Kansas Department of Agriculture Division of Water Resources

CHANGE: P/U WORKSHEET

1. File Number: 25337	2. Status Change Date:	3. Change Num:	4. Field Office: 02	5. GMD: 02
6. Status: ☐ Approved ☐ Den	ed by DWR/GMD	Dismiss by Reques	t/Failure to Return	7. Filing Date of Change: 10/16/20
8a. Applicant(s) New to system □	Person ID Add Seq#	8c. Landown New to sy		Person ID Add Seq#
8b. Landowner(s) New to system □ KARL A WENZEL TRUST 2966 JACK CIR SALINA KS 67401-2855	Person ID 23001 Add Seq# 1 <add td="" trus<=""><td>8d. WUC New to sy</td><td>vstem □</td><td>Person ID 23001 Add Seq# 1</td></add>	8d. WUC New to sy	vstem □	Person ID 23001 Add Seq# 1
9. Documents and Enclosure(s): DV				
☑ Anti-Reverse Meter☑ Meter☐ Conservation PlanDate Requir	Seal 🛚 Check Valve			Driller Copy
10. Use Made of Water From:		To: _		
			Date Prepared: 11/1 Date Entered:	9/20 By: EKF By:

File No	25337		11. Count	y: HV	Ва	sin: Li	ttle A	rkansa	s Riv	er		S	tream	N/A						F	ormation	Code: 190	Special Use: 013
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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.

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14. If the proposed groundwater point of diver	rsion is 300 or fewer feet from the existi	ing point of diversion, complete	the following:
(a) Does the undersigned represent all o ☐ Yes ☐ No (If no, all o	owners of the currently authorized place owners must sign this application.)	(s) of use identified in this applic	cation?
(b) Will the ownership interest of any over affected if this application is approved ☐ Yes ☐ No (If yes, all		s) of use identified in this applic	eation be adversely
(c) If this application is not approved exp ☐ Yes ☐ No (If no, all o	peditiously, will there be substantial dam owners must sign this application.)	nage to property, public health o	r safety?
If the application proposes a surface water character or a change in place of use, the application may agent (attach notarized statement authorizing	ust be signed by all owners of the curre		
I hereby verify, being first duly sworn age and the owner, the spouse of the other behalf, in regards to the water rig contained in this application are true, or	owner, or a duly authorized agent ght(s) to which this application period and complete.	t of the owner(s) to make the pertains. I further verify that	is application or
Dated at Salina	, Kansas, this 12 th	day of Oct	, 20 20
Kansonscar	DPDA		
(Owner)	II was a substitute of the sub	(Spouse)	The second second
Karla J. McConne (Please Print)		(Please Print)	Marchael Commence
(Owner)	Complete Application of the Co	(Spouse)	
(Please Print)		(Please Print)	
(Owner)	A CONTRACTOR OF THE PROPERTY O	(Spouse)	
(Please Print)	AND THE RESERVE AND THE PROPERTY OF THE PROPER	(Please Print)	
State of Kansas County of	SS		
I hereby certify that the foregoing app	olication was signed in my present	ce and sworn to before me	this 12 day
Comeron F. Conart		Notary Public	
My Commission Expires	233	Notary Fubile	
ONLY COMPLETE APPLICATIONS WILL BE PROCaccurate information; maps, if necessary, must be in the appropriate fee must be paid.	CESSED. To be complete, all of the applicancluded; signatures of all the appropriate ow	able portions of the application form rners' must be affixed to the applicat	must be completed wit ion and notarized; and
	FEE SCHEDULE		
(2) Application to change a point of d	r the point of diversion under this sectio	culture	\$100
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CHELSI SNODGRASS My Appointment Experies		OCT 16 2020	
DWR 1-121 (Revised 04/5/2018)	Page 3		File No. <u>25337</u>

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, et seq. and other applicable provisions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 25337 change application was received on <u>OCHOET TO ADAO</u> requesting that the place of us diversion authorized under the above-referenced file number be changed as described in the application. A change application was received on requesting that the place of use and / or point of On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use.

Applicable

Not Applicable 2. the topographic map accompanying the application to change the place of use. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a radius of the authorized point(s) of diversion.

Applicable Not Applicable The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application.

☐ Applicable ☐ Not Applicable The point(s) of diversion authorized herein shall not actually be located more than _ authorized point(s) of diversion. ☐ Applicable ☒ Not Applicable feet from the previously As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13.

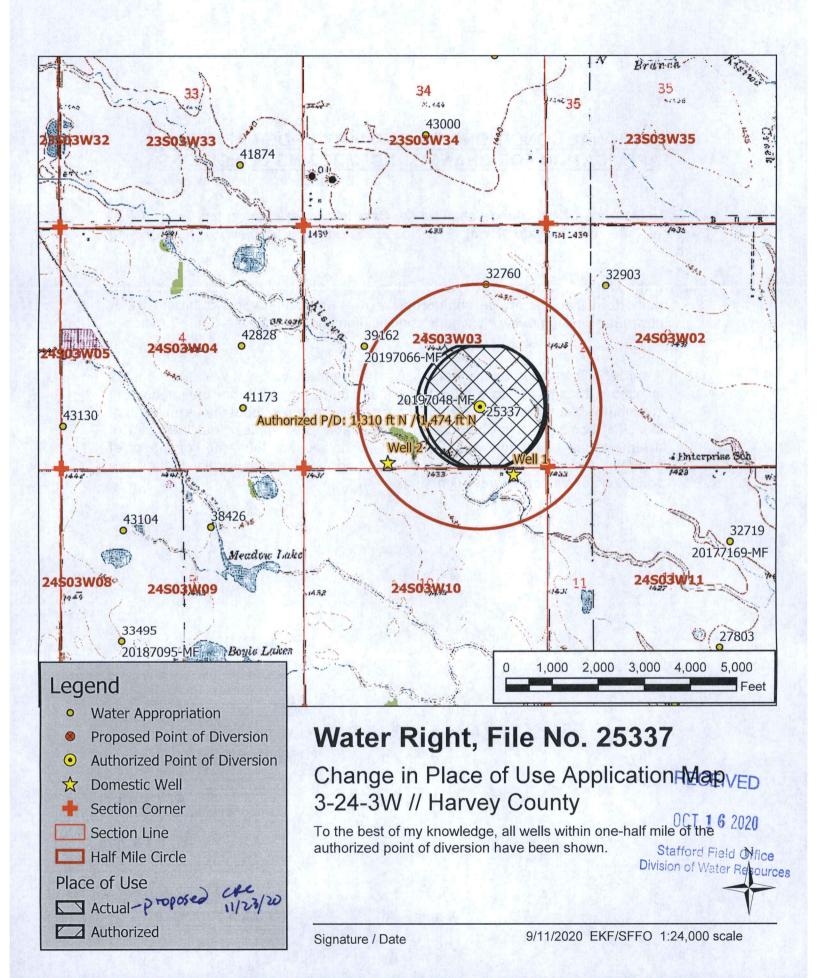
Applicable

Not Applicable The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2020, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.

| Applicable | Not Applicable | N Installation of the works for diversion of water shall be completed on or before December 31, 20_____, or within any authorized extension of time. By March 1, 20_____ the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. ☐ Applicable Not Applicable The completed well log shall be submitted with the required notice. ☐ Applicable Not Applicable 10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c.

Applicable
Not Applicable 11. Additional Conditions are attached. X Yes 12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the Kansas Water Appropriation Law and the Rules and Regulations promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law. OCT 16 2020 Administrative Appeal and Effective Date of Order FOR OFFICE USE ONLY APPLICATION APPROVED AND If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief ord Field Office RY ORDER ISSUED on of Water Resources Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within 15 days of service of this Order and a request for administrative review by the Secretary must be filed within 30 days pursuant to K.S.A. 77-531. Any request for administrative Duly Authorized Designee of the Chief Engineer (Print Name): Came Con review must state a basis for review pursuant to K.S.A. 77-527. Division of Water Resources - Kansas Department of Agriculture File any request with Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 2020 Date of Issuance: 66502. Failure to timely request a hearing or review may State of Kansas preclude review under the Kansas Judicial Review Act. SS For Use by Register of Deeds County of Acknowledged before me on NON MOCK Signature: Notary Public My commission expires: HELSI SNODGRASS NOTAN (Notary Nearly My Appointment Expires

May 13, 2024



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, Secretary

Laura Kelly, Governor

November 23, 2020

Karl A Wenzel Trust 2966 Jack Cir Salina KS, 67401-2855

Re: Water Right, File No(s). 25337

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 <u>Certified Water Flowmeters</u> as well as the regulations regarding the installation of flowmeters, measurement tubes and check valves can be found at www.ksda.gov/includes/document_center/dwr/Forms/ApprovalPack.pdf. 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.

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

Sincerely,

Jeff Lanterman

Water Commissioner

Jeff Roven

Enclosures

pc: Water Rights Section

Groundwater Management District No.

#2

CERTIFICATE OF SERVICE

On this **32rd** day of **November**, **2020**, I hereby certify that the attached Change in Point of Diversion for Water Right, File No. **25337**, dated **November 23nd**, **2020** was mailed via First Class U.S. mail to the following:

Karl A Wenzel Trust 2966 Jack CIR Salina KS 67401-2855

A copy of the letter was sent to the following:

GMD 2

Staff

KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources MEMORANDUM

TO: Files DATE: November 19, 2020

FROM: Elizabeth K Fitch RE: Water Right File No. 25337

Karla J McConnell, on behalf of the Karl A Wenzel Trust, owner of File No. 25337, has submitted an application for approval to change the authorized place of use. Ms. McConnell signed as a durable power of attorney on behalf of the owner of record. A copy of the durable power of attorney form was included with the change application.

The referenced file appears to be in compliance with 82a-732 (Annual water use report required). A review of the application found that it complies with K.A.R. 5-5-1, *Filing an application for change*. The referenced file does not appear abandoned as per K.S.A. 82a-718.

File No. 25337 authorizes 120 AF for irrigation at 825 gpm on 130 acres in the Southeast Quarter (SE ½) of Section 3, Township 24 South, Range 3 West, Harvey County. Currently, there are no point of diversion or place of use overlaps. However, Multi-Year Flex Account, File No. 2019708-MF is pending.

This referenced file currently authorizes one (1) well near the center of the Southeast Quarter (SE¼) of Section 3, more specially described as 1,320 feet North and 1,320 feet West of the Southeast corner of said section. A compliance investigation on June 23, 2015, found the water rights to be in compliance at the time. However, the meter exception allowed at the time no longer applies to pre-2000 meter installations. The authorized point of diversion will be better described based on GPS coordinates from this visit.

The referenced change application, received on October 16, 2020, propose to modify the authorized acres to better describe the existing center pivot system that is in the South Half of Section 3. This modification includes an increase of 10 acres.

File No. 25337 has 126 "Base Acres," as defined by K.A.R. 5-5-11. The proposed 136 acres comply with part (b) of K.A.R. 5-5-11 and the 10 acre increase above the Base Acres is allowed by the regulation.

The proposed change will result in a maximum quantity of 120 AF irrigating 136 acres, resulting in an irrigation ratio of 0.88 AF per acre. It would appear this irrigation ratio is reasonable as the ratio is less than the 1.3 AF per acre maximum for Harvey County found in K.A.R. 5-3-24, Reasonable quantity for irrigation use, thus complying with K.A.R. 5-3-23, Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right. The generally accepted minimum quantity per acre for Harvey County is 0.72 AF per acre, so the proposed quantity meets this threshold as well.

Since the referenced application to change the place of use does not propose to add more than 10 acres or 10% of the base acres to the authorized place of use, water well owners within one-half mile of the authorized point of diversion were not notified of the proposed change in place of use (EKF Memo dated 10/19/2020).

The referenced water right is in the Burrton Intensive Groundwater Use Control Area.

File No. 25337 Change Memo November 19, 2020

The referenced water right is in the Equus Beds Groundwater Management District No. 2 (GMD2), so a recommendation request was sent to the District on October 19, 2020. A response was received from GMD2 Manager, Tim Boese on November 18, 2020. In his response, Mr. Boese recommended approval for the change application filed under the referenced file number.

A structures permit is not required in association with this water right.

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

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

Elizabeth K Fitch
Environmental Scientist - SFFO

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. 25337 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.

RECEIVED

OCT 16 2020

Stafford Field Office
Division of Water Resources

File No. 25337

File No. 25337 Change in Place of Use Application Nearby Well Owners

Domestic Well 1 Scott M Schrag 5363 S River Park Rd Halstead, KS 67056-9366

Domestic Well 2 Applicant

RECEIVED

OCT 16 2020

Stafford Field Office Division of Water Resources

DURABLE POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That I, the undersigned, KARL A. WENZEL of Newton, Harvey County, Kansas, have made, constituted and appointed, and by these presents do make, constitute and appoint DIANA J. WENZEL or KARLA MCCONNELL or JACK B. HIGGINS my true and lawful attorney-in-fact, for me and in my name, stead and place and for my use, to endorse, cash or deposit in my name or otherwise, any and all checks, drafts or other negotiable or nonnegotiable evidence of indebtedness; to execute vouchers in my behalf for any and all allowances and reimbursements properly payable to me; to withdraw from any bank, trust company, or savings association any or all funds which I may have on deposit with such institution; to request and receive payment of all government bonds; to do all acts necessary and to sign all documents with regard to the conduct of any business in which I may be engaged, and to conduct such business as completely as I might do if personally present; to collect and receipt for all debts due me from any source; to make, execute, acknowledge and deliver good and sufficient deeds of conveyance for any real estate which I may own, with or without covenants of warranty; to borrow upon the security of any of the real estate of which I may own or wherever it may be situate; to grant, bargain and sell any and all real estate belonging to me wherever situate or any part thereof, for such purposes and on such terms as shall be met, and to make, execute, acknowledge and deliver mortgages or other instruments with the usual interest and insurance clauses, and all other usual provisions and covenants, to secure the payment of the note or obligation given for such loan, and to sign and deliver such notes and obligations as may be necessary; to sell or mortgage any and all personal property which I may now own or which I may hereafter acquire, and to do such acts and sign such documents as may be necessary to convey title to such personal property, and to represent me in all matters concerning estates, to do all acts of any nature whatsoever which I might do legally if I were personally present; to sign all documents necessary or desirable with regard to all farm programs under the F.S.A. or the U.S. Government; to sign all federal and state income tax returns and other documents and forms relating to income taxes and the adjustment of tax liability thereunder; to sign all registers and enter and remove property from any safe deposit box I may hold; to sign and acknowledge any and all documents necessary, as my attorney-in-fact and to exercise any right, option or privilege available to me under or in connection with any life insurance policy, including but not limited to the right to surrender the policy, make a policy loan and change the beneficiary.

Further, said attorney-in-fact shall have the full power and authority to exercise all powers herein in conveying property to the KARL A. WENZEL REVOCABLE TRUST. It is my intention that no limits be put on my attorney-in-fact in transferring property to said Trust.

Hereby giving unto my said attorney-in-fact full power and authority to do everything whatsoever requisite or necessary to be done in the premises as fully as I could or might do if I were personally present with full power of substitution and revocation, hereby confirming and ratifying all that my attorney-in-fact shall lawfully do or cause to be done hereunder.

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Water Resources Received

Stafford Field Office Division of Water Resour

JAN 02 2020

KS Dept Of Agriculture

DURABLE POWER OF ATTORNEY KARL A. WENZEL PAGE TWO

This Power of Attorney shall not be affected by subsequent disability or incapacity of the principal.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of February, 2007.

KARL A. WENZEL

STATE OF KANSAS, COUNTY OF HARVEY, ss:

The foregoing instrument was acknowledged before me this 21st day of February, 2007, by KARL A. WENZEL.

Notary Public

My Appointment Expires:

S:\W\WenzKa\002 Karl packet.wpd

MARCY L. LANG State of Kansas My Appt. Exp. April 12, 2010

> Water Resources Received

JAN 02 2020

KS Dept Of Agriculture

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OCT 16 2020

Stafford Field Office Division of Water Resources

Property Detail Information





1 of 6 File No. 25337

Generated: 11/19/2020 11:57:31 AM

Harvey County Kansas

Report for Parcel No. 040-152-03-0-00-006.00-0

(Quick Ref. ID R18018)

Property Physical (Situs) Address

19922 SW 48TH ST, Burrton, KS 67020

Owner(s)	Owner Mailing Address	
WENZEL, KARL A; TR -	2966 JACK CIR	
(P)	SALINA, KS 67401-2855	

Property Factors					
Topography	Level - 1				
Utilities	Well - 5 Septic - 6				
Access	Dirt Road - 3				
Fronting	Residential Street - 4				
Location	Neighborhood or Spot - 6				
Parking Type	Off Street - 1				
Parking Quantitiy	Adequate - 2				
Parking Proximity	On Site - 3				
Covered Parking	Not Available				
Uncovered Parking	Not Available				

Tract (Legal) Description

S03, T24, R03W, ACRES 314.05, S1/2 SEC 3, LESS ROW



Land-Based Classification				
Function	Farming / ranch operation (with improvements)			
Activity	Farming, plowing, tilling, harvesting, or related activities			
Ownership	Private-fee simple			
Site	Dev Site - crops, grazing etc - with structures			

General Property Information				
Property Class	Farm Homesite - F			
Living Units	1			
Zoning	Not Available			
Neighborhood	191			
Tax Unit Group	385			