

File No. **49,706** 11. County: SU Basin: Arkansas River Stream: Formation Code: 113 Special Use:

12. Points of Diversion											Rate and Quantity				
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files	
										Rate gpm	Quantity af	Rate gpm	Quantity af		
DEL	85621	NW NW SW	17	30S	2E	5	2582	4778		850	232.7	850	17.7	NONE	
ENT	86031	SW SW NW	17	30S	2E		2672	4778		850	232.7	850	17.7	NONE	

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

14. Limitation: _____ 232.7 _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) 46,045
 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				
NO CHANGE																									

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: April 13, 2017

FROM: Austin McColloch

RE: Appropriation of Water,
File No. 49,706

On February 27, 2017, Forrest Butts, owner of Appropriation of Water File No. 49,706, had filed an application for approval to change the authorized point of diversion under the above referenced file, authorized for irrigation use in the Arkansas River Basin.

The above referenced appropriation of water does not appear to be abandoned as per K.S.A. 82a-718.

Appropriation of Water, File No. 49,706 is authorized and limited to 232.7 acre-feet at a diversion rate of 850 gallons per minute when combined with Water Right, File No. 46,045 for irrigation use on 179 acres located in Section 17, Township 30 South, Range 2 East, Sumner County, Kansas. The application proposes to move the authorized well, that has not yet been drilled, 90 feet North. Any further North, safe yield becomes an issue with the inclusion of senior water rights.

The currently authorized point of diversion is located as:

one (1) well located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 17, more particularly described as being near a point 2,582 feet North and 4,778 feet West of the Southeast corner of said section, in Township 30 South, Range 2 East, Sumner County, Kansas.

The proposed point of diversion is located as:

one (1) well located in the ^{South}Northwest Quarter of the ^{South}Northwest Quarter of the ^{North}Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, more particularly described as being near a point 2,672 feet North and 4,778 feet West of the Southeast corner of said section, in Township 30 South, Range 2 East, Sumner County, Kansas.

The source of water is determined to be the Alluvium from the Quaternary system in the drainage basin of the Arkansas River, based on area well logs and other water rights in the area. There will be no change in the local source of supply as the change in the point of diversion is less than $\frac{1}{2}$ mile away.

DWR completed an evaluation of a USGS model and has determined that the precipitation recharge value of 5.4 inches per year that is used in the USGS model is reasonable and appropriate. In order to reserve water in the alluvial aquifers that can contribute to base flow to area streams and for domestic use, it was determined that 75 percent of the 5.4 inches of precipitation recharge shall be available for appropriation. This is consistent with safe yield appropriation in many other basins across the state, and is the current percent available for applications in the Arkansas River basin in the area. Therefore, for pending applications within the model area, safe yield will be valued using the standard methodology in K.A.R. 5-3-11, which is based on the extent of the unconfined aquifer (area of consideration), a potential annual recharge value of 5.4 inches, and a percent of recharge available for appropriation of 75 percent.

The safe yield determination was based on Area of Consideration x potential annual recharge x percent of recharge available, as follows: $6,929 \text{ acres} \times 5.4 \text{ inch} \times 75\% = 28,062.45 \text{ acre-inches} / 12 = 2,338.54 \text{ acre-feet}$. Prior appropriations (excluding acre-feet additional under File No. 49,706) within the same area of consideration equals a total of 1,894.45 acre-feet, which leaves 444.09 acre-feet available for appropriation.

The proposed change meets the well spacing as detailed in K.A.R. 5-4-4(d). There are no other appropriated wells within 1,320 feet, nor domestic wells reported within 660 feet of the proposed well. Therefore, the change complies with well spacing requirements.

The applicant identified two (2) domestic wells not owned by the applicant located within one-half mile of this existing well. Nearby well owner letters were sent out referencing the change application. Both domestic well owners have sent in signed statements of having no objection to the change in point of diversion.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 and K.A.R. 5-1-12.

If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. A rate greater than 100 gallons per minute has been proposed, so a water level measurement tube will be required.

In an April 13, 2017 phone conversation with Jeff Lanterman, Water Commissioner, Stafford Field Office, indicated he is not opposed to approval of the request.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely. It is recommended that the change application for File No. 49,706 be approved.



Austin McColloch
Environmental Scientist

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

April 18, 2017

FILE COPY

FORREST G BUTTS
205 S CENTRAL AVE
MULVANE KS 67110-1719

RE: Appropriation of Water,
File No. 49,706

Dear Mr. Butts:

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.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flowmeter must be installed on the diversion works authorized. Please return the required and enclosed form, Notification of Completion of the Diversion Works and/or Installation of the Required Flowmeter, as soon as these actions are completed.

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.

If you have any questions, please contact me at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Brent A. Turney, P.G.
Change Application Unit Supervisor
Division of Water Resources

BAT:am
Enclosures(s)
pc: Stafford Field Office



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
APPROPRIATION OF WATER
FILE NO. 49,706.**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Forrest Butts, 205 South Central Ave., Mulvane, Kansas, 67110-1719, received in this office on February 27, 2017, for approval of a change in the location of the point of diversion under Approval of Application, File No. 49,706, for permit to appropriate water for beneficial use, 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 point of diversion shall be:

one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, more particularly described as being near a point 2,672 feet North and 4,778 feet West of the Southeast corner of said section, in Township 30 South, Range 2 East, Sumner County, Kansas.

located substantially as shown on the map accompanying the application to change the point of diversion

Installation of the works for diversion of water shall be completed on or before December 31, 2018, or within any authorized extension of time. The water right owner 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.

All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

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.

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.

CERTIFICATE OF SERVICE

On this ~~18th~~ day of April, 2017, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 49,706, dated April 17, 2017 was mailed postage prepaid, first class, US mail to the following:

FORREST G BUTTS
205 S CENTRAL AVE
MULVANE KS 67110-1719

With photocopies to:

Stafford Field Office



Division of Water Resources

APPLICATION COMPLETE

4/13/17

Reviewer AM

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

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

WATER RESOURCES
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FEB 27 2017

12:12

KS DEPT OF AGRICULTURE

File No. 49,706

2. Name of applicant: FORREST G BUTTS

Address: 205 S CENTRAL AVE

City, State and Zip: MULVANE KS 67110-1719

Phone Number: (316) 204-8676 E-mail address: _____

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

Name of water use correspondent: BUTTS BROTHERS

Address: 205 S CENTRAL AVE

City, State and Zip: MULVANE KS 671110-1719

Phone Number: (316) 204 8676 E-mail address: _____

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

The change(s) (was) (will be) completed by June 1, 2017 (Date)

For Office Use Only:							
F.O. <u>2</u>	GMD <u>0</u>	Meets K.A.R. 5-5-1 <u>(YES/NO)</u>	Use <u>FRP</u>	Source <u>GS</u> County <u>SU</u>	By <u>AM</u>	Date <u>2/27/17</u>	
Code _____	<u>CU</u>	Fee \$ <u>100</u>	TR # _____	Receipt Date <u>2/27/17</u>	Check # _____		

4. The presently authorized place of use is:

Owner of Land — NAME: BUTTS BROTHERS

ADDRESS: 205 S CENTRAL AVE, MULVANE KS 67110-1719

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					
17	30S	2E						LOT 1 1	LOT 2 4		39			35	26	26 17	*	17					179

List any other water rights that cover this place of use. FILE NO. 46,045 * AM 3-14-17

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 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: _____

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. _____

6. The presently authorized point(s) of diversion is ONE (1) WELL
(Provide description and number of points)
7. The proposed point(s) of diversion is ONE (1) WELL
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NW Quarter of the NW Quarter of the SW Quarter of Section 17, Township 30 South, Range 2 East, in SUMNER County, Kansas, 2,582 feet North 4,778 feet West of Southeast corner of section. Authorized Rate 850 Authorized Quantity 232.7
 (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 SW Quarter of the SW Quarter of the NW Quarter of Section 17, Township 30 South, Range 2 East in SUMNER County, Kansas, 2,672 feet North 4,778 feet West of Southeast corner of section. Proposed Rate NO CHANGE Proposed Quantity NO CHANGE
 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 _____ (EW), 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 _____ (EW), 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 _____ (EW), 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 _____ (EW), 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. _____

12. The presently authorized use of water is for IRR purposes.
It is proposed that the use be changed to N/A purposes.

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

N/A

(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.

MOVING 90' NORTH - SAME LOCAL SOURCE OF SUPPLY

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.

NONE EXPECTED

WATER RESOURCES
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FEB 27 2017

Domestic Well List

#1

JOSEPH J & TONYA HOGUE
1425 130TH AVE N
MULVANE KS 67110

#2

PAUL H & FRANCES PITTMAN
1415 E 130TH AVE N
MULVANE KS 67110

WATER RESOURCES
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FEB 27 2017

KS DEPT OF AGRICULTURE

SCANNED

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 Wichita, Kansas, this 24 day of February, 2017

[Signature]
(Owner)

Bryson G Butts
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

[Signature]
(Spouse)

Susan M Butts
(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Sedgewick } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 24th day of Feb., 2017

My Commission Expires 8-18-18

[Signature]
GABY GUTIERREZ
Notary Public - State of Kansas
My Appt. Expires 8-18-18
Notary Public

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

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

FEB 27 2017

KS DEPT OF AGRICULTURE

Division of Water Resources
David W. Barfield, Chief Engineer

WATER RESOURCES
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MAR 21 2017

KS DEPT OF AGRICULTURE

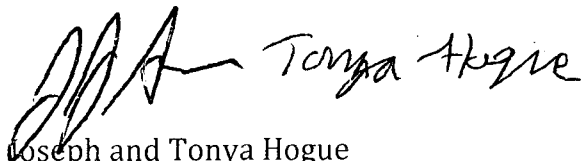
I have been notified of the Butts Farm's intention to install a new well within ½ mile of my home and domestic well.

The location of their new well is to be under Appropriation Water File #49706 which is 2672 feet North and 4778 feet West of the Southeast corner of Section 17, Township 30 South, Range 2 East in Sumner County, Kansas.

I have no objection to the installation of this well as long as the following conditions are satisfied:

1. The current seniority of my domestic water right is preserved.
2. The Impairment Complaint process remains available as a course of action should operation of the Butts' well be suspected of causing an unreasonable lowering of the static water level or an unreasonable deterioration of water quality beyond a reasonable economic limit to our domestic well.

Thank you for your time,



Joseph and Tonya Hogue
1425 E 130th Ave. N
Mulvane, KS. 67110

SCANNED

WATER RESOURCES
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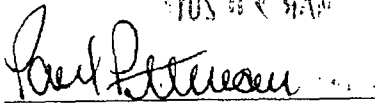
MAR 20 2017

KS DEPT OF AGRICULTURE

Division of Water Resources
David W. Barfield, Chief Engineer

I have been informed that I have a house water well within 2,640 feet radius of an irrigation well to be put in on Appropriation Water File #49706 which is 2,672 feet north and 4,778 feet west of the southeast corner of Section 17, Township 30 South, Range 2 East situated in Sumner County, Kansas. I have no objection to Butts locating a well at the above location.

Sincerely,
Paul Pittman

STOS 6 R 5A


Paul Pittman
1415 E. 130th Ave. N.
Mulvane, KS. 67110

SCANNED

49700

Please give this FAX to Brent Turney
and let him know that Joseph Houge mailed
a copy to Manhattan March 16, 2017

I will call Brent and make sure it is correct.

Thank you

Joseph Butts

316 204 8626

205 S. Central Ave

Mulvane, Ks 67110

WATER RESOURCES
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MAR 20 2017

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

February 28, 2017

FORREST G BUTTS
205 S CENTRAL AVE
MULVANE, KS 67110

RE: File No. 49706

FILE COPY

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.

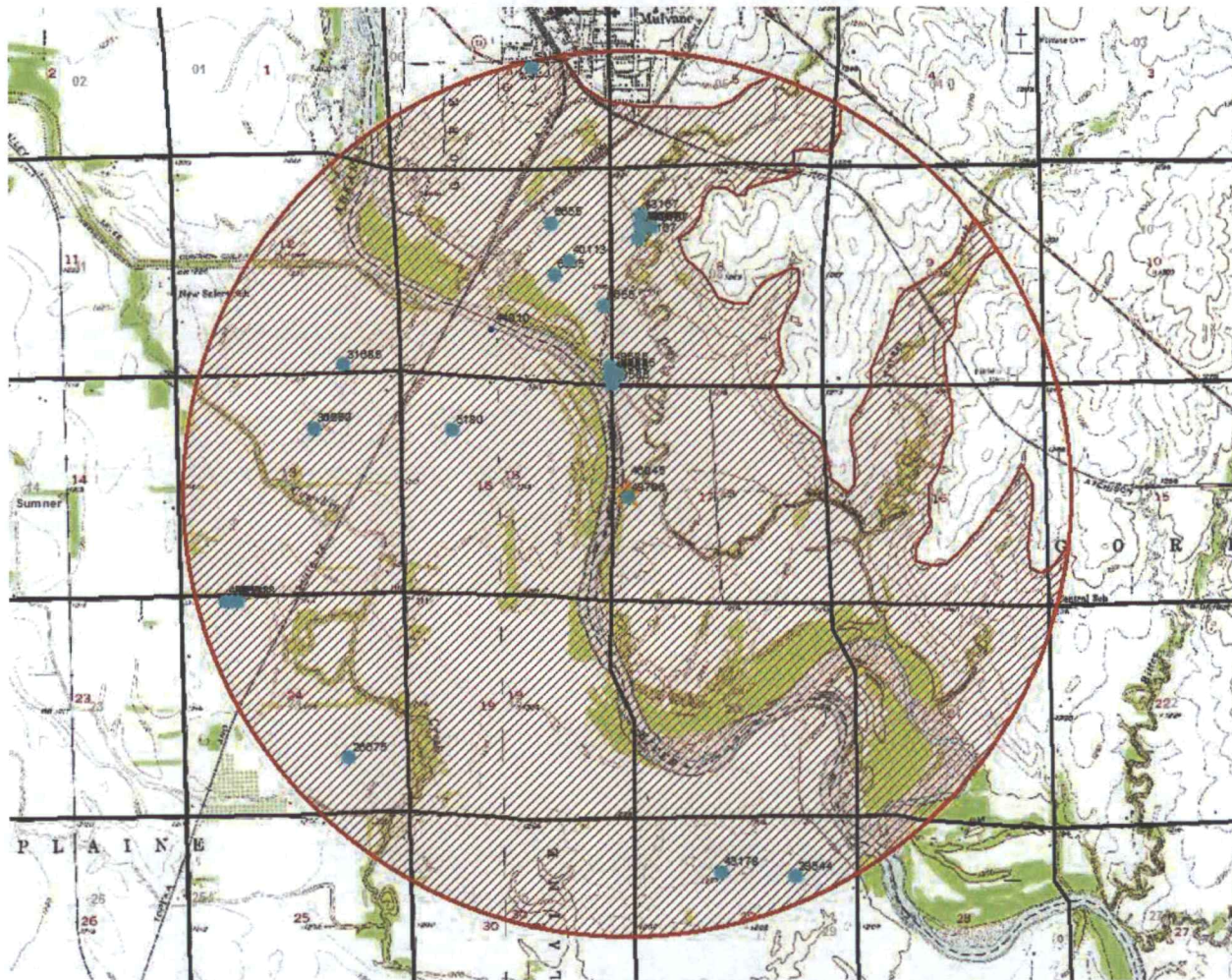
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT: dlw
pc: STAFFORD Field Office GMD

Safe Yield Report Sheet
Proposed Water Right Application
Point of Diversion in SESWSNW 17-30S-02E



Analysis Results

The selected PD is in an area to new appropriations.

The safe yield, based on the variables listed below is 2,338.54 AF.

Total prior appropriation in the circle is 1,912.15 AF.

Total quantity of water available for appropriation is 426.39 AF.

Safe Yield Variables

The area used for the analysis is set at 6929 acres.

Potential annual recharge of the area is estimated to be 5.4 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 16-MAR-2017 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 14 water right(s) and 25 point(s) of diversion within the circle.

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=====
File Number      Use ST SR Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID  Qind Auth_Quant  Add_Quant  Tacres  Nacres
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A      5180 00 IRR NK G          NC NW  3830  3580  18  30 02E  3  WR      90.00      90.00  128.00  128.00
A      6655 00 MUN NK G          NC E2  2633  1307  07  30 02E 18  PD      186.26      62.08
Same          MUN NK G          1880   134  07  30 02E  1  PD      186.26      62.09
Same          MUN NK G          NC NE  3877  1357  07  30 02E 19  PD      186.26      62.09
A      26675 00 IRR NK G          SE NW SE  1350  1365  24  30 01E  5  WR     198.00     198.00  132.00  132.00
A      30677 00 IRR NK G          NE SW NE  3940  2080  13  30 01E  8  WR     138.00     138.00  140.00  140.00
A      31260 00 IRR NK G          NE SW NE  3940  2080  13  30 01E  8  WR      72.00      72.00  140.00   0.00
  
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A	31685	00	IRR	NK	G	SE	NW	SE	1325	1396	12	30	01E	1	WR	153.00	153.00	102.00	102.00
A	39544	00	IRR	NK	G	NE	SW	NE	3814	1439	29	30	02E	5	WR	125.00	125.00	115.00	115.00
A	40113	00	IRR	NK	G	SW	SE	NE	2970	940	07	30	02E	21	WR	108.00	108.00	72.00	72.00
A	43167	00	IRR	NK	G	NE	SW	NW	3876	4262	08	30	02E	3	WR	121.00	121.00	160.00	160.00
Same			IRR	NK	G	SE	NW	NW	4142	4259	08	30	02E	4	WR				
Same			IRR	NK	G	NE	SW	NW	3585	4323	08	30	02E	10	WR				
Same			IRR	NK	G	NE	SW	NW	3851	4010	08	30	02E	12	WR				
Same			IRR	NK	G	NE	SW	NW	3864	4214	08	30	02E	13	WR				
A	43178	00	IRR	NK	G	NE	SE	NW	3940	3216	29	30	02E	7	WR	161.00	161.00	130.00	130.00
A	49518	00	IRR	GY	G	NE	NW	NW	5100	4310	24	30	01E	6	WR	88.40	88.40	68.00	68.00
Same			IRR	GY	G	NE	NW	NW	5100	4010	24	30	01E	7	WR				
Same			IRR	GY	G	NE	NW	NW	5100	4160	24	30	01E	8	WR				
A	49585	00	IRR	GY	G	SW	SW	SW	309	5048	08	30	02E	15	WR	285.00	285.00	272.50	272.50
Same			IRR	GY	G	SW	SW	SW	90	5000	08	30	02E	16	WR				
Same			IRR	GY	G	SW	SW	SW	360	4850	08	30	02E	17	WR				
Same			IRR	GY	G	SW	SW	SW	280	5193	08	30	02E	18	WR				
Same			IRR	GY	G	SW	SW	SW	506	5150	08	30	02E	19	WR				
A	49706	00	IRR	GY	G	NW	NW	SW	2582	4778	17	30	02E	5	WR	232.70	17.70	179.00	0.00
V SU	2	00	MUN	AA	G	SE	SW	NE	0	0	06	30	02E	3	WR	168.79	168.79		



Legend

- Proposed Point of Diversion
- Half-Mile Circle
- ▲ Domestic Well



Change Application, File No. 49,706

Change in Point of Diversion
17-30S-2E Sumner County, KS

Paul Pittman 1415 East 130th Ave N Mulvane 67110
Joseph Hogue 1425 E. 130th Ave N Mulvane 67110
AM/DWR

All water wells of any kind within 1/2 mile of this proposed point of diversion are shown:

Forrest Butler

SCANNED

Date: 2/14/2017