

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

1. File Number: 41423	2. Status Change Date: 5/24/2019	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: 26-DEC-2018
8a. Applicant(s) New to system <input type="checkbox"/> E & L DAVIS FARMLAND LP 16380 53RD AVE HAVILAND KS 67059-7816		Person ID 60198 Add Seq# 1	8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	
8b. Landowner(s) New to system <input type="checkbox"/> E & L DAVIS FARMLAND LP 16380 53RD AVE HAVILAND KS 67059-7816		Person ID 60198 Add Seq# 1	8d. WUC New to system <input type="checkbox"/> NO CHANGE Person ID _____ Add Seq# _____	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2019 <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input 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: 5/21/19 By: RAK Date Entered: 5/29/2019 By: UM				

File No **41423** 11. County: **KW** Basin: **SF NINNESCAH RIVER** 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)	Authorized		Additional		
ENT												Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
√				3780 NC NE¼	9	28S	16W	2	3949	1344		900 g.p.m.	155 AF	800 g.p.m.	0 AF	11456-D1 & 20187078-MF

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

14. **MODIFY** Limitation: **155 AF/YR @ 900GPM COM/W 11456-D1**
 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										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			35285	9	28S	16W	1		33.00	40.00	40.00	32.00													145.00	8B	NO	11456-D1 & 20187078-MF

Base Acres: Year: Minimum Reasonable Quantity:
 Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: May 21, 2019

FROM: Richelle A. Krueger

RE: Water Right
File Nos. 11,456-D1 and 41,423

Elmer E. and Laura J. Davis, water right owners, filed a division agreement for Water Right, File No. 11,456 and an application to change the place of use for Water Right, File No. 41,423. The goal of the submitted package is to divide the place-of-use of File No. 11,456 into 11,456-D1 and 11,456-D2 and to create an exact overlap in place of use among File Nos. 11,456-D1, 41,423 and MYFA Application, File No. 20187078-MF.

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

File Nos. 11,456 and 41,423 are authorized groundwater for irrigation use in Kiowa County, Kansas. File No. 11,456 is authorized two wells with assigned rates and quantities for irrigation of 287 acres in the North Half (N½) of Section 9, Township 28 South, Range 16 West, Kiowa County. The easternmost well (3949'N,1344'W-11,456-D1)) overlaps the single point of diversion authorized by File No. 41,423. The authorized place of use of File No. 41,423 is 130 acres in the Northeast Quarter (NE¼) of Section 9 and incompletely overlaps the place of use of File No. 11,456.

The water right owners propose an exact overlap between File Nos. 41,423,11,456-D1 and MFYA Application, File No. 20187078-MF pursuant to K.A.R. 5-5-11(b)(1) *Identical places of use*. The total limited 155 acre-feet to be authorized by File Nos. 11,456-D1 and 41,423 can irrigate the proposed 145-acre place of use with 1.07 acre-feet per acre. Although the 50% net irrigation requirement for the full irrigation of corn with 85% efficiency in Kiowa County is 1.29 acre-feet per acre, Paragraph No. 18 of the application indicates the water right has always been a short water right and for all intents and purposes, operation of File Nos. 11,456-D1 and 41,423 will not change drastically with approval of the division agreement, change application or MYFA.

The quantity and rate limitation on File No. 41,423 will be changed to the following:

This appropriation right is further limited to a diversion rate and a quantity of water which when combined with the water right set forth in the Certificate of Appropriation issued pursuant to File No. 11,456-D1 will provide a maximum diversion rate not in excess of 900 gallons per minute (2.00 c.f.s.) and a total quantity not to exceed 155 acre-feet of water per calendar year for irrigation use on the land described herein.

This limitation needs modification because only that quantity and rate were perfected at the well to be authorized by File No. 11,456-D1 and 41,423. File No. 41,423 only perfected acres in the Northeast Quarter based on DWR records.

No nearby well owners were notified of the proposed changes since the proposals are for exact overlaps in the authorized places of use.

The same local source of supply will not change.

In a letter dated May 2, 2019, Orrin Feril, Manager of Big Bend Kansas Groundwater Management District No. 5, recommended approval of the application.

In an e-mail dated May 15, 2019, Jeff Lanterman, Water Commissioner of the Stafford Field Office, recommended approval of the referenced change application and division.

Water flow meters are required. Check valves are required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur, and if the division agreement is approved, it is recommended the application be approved.


Richelle A. Krueger
Environmental Scientist

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



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

Mike Beam, Secretary

Laura Kelly, Governor

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

June 3, 2019

FILE COPY

RE: Water Right, File No. 41,423

Dear Mr. and Mrs. Davis:

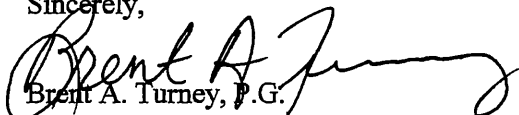
Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

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. 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.

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.

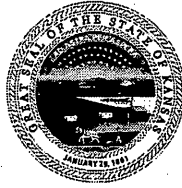
Sincerely,


Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Stafford Field Office
Groundwater Management District No. 5

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE AND ORDER MODIFYING THE ADDITIONAL QUANTITY AND RATE LIMITATION WATER RIGHT FILE NO. 41,423

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Elmer E. and Laura J. Davis, on behalf of E and L Davis Farmland LP, 16380 53rd Avenue, Haviland, Kansas, 67059-7816, received in this office on December 26, 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, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

This order modifies the additional limitations on the authorized quantity and diversion rate as set forth by the Certificate of Appropriation pursuant to File No. 41,423, issued December 11, 2000 as follows:

This appropriation right is further limited to a diversion rate and a quantity of water which when combined with the water right set forth in the Certificate of Appropriation issued pursuant to File No. 11,456-D1 will provide a maximum diversion rate not in excess of 900 gallons per minute (2.00 c.f.s.) and a total quantity not to exceed 155 acre-feet of water per calendar year for irrigation use on the land described herein.

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 irrigation 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	
9	28S	16W	33.00	40.00	40.00	32.00													145.00

a total of 145.00 acres in Kiowa County, Kansas,

located substantially as shown on the maps accompanying the application to change the place of use.

All 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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 41,423, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated December 11, 2000.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

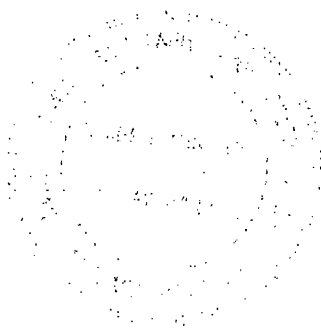
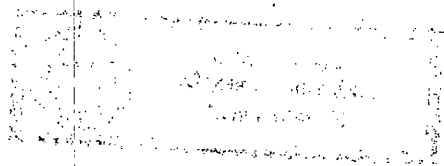
- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.



DEC 26 2018

11:39a



State of Kansas

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

KS DEPT OF AGRIC

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

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

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- Point of Diversion
- Use Made of Water

(Check one or more)

File No. 41,423

2. Name of applicant: Elmer Davis

Address: 16380 53rd Avenue

City, State and Zip: Haviland, KS 67059-7816

Phone Number: (620)546-3364 E-mail address: --

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

Name of water use correspondent: E & L Davis Farmland LP

Address: 16380 53rd Avenue

City, State and Zip: Haviland, KS 67059-7816

Phone Number: (620) 546 3364 E-mail address: edavis@havilandtelco.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): To make a complete overlap with recently subdivided Water Right, File No. 11,456-D1.

The change(s) will be completed by as soon as the division is approved. (Date)

For Office Use Only:

F.O. 2 GMD 5 Meets K.A.R. 5-5-1 (YES/NO) Use FRR Source G/S County kw By Bm Date 12/26/18
Code CPU Fee \$ 200 TR # _____ Receipt Date 12/26/18 Check # 1017

APPLICATION COMPLETE
5/2/19
Reviewer RAL

4. The presently authorized place of use is:

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

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

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	
9	28S	16W	32.5	32.5	32.5	32.5												130	

List any other water rights that cover this place of use. 11,456-D1 (providing the division is approved)

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: E & L Davis Farmland LP

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

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	
9	28S	16W	33	40	40	32												145	

List any other water rights that cover this place of use. 11,456-D1 (providing the division is approved) *20187078-MF

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 MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* RAK/DWL 4/24/19

- 6. The presently authorized point(s) of diversion is one well, one pump, one motor
(Provide description and number of points)
- 7. The proposed point(s) of diversion is one well, one pump, one motor
(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 NC Quarter of the NE Quarter
 of Section 9 , Township 28 South, Range 16 (W),
 in Kiowa County, Kansas, 3,949 feet North 1,344 feet West of Southeast corner of section.
 Authorized Rate 900 GPM (lim comb w/ 11456-D1) Authorized Quantity 155 AF (lim comb w/ 11456-D1)
 (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:
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 11,456-D1

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. N/A

WATER RESOURCES
RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

DEC 26 2018

SCANNED

12. The presently authorized use of water is for Irrigation purposes.
It is proposed that the use be changed to no change purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
In reality, the acres that can be irrigated are not increasing with this change application. This change application seeks to get rid of an existing incomplete overlap and create a complete p/u and p/d overlap with an existing file, recently sub-divided 11,456-D1.

(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to N/A gallons per minute (N/A 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.

No changes to the rate or quantity already authorized by this 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.

Minimum reasonable quantity will be a little low but this has always been a "short" water right. For all intents and purposes operation of this water right and 11,456 will not change drastically with approval of this application, approval of the division, or approval of the MYFA.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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 Hawiland, Kansas, this 19 day of Dec, 2018.

Elmer E Davis
(Owner)

ELMER E DAVIS
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

Laura J Davis
(Spouse)

LAURA J DAVIS
(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas

County of Kiowa



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 19 day of December, 2018.

Steven E. Davis
Notary Public

My Commission Expires 8-14-2020

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.

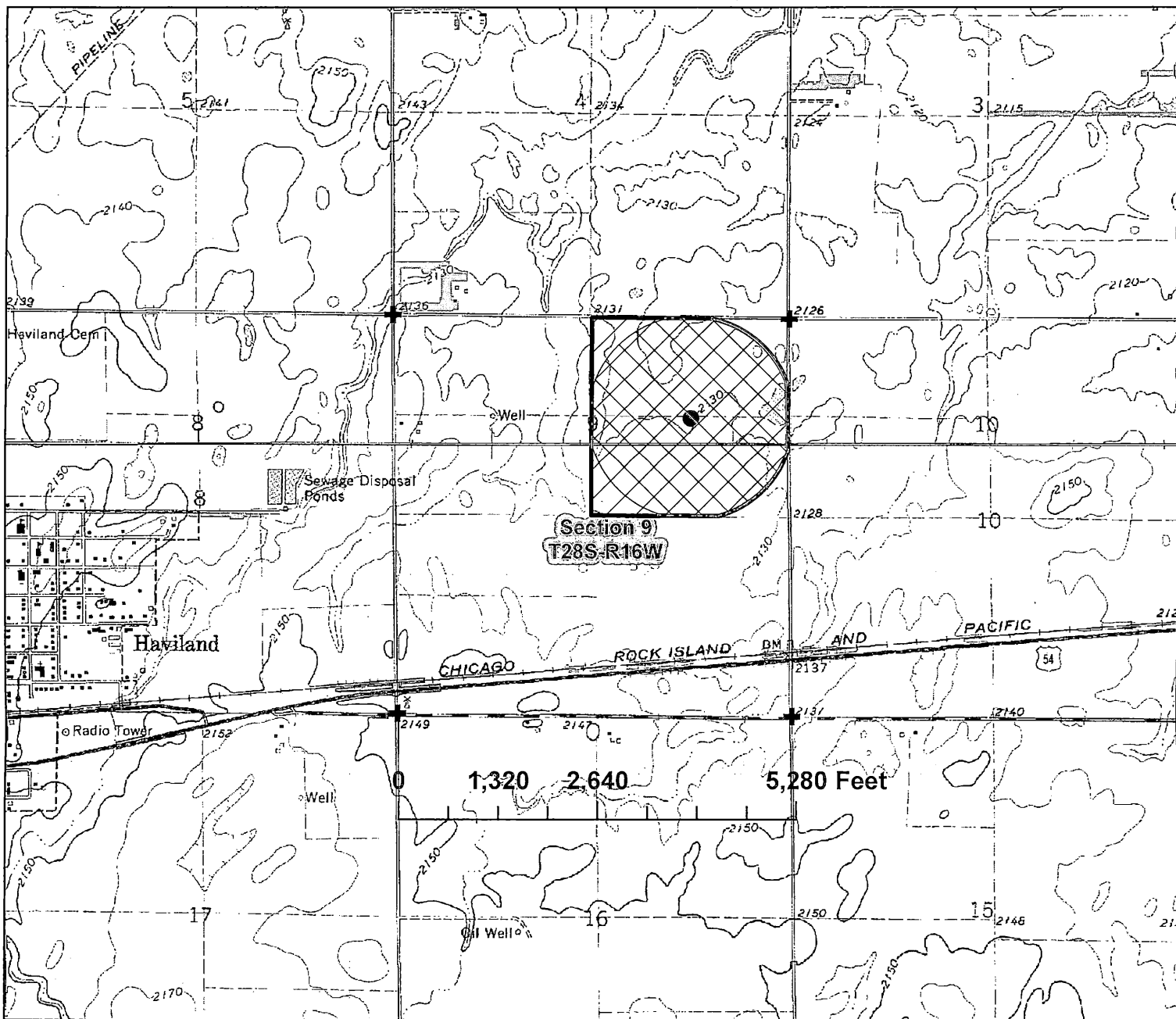
WATER RESOURCES RECEIVED





DEC 26 2018

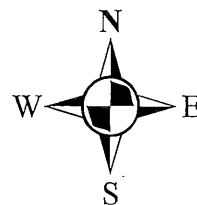
SCANNED

KS DEPT OF AGRICULTURE

P/U Change Application Map, File No. 41,423
Section 9-T28S-R16W in Kiowa County



	Point of diversion for 11456-D1 & 41423 (3949' N & 1344' W of SE corner)
	currently authorized place of use covering 130 acres
	proposed place of use covering 145 acres
	section corners



WATER RESOURCES
RECEIVED

DEC 26 2018

KS DEPT OF AGRICULTURE


1 inch = 2,000 feet


SCANNED map created on 12/17/18 scale 1:24,000

P/U Change Application Map, File No. 41,423
Section 9-T28S-R16W in Kiowa County

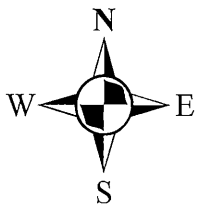


● Point of diversion for 11456-D1 & 41423
(3949' N & 1344' W of SE corner)

 currently authorized place of use
covering 130 acres

 proposed place of use covering 145 acres

✚ section corners



WATER RESOURCES
RECEIVED
DEC 26 2018
KS DEPT OF AGRICULTURE

Krueger, Richelle [KDA]

From: Lanterman, Jeff [KDA]
Sent: Wednesday, May 15, 2019 3:50 PM
To: Krueger, Richelle [KDA]
Cc: Conant, Cameron [KDA]
Subject: FW: Request for Recommendation Change in PU File No. 41423 (Division File No. 11456) Elmer and Laura Davis
Attachments: 41423pumemcreateexactoverlapwithdividedrightrev.doc; Davis cover letter.pdf

Richelle;

Cameron came over and explained all this to me. I think it can be approved as you proposed in your memo.

Myfa to come later.

Thanks
Jeff

From: Conant, Cameron [KDA]
Sent: Wednesday, May 15, 2019 3:30 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Request for Recommendation Change in PU File No. 41423 (Division File No. 11456) Elmer and Laura Davis

From: Krueger, Richelle [KDA]
Sent: Thursday, May 2, 2019 4:54 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: Request for Recommendation Change in PU File No. 41423 (Division File No. 11456) Elmer and Laura Davis

Hi Jeff,
Attached is a draft memo for the referenced change in pu (with division for File No. 11456) – do you recommend approval?

Thanks,
Richelle

Krueger, Richelle [KDA]

From: Orrin Feril <oferil@gmd5.org>
Sent: Thursday, May 2, 2019 2:26 PM
To: Krueger, Richelle [KDA]
Subject: Application to Divide, File No. 11456 and Change, Water Right, File No. 41423
Attachments: 11456 41423 2019-05-02 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 April 25 XX, 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

Water Resources
Received
MAY 02 2019
KS Dept Of Agriculture

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

May 2, 2019

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

RE: Water Right File No. 11,456
Application to Divide a Water Right
Water Right File No. 41,423
Change in the Place of Use

Dear Ms. Krueger,

Big Bend Groundwater Management District #5 has reviewed the above referenced applications. The applicant is requesting to divide Water Right File No. 11456. Additionally, the applicant is requesting to modify the place of use for Water Right File No. 41423 to create a complete overlap with Water Right File No. 11456-D1 following approval of the division of Water Right File No. 11456. Based on the information received in the office, the applications appear to be consistent with K.A.R. 5-25-20(b) and are recommended for approval.

The applications to change are 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

Water Resources
Received
MAY 02 2019
KS Dept Of Agriculture

SCANNED

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



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

Mike Beam, Secretary

Laura Kelly, Governor

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

April 25, 2019

FILE COPY

Re: Water Right, File Nos. 11,456 and 41,423

Dear Mr. Feril:

We are enclosing copies of the application to change the place of use for Water Right, File No. 41,423 and an application to divide a water right for Water Right, File No. 11,456 for your information.

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 the application for File No. 41,423.

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

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

ELMER DAVIS
16380 53RD AVE
HAVILAND, KS 67059

January 3, 2019

RE: File No 41423

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,

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

BAT: DLW
pc: STAFFORD Field Office GMD5

SCANNED