

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/U WORKSHEET

1. File Number: 14442	2. Status Change Date: 9/17/2018	3. Change Num: C1	4. Field Office: 02	5. GMD: 05
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 23-FEB-2018
8a. Applicant(s) New to system <input type="checkbox"/> ELL-BAR FARM INC JOHN DEWERFF 941 SE 50 RD ELLINWOOD KS 67526		Person ID <u>21464</u> Add Seq# <u>11</u>		
8b. Landowner(s) New to system <input type="checkbox"/> ELL-BAR FARM INC JOHN DEWERFF 941 SE 50 RD ELLINWOOD KS 67526		Person ID <u>21464</u> Add Seq# <u>1</u>		
8c. Landowner(s) New to system <input type="checkbox"/> VERNON W & MARIAN K DEWERFF REV TRUSTS 527 SE 100 AVE ELLINWOOD KS 67526-9222		Person ID <u>26898</u> Add Seq# <u>1</u>		
8d. WUC New to system <input type="checkbox"/> ELL-BAR FARM INC JOHN DEWERFF 941 SE 50 RD ELLINWOOD KS 67526		Person ID <u>21464</u> Add Seq# <u>1</u>		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/18</u> <input type="checkbox"/> N & P Date to Comply: _____				
<input checked="" type="checkbox"/> Anti-Reverse Meter <input checked="" type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter				
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 9/6/18 By: RAK Date Entered: 9/17/2018 By: WR				

File No. **14442** 11. County: **SF** Basin: **RATTLESNAKE CREEK (57)** Stream: Formation Code: **180** Special Use:

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate	Quantity	Rate	Quantity	Overlap PD Files
ENT												gpm/cfs	af/mgy	gpm/cfs	af/mgy	
MOD	61104		NC	NW¼	29	22	14W	3	<u>3980</u>	<u>3981</u>		1195 g.p.m.	117AF	1195 g.p.m.	117AF	NO
1293' S OF PREVIOUS POINT OF DIVERSION																

Better describe pd with gps feet distances

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) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type **B3** Start Year **2018** 5 YR Amount **484.7** Amount Unit **AF** Base Acres **80** Comment **Allocation ID: # 356**

16. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID		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	22239				29	22	14W	1						32.50	32.50	32.50	32.50										130.00	8B & 8C	NO	NO

Base Acres: Year: Minimum Reasonable Quantity:

Comments: **MAIN ACTION TRAIL ENTRY B31822 5 YR ALLOC-NO ACRE LIMIT 484.7AF**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files
FROM: Richelle A. Krueger

DATE: September 6, 2018
RE: Water Right
File No. 14,442

John DeWerff, on behalf of Ell-Bar Farm Inc., and Vernon and Marian DeWerff, on behalf of Vernon W. and Marian K. DeWerff Revocable Trusts, have filed an application for approval to change the authorized place of use.

It appears that the water right is not abandoned as per K.S.A. 82a-718.

The referenced file number, located in the Rattlesnake Creek subbasin, is authorized 117 acre-feet of groundwater for irrigation of 80 acres in the Northwest Quarter (NW¼) of Section 29, Township 22 South, Range 14 West, Stafford County. There are no overlaps in the point of diversion or current/proposed place of use. The water right owner proposes to increase the place of use from 80 acres to 130 acres in accordance with K.A.R. 5-5-11(b)(3); **Necessity to install a more efficient irrigation system; limited quantity.**

- Big Bend Kansas Groundwater Management District No. 5 will assume monitoring responsibility.
- The applicants propose to increase the place of use they can irrigate in one calendar year from 80 acres to 130 acres in the Northwest Quarter (NW¼) of the aforementioned section. Base acres appear to be 80 acres, so the applicants have proposed a net increase of 50 acres above the "base acres".
- There has been no recent pattern of water use significantly in excess of the maximum annual quantity authorized, although the water right owners did violate a previous 5-year allocation and were suspended for two years.
- Limitations: The authorized quantity of water under the referenced water right will be limited to a **five-year fixed allocation of 484.7 acre-feet** :

1.03'(50% N.I.R. Stafford County)/.85 x 80 base acres x 5 years= 484.7 acre-feet.

- Use of water in excess of the five-year allocation shall result in a two-year suspension of all water use under the referenced right and subsequent restriction of the authorized place of use to the base acreage at the location specifically set forth in the change approval.

The location of the authorized point of diversion will be better described with g.p.s. feet distances.

In a letter dated July 13, 2018, Orrin Feril, Manager of Big Bend Kansas Groundwater Management District No. 5 indicated that the Board of Directors voted not to enter a monitoring agreement and recommended denial of the application. The water right owners appealed the decision, and in a letter dated September 5, 2018, Orrin indicated that the Board now recommends approval of the application.

The same local source of supply will not change which has been previously determined to be Undifferentiated Kansan/Nebraskan (180).

Jeff Lanterman, Water Commissioner of the Stafford Field Office, indicated in an e-mail dated August 10, 2018 that he recommends approval of the application and further recommends the requirement of an anti-reverse totalizing water flowmeter and the requirement of a seal on the water flowmeter to the pipe. A check valve is required.

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 the referenced application be approved.


Richelle A. Krueger
Environmental Scientist

Secretary Jackie McClaskey

Governor Jeff Colyer, M.D.

ELL-BAR FARM INC
JOHN DEWERFF
941 SE 50 RD
ELLINWOOD KS 67526

September 18, 2018

RE: Water Right, File No. 14,442

FILE COPY

Dear Mr. DeWerff:

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.

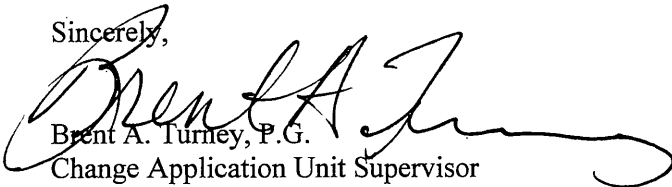
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number. Prior to the diversion of water for irrigation purposes, you must install an anti-reverse totalizing water flowmeter which meets or exceeds specifications adopted by the Chief Engineer. In addition, a seal shall be placed on the water flowmeter by the Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. Please return the required notification of completion of the diversion works and/or installation of the required meter as soon as these actions are completed. Please contact Jeff Lanterman, Water Commissioner of the Stafford Field Office, at (620) 234-5311 prior to construction of the diversion works to discuss how the well should be metered.

Approval of the application for File No. 14,442 does not allow the diversion of water in excess of the authorized quantity per calendar year or rate of diversion. Your attention should be drawn to the fact that the authorized quantity of water under File No. 14,442 is limited to a fixed allocation, 484.7 acre-feet during a period of five (5) years in this case, and further limited to the annual authorized quantity of 117 acre-feet any given year, provided that the five (5)-year fixed allocation is not exceeded. Non-compliance with the terms of this approval will result in substantial penalties.

Since the order for the referenced file number 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 this office. 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
Water Appropriation Program

Enclosures

pc: Stafford Field Office
Groundwater Management District No. 5
Vernon and Marian DeWerff, Vernon W. and Marian K. DeWerff Revocable Trusts

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 AND ORDER BETTER DESCRIBING
THE LOCATION OF THE
AUTHORIZED POINT OF DIVERSION
WATER RIGHT
FILE NO. 14,442**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of John DeWerff, on behalf of Ell-Bar Farm, Incorporated, 941 Southeast 50 Road, Ellinwood, Kansas 67526, and Vernon and Marian DeWerff, on behalf of Vernon W. and Marian K. DeWerff Revocable Trusts, 527 Southeast 100 Avenue, Ellinwood, Kansas 67526-9222, received in this office on February 23, 2018, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Findings and Order of the Chief Engineer dated April 23, 1996, more accurately describing the location of the authorized point of diversion, by the Order of the Chief Engineer dated June 16, 1997, approving the application to change the place of use, and by the Order of the Chief Engineer dated July 10, 1997, approving the application to change the 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		
29	22S	14W					32.50	32.50	32.50	32.50										130.00

a total of 130.00 acres in Township 22 South, Range 14 West, Stafford County, Kansas, located substantially as shown on the map accompanying the application to change the place of use, and the location of the authorized point of diversion is more accurately described as:

one(1) well located near the center of the Northwest Quarter (NW¼) of Section 29, more particularly described as being near a point 3,980 feet North and 3,981 feet West of the Southeast corner of said section, in Township 22 South, Range 14 West, Stafford County, Kansas.

By this order, this water right is subject to the following conditions:

1. That the quantity of water authorized under Water Right, File No. 14,442 shall not exceed 484.7 acre-feet per five (5)-year period; the first period being calendar years 2018 through 2022, ad infinitum.
2. That the quantity of water authorized under Water Right, File No. 14,442 shall not exceed 117 acre-feet per calendar year, provided that 484.7 acre-feet per five (5)-year period is not exceeded.

3. That use of water in excess of 484.7 acre-feet per five (5)-year period shall result in a two (2)-year suspension of all water use under this water right, effective the next two (2) calendar years, and a subsequent restriction of the authorized place of use to the following described property:

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		
29	22S	14W					15.00	32.50	32.50											80.00

a total of 80.00 acres in Township 22 South, Range 14 West, Stafford County, Kansas, located substantially as shown on the map accompanying the application to change the place of use.

4. That if Big Bend Groundwater Management District No. 5 and/or the Division of Water Resources terminate(s) their/its Memorandum of Understanding (MOU) pertaining to K.A.R. 5-5-11(b)(3), (4) and (5), by which the District assumes monitoring responsibility, then the place of use authorized by this change approval, which was issued by the Division pursuant to the MOU shall revert to the property described in paragraph no. 3, above, starting the calendar year following the year of termination.

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.

The owner of the Water Right(s) identified in this order shall install an anti-reverse totalizing water flowmeter which meets or exceeds specifications adopted by the Chief Engineer.

A seal shall be placed on the water flowmeter by the Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. If the seal is broken without the written permission of the chief engineer, this shall create a rebuttable presumption that the point of diversion had been unlawfully operated in violation of the order of the chief engineer and that the water right holder had been acting in violation of the conditions of his or her water right. If any such violation occurs, a written order shall be issued by the chief engineer stating the nature of the violation and the civil penalty, suspension of water right or modification to the water right, or any combination of these to be imposed.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 14,442, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated January 3, 1983, as modified and amended by the aforementioned orders.

CERTIFICATE OF SERVICE

On this 18th day of September, 2018, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 14,442, dated September 17, 2018 was mailed postage prepaid, first class, US mail to the following:

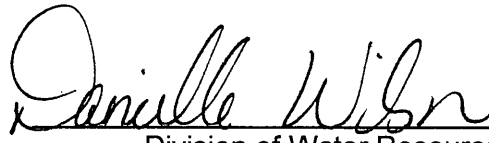
ELL-BAR FARM INC
JOHN DEWERFF
941 SE 50 RD
ELLINWOOD KS 67526

With a true and correct copy to:

VERNON W & MARIAN K DEWERFF REV TRUSTS
527 SE 100 AVE
ELLINWOOD KS 67526-9222

With photocopies sent to:

Stafford Field Office
Groundwater Management District No. 5


Division of Water Resources

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

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



State of Kansas

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

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

**Water Resources
Received
FEB 23 2018
11:12
KS Dept Of Agriculture**

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)

File No. 14442

2. Name of applicant: John Dewerff

Address: 941 SE 50 Rd

City, State and Zip: Ellinwood KS 67526

Phone Number: (620)786-0891 E-mail address: _____

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

Name of water use correspondent: Ell-Bar Farm Inc

Address: John Dewerff, 941 SE 50 Rd

City, State and Zip: Ellinwood, KS 67526

Phone Number: (620)786-0891 E-mail address: _____

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

Change in place of use; necessity to install a more efficient irrigation system. K.A.R. 5-5-11(b)(3)

Desire to irrigate using the entire center pivot system which is currently installed.

The change(s) (will be) completed by ASAP

(Date)

For Office Use Only:

F.O. 2 GMD 5 Meets K.A.R. 5-5-1 (YES / NO) Use IRR Source @ S County SF By AM Date 2-23-18
Code CRU Fee \$ 200 TR # _____ Receipt Date 2-23-18 Check # 6763

APPLICATION COMPLETE
9/5/18
Reviewer TRAK

SCANNED
2/28/2018 CM

4. The presently authorized place of use is:

Owner of Land — NAME: Ell-Bar Farm Inc , John Dewerff // Vernon W & Marian K Dewerff Rev Trusts

ADDRESS: 941 SE 50 Rd, Ellinwood KS 67526 // 527 SE 100 Ave, Ellinwood KS 67526-9222

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	
29	22S	14W					32.5	32.5	15.0										80.0

List any other water rights that cover this place of use. None

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: Ell-Bar Farm Inc , John Dewerff // Vernon W & Marian K Dewerff Rev Trusts

ADDRESS: 941 SE 50 Rd, Ellinwood KS 67526 // 527 SE 100 Ave, Ellinwood KS 67526-9222

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	
29	22S	14W					32.5	32.5	32.5	32.5									130.0
																			122

List any other water rights that cover this place of use. None

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	

Water Resources
Received

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

FEB 23 2018

KS Dept Of Agriculture
SCANNED

6. The presently authorized point(s) of diversion is One (1) well with diversion works
(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 NC NW Quarter
 of Section 29, Township 22 South, Range 14 W,
 in Stafford County, Kansas, 3907 feet North 3960 feet West of Southeast corner of section.
 Authorized Rate 1195 GPM Authorized Quantity 117 AF
 (DWR use only: Computer ID No. 3 GPS 3980 feet North 3981 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. ---

Water Resources
Received
FEB 23 2010

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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.

GMD-5 Monitoring Agreement

Water Right limited to 5-year fixed allocation = 484.7 AF

(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.

N/A- No Change in Point of Diversion

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.

No waivers are anticipated

Water Resources Received

FEB 23 2018

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS ASKED BY 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 Ellinwood, Kansas, this 20 day of Feb, 2018

<u>John Dewerff</u> (Owner)	<u>Ellen Fane Dewerff</u> (Spouse)
<u>John Dewerff</u> (Please Print)	<u>Ellen Fane Dewerff</u> (Please Print)
<u>Vernon Dewerff</u> (Owner)	<u>Ellen Fane Dewerff</u> (Spouse)
<u>VERNON DEWERFF</u> (Please Print)	<u>Ellen Fane Dewerff</u> (Please Print)
<u>Marian Dewerff</u> (Owner)	<u>Ellen Fane Dewerff</u> (Spouse)
<u>Marian Dewerff</u> (Please Print)	<u>Ellen Fane Dewerff</u> (Please Print)

State of Kansas }
County of Barton } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 20 day of Feb, 2018



My Commission Expires 12-18-21

Kathy M. Hertel
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

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

**Water Resources
Received
FEB 23 2018**

**KS Dept Of Agriculture
SCANNED**

AGRICULTURA PER ASPERA
Kansas
Department of Agriculture
Division of Water Resources

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

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311
Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor

June 14, 2017

John Dewerff
941 SE 50 Rd
Ellinwood KS 67526

RE: Water Right, File No(s). 14,442

Dear Mr. Dewerff,

You will find enclosed with this letter an application for approval to change the place of use under Water Right, File No(s). 14,442. The acres involved are located in Section 29-22S-14W. This application was completed based on a recent phone conversation with Jeff Lanterman, where the plan is to increase the authorized acreage in the NW quarter of Section 29 to include the land covered under the full pivot circle.

Please review the application and associated maps carefully and make any corrections as needed. Once you are satisfied everything is correct, an authorized representative of all owners and spouses of record must sign the application and have their signatures notarized. In addition, all domestic wells within one-half mile of the authorized well locations need to be noted on the map. If there are any wells not shown, please add them and then sign the map.

Groundwater management district monitoring will be required if this application is approved. I have included a "Statement of Review" for GMD monitoring which must be filled out and signed. This document is outlining the conditions that must be upheld upon approval of the change application. (Note the "Reversion Acres" attachment and associated map). Please review the statement, have an authorized representative of the owners of record sign the statement, and have their signatures notarized.

Finally, a "Description of Operation for Irrigation Projects" form has been included. Please fill out/sign this form and return it with the application.

The fee for filing the enclosed application is \$200. Please return the signed application to the Manhattan Office and include a check made payable to the Kansas Department of Agriculture for the total amount. If I can be of any further assistance, or if you have any questions regarding the enclosed application, contact our office at (620)234-5311.

Sincerely,



Tyler Saryerwinnie
Environmental Scientist
tyler.saryerwinnie@ks.gov

Enclosures

Water Resources
Received

FEB 23 2018

SCANNED KS Dept Of Agriculture

DESCRIPTION OF OPERATION FOR IRRIGATION PROJECTS

Completion of this form is required before the Division of Water Resources can process your application to appropriate water. Attach supplemental sheets as needed.

Legal description of the field(s) to be irrigated:

130 122 acres in the NW¼ of Section 29, Township 22 S, Range 14 W,
Stafford County, Kansas.

1. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %	_____	_____

2. Estimate the average land slope in the field(s): 1/2 % *North 1/2 is leveled for Flood Irr.*
 Estimate the maximum land slope in the field(s): _____ %

3. Type of irrigation system you propose to use (check one):

- Center pivot *with low flow* Center pivot - LEPA
- Gravity system (furrows) Gravity system (borders)

"Big gun" sprinkler
**Water Resources
 Received
 FEB 23 2018**

Other, please describe: _____
 KS Dept Of Agriculture

4. System design features:

a. For gravity irrigation systems, describe how you will control tailwater:

b. For sprinkler systems:

- 1) Estimate the pressure at the pivot: 30 psi
- 2) What is the sprinkler package design rate? 650 gpm
- 3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? 40 feet
- 4) Is a copy of the sprinkler package design information attached? Yes No

5. Crop(s) you intend to irrigate. Please note any planned rotations:

*Corn
Soybean
Wheat*

6. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

*I use a hand auger
- We agree to postpone 1st watering till it is critical for crop
growth
Plant a reduced population level over a dryland Pate*

APPLICANT'S SIGNATURE

Applicant's signature: _____

Date signed: 2/1/18

STATEMENT OF REVIEW
under K.A.R. 5-5-11(b)(3), (4) and (5)
for a Point of Diversion located within GMD No. 5

The items listed below were reviewed by the undersigned person(s) at Ellinwood, Kansas, on this 20 day of Feb, 2018. This review was related to the proposed *Change in Place of Use Under Water Right* for File No. 14,442.

- (1) Water flow meters will be required on all wells authorized by the above-referenced file number. These flow meter(s) shall be properly installed and maintained on each well to the satisfaction of the Chief Engineer. The metered quantity of water diverted during the past year by each well shall be reported on the annual water use report required by law to be provided to the Division of Water Resources (Division).
- (2) Big Bend Groundwater Management District No. 5 (GMD No. 5) will make at least one visit per calendar year to this farm. The purpose of this visit is to monitor the compliance with conditions under which this change will be approved, if granted. Reports of verification of compliance and status reports will be completed by GMD No. 5 and furnished to the Division.
- (3) The amount of water required to irrigate the acreage proposed under this change application has been reviewed. The five-year allocation, if required, has been reviewed and is understood to be 484.7 acre-feet. The five-year allocation is the quantity of water that will be authorized for diversion under this water right for each five-year period.
- (4) The approval of this application will be conditioned so that any use of water in excess of the five-year allocation will result in a two-year suspension of all water use under that water right and a subsequent restriction of the authorized place of use to a place of use equivalent to the base acres at a location specifically set forth on the change application approval.
- ~~(5) For an application that proposes an increase in authorized acres solely for the purpose of rotation of the irrigated land within the authorized place of use, the base acres are _____ acres. The acres irrigated in any one calendar year shall not exceed _____ base acres each calendar year. The land to be irrigated will be certified to GMD No. 5 in writing before applying any water in that calendar year.~~
- ~~(6) The approval of this application will be conditioned so that the use of water on more than the base acres certified to GMD No. 5 in any calendar year will result in a two year suspension of all water use under this water right and a subsequent restriction of the authorized place of use equivalent to the base acres at a location specifically set forth on the change application approval.~~

Water Resources
Received

FEB 23 2018

KS Dept Of Agriculture

SCANNED

- (7) Changes in the Memorandum of Understanding between GMD No. 5 and the Division may affect the above-referenced files. If the Memorandum of Understanding related to K.A.R. 5-5-11 between the GMD No. 5 and the Division is rescinded because of the fault of GMD No. 5, the authorized place of use will revert to the equivalent of the base acres at a location specifically set forth in the change approval.

By signing below, I am indicating that I have reviewed and understand the items set forth above and agree that I am willing to abide by those conditions if my application for change in place of use is approved.

John DeWitt *President, El Dorado Area*
Signature

Ernest DeWitt *(Trustee)*
Signature

Marion DeWitt *Trustee of trust*
Signature

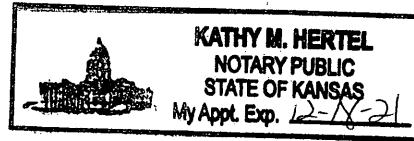
Signature

State of Kansas)
County of Barton)

I hereby certify that the foregoing document was signed in my presence and sworn before me this 20 day of Feb, 2018.

Kathy M. Hertel
Notary Public

My commission expires _____.



[Signature]
Signature, Division of Water Resources' Staff
Person Assisting in the Review

Krueger, Richelle [KDA]

From: Orrin Feril <oferil@gmd5.org>
Sent: Wednesday, September 5, 2018 12:20 PM
To: Krueger, Richelle [KDA]
Subject: Application for Change, Water Right, File No. 14442
Attachments: 2018-08-31 POU.pdf; 2018-09-05 Rec.pdf

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Richelle,
I'm attaching the recommendation requested by your office in a letter dated May 16, 2018 and supersedes the recommendation submitted by this office on July 13, 2018. Please let me know if you have any questions.

Thank you for your consideration in this matter,

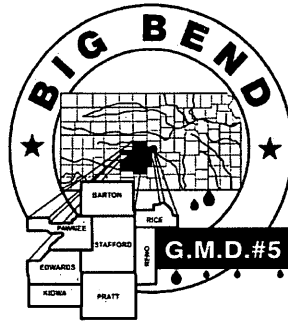
Orrin

Orrin Feril
Manager
Big Bend GMD#5
Email: oferil@gmd5.org
Phone: (620) 234-5352
Mobile: (620) 388-0172
Fax: (620) 234-5718
www.gmd5.org

Water Resources
Received
SEP 05 2018
KS Dept Of Agriculture

SCANNED

Darrell Wood - Edwards (Pres.)
Fred Grunder - Pratt (V Pres.)
John Janssen - Kiowa (Treas.)
Jerry Cullop - Rice (Sec.)
Justin Gatz - Reno
Kent Lamb - Stafford
Phil Martin - Barton
Kerry Froetschner - Pawnee
Tom Taylor - At-Large



Orrin Feril, Manager
125 South Main Street
Stafford, Kansas 67578
ph: (620) 234-5352
fx: (620) 234-5718
gmd5@gmd5.org
www.gmd5.org

September 5, 2018

Richelle Krueger
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

RE: Water Right File No. 14,442
Change in the Place of Use

Dear Ms. Krueger,

The Big Bend Groundwater Management District #5 has reviewed the above referenced application to change the place of use under Water Right File No. 14,442. Currently the authorized place of use for this file is 80 acres in the NW quarter of 29-22S-14W in Stafford County. Through the application of K.A.R. 5-5-11, the applicant is requesting to allow the center pivot system to complete the circle and irrigate 122 acres. For this to be possible, the District must agree to monitor the place of use through a monitoring agreement.

The application was presented to the Board of Directors at the July regular board meeting for review. The Board reviewed the history of the water right file including the previous monitoring agreements, water use history, and irrigated acreage history. Based upon information received in the District office and the discussion at the board meeting, the Board voted to not enter into a monitoring agreement and to recommend denial of this application. This recommendation was sent to your office on July 13, 2018.

The applicant requested an appeal of this decision at the August regular board meeting. The applicant discussed the issues regarding this center pivot system and the history of the water right file with the Board. Based upon this discussion, the Board voted to recommend approval of this application provided the applicant enter into a monitoring agreement with the District. The District received the required monitoring agreement on August 31, 2018. Therefore, the application for change in place of use is recommended for approval. A copy of the monitoring agreement is included with this recommendation for your records. This recommendation supersedes the previous recommendation submitted on July 13, 2018.

The application to change is subject to the District's well equipment regulation K.A.R. 5-25-5 for a required flow meter.

Please feel free to give me a call if you have any questions.

Sincerely,

Orrin Feril
Manager

Enclosure

Water Resources
Received
SEP 05 2018
KS Dept Of Agriculture

SCANNED

**BIG BEND GROUNDWATER MANAGEMENT DISTRICT NO. FIVE
125 SOUTH MAIN
STAFFORD KANSAS 67578**

When an application for a change in place of use for irrigation purposes is approved by the Chief Engineer, Division of Water Resources, for Water Right File No.(s) 14,442 the Big Bend Groundwater Management District No. 5 (GMD) will monitor compliance with the conditions of that approval. Monitoring by the GMD will take place only when the following service agreement is signed and returned to the GMD office.

Water Resources
Received

SEP 05 2018

KS Dept Of Agriculture

SERVICE AGREEMENT

1. **Customer:** John Dewerff
941 NE 50 Rd
Ellinwood, KS 67526

2. **Term:** This agreement shall be for a five year term, beginning January 1, 2018, and ending December 31, 2022, subject to the annual fee.

3. **Fee schedule:** Customer will be billed for services performed at a rate of \$250.00 per year plus round trip mileage to site. Mileage rate will be based on State of Kansas adopted rate.

Payment shall be received in the District office upon receipt of the annual billing for services performed for that current year.

4. **On-Site Monitoring:** Monitoring service will be performed by GMD #5 staff and may include but shall not be limited to:
 - a. Inspection of flow meter to ensure proper installation and satisfactory operating conditions.
 - b. Compliance with conditions of required conservation plan.
 - c. Irrigation of authorized acres.
 - d. Compliance with water use limitations.
 - e. Determination of crops grown on authorized place of use.

5. **Landowner's responsibility:** Landowner agrees to prepay annually for services. A change approved pursuant to K.A.R. 5-5-11 (b)(4) will require certification of acreage with payment. Landowner agrees to submit of a copy of annual water use report on or before March 1 each year.

6. **Limitations of liability:** The GMD assumes responsibility for the safety of its personnel, property and equipment. The GMD shall not be responsible for any damages caused by the public or its employees except as provided in the Kansas Tort Claims Act, K.S.A. 1980 Supp. 75-6101 et seq.

7. **Termination:** This agreement may be terminated by the GMD if payment for services is not rendered.

RECEIVED

AUG 22 2018

Big Bend GMD #5

Landowner John Dewerff Ellinwood, KS, Dated 8-18-18

GMD #5 [Signature], Dated 8/31/18

Krueger, Richelle [KDA]

From: Lanterman, Jeff [KDA]
Sent: Friday, August 10, 2018 1:53 PM
To: Turney, Brent [KDA]; Krueger, Richelle [KDA]
Cc: Conant, Cameron [KDA]; Saryerwinnie, Tyler [KDA]
Subject: RE: Dewerff Change Application 14442

By the way Dewerff has a NONC CD for his unauthorized acres.

So if there is any way to speed this one up im sure he would really like to irrigate those other acres.

From: Lanterman, Jeff [KDA]
Sent: Friday, August 10, 2018 11:57 AM
To: Turney, Brent [KDA] <Brent.Turney@ks.gov>; Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Saryerwinnie, Tyler [KDA] <Tyler.Saryerwinnie@ks.gov>
Subject: Dewerff Change Application 14442

I attended the board meeting last night and the applicant John Dewerff was there. Of course he appealed the board decision to recommend denial at the July meeting.

He provided the attached sheet and gave a compelling argument.

At the end there was a motion and board vote to approve the change application.

Lets take that and RUN. I had to buy a lottery ticket after the meeting because Phil Martin was the voice of reason on this one to approve it. Even then 3 people voted for it and everyone else abstained. No votes against.

Jeff

Krueger, Richelle [KDA]

From: Lanterman, Jeff [KDA]
Sent: Friday, August 10, 2018 11:58 AM
To: Turney, Brent [KDA]; Krueger, Richelle [KDA]
Cc: Conant, Cameron [KDA]; Saryerwinnie, Tyler [KDA]
Subject: Dewerff Change Application 14442
Attachments: 20180810115733787.pdf

I attended the board meeting last night and the applicant John Dewerff was there. Of course he appealed the board decision to recommend denial at the July meeting.

He provided the attached sheet and gave a compelling argument.

At the end there was a motion and board vote to approve the change application.

Lets take that and RUN. I had to buy a lottery ticket after the meeting because Phil Martin was the voice of reason on this one to approve it. Even then 3 people voted for it and everyone else abstained. No votes against.

Jeff

WATER RESOURCES
RECEIVED
AUG 13 2018
KS DEPT OF AGRICULTURE

John Dewcuff

Water Right, File No. 14,442
NE ¼ Sec. 29 – 22 – 14W, Stafford County

Year	Water Meter Reading	Usage	Acres Watered	
2002	4141.29			
2003	5658.2	126.4	130	
2004	7274	134.65	130	
2005	7986.23	59	122	
2006	8934.45	79	122	
2007	208.28	105	122	
2008	1030.41	68.51	122	
2009	1676.74	53.86	122	
2010	1676.74	0	0	
2011	1676.74	0	0	
2012	974.01	81	122	
2013	2283.31	109	122	
2014	3402.72	93	122	
2015	4344.84	78	122	
2016	5625.8	106	122	
2017	6469.57	70	122	
2018	7558.52	90.74	122	
			14 year average	89.58
			12 year average	82.759

WATER RESOURCES
REC'D
AUG 13 2018
KS DEPT OF AGRICULTURE

At the start of 2004 the Nelson p100 end gun and booster pump were removed and the system was re-nozzled for 650gpm and the drops were lowered to be 4ft off the ground.

System is currently running with midwest energy on time and temp so it doesn't run in the heat of the day in order to minimize water evaporation and use our available water to the best of our ability.

Our crops are planted at a higher dryland rate (currently 24,000 for corn) in order to more effectively manage the water allotment.

In 2010 and 2011 we served a two year penalty for being out of compliance in our five year plan, giving up 200 acre foot in those two years for over-pumping 20 acre feet.

State compliance would be to water 88 approved acres with a windshieild wipe style pivot with a water allowance of 117 acre foot per year. My proposal is to water 122 acres with a full-circle pivot with a water allowance of 480 acre foot in 5 years, no more than 117 acre foot in a single year which averages out to 96 acre foot per year. My proposal would result in a savings of 21 acre foot of water every year opposed to what would put me in compliance. I have been communicating with Jeff Lanterman with the state and he is in favor of this proposition because it would be conserving more water.

If this board would vote in favor of putting me in a monitoring agreement I would be diligent about adhering to any guidelines given to me in such arrangement.

Thank you for your time and consideration.

WATER RESOURCES
RECEIVED
AUG 13 2018
KS DEPT OF AGRICULTURE

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

ELL-BAR FARM INC
JOHN DEWERFF
941 SE 50 RD
ELLINWOOD KS 67526

August 2, 2018

Re: Water Right, File No. 14,442

FILE COPY

Dear Mr. Dewerff:

In response to an August 1, 2018 phone conversation between Orrin Feril, Manager of Big Bend Groundwater Management District No. 5 and Brent Turney, Change Application Unit Supervisor, the Chief Engineer has extended until **October 1, 2018** the time in which to submit additional information to be considered before final action will be taken on your application to change the place of use for File No. 14,442.

If additional information is not supplied for File No. 14,442 by that deadline, or any authorized extension of time thereof, the application will be submitted to the Chief Engineer for final action.

If you have any questions, please contact me at (785) 564-6635 or Brent Turney, Change Application Unit Supervisor at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

pc: Stafford Field Office
Groundwater Management District No. 5
Vernon W. and Marian K. Dewerff Rev. Trust

SCANNED

Krueger, Richelle [KDA]

From: Krueger, Richelle [KDA]
Sent: Tuesday, July 24, 2018 5:14 PM
To: 'Ruthann Spare'
Subject: RE: Extension for file 14,442

Mr. DeWerff,
I will get the extension letter in the mail to you tomorrow extending your time until September 4, 2018.

Thanks,

Richelle

Richelle Krueger, Environmental Scientist
Kansas Department of Agriculture
Water Appropriation Program
(785) 564-6635
Richelle.Krueger@ks.gov (please note e-mail address change)
www.ksda.gov/dwr

From: Ruthann Spare <ellbarfarms@gmail.com>
Sent: Tuesday, July 24, 2018 5:10 PM
To: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Subject: Extension for file 14,442

I would like to have an extension regarding file no. 14,442. I plan on meeting with Orrin Feril and Jeff Lanterman with the GMD no. 5 to discuss my options and appeal to the board of directors.
Thank you,
John DeWerff

WATER RESOURCES
RECEIVED
JUL 24 2018
KS DEPT OF AGRICULTURE

SCANNED

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

ELL-BAR FARM INC
JOHN DEWERFF
941 SE 50 RD
ELLINWOOD KS 67526

July 25, 2018

FILE COPY

Re: Water Right, File No. 14,442

Dear Mr. Dewerff:

In response to our July 24, 2018 phone conversation and e-mail received on the same date, the Chief Engineer has extended until **September 4, 2018** the time in which to submit additional information to be considered before final action will be taken on your application to change the place of use for File No. 14,442.

If additional information is not supplied for File No. 14,442 by that deadline, or any authorized extension of time thereof, the application will be submitted to the Chief Engineer for final action.

If you have any questions, please contact me at (785) 564-6635 or Brent Turney, Change Application Unit Supervisor at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

pc: Stafford Field Office
Groundwater Management District No. 5
Vernon W. and Marian K. Dewerff Rev. Trust

SCANNED

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.

JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

FILE COPY

VERNON W & MARIAN K DEWERFF REV TRUSTS July 16, 2018
527 SE 100 AVE
ELLINWOOD KS 67526-9222

RE: Water Right, File No. 14,442

Dear Water Right Owner:

Reference is made to the Application for Approval of the Chief Engineer to Change the Authorized Place of Use under the referenced file number which was received in this office on February 23, 2018. Please note that K.A.R. 5-5-11(b) of K.A.R. 5-5-11 *Applications for change in place of use for irrigation purposes*, states in part that an application to change the authorized place of use for irrigation purposes which would permit the applicant to exceed the base acreage by 10 acres or 10 percent, whichever is less, shall not be approved by the chief engineer because it would result in a substantial increase in net consumptive use in violation of K.A.R. 5-5-3 except when one of six listed criteria are met. In Paragraph No. 3 of the submitted application you requested to process your application subject to one of the six listed criteria, specifically a five-year allocation of water in accordance with K.A.R. 5-5-11(b)(3) *Necessity to install a more efficient irrigation system; limited quantity*. Please note that K.A.R. 5-5-11(b)(3) states in part:

(A) The groundwater management district in which the point of diversion is located shall agree to assume monitoring responsibility to ensure compliance with the conditions of the change approval;

(B) the applicant shall submit information demonstrating to the satisfaction of the chief engineer that it is necessary to increase the base acreage so that a significantly more efficient irrigation delivery system may be installed;

(C) the applicant shall submit a feasible operation plan demonstrating to the satisfaction of the chief engineer that the amount of water available for appropriation under that water right is reasonable to irrigate the number of acres requested to be irrigated; and

(D) the water right owner shall have no recent pattern of water use significantly in excess of the maximum annual quantity of water authorized.

The Board of Directors of Big Bend Groundwater Management District No. 5 voted not to enter into a monitoring agreement and recommended denial of the application. Therefore, it will be recommended to the Chief Engineer that the Application for Approval to Change the Place of Use under Water Right, File No. 14,442 be denied and dismissed due to failure to meet the criteria of K.A.R. 5-5-11(b)(3) which requires in part a signed monitoring agreement with GMD 5.

(OVER→)

SCANNED

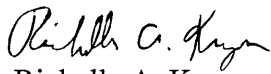
July 16, 2018
File No. 14,442
Page No. 2

We are advising you of this recommendation in order to allow you an opportunity to consult with the District regarding their recommendation if you have already not done so. If you have already contacted the District regarding this recommendation, then we are allowing you this opportunity to submit to this office any additional information you wish to have considered before the Chief Engineer. You have a period of 15 days (until **July 31, 2018**) to either (1) submit additional information to our office or (2) to request additional time beyond the 15 days to submit additional information. If you wish to request additional time, you must do so in writing, before the 15 day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office.

If you do not request more time within the 15 day period, or if your request is not granted, the above referenced application will be submitted to the Chief Engineer for final decision based on the recommendation stated above. If you do submit additional information within the 15 day period (or any authorized extension), that information will be given due consideration prior to final action on the application.

If you have any questions, please contact me at (785) 564-6635 or Brent Turney, Change Application Unit Supervisor at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

pc: Stafford Field Office
Groundwater Management District No. 5
Ell Bar Farm Inc. c/o John Dewerff

Krueger, Richelle [KDA]

From: Turney, Brent [KDA]
Sent: Monday, July 16, 2018 7:59 AM
To: Conant, Cameron [KDA]; Krueger, Richelle [KDA]; Lanterman, Jeff [KDA]
Subject: RE: Application for Change, Water Right, File No. 14442

Ok,

Keep us in the loop, if we can't get this fixed we will eventually have to send to applicant a 15 day letter giving them an opportunity to appeal to the board. Are you guys sure that we shouldn't just take that route first thing? Let us know.
Brent

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@ks.gov
www.agriculture.ks.gov

From: Conant, Cameron [KDA]
Sent: Monday, July 16, 2018 7:55 AM
To: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Turney, Brent [KDA] <Brent.Turney@ks.gov>
Subject: RE: Application for Change, Water Right, File No. 14442

Richelle, last I knew Jeff was sending a letter to the applicant about the GMD denial to notify them of the possibility for an appeal, as well as a NONC for the unauthorized acres. Why don't you hold off on your letter for just a bit until we hear back from the applicant.

Jeff was going to copy you or notify you, but maybe he didn't get around to it.

Cameron

From: Krueger, Richelle [KDA]
Sent: Monday, July 16, 2018 7:51 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Cc: Turney, Brent [KDA] <Brent.Turney@ks.gov>
Subject: FW: Application for Change, Water Right, File No. 14442

Good Morning Jeff and Cameron,
Just an FYI on this one, I plan to send out a dismissal letter since GMD 5 does not want to enter a monitoring agreement with them.
Richelle

From: Orrin Feril [<mailto:oferil@gmd5.org>]
Sent: Friday, July 13, 2018 5:11 PM

To: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Subject: Application for Change, Water Right, File No. 14442

Richelle,
I'm attaching the recommendation requested by your office in a letter dated May 16, 2018. Please let me know if you have any questions.

Thank you for your consideration in this matter,

Orrin

--

Orrin Feril

Manager
Big Bend GMD#5
Email: oferil@gmd5.org
Phone: (620) 234-5352
Mobile: (620) 388-0172
Fax: (620) 234-5718
www.gmd5.org

Krueger, Richelle [KDA]

From: Orrin Feril <oferil@gmd5.org>
Sent: Friday, July 13, 2018 5:11 PM
To: Krueger, Richelle [KDA]
Subject: Application for Change, Water Right, File No. 14442
Attachments: 14442 2018-07-13 Rec.pdf

Richelle,
I'm attaching the recommendation requested by your office in a letter dated May 16, 2018. Please let me know if you have any questions.

Thank you for your consideration in this matter,

Orrin

--

Orrin Feril

Manager
Big Bend GMD#5
Email: oferil@gmd5.org
Phone: (620) 234-5352
Mobile: (620) 388-0172
Fax: (620) 234-5718
www.gmd5.org

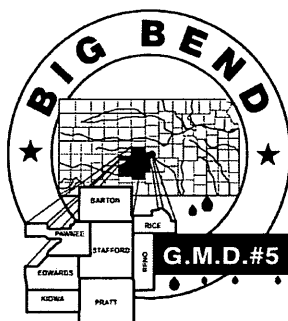
WATER RESOURCES
RECEIVED

JUL 16 2018

KS DEPT OF AGRICULTURE

SCANNED

Darrell Wood - Edwards (Pres.)
Fred Grunder - Pratt (V Pres.)
John Janssen - Kiowa (Treas.)
Jerry Cullop - Rice (Sec.)
Justin Gatz - Reno
Kent Lamb - Stafford
Phil Martin - Barton
Kerry Froetschner - Pawnee
Tom Taylor - At-Large



Orrin Feril, Manager
125 South Main Street
Stafford, Kansas 67578
ph: (620) 234-5352
fx: (620) 234-5718
gmd5@gmd5.org
www.gmd5.org

July 13, 2018

Richelle Krueger
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

RE: Water Right File No. 14442
Change in the Place of Use

Dear Ms. Krueger,

The Big Bend Groundwater Management District #5 has reviewed the above referenced application to change the place of use. Currently the authorized place of use for this file is 80 acres in the NW quarter of 29-22S-14W in Stafford County. Per K.A.R. 5-5-11(b)(3), the applicant is requesting to increase the place of use to 130 acres.

The application was presented to the Board of Directors at the July regular board meeting for review. The Board reviewed the history of the water right file including the previous monitoring agreements, water use history, and irrigated acreage history. Based upon information received in the District office and the discussion at the board meeting, the Board voted to not enter into a monitoring agreement for this water right and to recommend denial of this application.

Please feel free to give me a call if you have any questions.

Sincerely,

Orrin Feril
Manager

WATER RESOURCES
RECEIVED
JUL 16 2018
KS DEPT OF AGRICULTURE

SCANNED

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

BIG BEND GROUNDWATER
MANAGEMENT DISTRICT NO 5
ATTN ORRIN FERIL
125 S MAIN ST
STAFFORD KANSAS 67578

June 12, 2018

FILE COPY


Re: Water Right, File No. 14,442

Dear Mr. Feril:

In accordance with your request received in this office on June 12, 2018, the Chief Engineer has extended until July 13, 2018, the time in which to submit your recommendations concerning the application to change the place of use for File No. 14,442.

If you have any questions, please contact me at (785) 564-6635. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,


Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stafford Field Office

SCANNED

Krueger, Richelle [KDA]

From: Orrin Feril <oferil@gmd5.org>
Sent: Tuesday, June 12, 2018 9:09 AM
To: Krueger, Richelle [KDA]
Cc: Lanterman, Jeff [KDA]
Subject: Application for Change, Water Right, File No. 14442
Attachments: 14442 2018-06-12 Corr.pdf

Richelle,

I'm attaching a request for extension in response to a letter dated May 23, 2018. This application will be reviewed by the Board at the next meeting. Please let me know if you have any questions.

Thank you for your consideration in this matter,

Orrin

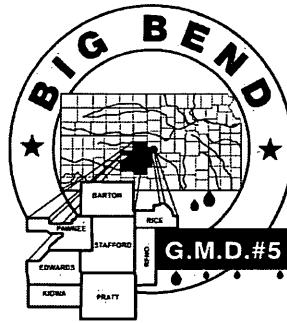
--

Orrin Feril

Manager
Big Bend GMD#5
Email: oferil@gmd5.org
Phone: (620) 234-5352
Mobile: (620) 388-0172
Fax: (620) 234-5718
www.gmd5.org

SCANNED

Darrell Wood - Edwards (Pres.)
Fred Grunder - Pratt (V Pres.)
John Janssen - Kiowa (Treas.)
Jerry Cullop - Rice (Sec.)
Justin Gatz - Reno
Kent Lamb - Stafford
Phil Martin - Barton
Kerry Froetschner - Pawnee
Tom Taylor - At-Large



Orrin Feril, Manager
125 South Main Street
Stafford, Kansas 67578
ph: (620) 234-5352
fx: (620) 234-5718
gmd5@gmd5.org
www.gmd5.org

June 12, 2018

Richelle Krueger
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

Re: Water Right File Nos. 14,442

Dear Ms. Krueger,

The Big Bend Groundwater Management District #5 requests a thirty-day extension on the above referenced application in order to be reviewed at the July board meeting. This application was scheduled for review at the June board meeting, but that meeting has been cancelled due to summer harvest. The next meeting is tentatively scheduled for July 12, 2018.

Sincerely,

Orrin Feril
Manager

c: John Dewerff (Applicant)
DWR – Stafford Field Office

Content

John Ruff

620 786 0891

Water Resources
Received

FEB 23 2018

KS Dept Of Agriculture

J

STATE OF KANSAS



DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777

900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

BIG BEND GROUNDWATER
MANAGEMENT DISTRICT NO 5
ATTN ORRIN FERIL
125 S MAIN ST
STAFFORD KANSAS 67578

May 23, 2018

FILE COPY

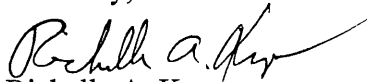
Re: Water Right, File No. 14,442

Dear Mr. Feril:

In accordance with your request received in this office on May 22, 2018, the Chief Engineer has extended until June 15, 2018, the time in which to submit your recommendations concerning the application to change the place of use for File No. 14,442.

If you have any questions, please contact me at (785) 564-6635. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,


Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stafford Field Office

SCANNED

Krueger, Richelle [KDA]

From: Krueger, Richelle [KDA]
Sent: Tuesday, May 22, 2018 4:15 PM
To: 'Orrin Feril'
Cc: Turney, Brent [KDA]
Subject: RE: Water Right File No. 14442

Orrin,

I would assume it is the 130 since that was the acreage on the last allocation, not sure what the 122 is about....the field office may have more info about the second question.....

I will get that extension in the mail to you first thing tomorrow, thanks Orrin!

Richelle

From: Orrin Feril [mailto:oferil@gmd5.org]
Sent: Tuesday, May 22, 2018 4:04 PM
To: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Subject: RE: Water Right File No. 14442

Richelle,

This does help. I do have more questions after digging in deeper into this file.

- 1) What are the proposed acres for this application? It has 130 acres as the proposed acres, but 122 is written in just below it. This is also true in the legal description of the field to be irrigated on DWR 1-100.4.
- 2) So according to our records, this place of use was authorized for 10 years under two separate monitoring agreements with the District. Following non-compliance with the second agreement, KDA-DWR issues a two-year suspension and reversion of acres. Since that time, the producer has been irrigating those illegal acres from 2011-2017. What makes us think the applicant would comply with the terms of a new agreement, let alone an enforcement from KDA-DWR on the reversion acreage?

I'll take this to the board for their review, but I'm not inclined to enter into another agreement. Our next board meeting will be June 14. We'll need an extension of time until then to make our recommendation.

Thanks!

--
Orrin Feril
Manager
Big Bend GMD#5

WATER RESOURCES
RECEIVED

MAY 22 2018

KS DEPT OF AGRICULTURE

From: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Sent: Tuesday, May 22, 2018 3:14 PM
To: Orrin Feril <oferil@gmd5.org>
Subject: RE: Water Right File No. 14442

Hi Orrin,

The base acres as per the original five year allocation approved June 16, 1997 was determined to be 80 base acres. The limitation to the annual quantity will be in the approval document and is worded as follows: "That the quantity of water authorized under Water Right, File No. 14,442 shall not exceed 117 acre-feet per calendar year, provided that 484.7 acre-feet per five (5) year period is not exceeded."

Hope this helps!

Thanks,

Richelle

From: Orrin Feril [<mailto:oferil@gmd5.org>]
Sent: Tuesday, May 22, 2018 2:52 PM
To: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Subject: Water Right File No. 14442

Richelle,

I started working on this application today and I ran into a couple questions that I think you can answer.

- 1) Can you forward the base acre determination for this file for our records? This will be helpful in our review for this and any successive modifications to the place of use.
- 2) It is my understanding that monitoring agreements like this have a 5-year quantity allocation, but yet are still limited to the annual appropriation quantity under their certificate. In other words, these are not treated like Multi-Year Flex Accounts that do not have annual limitations. Where is this limitation found? Is it something that is added to the change order or a regulation that I am missing?

I appreciate your help in this, thanks!

--

Orrin Feril

Manager
Big Bend GMD#5
Email: oferil@gmd5.org
Phone: (620) 234-5352
Mobile: (620) 388-0172
Fax: (620) 234-5718
www.gmd5.org

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

BIG BEND GROUNDWATER
MANAGEMENT DISTRICT NO 5
ATTN ORRIN FERIL
125 S MAIN
STAFFORD KANSAS 67578

May 16, 2018

FILE COPY

Re: Water Right, File No. 14,442

Dear Orrin:

We are enclosing a copy of the application to change the place of use for the above referenced file number.

We are delaying further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning this application.

Please submit your recommendations within the allowed time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stafford Field Office

SCANNED

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



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

Secretary Jackie McClaskey

Governor Jeff Colyer, M.D.

JOHN DEWERFF
941 SE 50 RD
ELLINWOOD, KS 67526

February 28, 2018

RE: File No 14442

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 PU
- 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.

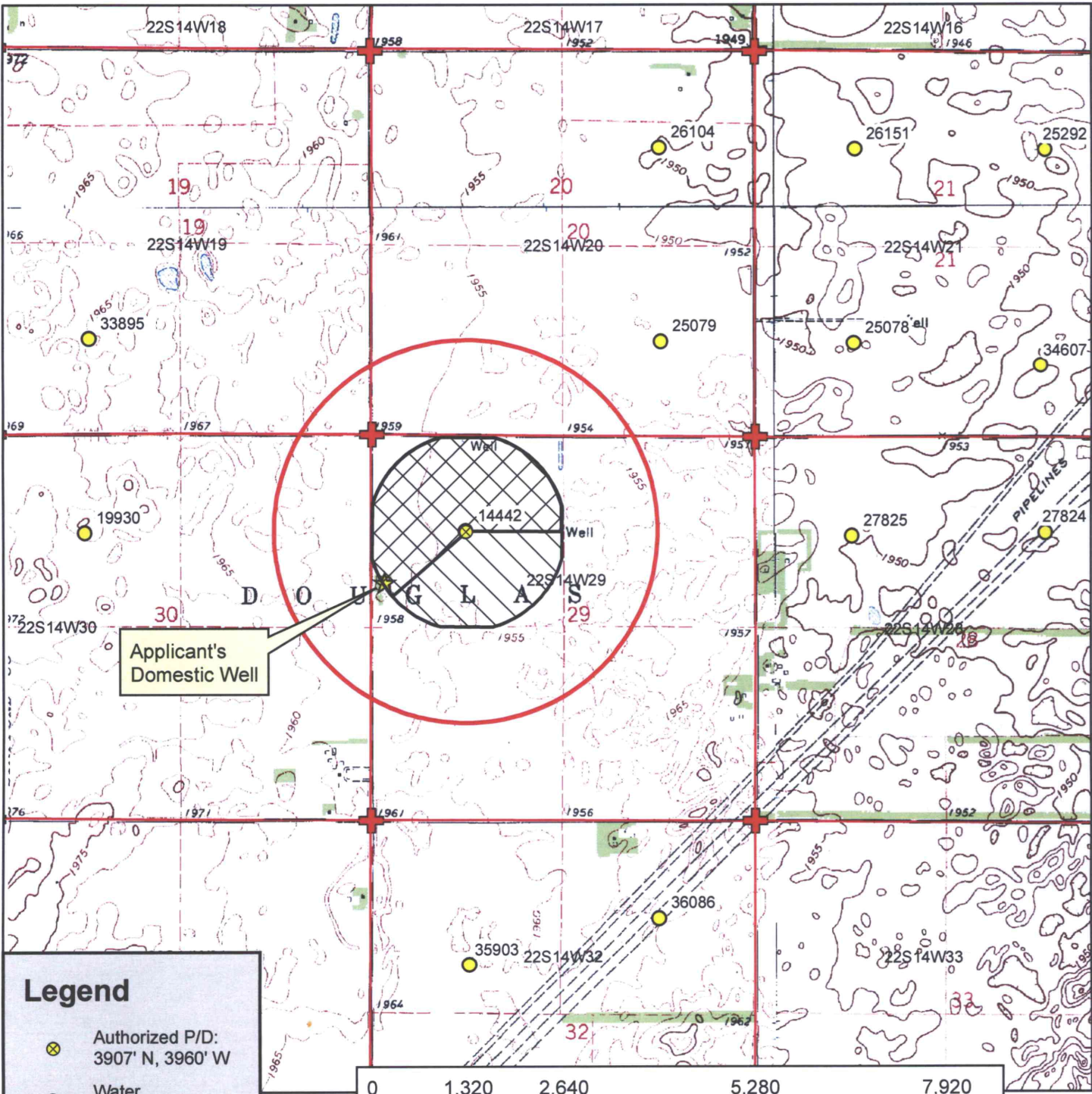
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Brent A. Tourney".

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

BAT: DLW
pc: STAFFORD Field Office GMD5



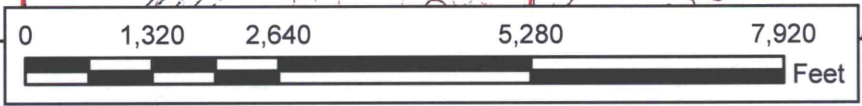
Applicant's Domestic Well

Legend

- ⊗ Authorized P/D: 3907' N, 3960' W
- Water Appropriations
- ⊕ Section Corner
- Section Line
- ★ Domestic Well
- 1/2 Mile Buffer

Place of Use

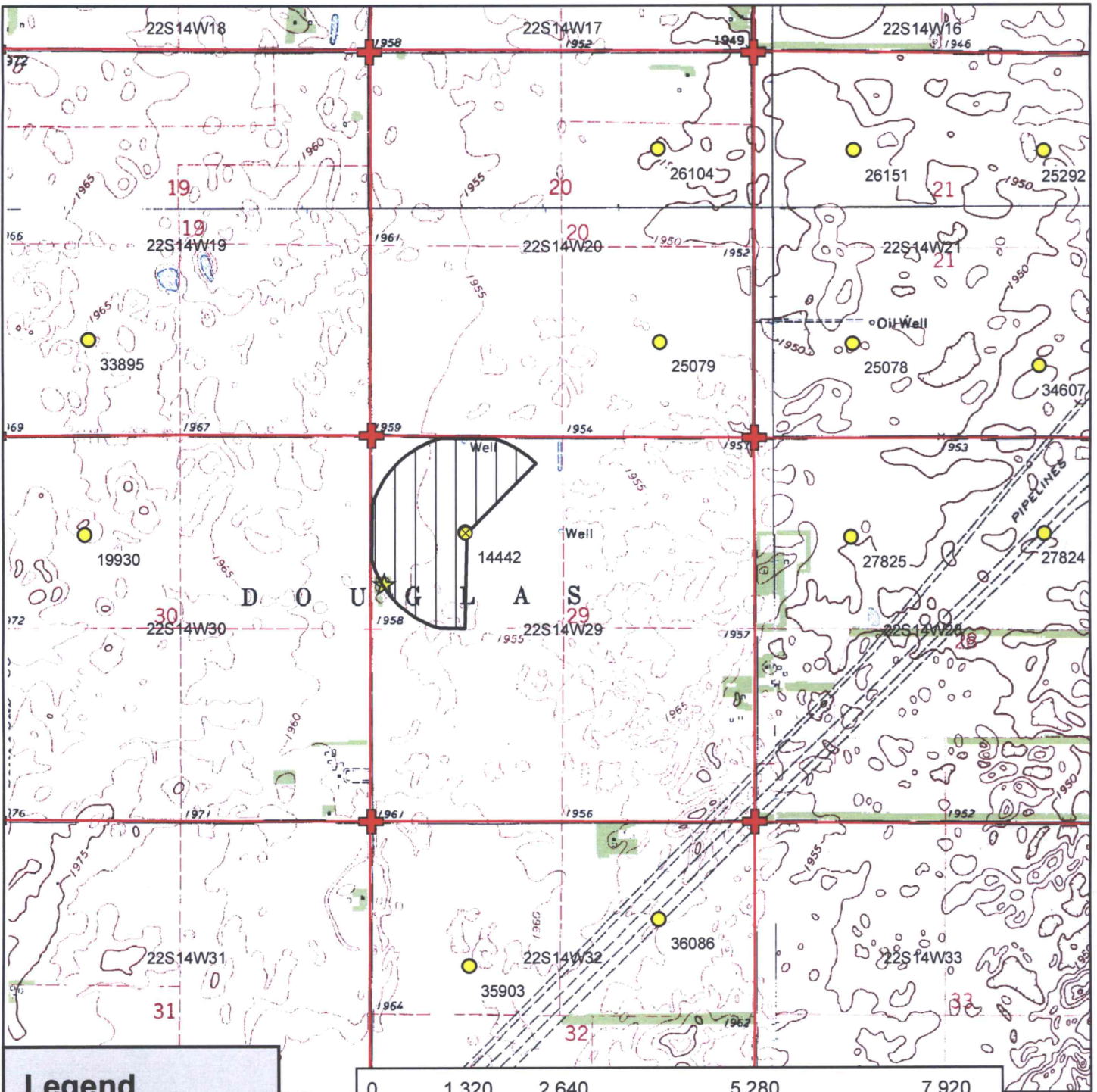
- ▨ Authorized
- ▨ Proposed









Water Right, File No. 14,442 Water Resources Received
 Change in Place of Use, Application Map FEB 23 2018
 29-22S-14W // Stafford County W E

To the best of my knowledge, all water wells including domestic within 1/2 mile of the authorized point of diversion have been shown. No Duplication

SCANNED



Legend

-  Authorized P/D: 3907' N, 3960' W
-  Water Appropriations
-  Section Corner
-  Section Line
-  Domestic Well
-  Reversion Acres



Water Right, File No. 14,442

Change in Place of Use, Application Map
 Reversion Acres
 29-22S-14W // Stafford County

Water Resources
 Received



FEB 23 2018

KS Dept Of Agriculture

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 14442 REVERSION ACRES
MAKE ADDITIONAL COPIES AS NECESSARY

Owner of Land ---- NAME: Ell-Bar Farm Inc , John Dewerff // Vernon W & Marian K Dewerff Rev Trusts
ADDRESS: 941 SE 50 Rd, Ellinwood KS 67526 // 527 SE 100 Ave, Ellinwood KS 67526-9222

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	
29	22S	14W					15.0	32.5	32.5									80.0	

Water Resources
Received









FEB 23 2018

KS Dept Of Agriculture



Applicant's Domestic Well

Legend

-  Authorized P/D: 3907' N, 3960' W
 -  Water Appropriations
 -  Section Corner
 -  Section Line
 -  Domestic Well
 -  1/2 Mile Buffer
- Place of Use**
-  Authorized
 -  Proposed



Water Right, File No. 14,442

Change in Place of Use, Aerial Map
29-22S-14W // Stafford County

Water Resources Received



FEB 23 2018

KS Dept Of Agriculture