# CHECK SHEET Short Change

(To be completed and attached to each application)

FIIE	e No. <u>476</u>	513		<u> </u>	Fi	eld Office	e No. <u>2</u>		G	MD No	TE VI
1. PI	lugging	agreement	obtained fo	or GMD?	Yes 🗆	] No	o 🗆	Non Applic	able ⊠		
			et as current e of Use Ove	3 7				No 🗆		Addre	ss Change?
3. <b>Is</b>	Water U	Jse Corres	pondent co	rrect as c	urrently	shown ir	WRIS?				ss Change?
			on computer nces from th							point(s)	of diversion
	Action	PDIV ID	Geo Ctr?	Sec	Twp	Rng	'N	'W	Cour	nty	Qualifier
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	MOD	84600	YES	13	31S	1E	145	2690	Sum	ner	SE SE SI
147	100	- Y									
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Date Created 1/20/17

by **TJS** 

Date Entered

by

#### CHECK SHEET ATTACHMENT

## 9. Changes to the place of use will be:

### File Number 47613

	0	D						NE	1/4			NV	V1/4			SV	V1/4			SE	=1/4	- 13	TOTAL
Action	Owner Person ID	Place Use ID #	Sec.	Twp.	Range		NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1⁄4	SW1/4	SE1/4	NE1/4	NW1⁄4	SW1/4	SE1/4	ACRES
MOD	58414	57042	13	31S	1E	Acres Authorized									0.5	9	23	24.5				,	57
IVIOD	36414	57042	13	313	12	New Acres																	
MOD	57914/	61446	23	31S	1E	Acres Authorized		-											6.5			23.5	30
WIOD	60837	01440	23	313	15	New Acres	2			1													
MOD	57914/	57043	24	31S	1E	Acres Authorized		-			21.5	34.5	25	25	38.5	3	20	23					190.5
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MOD	57914/	59540	26	31S	1E	Acres Authorized	29.5	34.5	16	13													93
IVIOD	60837	59540	20	313	16	New Acres				+ =				•	1 - 7		1						-

#### Names and Address:

1. Person ID # <u>58414</u>	2. Person ID # <u>57914</u>	3. Person ID # <u>60837</u>
LARRY D & CAROL WILKERSON	MARK E & KARLA LAWLESS	DAVID E & JOI D LAWLESS
600 N 127TH ST E	PO BOX 515	532 N OLIVER RD
WICHITA KS 67206	BELLE PLAINE KS 67013	BELLE PLAINE KS 67013
	= =	

## 1. Give to Applicant:

- a. Original application/approval
- b. Original receipt (one for each application)
- c. Information packet containing:
- Notice and Proof form
- Water Meter Specifications
- Acceptable Meter list
- Water level measurement tube specifications
- Check Valve specifications
- Pink Sheet K.S.A. 82a-728 letter
- Form stating to record in Register of Deeds Office (OPTIONAL AS NEEDED)

### **GENERAL INSTRUCTIONS**

- 2. Send to headquarters:
- Good, <u>scannable</u> copy of application and/or approval and this check sheet
- b. Original check and copy of receipt
- c. Test hole log
- d. GMD recommendation, if any
- e. Map or aerial photograph, if any
- 3. Send to KDHE: Letter (KDHE.LT) advising of location of abandoned well. 

  ☐

### CONDITIONS

- 1. Insert notice and proof date.
- 2. Type or print applicant's/owner's name on line.
- 3. Complete notary statement.

- 4. Date stamp received and approved.
- 5. Complete ownership and WUC change information.

HQ			
	-	 	
	70		

Submit completed application to: Kansas Department of Agriculture Division of Water Resources Field Office for your area. Call for address:

Topeka -- (785) 296-5733 Stafford - (620) 234-5311 Stockton - (785) 425-6787 Garden City -- (620) 276-2901 http://agriculture.ks.gov/dwr

## **DWR FIELD OFFICE** APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF **USE AND/OR THE** POINT OF DIVERSION



## STATE OF KANSAS

## WATER METER REQUIRED

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended. Fee Schedule is on the third page of this application form.

than	100 fee	Nos. 1, 2 et, or if p version a	olace	of use	will be	chan	ted. (	Comple nclude	ete all a top	other ograpi	r <b>appli</b> hic ma	cable ap or c	<b>portio</b> letailed	ns. If	chang showir	ge in p	oint of autho	rized a	on is greater and proposed EVED HOam
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ι	nder th	e water	right w	hich is	the s	ubject	of this	applica	ation in	n acco	rdance	e with t	he cor	ditions	desc	ribed l	oelow.		
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(	If there i	s more th															E PLA	INE KS	6 67013
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A,B) 2	4 315	1E					21.5	34.5	25	25	38.5	3	20	23					190.5
A,B) 2	6 318	1E	29.5	34.5	16	13													93
	or Offi	ice Use	Only:	Code		Fee	\$30	2000	2 TR	#		Re	ceipt	Date _			Chec	k# <u>88</u>	35

(a) What are you going to do with the old well?  N/A  (b) When will this be done? N/A  11. Groundwater Management District recommendation attached? Yes No	014/	
of Section   13		Quarter
In Sumner		
Authorized Rate 400 GPM Authorized Quantity 270.6 AF(Limited) Dept (DWR use only: Computer ID No. 10 GPS — feet North — Get North — Feet North — Feet North — Feet North — Get West of Section — Township — South, Range — Froposed Rate — Proposed Quantity — Proposed well depth (This point is: Additional Well — Geo Center List other water rights that will use this point is in Sumner — County, Kansas, — Get North — Get West of Section — Geo Center List other water rights that will use this point is: Additional Well — Geo Center List other water rights that will use this point of Section — Geo Section — Geo Center List other water rights that will use this point is use this point is: Additional Well — Geo Center List other water rights that will use this point of Section — Get North — Get One in the — Guarter of the — Guarter of the — Get North — Get North — Get North — Get North — Get One in the — Get North — Get North — Get One in the — Get North — Get One North — Get		
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This point is:  Additional Well  Geo Center List other water rights that will use this point      Presently authorized point of diversion: (Geographic Center of Three (3) Wells)     One in the SE Quarter of the SE Quarter of the		
6. Presently authorized point of diversion: (Geographic Center of Three (3) Wells)  One in the SE Quarter of the SE Quarter of the SE Quarter of the Section 13 , Township 31 South, Range in Sumner County, Kansas, 145 feet North 2690 feet West of S Authorized Rate 300 GPM Authorized Quantity 203 AF(Limited) Depth of well (DWR use only: Computer ID No. 15 GPS — feet North — feet North Section In the Quarter of the Quarter of the Quarter of the Section — Township South, Range in County, Kansas, feet North — feet West of Section — Township South, Range in County, Kansas, feet North — feet West of Section — Township South, Range in County, Kansas, feet North — feet West of Section — Township South, Range in Additional Well Geo Center List other water rights that will use this point of the diagram below in relation to (PLEASE NOTE: The "X" (PLEASE NOTE		
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CDWR use only: Computer ID No. 15   GPS   feet North		
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Proposed point of diversion: (Complete only if change is requested)  One in the	feet West)	
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of Section, Township		
inCounty, Kansas,feet Northfeet West of S Proposed RateProposed QuantityProposed well depth ( This point is:   Additional Well   Geo Center   List other water rights that will use this point  7. Why do you need a new point of diversion? N/A		_Quarter
Proposed Rate Proposed Quantity Proposed well depth ( This point is:		
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8. If a well, is the test hole log attached?  \[ Yes  \] No \[ N/A \]  9. When do you propose to complete the new point of diversion? \[ N/A \]  10. If the point of diversion is a well: \[ (a) \] What are you going to do with the old well? \[ N/A \]  (b) When will this be done? \[ N/A \]  11. Groundwater Management District recommendation attached?  \[ Yes \] No	ersion, indicate its I the existing point of center of diagra	location on f diversion.
9. When do you propose to complete the new point of diversion?  N/A  10. If the point of diversion is a well:  (a) What are you going to do with the old well?  N/A  (b) When will this be done? N/A  11. Groundwater Management District recommendation attached? Yes No		
9. When do you propose to complete the new point of diversion?  N/A  10. If the point of diversion is a well:  (a) What are you going to do with the old well?  N/A  (b) When will this be done? N/A  11. Groundwater Management District recommendation attached? Yes No		
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10. If the point of diversion is a well:  (a) What are you going to do with the old well?  N/A  (b) When will this be done? N/A  11. Groundwater Management District recommendation attached? Yes No		
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13 Assisted by TIS SEEO 13b. If the proposed point of diversi		more than
12. Assisted by TJS-SFFO  13. If the proposed point of diversion at the proposed point of diversion at the proposed point of diversion at the proposed point of diversion and the proposed point of diversion at the proposed point of diversion and the proposed point of diversion at the proposed	t from the existing map or aerial pall wells (including sed point of diversion of the owners. From and address	g point of photograph. g domestic) ion and the for surface ses of the

DWR 1-121 (Revised 06/16/2014)

DEC 2 9 2016

Page 2

File No. <u>47613</u>

<ol> <li>If the proposed groundwater point of diversion is 300 or fewer feet for</li> </ol>	rom existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently aut  ☐ Yes ☐ No (If no, all owners must sign this appl	
<ul> <li>(b) Will the ownership interest of any owner of the currently authoraffected if this application is approved as requested?</li> <li>☐ Yes</li> <li>☐ No</li> <li>(If yes, all owners must sign this approved as requested?)</li> </ul>	
(c) If this application is not approved expeditiously, will there be su Yes No (If no, all owners must sign this appl	
If the application proposes a surface water change in point of diversion, or a change in place of use, the application must be signed by all owner agent (attach notarized statement authorizing representation).	a groundwater change in point of diversion greater than 300 feet, s of the currently authorized place of use, or their duly authorized
I hereby verify, being first duly sworn upon my oath or affirm age and the owner, the spouse of the owner, or a duly author their behalf, in regard to the water right(s) to which this appropriate true, correct and complete.  Dated at The Am 3. Kansas. this	rized agent of the owner(s) to make this application on
Dated at Street Kansas, this	Valey Sawlers
MANIC LAW 1355	Karla Jo Lawless
Please Print)  (Owner)	(Please Print) (Spouse)
DAUTO E Lawless (Please Print)	Joi Clwicss (Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas  County of Sumnet Ss	
I hereby certify that the foregoing application was signed in received ber , 20/2	ny presence and swom to before me this 25th day of
My Commission Expires 4/20/2020.	Beverly Icalee Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, a accurate information; maps, if necessary, must be included; signatures of all the the appropriate fee must be paid.	Il of the applicable portions of the application form must be completed with appropriate owners' must be affixed to the application and notarized; and
FEE SCHED	NULE
Each application to change the place of use or the point of diversion und forth in the schedule below: Make checks payable to: Kansas Departr (1) Application to change a point of diversion 300 feet or less. (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use	der this section shall be accompanied by the application fee set nent of Agriculture\$100 et\$200
RECEIVED	BEVERLY SCOBEE  Notary Public - State of Kansas  My Appt. Expires H 20 2020

Stafford Field Office

DEC 2 9 2016 Page 3

File No. 47613

DWR 1-121 (Revised 06/16/2014)

## SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

pro K.A	visions of the Kansas Water Appropriation Law, K.S.A. 82a-7	-708b, as amended, and K.A.R. 5-14-3 and other applicable 701 et. seq., and rules and regulations promulgated thereunder, essly contained herein, this Summary Order does not change the
1.	A change application was received on 12/27/16 diversion authorized under the above-referenced file number	requesting that the place of use and / or point of be changed as described in the application.
2.	On and after the effective date of this summary order, the au on the topographic map accompanying the application to char	uthorized place(s) of use shall be located substantially as shown nge the place of use.   Applicable  Not Applicable
3.	The change in point of diversion shall not impair existing right previously authorized. The point of diversion authorized by the radius of the authorized point(s) of diversion.   Applicable	ts and shall be limited to the same source or sources of water as his summary order shall be located within a foote \overline Not Applicable
4.	The point(s) of diversion authorized herein shall not actually be authorized point(s) of diversion. ☐ Applicable ☒ Not	be located more than feet from the previously Applicable
5.	As required by K.A.R. 5-3-5d, if the works for diversion is a tube or other device suitable for making water level measurer with K.A.R. 5-6-13.   Applicable  Not Applicable	well with a diversion rate of 100 gallons per minute or more, a ments shall be installed, operated and maintained in accordance
6.	December 31, 2017, or before the first use of water, whicheve and maintained in accordance with K.A.R. 5-1-4 through 5-1-	perly install an acceptable water flow meter on or before reroccurs first. The water flow meter shall be installed, operated 12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-g of the water flow meter and the total quantity of water diverted of each calendar year.
7.	Installation of the works for diversion of water shall be authorized extension of time. By March 1, 20 the approximate the provided of th	completed on or before December 31, 20, or within any oplicant shall notify the Chief Engineer that construction of the d by the Chief Engineer, as required by K.A.R. 5-8-4e.
8.	The completed well log shall be submitted with the require	red notice.   Applicable   Not Applicable
9.	with an in-line, automatic, quick-closing check valve capable	preign substance will be injected into the water shall be equipped to of preventing pollution of the source of the water supply. The accordance with K.A.R. 5-3-5c. Applicable \(\Bigcap \) Not Applicable
10.	Additional Conditions are attached.	
11.	water appropriated under the above-referenced file number limitations, as amended and/or supplemented by this Summ Appropriation Law and the Rules and Regulations promulg	R. 5-5-14, all of the owners of the authorized place(s) of use of are responsible for compliance with its terms, conditions and nary Order, and with applicable provisions of the <i>Kansas Water</i> ated thereunder. Failure to comply with these provisions may nded, and/or the suspension or revocation and dismissal of the authorized by law.
	Administrative Appeal and Effective Date of Order	FOR OFFICE USE ONLY
You	have the right to a hearing in accordance with K.A.R. 5-14-3	APPLICATION APPROVED AND
befo	ore this Summary Order becomes final action of the Kansas partment of Agriculture. Any request for a hearing must be	SUMMARY ORDER ISSUED
filed	d with the Chief Engineer, Division of Water Resources,	Camara V ( )
Dri	nsas Department of Agriculture, 1320 Research Park ve, Topeka, Kansas 66502, within 15 days after the date	By: Duly Authorized Designee of the Chief Engineer
sho is n	own on the Certificate of Service attached hereto. If a hearing not requested in accordance with K.A.R. 5-14-3, this Summary	(Print Name): Cometon R. Conant
Ord	not requested in accordance with K <sub>1</sub> A.R. 5-14-3, this Summary der will become effective on the 15 <sup>th</sup> day after the date shown the Certificate of Service.	Division of Water Resources - Kansas Department of Agriculture
011	For Use by Register of Deeds	Date of Issuance: 1/31/17
		State of Kansas )
		County of Afford
		County of Atroca
		Acknowledged before me on DI 31 17 by MANN CONTROL Signature:
		Acknowledged before me on DI 31 III  by
	RECEIVED	Acknowledged before me on DI 31 IT  by MANN MOTOR Public  Notary Public  JESSICA ENGELBRECHT

DEC 2 9 2016 Page 4

File No. 47613

DWR 1-121 (Revised 06/16/2014)

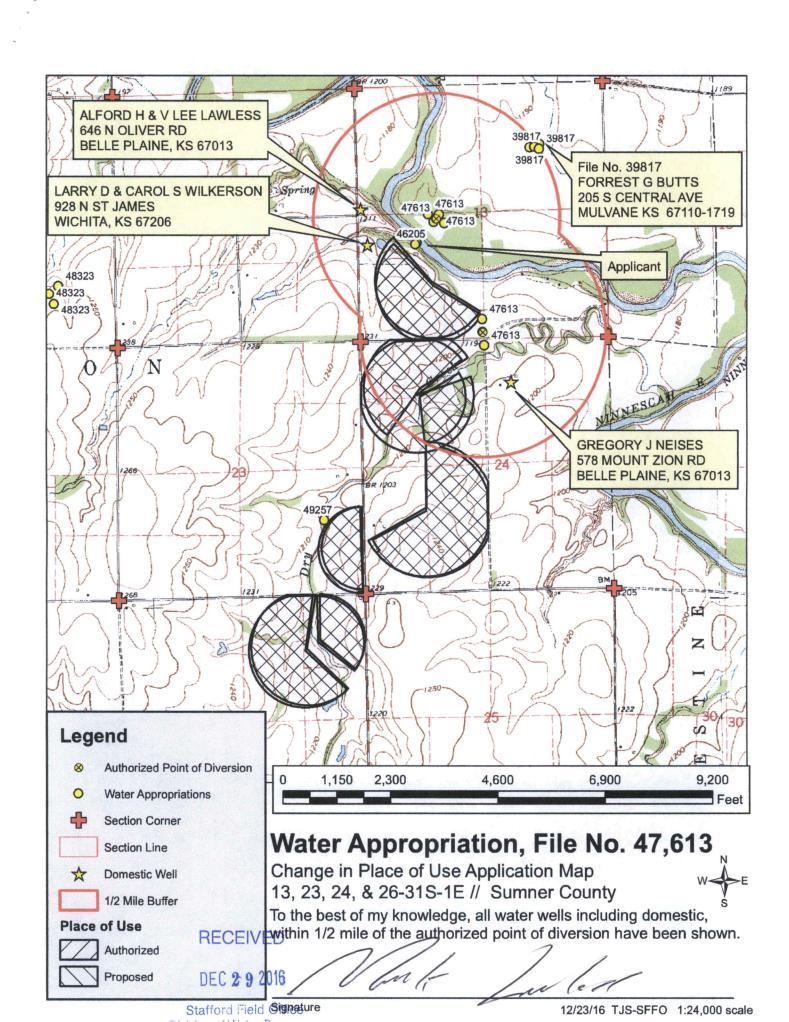
## APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

## FILE NO. 47613

MAKE ADDITIONAL COPIES AS NECESSARY

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C.) 13	315	1E									1	11	25	25					62
O	wner o	f Land -		AME: :															
				NE	1/4			NV	V1/4			SV	V1/4			SE	1/4		TOTAL
Sec.	Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	ACRES
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				NIC	-1/			N/A	V1/4			61	V1/4			SE	E1/4		TOTAL
_	_	_		T	1/4	051/	NEW			051/	NET			CE1/	NE1/4			SE1/4	ACRES
Sec.	Twp.	Range	NE1/4	NW1/4	SW1/4	SE¼	NE1/4	NVV¼	SW1/4	SE1/4	NE1/4	NW1/4	SW74	SE1/4	NE 74	INVV 74	SVV 74	SE/4	
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		f Land	N	AME: ESS:	C.) LA	RRY	0 & CA	AROL V	NILKE	RSON	1	6	the pla	ace of	use be		ged to:		
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O Sec. C.) 13	Twp.	Range 1E	NE1/4	AME: ESS: NE NW%	C.) LA C.) 60	RRY [0 N 12	0 & CA 27TH S	AROL V	VILKE VICHIT	RSON TA KS	67200 NE1/4	SI NW1/4	N1/4 SW1/4	SE¼		SI	≣¼ T		ACRES
O Sec. C.) 13	Twp.	Range 1E	NE1/4	AME: ESS:  NE NW%  AME: ESS:	C.) LA C.) 60	RRY [0 N 12	0 & CA 27TH S	NW%	VILKE VICHIT V¼ SW¼	RSON TA KS	67200 NE1/4	SI NW¼ 9	N¼ SW¼ 23	SE¼		SI NW1/4	E¼ SW¼		57
O Sec. C.) 13	Twp. 31S	Range 1E	NE1/4	AME: ESS: NE NW1/4  AME: ESS:	C.) LA C.) 60  SW1/4  SW1/4	SE%	NE1/4	NW/	WILKE VICHIT V/4 SW/4	SE1/4	67200 NE <sup>1</sup> / <sub>4</sub> 0.5	SI NW1/4 9	N1/4 SW1/4 23	SE½ 24.5	NE1/4	SI NW1/4	=¼ SW¼	SE1/4	57 TOTA
O Sec. C.) 13	Twp. 31S	Range 1E	NE1/4	AME: ESS:  NE NW%  AME: ESS:	C.) LA C.) 60  SW1/4  SW1/4	SE%	0 & CA 27TH S	NW/	VILKE VICHIT V¼ SW¼	SE1/4	67200 NE1/4	SI NW1/4 9	N¼ SW¼ 23	SE½ 24.5		SI NW1/4	E¼ SW¼	SE1/4	57 TOTA
O Sec. C.) 13	Twp. 31S	Range 1E	NE1/4	AME: ESS: NE NW1/4  AME: ESS:	C.) LA C.) 60  SW1/4  SW1/4	SE%	NE1/4	NW/	WILKE VICHIT V/4 SW/4	SE1/4	67200 NE <sup>1</sup> / <sub>4</sub> 0.5	SI NW1/4 9	N1/4 SW1/4 23	SE½ 24.5	NE1/4	SI NW1/4	=¼ SW¼	SE1/4	57 TOTA
O Sec. C.) 13	Twp. 31S	Range 1E	NE1/4	AME: ESS: NE NW1/4  AME: ESS:	C.) LA C.) 60  SW1/4  SW1/4	SE%	NE1/4	NW/	WILKE VICHIT V/4 SW/4	SE1/4	67200 NE <sup>1</sup> / <sub>4</sub> 0.5	SI NW1/4 9	N1/4 SW1/4 23	SE½ 24.5	NE1/4	SI NW1/4	=¼ SW¼	SE1/4	ACRES
O Sec. C.) 13	Twp. 31S	Range 1E	NE1/4	AME: ESS: NE NW1/4  AME: ESS:	C.) LA C.) 60  SW1/4  SW1/4	SE%	NE1/4	NW/	WILKE VICHIT V/4 SW/4	SE1/4	67200 NE <sup>1</sup> / <sub>4</sub> 0.5	SI NW1/4 9	N1/4 SW1/4 23	SE½ 24.5	NE1/4	SI NW1/4	=¼ SW¼	SE1/4	57 TOTA
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O Sec. O Sec.	Twp. 31S wner c	Range 1E of Land Range	NE1/A NE1/A NE1/A NE1/A NE1/A NE1/A	AME: ESS:  NE NW1/4  AME: ESS: NI NW1/4	C.) LA C.) 60  54  SW1/4  SW1/4  SW1/4	SE%	NE1/4	NW/	WILKE VICHIT V/4 SW/4	SE1/4	67200 NE <sup>1</sup> / <sub>4</sub> 0.5	SI NW1/4 9	N1/4 SW1/4 23	SE½ 24.5	NE1/4	SI NW1/4	=¼ SW¼	SE1/4	57 TOTA
O Sec. 13	Twp. 31S wner c	Range 1E of Land Range	NE1/A NE1/A NE1/A NE1/A NE1/A NE1/A	AME: ESS:  NE NW1/4  AME: ESS:  NW1/4  AME: ESS:	C.) LA C.) 60  54  SW4  SW4  SW4	SE%	NE1/4	NW1/4	WILKE VICHIT V/4 SW/4	SE1/4	67200 NE <sup>1</sup> / <sub>4</sub> 0.5	SI NW1/4 9 SI NW1/4	N¼ SW¼ 23	SE½ 24.5	NE1/4	SI NW1/4	E¼ SW¼	SE1/4	TOTAL ACRES
O Sec. O	Twp. 31S wner o	Range 1E of Land Range	NE½  NE½  NE½  NE½  NE½	AME: ESS:  NE  NW1/4  AME: ESS:  NW1/4  AME: ESS:	C.) LA C.) 60  E¼  SW¼  SW¼  SW¼	SE%	NE1/4	NW1/4	WILKE VICHIT	SE1/4	NE1/4 NE1/4	SI NW1/4 9	N1/4 SW1/4 23 N1/4 SW1/4	SE½ 24.5	NE1/4	SI NW1/4	E1/4 SW1/4 SW1/4 SW1/4	SE1/4	TOTA ACRE
O Sec. C.) 13	Twp. 31S wner o	Range 1E of Land Range	NE½  NE½  NE½  NE½  NE½	AME: ESS:  NE  NW1/4  AME: ESS:  NW1/4  AME: ESS:	C.) LA C.) 60  E¼  SW¼  SW¼  SW¼	SE%	NE1/4	NW1/4	WILKE VICHIT	SE1/4	NE1/4 NE1/4	SI NW1/4 9	N¼ SW¼ 23	SE½ 24.5	NE1/4	SI NW1/4	E¼ SW¼	SE1/4	57 TOTA
O Sec. O	Twp. 31S wner o	Range 1E of Land Range	NE½  NE½  NE½  NE½  NE½	AME: ESS:  NE  NW1/4  AME: ESS:  NW1/4  AME: ESS:	C.) LA C.) 60  E'4  SW'4  SW'4  E'4  SW'4	SE%  SE%	NE1/4	NW1/4	WILKE VICHIT	SE1/4	NE1/4 NE1/4	SI NW1/4 9	N1/4 SW1/4 23 N1/4 SW1/4	SE½ 24.5	NE1/4	SI NW1/4	E1/4 SW1/4 SW1/4 SW1/4	SE1/4	TOTA ACRE
O Sec. O	Twp. 31S wner o	Range 1E of Land Range	NE½  NE½  NE½  NE½  NE½	AME: ESS:  NE  NW1/4  AME: ESS:  NW1/4  AME: ESS:	C.) LA C.) 60  E'4  SW'4  SW'4  E'4  SW'4	SE%  SE%	NE1/4	NW1/4	WILKE VICHIT	SE1/4	NE1/4 NE1/4	SI NW1/4 9	N1/4 SW1/4 23 N1/4 SW1/4	SE½ 24.5	NE1/4	SI NW1/4	E1/4 SW1/4 SW1/4 SW1/4	SE1/4	TOTA

DEC 2 9 2016





Stafford Field Office 300 S. Main Street Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary David W. Barfield, Chief Engineer Jeff Lanterman, Water Commissioner Fax: (620) 234-6900 www.agriculture.ks.gov Sam Brownback, Governor

Phone: (620) 234-5311

February 1, 2017

MARK E & KARLA LAWLESS PO BOX 515 BELLE PLAINE KS 67013

Re: Water Right, File No(s). 47613

Dear Water Right Owner:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number(s).

Your attention is directed to the enclosures and to the terms, conditions and limitations specified in this approval for change. An acceptable water flow meter must be installed on your well before any water is applied as authorized under this change approval. A copy of the approved list of Certified Water Flowmeters as well as the regulations regarding the installation of flowmeters, measurement tubes and check valves can be found at <a href="http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-flowmeters">http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-flowmeters</a>. If you do not have access to the internet, please contact this office and we will send you a paper copy of the referenced information.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

Should you have any questions, please feel free to contact this office. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

Jeff Lanterman

Water Commissioner

Enclosures

pc: Water Rights Section

LARRY D & CAROL WILKERSON

DAVID E & JOI D LAWLESS

## **CERTIFICATE OF SERVICE**

On this **1 February 2017**, I hereby certify that the attached Change in Place of Use, File No. 47613 dated January 31, 2017 was mailed to the following:

MARK 3 & KARLA LAWLESS PO BOX 515 BELLE PLAINE KS 67013

pc: WATER RIGHTS SECTION
LARRY D & CAROL WILKERSON
DAVID E & JOI D LAWLESS

Staff Staff



## KANSAS DEPARTMENT OF AGRICULTURE

#### **Division of Water Resources**

#### **Stafford Field Office**

## MEMORANDUM

TO: File

**DATE:** 1/3/2017

FROM: Tyler Saryerwinnie

**RE:** File Nos. 46205, 47040, & 47613

This is a memorandum regarding surrounding well owner notification on irrigation field office PU changes and pertains to decisions made during the Water Commissioner meeting which took place on 11/16/2016.

This is applicable to field office changes to increase the place of use by 10 acres or 10% (whichever is less) or a change in place of use to create a complete overlap in which no new acres are being irrigated.

During that meeting it was determined that no surrounding well owner notification will be sent under this type of Place of Use change. All well rates and quantities will remain unchanged and the referenced change will not cause impairment or impact surrounding well owners.

The change in place of use applications filed on <u>12/29/16</u> for the above referenced files meet this criteria and surrounding well owners will not be notified.

## KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

## MEMORANDUM

TO: Files DATE: January 24, 2017

FROM: Tyler Saryerwinnie RE: Water Right, File Nos. 46205 & 47040

Water Appropriation, File No. 47613

Mark Lawless on behalf of Mark E. & Karla Lawless and David E. & Joi D. Lawless, all as owners of the referenced files authorized for irrigation use, has submitted three (3) applications for approval to change the authorized place of use. A portion of the authorized place of use is owned by Larry D. & Carol Wilkerson, but a thirty-five year lease dated January 2006 transfers ownership interests to the Lawless family, members of DML Farms, LLC.

A review of the applications found that they comply with K.A.R. 5-5-1, *Filing an application for change*, with the lease serving as consent by the Wilkersons. Further discussion on the ownership of Section 13, Township 31 South, Range 1 East is outlined in an email on file from Aaron Oleen, KDA Attorney, dated January 24, 2017.

The referenced files do not appear abandoned as per K.S.A. 82a-718.

The three files referenced above currently have an overlapped place of use of 366 acres authorized in Sections 13, 23, 24, & 26, of Township 31 South, Range 1 East in Sumner County Kansas. The three (3) change applications, received on December 29, 2016, propose to maintain the complete overlap with an increase in acreage from 366 acres to 370.5 acres located in the aforementioned sections.

Water Right, File No. 46,205 is currently authorized 174.5 acre-feet of groundwater per calendar year at a rate not to exceed 1,120 gallons per minute. The point of diversion is one (1) well located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE ¼ NW ¼ SW ¼) of Section 13, Township 31 South, Range 1 East in Sumner County, Kansas; more specially described as 2,010 feet North and 4,094 feet West of the Southeast corner of Section 13. A compliance inspection on July 19, 2012, found the water right to be in compliance.

Water Right, File No. 47,040 is currently authorized 417 acre-feet of surface water per calendar year at a rate not to exceed 1,335 gallons per minute, with the additional limitation on the quantity that it not exceed 463 acre-feet when combined with File No. 46,205 on the authorized place of use. The point of diversion is one (1) surface water diversion located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE ½ NW ½ SW ½) of Section 13, Township 31 South, Range 1 East in Sumner County, Kansas; more specifically described as 2,039 feet North and 4,070 feet West of the Southeast corner of Section 13. A compliance inspection on July 19, 2012 found the water right to be in compliance. File No. 47,040 is subject to minimum desirable streamflow requirements.

Water Appropriation, File No. 47,613 authorizes two groundwater well batteries:

 A battery of four (4) wells with a geographic center located in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW ¼ NE ¼ SW ¼) File Nos. 46205, 47040, 47613 cont. 1/24/17

of Section 13, Township 31 South, Range 1 East in Sumner County, Kansas; more particularly described as being near a point 2,548 feet North and 3,637 feet West of the Southeast corner of Section 13, at a quantity not to exceed 270.6 acre-feet per calendar year and a rate not in excess of 400 gallons per minute.

A battery of three (3) wells with a geographic center located in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE ¼ SE ¼ SW ¼) of Section 13, Township 31 South, Range 1 East in Sumner County, Kansas; more particularly described as being near a point 145 feet North and 2,690 feet West of the Southwest corner of Section 13, at a quantity not to exceed 203 acre-feet per calendar year and a diversion rate not in excess of 300 gallons per minute.

There is also an additional limitation applied to File No. 47,613 that the quantity of water is not to exceed 473.6 acre-feet when combined with Water Right, File Nos. 46,205 and 47,040 on the authorized place of use. A field inspection on May 12, 2015 determined the water appropriation to be in compliance.

Currently, the overlapped files authorize the irrigation of 366 acres. Records indicate the Base Acres for File No. 46,205 to be 340 acres irrigated in 2010 and the Base Acres for File No. 47,040 to be 360 acres irrigated in 2012 with a net addition of 20 Base Acres. For File No. 47,613, the permit authorizes a total of 366 acres with a net addition of 6 base acres. When combined, these files authorize a total of 366 "Base Acres," as defined by K.A.R. 5-5-11. The proposed 370.5 acres complies with part (b) of K.A.R. 5-5-11 and the 4.5 acre increase above the Base Acres is allowed by the regulation.

The proposed changes will result in a maximum quantity of 473.6 acre-feet irrigating 370.5 acres, subsequently creating an irrigation ratio of 1.28 acre foot per acre. It would appear this irrigation ratio is reasonable as it is just slightly less than the 1.3 acre-foot per acre maximum for Sumner County found in K.A.R. 5-3-24, Reasonable quantity for irrigation use, thus complying with K.A.R. 5-3-23, Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right.

Since the referenced change in place of use does not propose adding more than 10 acres or 10% of the base acres to the authorized place of use, water well owners within one-half mile of the authorized point of diversion were not notified of the proposed change in place of use (TJS Memo in file dated 1/3/17). It should be noted that all three files are not located in a special use area or a groundwater management district.

A water flow meter is required. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it has been recommended that applications are approved.

Tyler Saryerwinnie

Environmental Scientist - SFFO