

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

1. File Number: 25789	2. Status Change Date:	3. Change Num: 1	4. Field Office: 02	5. GMD: 05
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 3/25/19
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8a. Applicant(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/> Person ID 60198 Add Seq# 1 E & L DAVIS FARMLAND LP 16380 53RD AVE HAVILAND KS 67059-7816	8d. WUC New to system <input type="checkbox"/> Person ID 60198 Add Seq# 1 E & L DAVIS FARMLAND LP 16380 53RD AVE HAVILAND KS 67059-7816
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/19** N & P Date to Comply: _____

Anti-Reverse Meter
 Meter Seal
 Check Valve
 N & P Form
 Water Tube
 Driller Copy
 H & E Letter

Conservation Plan
 Date Required: _____
 Date Approved: **4/2/19**
 Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **4/1/19** By: **TJS**
 Date Entered: _____ By: _____

File No. **25789** 11. County: **KIOWA** Basin: **Rattlesnake Creek** Stream: **Rattlesnake Creek** Formation Code: --- Special Use: ---

12. Points of Diversion
 CHK
 MOD
 DEL PDIV
 ENT
 Qualifier S T R ID 'N 'W Comment (AKA Line) Rate gpm/cfs Quantity af/mgy Rate gpm/cfs Quantity af/mgy Overlap PD Files
 Rate and Quantity Authorized Additional

CHK 12022 2 2017051-MF

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 _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use CHK MOD DEL ENT	PUSE	S	T	R	ID	NE 1/4			NW 1/4			SW 1/4			SE 1/4			Total	Owner	Chg?	Overlap Files	
						NE 1/4	NW 1/4	SE 1/4	NW 1/4	NE 1/4	SE 1/4	NW 1/4	NE 1/4	SE 1/4	NW 1/4	NE 1/4	SE 1/4					
MOD	34731	2	28S	17W	2	Lot 1 13.7	Lot 2 30	14											87.7	8b.	No	20177051-MF

Base Acres: **79.73** Year: **Mult.** Minimum Reasonable Quantity: **1.29 AF/acre**
 Comments:

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

Call for address:

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

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



STATE OF KANSAS

WATER METER REQUIRED

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

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

RECEIVED
 9:55am
 MAR 25 2019

File No. 25789

Stafford Field Office
 Division of Water Resources

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: Steve Davis

16380 53rd Ave, Haviland KS 67059-7816

Phone Number: (316)251-5548

Email address: steved@havilandstatebank.com

Name and address of Water Use Correspondent: E & L Davis Farmland LP

16380 53rd Ave, Haviland KS 67059-7816

Phone Number: (316)251-5548

Email address: steved@havilandstatebank.com

3. The presently authorized place of use is:

Owner of Land ---- NAME: E & L Davis Farmland LP

ADDRESS: 16380 53rd Ave, Haviland KS 67059-7816

(If there is more than one landowner, attach supplemental sheets as necessary.)

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	
2	28S	17W		Lot 2 39.73	40														79.73

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: E & L Davis Farmland LP

ADDRESS: 16380 53rd Ave, Haviland KS 67059-7816

(If there is more than one landowner, attach supplemental sheets as necessary.)

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	
2	28S	17W	Lot 1 13.7	Lot 2 30	30	14													87.7

For Office Use Only: Code _____ Fee \$ 200 TR # _____ Receipt Date _____ Check # 103391756

*TJS-SFFO

5. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the NC NE Quarter
 of Section 2, Township 28 South, Range 17 W,
 in Kiowa County, Kansas, 3970 feet North 1368 feet West of Southeast corner of section.
 Authorized Rate 735 GPM Authorized Quantity 44 AF Depth of well --- (feet)
(DWR use only: Computer ID No. 2 GPS --- feet North --- feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 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 _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point 20177051-MF

6. **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 _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 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 _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

7. The changes herein are desired for the following reasons?
 (please be specific) Installing a dragonline system
to more efficiently use water and to irrigate land in the
E 1/2 NE 1/4 of Section 2.

8. If a well, is the test hole log attached? Yes No

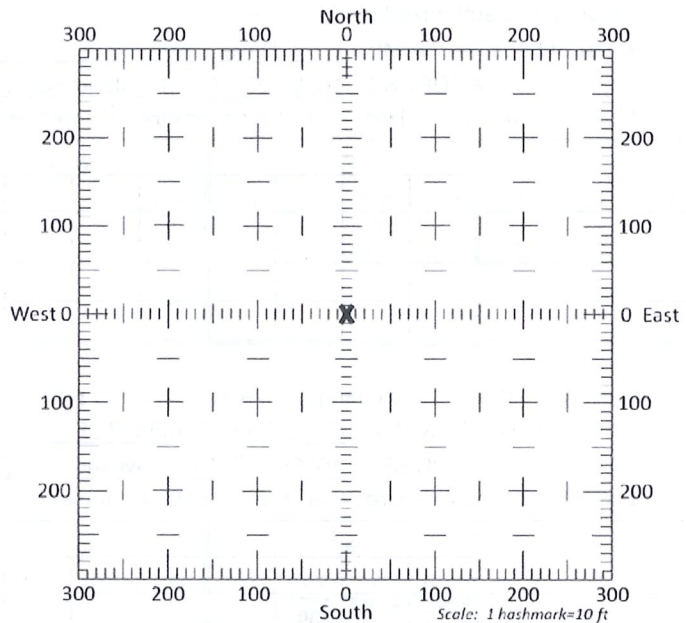
9. The change(s) (was)(will be) completed by?
ASAP

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
NA
 (b) When will this be done? NA

11. Groundwater Management District recommendation
 attached? Yes No 4/1/2019 TJS-SFFO

12. Assisted by TJS - SFFO

13a. If the proposed point of diversion will be relocated more than
300 feet but within 2,640 feet of the existing point of diversion,
 attach a topographic map or aerial photograph. For
 groundwater sources, show all wells (including domestic) within
 one-half mile of the proposed point of diversion and the names
 and mailing addresses of the owners. For surface water
 sources, show the names and addresses of the landowner(s)
 one-half mile downstream and one-half mile upstream from
 your property lines



13b. If the proposed point of diversion will be relocated within 300
feet of the existing point of diversion, indicate its location on the
 diagram shown above in relation to the existing point of
 diversion. (PLEASE NOTE: The "X" in center of diagram
 above represents the presently authorized point of
 diversion.)

MAR 25 2019

- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

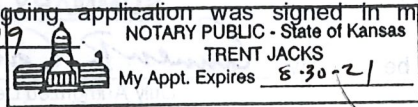
I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at HAVILAND, Kansas, this 21 day of MARCH, 2019.

<u>Elmer Davis</u> (Owner)	(Spouse)
<u>ELMER DAVIS</u> (Please Print)	(Please Print)
<u>Steve Davis</u> (Owner)	(Spouse)
<u>Steve Davis</u> (Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)

State of Kansas }
 County of Kiowa } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 21 day of March, 2019.



Trent Jacks
Notary Public

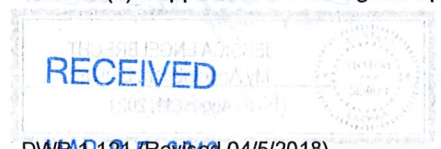
My Commission Expires 8-30-21

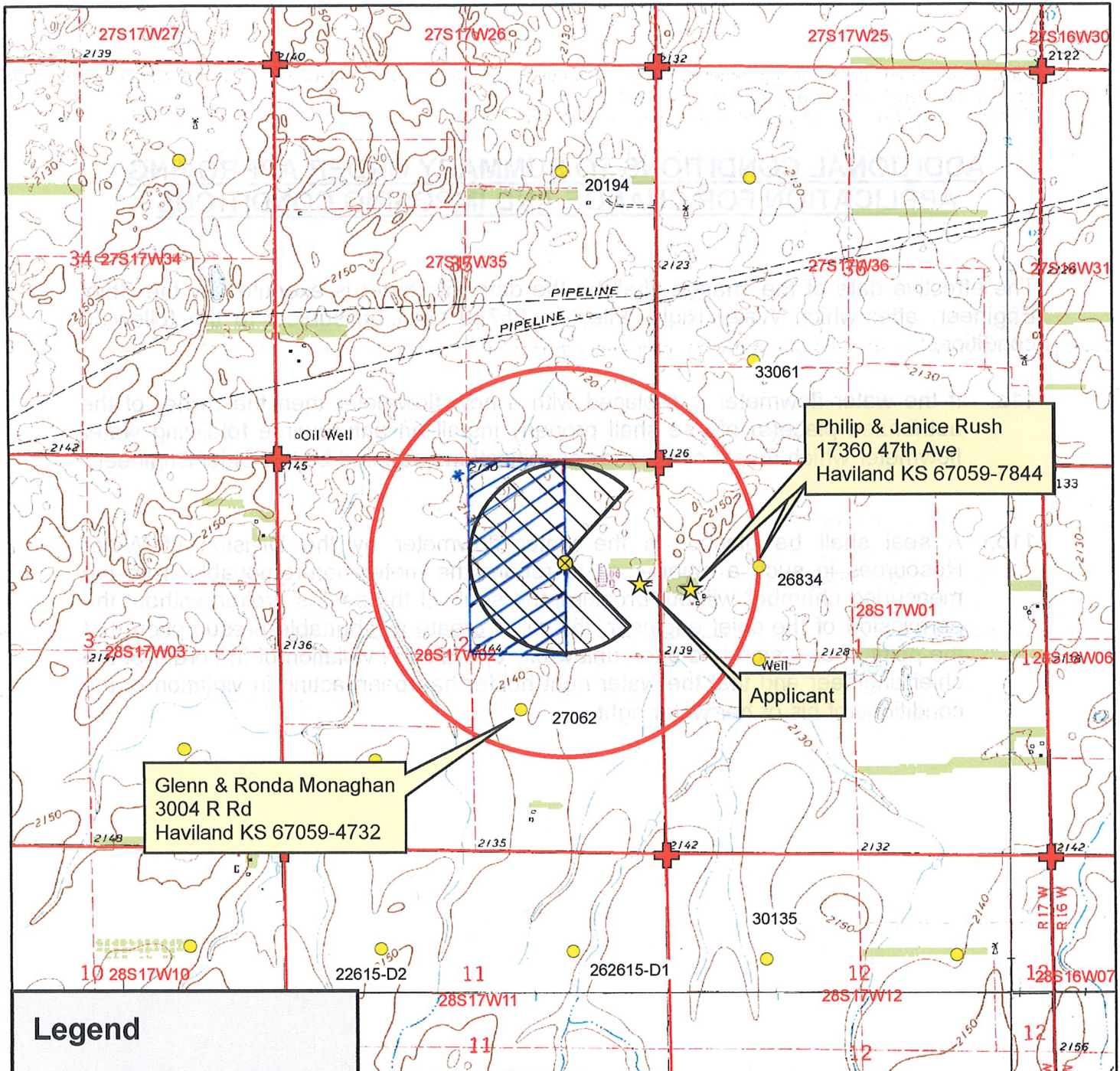
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

(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



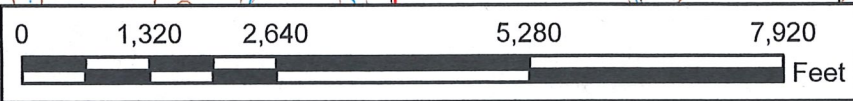


Legend

- ⊗ Authorized Point of Diversion
- Water Appropriations
- 1/2 Mile Buffer
- ★ Domestic Well
- ▭ Section Line
- ⊕ Section Corner

Place of Use

- ▨ Authorized
- ▩ Proposed



Water Right, File No. 25789
 Change in Place of Use, Application Map
 2-28S-17W // Kiowa County



To the best of my knowledge, all water wells including domestic, within 1/2 mile of the authorized point of diversion have been shown.

Edmund Owen
 Signature

RECEIVED

MAR 25 2019

Stafford Field Office

*Authorized P/U added by TJS SFFO 3/26/19 per phone conversation w/applicant.

**ADDITIONAL CONDITIONS TO SUMMARY ORDER APPROVING
APPLICATION FOR CHANGE AND IMPOSING CONDITIONS**

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which Water Right, File No. 25789 shall be subject to the following conditions:

- 11a. If the water flowmeter is replaced with a new flowmeter then the owner of the authorized place(s) of use shall properly install an anti-reverse totalizing water flowmeter which meets or exceeds specifications adopted by the Chief Engineer

- 11b. 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 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.

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MAR 25 2019



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

Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Interim Secretary

Laura Kelly, Governor

April 2, 2019

E & L DAVIS FARMLAND LP
16380 53RD AVE
HAVILAND KS 67059-7816

Re: Water Right, File No(s). 25789

Dear Water Right Owner:

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Lanterman".

Jeff Lanterman
Water Commissioner

Enclosures

pc: Water Rights Section
Groundwater Management District No. 5


CERTIFICATE OF SERVICE

On this **2nd** day of **April, 2019**, I hereby certify that the attached Change in Place of Use for Water Right, File No. **25789**, dated **April 2, 2019** was mailed via Certified U.S. mail to the following:

E & L DAVIS FARMLAND LP
16380 53RD AVE
HAVILAND KS 67059-7816

A copy of the letter was sent via First Class U.S. Mail to the following:

GMD 5



Staff



KANSAS DEPARTMENT OF AGRICULTURE

Division of Water Resources

Stafford Field Office

MEMORANDUM

TO: File

DATE: 3/26/2019

FROM: Tyler Saryerwinnie

RE: File No. 25789

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

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

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

The change in place of use filed on 3/25/2019 for the above referenced file meets this criteria and surrounding well owners will not be notified.

Saryerwinnie, Tyler [KDA]

From: Saryerwinnie, Tyler [KDA]
Sent: Tuesday, March 26, 2019 1:43 PM
To: Orrin Feril (oferil@gmd5.org)
Cc: Conant, Cameron [KDA]
Subject: GMD Recommendation Request - File No. 25,789
Attachments: 25789.Cover Letter + Base.pdf; 25789.Change App.pdf

Orrin,

I have attached a cover letter and a copy of one (1) change application for GMD recommendation. Please provide the GMD recommendation by April 15, 2019.

Please let me know if you are needing anything else, or have any questions.

Thank you,
Tyler

Tyler Saryerwinnie, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
Stafford Field Office
Phone: (620)234-5311

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



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Interim Secretary

Laura Kelly, Governor

March 26, 2019

Orrin Feril
Big Bend – GMD No. 5
125 S Main St.
Stafford, KS 67578

RE: Place of Use Change Application, File No. 25,789

Dear Mr. Feril,

We are enclosing a copy of the application, as referenced above, for your review and recommendation. At this time the application appears to be in proper form.

This office will delay any further action on this file for a period of 15 business days from the date of this letter to allow you time to submit your recommendation concerning the application. Please submit your recommendation within the allotted time, or any authorized extension of time thereof.

If you have any questions, please feel free to contact the office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tyler Saryerwinnie".

Tyler Saryerwinnie
Environmental Scientist
Stafford Field Office
tyler.saryerwinnie@ks.gov

Enclosure

Saryerwinnie, Tyler [KDA]

From: Orrin Feril <oferil@gmd5.org>
Sent: Friday, March 29, 2019 8:39 AM
To: Saryerwinnie, Tyler [KDA]
Subject: Application for Change, Water Right, File No. 25789
Attachments: 25789 2019-03-29 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.

Tyler,
I'm attaching the recommendation requested by your office in a letter dated March 26, 2019. 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
Facebook/Twitter: @BigBendGMD5

Darrell Wood - Edwards (Pres.)
Fred Grunder - Pratt (V Pres.)
John Janssen - Kiowa (Treas.)
Jerry Cullop - Rice (Sec.)
Justin Gatz - Reno
Marlyn Spare - 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

March 29, 2019

Tyler Saryerwinnie
Division of Water Resources
Kansas Department of Agriculture
300 S. Main Street
Stafford, Kansas 67578-1342

RE: Water Right File No. 25789
Change in the Place of Use

Dear Mr. Saryerwinnie,

Big Bend Groundwater Management District #5 has reviewed the above referenced application. It is the understanding of the District that this change is intended to utilize more efficient water delivery by mobile drip irrigation. Based on the information received in the office, the application appears to be consistent with 5-25-20(b) and is recommended for approval.

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

RECEIVED

MAR 29 2019

Stafford Field Office
Division of Water Resources