 45,113, authorizes surface water from the Cowskin Creek in the Arkansas River Basin.

File No. 29,729, is authorized three(3) wells, each with an assigned quantity and rate but have a combined limited 150 acre-feet (AF) per year and a maximum rate of 1,380 gallons per minute when the wells operate simultaneously. File No. 45,113, is for the diversion of surface water authorizing 78 AF which is limited to 208 AF with File No. 29,729. This surface right can pump from the three authorized pump sites during the summer months as a waiver of K.A.R. 5-3-15, was allowed at the time of permitting. It is restricted to not pump when the flow on the Arkansas River at the Arkansas City gage is 200 cfs or less. The referenced files have a complete overlap of 170 acres. Per K.A.R. 5-5-11, *Applications for change in place of use for irrigation purposes*, the base acres for the referenced files are 170 acres. The rights are not in a special use area.

The change in place of use is to add 59.56 acres for a total of **229.56 acres to be authorized by File Nos 29,729; 45,113; 46,299A & 46,301**. The place of use will be comprised of 71.36 acres in the North half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) and in the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) both in Section 33, and 158 acres in the Southwest Quarter (SW $\frac{1}{4}$) of Section 34, all in Township 29 South, Range 1 East, Sedgwick County.

Per K.A.R. 5-3-24, *Reasonable quantity for irrigation use*, Sedgwick County could reasonably utilize 1.3 acre-foot per acre for the full irrigation of corn. The **229.56 acres have justified 298.4 acre-feet of water**. The currently authorized 208 AF will have only 90 AF provided by the new permits, File Nos. 46,299A & 46,301 as there is no new water available in the area where File No. 46,301 is to be located. The 90 AF provided by File No. 46,299A will not require a limitation. The 88.2 AF that will be permitted by File No. 46,301, will have a limitation to 298 AF and not providing any additional water when combined with the senior rights, File Nos. 29,729; 45,113 & 46,299A.

The change in place of use for the referenced files will be processed by K.A.R. 5-5-11(b)(6), *Applications to change the place of use for irrigation purposes*, as the new appropriations have been reviewed and will be permitted.

The approval of the new appropriations should assure there will not be a substantial increase in net consumptive use under the referenced files. It appears the proposed changes comply with K.A.R. 5-5-3, *Consumptive use*. A water conservation plan meeting the guidelines of the Kansas Water Office will not be required as there appears to be sufficient quantity authorized for irrigation use.

A water flowmeter will be required by the approval pursuant to K.A.R. 5-5-11. Check valves will be required if chemigating.

The proposed changes were submitted to Jeff Lanterman, Water Commissioner, of the Stafford Field Office for a recommendation. In his December 23, 2016, E-mail he indicated that he had no objection to the approval of the changes in place of use with the approval of the new appropriations.

Based on the above discussion, that the changes are reasonable, the historical consumptive use will not substantially be increased due to the approval of the new appropriations, impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced applications be approved.



Leslie Ireland
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

Governor Sam Brownback

January 19, 2017

FILE COPY

JOHN PAUL GROTHER
11804 S HYDRAULIC ST
PECK KS 67120-9702

RE: Water Right, File No. 29,729
Appropriation of Water, File No. 45,113

Dear Mr. Grother:

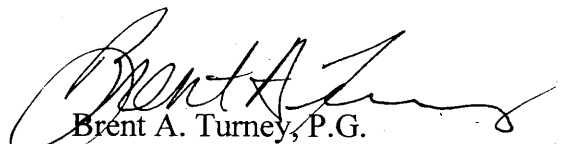
Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of the approvals is that an acceptable water flowmeter must be installed on the diversion works authorized under the referenced files.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

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,



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

BAT:LI:li
Enclosures
pc: Stafford Field Office

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 PLACE OF USE
APPROPRIATION OF WATER, FILE NO. 45,113**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of John Paul Grother, 11804 S. Hydraulic, Peck, Kansas 67120-9702, received in this office on October 1, 2013, for approval of change in the location of the place of use under the Approval of Application, File No. 45,113, for permit to appropriate water for beneficial use, as modified and amended by the order of the Chief Engineer dated October 4, 2007, approving the application to change the place of use and point of diversion, finds that the change is reasonable and will not impair existing rights, 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 place of use shall be:

| 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 | |
| 33 | 29S | 1E | | | | | | | 17.46 | | | | | 35.80 | 11.00 | | 7.10 | 71.36 | |
| 34 | 29S | 1E | | | | | | | | 42.00 | 42.00 | 32.20 | 42.00 | | | | | 158.20 | |

a total of 229.56 acres in Township 29 South, Range 1 East, Sedgwick County, Kansas,

all located substantially as shown on the topographic map accompanying the application to change the place of use.

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.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

In all other respects, the Approval of Application, File No. 45,113, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated December 23, 2004, as modified and amended by the aforementioned order.

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 18th day of January, 2017, at Topeka, Shawnee County, Kansas.

Lane P. Letourneau
Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 18th day of January, 2017, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.

Danielle Wilson
Notary Public



CERTIFICATE OF SERVICE

On this *17th* day of *January* 2017, I hereby certify that the foregoing Approval of Application for Change In Place of Use, Appropriation of Water, File No. 45,113; dated *January 18, 2017*, was mailed postage prepaid, first class, US mail to the following:

John Paul Grother
11804 S Hydraulic Street
Peck, KS 67120-9702

With photocopies sent to:

Stafford Field Office


Division of Water Resources

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
109 SW 9th Street, 2nd Floor
Topeka, KS 66612-1283
www.ksda.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

- Place of Use
 Point of Diversion
 Use Made of Water

(Check one or more)

WATER RESOURCES
RECEIVED

OCT 01 2013
2:57 PM
KS DEPT OF AGRICULTURE

File No. 45113

2. Name of applicant: John Grother

Address: 11804 S. HYDRAULIC

City, State and Zip: PECK, KS 67120

Phone Number: () _____ E-mail address: _____

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

Name of water use correspondent: SAME

Address: _____

City, State and Zip: _____

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

TO COMPLETELY OVERLAP THE PLACE OF USE

The change(s) (was) (will be) completed by Spring 2014 (Date)

| | | | | | | | |
|----------------------|---------------|-------------------|--|-----------------------------|---------------------|---------------|---------------------|
| For Office Use Only: | F.O. <u>2</u> | GMD <u>0</u> | Meets K.A.R. 5-5-1 (YES/NO) Use <u>IRR</u> | Source <u>G(S)</u> | County <u>SG</u> | By <u>RAR</u> | Date <u>10-1-13</u> |
| Code | <u>CP4</u> | Fee \$ <u>200</u> | TR # <u>14009219</u> | Receipt Date <u>10-1-13</u> | Check # <u>3655</u> | | |

APPLICATION COMPLETE
12/22/16
Reviewer LE

10-2-13
ESD

Assisted by: [Signature] SCANNED

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.
TWO NEW APPLICATIONS WILL CARRY ANY
NEW CONSUMPTIVE USE

(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to _____ 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.

THERE WILL BE NO CHANGE IN LOCAL
SOURCE OF SUPPLY, AND THE CONSUMPTIVE
WILL NOT BE INCREASED

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.

MEETS ALL RULES AND REGULATIONS

WATER RESOURCES
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OCT 01 2013

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SCANNED

KS DEPT OF AGRICULTURE

4. The presently authorized place of use is:

Owner of Land — NAME: John Grother
 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 | | | | |
| <u>33</u> | <u>29S</u> | <u>1E</u> | | | | | | | | | | | | | | | | | <u>33.3</u> | <u>2</u> | <u>2.7</u> | <u>38</u> |
| | | | | | | | | | | | | | | | | | | | | | | |

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

Owner of Land — NAME: John Grother
 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 | | | | |
| <u>34</u> | <u>29</u> | <u>1E</u> | | | | | | | | | <u>40</u> | <u>32</u> | <u>20</u> | <u>40</u> | | | | | | | | <u>132</u> |
| | | | | | | | | | | | | | | | | | | | | | | |

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

(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: John Grother
 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 | | | | |
| <u>*34-29-1E</u> | | | | | | | | | | | <u>42</u> | <u>42</u> | <u>32.2</u> | <u>42</u> | | | | | | | | <u>158.2</u> |
| | | | | | | | | | | | | | | | | | | | | | | |

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

Owner of Land — NAME: John Grother
 ADDRESS: _____

WATER RESOURCES RECEIVED

OCT 01 2013

KS DEPT OF AGRICULTURE

| 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 | | | | |
| <u>*33-29-1E</u> | | | | | | | | | | | <u>46.8</u> | | | | | | | | <u>35.8</u> | <u>11</u> | <u>7.1</u> | <u>557</u> <u>71.36</u> |
| | | | | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use. 29.729, 46.229, 46.301

224 Ac

TOTAL: 229.56

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

*

JPG
 INITIAL DATE
 1/26/16
 SCANNED

6. The presently authorized point(s) of diversion (is) (are) _____
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) No Change _____
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **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 _____

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 _____ 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 _____

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. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SCANNED

WATER RESOURCES RECEIVED OCT 01 2013 KSD DEPARTMENT OF AGRICULTURE

45,113

File No. ~~45,113~~

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 Topeka, Kansas, this 1 day of October, 20 13.

| | | |
|---------------------------------------|-------|----------------|
| <u>* John Grother</u> (Owner) | _____ | (Spouse) |
| <u>John Grother</u> (Please Print) | _____ | (Please Print) |
| _____ | _____ | (Owner) |
| _____ | _____ | (Spouse) |
| _____ | _____ | (Please Print) |
| _____ | _____ | (Please Print) |
| _____ | _____ | (Owner) |
| _____ | _____ | (Spouse) |
| _____ | _____ | (Please Print) |
| _____ | _____ | (Please Print) |

State of Kansas }
County of _____ } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 1st day of October, 20 13.

Sheryl P Fergel
Notary Public

My Commission Expires _____


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 RES
RECEIVED
OCT 01
KS DEPT OF AGRICULTURE
SCANNED

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

January 27, 2016

JOHN PAUL GROTHER
11804 S HYDRAULIC ST
PECK KS 67120-9702

Re: Water Right, File No. 29,729
Appropriation of Water, File No. 45,113
Permit, File Nos. 46,299A & 46,301

Dear Mr. Grother:

Thank you for meeting with us to review and modify your applications under the referenced files. Enclosed are copies you requested for your files.

The application for permit under File No. 45,113, has been modified back to the sole point of diversion as requested in your March 6, 2006, letter. I totally forgot about the regulation that applies to new groundwater permits, specifically K.A.R. 5-3-4, *Application*, which states in part:

- (c) Separate applications shall be filed for surface water and groundwater.
- (d) If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that up to four (4) wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of twenty (20) gallons per minute per well and which are operated by means of submersible pumps may be included in a single application.

Please be reminded to send Doug Schemm your well log and designated well location or battery geographic center and battery wells for File No. 46,301. An envelope has been enclosed for your convenience. Upon receipt of this information the applications will be completed for final review.

If you have any questions about the applications for change please do not hesitate to contact me at (785) 564-6633, or Doug Schemm at (785) 296-3495, regarding your new permits. Should you contact either of our offices, please reference your file number so that we may better serve you.

Sincerely,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

FILE COPY

LI:li
Enclosures
pc: Topeka Field Office


Kansas
Department of Agriculture
Division of Water Resources

109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

phone: (785) 296-3717
fax: (785) 296-1176
www.ksda.gov/dwr

Dale A. Rodman, Secretary
David W. Barfield, Chief Engineer

Sam Brownback, Governor

October 2, 2013

JOHN GROTHER
11804 S HYDRAULIC
PECK KS 67120

RE: File No. 45,113

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
- 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.

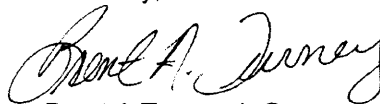
Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate 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 our office. 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: al
pc: Stafford Field Office

SCANNED

JOHN GROTHER - FILE NOS. 46,299-A & 46,301



FILE NO. 46,299-A - One Well
Proposed Point of Diversion
(2,772'N & 4,496'W)

FILE NO. 46,301
Proposed Point of Diversion
Geographic Center of Well Battery
(1,901'N & 975'W)

Southeast Corner of Section 33
Township 29 South
Range 1 East

FILE NO. 43,919 - Owned By Applicant
Authorized Point of Diversion
One Well (3,164' N & 2,660' W)

Southeast Corner of Section 34
Township 29 South
Range 1 East

Southeast Corner of Section 5
Township 30 South
Range 1 East



Proposed Place of Use



Proposed Point of Diversion

WATER CONTROL RECEIVED

DEC 22 2016

1:24,000



JOHN GROTHER - FILE NOS. 46,299-A & 46,301



Proposed Place of Use

● Proposed Point of Diversion

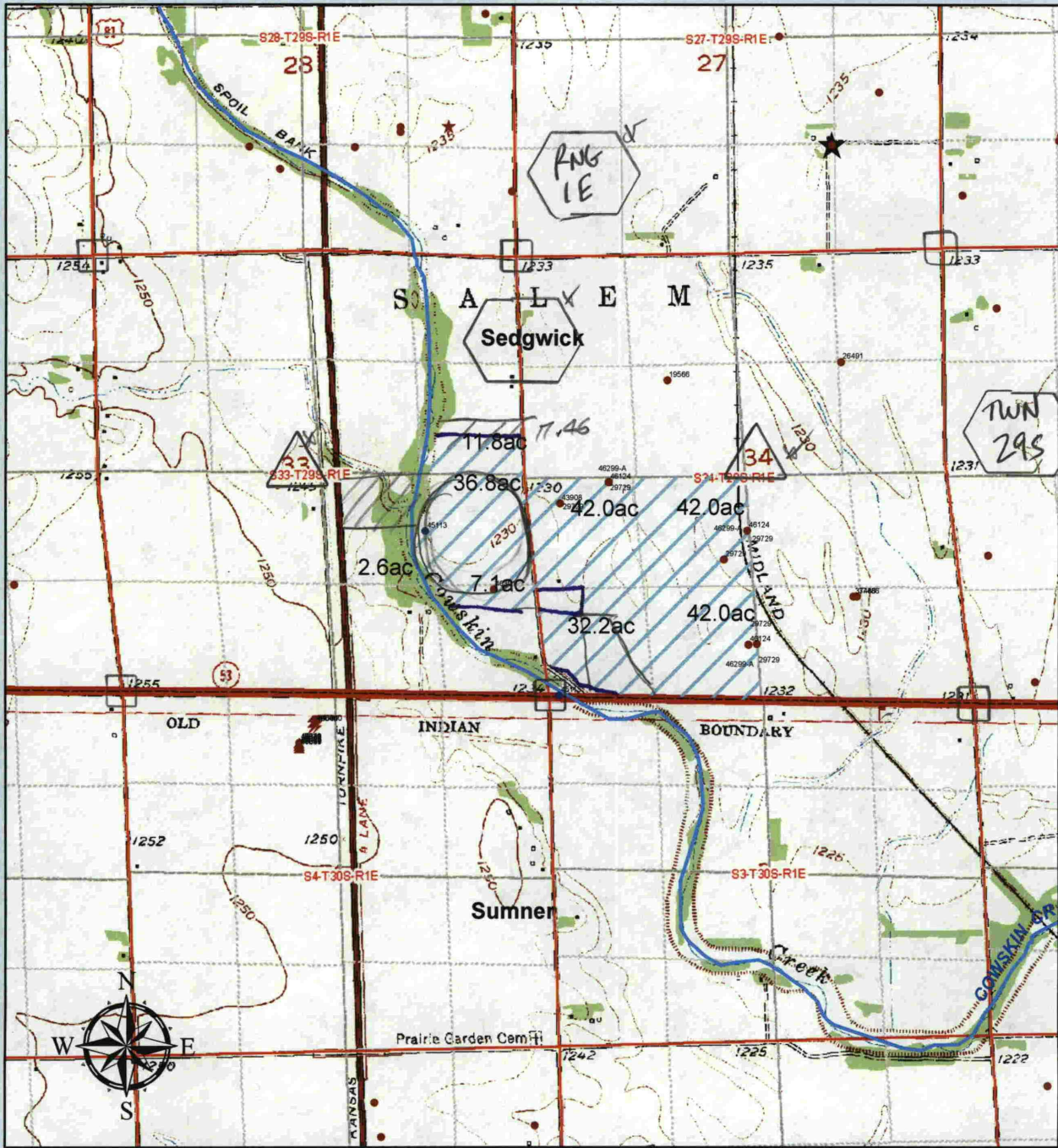
RECEIVED

DEC 22 2016

1:24,000

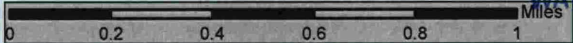
KS DEPT OF AGRICULTURE





★ Point of diversion location
 Place of use 1:24,000

* LFTOWN
 12/22/16



WATER RESOURCES RECEIVED

OCT 01 2013

Handwritten initials and date: JPC 12/22/16

Date: 10/1/2013
 RAR/DWR

JOHN GROTHER - FILE NOS. 46,299-A & 46,301

ALSO FILE NOS. 29,729 & 45,113



FILE NO. 46,299-A - One Well
Proposed Point of Diversion
(2,772'N & 4,496'W)

FILE NO. 46,301
Proposed Point of Diversion
Geographic Center of Well Battery
(1,901'N & 975'W)

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Southeast Corner of Section 34
Township 29 South
Range 1 East

Southeast Corner of Section 5
Township 30 South
Range 1 East



Proposed Place of Use

● Proposed Point of Diversion

WATER DIVISION
RECEIVED

DEC 22 2016

1:24,000



Ireland, Leslie

From: Schemm, Doug
Sent: Thursday, December 22, 2016 11:01 AM
To: Turney, Brent
Cc: Ireland, Leslie
Subject: John Grother Files
Attachments: 46299 A Permit Worksheet.docm; 46301 Permit to Proceed.docx; 46301 Permit Worksheet.docm; 46299 A Permit to Proceed.docx; 46299 A 46301 and 46499 Memo to File.docx; 46299 A 46301 and 46499 Transmittal NEW.docx; 46499 Closure Worksheet.docm; 46499 Voluntary dismissal F and O.docx; 46299 A AND 46301 GROTHAR MAP Final.pdf

Categories: Change pending

Brent, finally got these done.

File Nos. 46,299 A and 46,301 are to be approved, while 46,499 is voluntary closure.

Leslie is working PU changes on John's senior files, so that all 4 of these should be a complete PU overlap.

Thanks, Doug