

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

1. File Number: 38387	2. Status Change Date: 4/20/2020	3. Change Num: C1	4. Field Office: 02	5. GMD: 05
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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: 4-FEB-2020
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8a. Applicant(s) New to system <input type="checkbox"/> Person ID <u>23178</u> Add Seq# <u>1</u> DARRELL N & NATALIE D WOOD REV TRUSTS Attn: DARRELL-NATALIE WOOD TTEE 1983 260TH AVE LEWIS, KS 67552-5133	8c. Landowner(s) New to system <input type="checkbox"/> Person ID Add Seq#
8b. Landowner(s) New to system <input type="checkbox"/> Person ID <u>23178</u> Add Seq# <u>1</u> DARRELL N & NATALIE D WOOD REV TRUSTS Attn: DARRELL-NATALIE WOOD TTEE 1983 260TH AVE LEWIS, KS 67552-5133	8d. Landowner(s) New to system <input type="checkbox"/> Person ID Add Seq#
8e. WUC New to system <input type="checkbox"/> Person ID <u>23178</u> Add Seq# <u>1</u> DARRELL N & NATALIE D WOOD REV TRUSTS Attn: DARRELL-NATALIE WOOD TTEE 1983 260TH AVE LEWIS, KS 67552-5133	8e. WUC New to system <input type="checkbox"/> Person ID <u>23178</u> Add Seq# <u>1</u>

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: 12/31/20 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: _____ Date to Comply: _____

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

Date Prepared: **4/13/20** By: **RAK**
 Date Entered: **4/21/2020** By: **L Moody**

File No **38387** 11. County: **ED** Basin: **RATTLESNAKE CREEK** Stream: Formation Code: Special Use:

12. Points of Diversion											Rate and Quantity				
CHK											Authorized		Additional		
MOD	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)		Rate	Quantity	Rate	Quantity	Overlap PD Files
DEL											gpm/cfs	af/mgy	gpm/cfs	af/mgy	
ENT															
MOD	26519	NC SW	32	24	16W	2	1360	3980			1080 gpm	186.41 AF	1080 gpm	186.41 AF	NO

QUANTITY REDUCTION ONLY

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

14. Limitation: _____
 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	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE						
DEL	ENT	PUSE	S	T	R	ID	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼						
MOD	39442	32	24	16W	2					5.60				5.30	20.20	37.00	36.00	19.50	123.6	8B	YES	NO	

Base Acres: Year: Minimum Reasonable Quantity: Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files
DATE: April 13, 2020
FROM: Richelle A. Krueger
RE: Water Right
File No. 38,387

Darrell N. Wood, trustee on behalf of Darrell N. Wood and Natalie Wood Trust, water right owners, filed an application for approval to change the authorized place of use for the referenced file number, authorized groundwater for irrigation use in the Rattlesnake Creek basin.

The referenced file does not appear abandoned as per K.S.A. 82a-718.

File No. 38,387 is authorized 200 acre-feet from one well for irrigation of 123.60 acres (1.62 af/ac) in Section 32, Township 24 South, Range 16 West, Edwards County, Kansas. There are no overlaps in the authorized point of diversion or place of use. On December 3, 2010, a Findings and Order was issued by the Chief Engineer in response to a reduction in place of use request and an AWEPP (Agricultural Water Enhancement Program) affidavit submitted by the water right owners. The Order reduced the authorized place of use from 133.00 acres to 123.60 acres in the Southwest Quarter of Section 32 and placed further conditions on File No. 38,387:

That the authorized place of use shall not be increased unless the water right owner agrees to the requirements described in K.A.R. 5-5-11; and

That if all or part of the water right is sold, legally removed, or the place of use is otherwise modified from the authorized place of use as described in a findings and order, that the water right shall be subject to the maximum reasonable quantity as per K.A.R. 5-3-23 or the monitoring requirements in K.A.R. 5-5-11 where applicable.

The water right owners were not required at that time to reduce the authorized quantity to a reasonable quantity (1.5 af/ac Edwards Co.). However, they agreed in the affidavit to comply with K.A.R. 5-5-11 if they increase the place of use and/or to comply with K.A.R. 5-3-23 and K.A.R. 5-5-11 if all or part of the water right is sold, legally removed, or the place of use is otherwise modified from the authorized place of use as described in a findings and order.

The water right owner initially proposed to move the pivot primarily to the Southeast Quarter of Section 32 and increase the acreage to 133.5 acres. Paragraph No. 7 of the application indicates the purpose of moving the pivot is to locate it on better ground with fewer water holes. Base acres as determined by Stafford Field office staff on February 3, 2020 are 133 acres so the proposal appears to comply with K.A.R. 5-5-11, however the proposal does not comply with K.A.R. 5-3-23 because the water right owner wished to retain the authorized 200 acre-feet.

No notices were sent to nearby well owners since the proposal does not exceed base acres by 10 acres or 10 percent.

Memorandum
File No. 38,387
April 13, 2020
Page 2

In a letter dated February 24, 2020, Orrin Feril, Manager of Big Bend Kansas Groundwater Management District No. 5 indicated that the intent of the AWEPP program was to incentivize producers to voluntarily remove end guns from center pivot systems. The purpose was to reduce the consumptive use within the Rattlesnake Creek subbasin by reducing the number of acres consuming water by removing the most inefficient portion of the system. Orrin indicated the proposed change nullifies the intent of AWEPP and that the District paid for the end gun removal in 2010. The application was presented to the Board of Directors at the February regular board meeting for review. The applicant discussed the issues regarding this center pivot system and the history of the water right file with the Board. The applicant has no desire to increase the acres to 133.5 acres, but rather just move the center pivot system east to better ground and still irrigate the 123.6 acres. Based upon this discussion, the Board voted to recommend approval of this application if amended to 123.6 acres with 200 acre-feet in line with the AWEPP provisions from 2010.


After discussion among DWR staff, it was initially determined that a waiver of K.A.R. 5-3-23 would be required to retain the 200 acre-feet. However, in an e-mail dated March 20, 2020, Lane Letourneau, Water Appropriation Program Manager, indicated he had a phone conversation with Chris Beightel, Acting Chief Engineer, and Darrell Wood, applicant, and they came up with an alternative agreement. It was determined since the applicant indicated 25 acres of the current place of use were remaining, those acres could retain the 1.62 acre-feet per acre or 40.5 acre-feet. The balance of the 98.6 acres would have 1.5 acre-feet per acre or 147.9 acre-feet. The water right would be reduced from 200 acre-feet to 188.4 acre-feet or 1.5 acre-feet per acres for the proposed 123.6 acres, which would comply with K.A.R. 5-3-23 and K.A.R. 5-5-11. Lane gave verbal approval to the proposal at the time of the phone conversation.

It was later determined that there will be 8.39 acres of the current place of use remaining, so in an April 13th phone conversation with Lane and Jeff Lanterman, Water Commissioner of the Stafford Field Office, it was determined the applicant can retain 1.62 acre-feet/acre on 8.39 acres = 13.59 acre-feet and the balance of 115.21 acres allowed 1.5 acre-feet/acre = 172.82 acre-feet for a total of 186.41 acre-feet to be authorized under File No. 38,387.

The same local source of supply will not change which appears to be undifferentiated Kansan/Nebraskan (180).

Jeff indicated no objection in the April 13, 2020 phone conversation with Lane and me.

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


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

DARRELL N & NATALIE D WOOD REV TRUSTS
Attn: DARRELL-NATALIE WOOD TTEE
1983 260TH AVE
LEWIS, KS 67552-5133

RE: Water Right, File No. 38,387

Dear Mr. and Mrs. Wood:

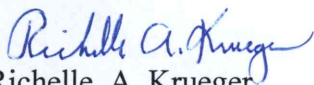
Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

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 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,


Richelle. A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

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
Christopher W. Beightel, Acting Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE AND ORDER REDUCING THE AUTHORIZED QUANTITY WATER RIGHT FILE NO. 38,387

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Darrell N. Wood, on behalf of Darrell N. and Natalie D Wood Revocable Trusts, 1983 260th Avenue, Lewis, Kansas, 67552-5133, received in this office on February 4, 2020, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Findings and Order of the Chief Engineer dated December 3, 2010, reducing the authorized place of use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

This order effectively reduces the authorized quantity to 186.41 acre-feet in accordance with the Application for Approval to Change the Place of Use, Water Right, File No. 38,387, received in the office of the Chief Engineer on February 4, 2020.

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	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				TOTAL ACRES	
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄		
32	24S	16W									5.60				5.30	20.20	37.00	36.00	19.50	123.60

a total of 123.60 acres in Township 24 South, Range 16 West, Edwards County, Kansas, located substantially as shown on the map accompanying the application to change the place of use.

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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 38,387, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated March 18, 1996, as modified and amended by the aforementioned order.

Ordered this 20th day of April, 2020, in Manhattan, Riley County, Kansas.

Lane P. Letourneau
Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

April The foregoing instrument was acknowledged before me this 20th day of _____, 2020, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



Katie Anderson
Notary Public

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.

DIVISION OF WATER RESOURCES
 Stafford Field Office

RECEIVED
 9:30 am
 FEB 04 2020

File No. 38387

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

Water Resources
 Received

2. Name and address of Applicant: Darrell Wood

1983 260th Ave, Lewis KS 67552-5133

Phone Number: (620)546-3426

Email address: _____

Name and address of Water Use Correspondent: Darrell N & Natalie D Wood Rev Trusts

Darrell & Natalie Wood TTEE, 1983 260th Ave, Lewis KS 67552-5133

Phone Number: (620)546-3426

Email address: _____

KS Dept Of Agriculture

MAR 05 2020

3. The presently authorized place of use is:

Owner of Land ---- NAME: Darrell N & Natalie D Wood Rev Trusts

ADDRESS: 1983 260th Ave, Lewis KS 67552-5133

(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	
32	24	16W									30.9	30.9	30.9	30.9					123.6

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: Darrell N & Natalie D Wood Rev Trusts

ADDRESS: 1983 260th Ave, Lewis KS 67552-5133

(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	
32	24	16W									9			9	19	39	38.5	19	133.5*
<u>32</u>	<u>24</u>	<u>16W</u>									<u>11.5</u>			<u>11.5</u>	<u>16</u>	<u>37.5</u>	<u>39</u>	<u>16</u>	<u>133.5*</u>
											<u>5.6</u>			<u>5.3</u>	<u>20.2</u>	<u>37</u>	<u>36</u>	<u>19.5</u>	<u>123.6*</u>

For Office Use Only: Code _____ Fee \$ 200.00 TR # _____ Receipt Date _____ Check # 6205

⊗ revised per 4/7/20 email EKF-SFFO ⊗ RAK/own 4/14/20

APPLICATION COMPLETE
4/13/20
 Reviewer RAK

* Per phone conversation on 2/10/20 w/applicant, TJS-SFFO

5. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ NC SW _____ Quarter
 of Section _____ 32 _____, Township _____ 24 _____ South, Range _____ 16 _____ W,
 in Edwards _____ County, Kansas, _____ 1,360 _____ feet North _____ 3,980 _____ feet West of Southeast corner of section.
 Authorized Rate _____ 1,080 gpm _____ Authorized Quantity _____ 200 AF _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. 02 _____ GPS _____ N/A _____ feet North _____ N/A _____ 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 *186.41 AF Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point none

** Quantity reduced per 3/20/20 LPL/CB/A Applicant & per 4/13/20 conversation w LPL/Ann*

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) Move the center pivot over to
better ground with fewer water holes

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

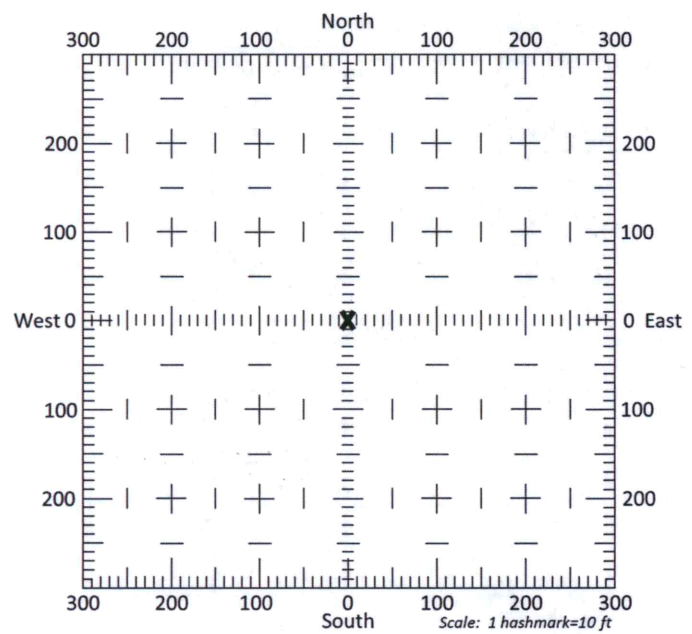
9. The change(s) (was)(will be) completed by?
Spring 2020

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

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by EKF/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.)

** Rso/Ann 4/14/20*

FEB 04 2020

Stafford Field Office
 DIVISION OF WATER RESOURCES

File No. 38387

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:
- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
 - (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 Stafford, Kansas, this 4th day of February, 2020.

<p><i>Danell M. Wood</i> _____ (Owner)</p> <p><i>Danell M. Wood</i> _____ (Please Print)</p> <p>_____ (Owner)</p> <p>_____ (Please Print)</p> <p>_____ (Owner)</p> <p>_____ (Please Print)</p>	<p><i>Danell M. Wood & Natalia Wood</i> _____ (Spouse)</p> <p><i>Natalia Wood</i> _____ (Please Print)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p>
--	--

State of Kansas }
 County of Stafford } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 4th day of February.



Faith Curtis

 Notary Public

My Commission Expires _____

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

Water Resources
 Received

MAR 05 2020

RECEIVED

FEB 04 2020

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. 38387.

1. A change application was received on 2/4/2020 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. 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
3. 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 _____ foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. 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
5. The point(s) of diversion authorized herein shall not actually be located more than _____ feet from the previously authorized point(s) of diversion. Applicable Not Applicable
6. 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
7. **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
8. **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
9. **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. Yes No
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.

Administrative Appeal and Effective Date of Order

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief 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 review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

FOR OFFICE USE ONLY
APPLICATION APPROVED AND SUMMARY ORDER ISSUED

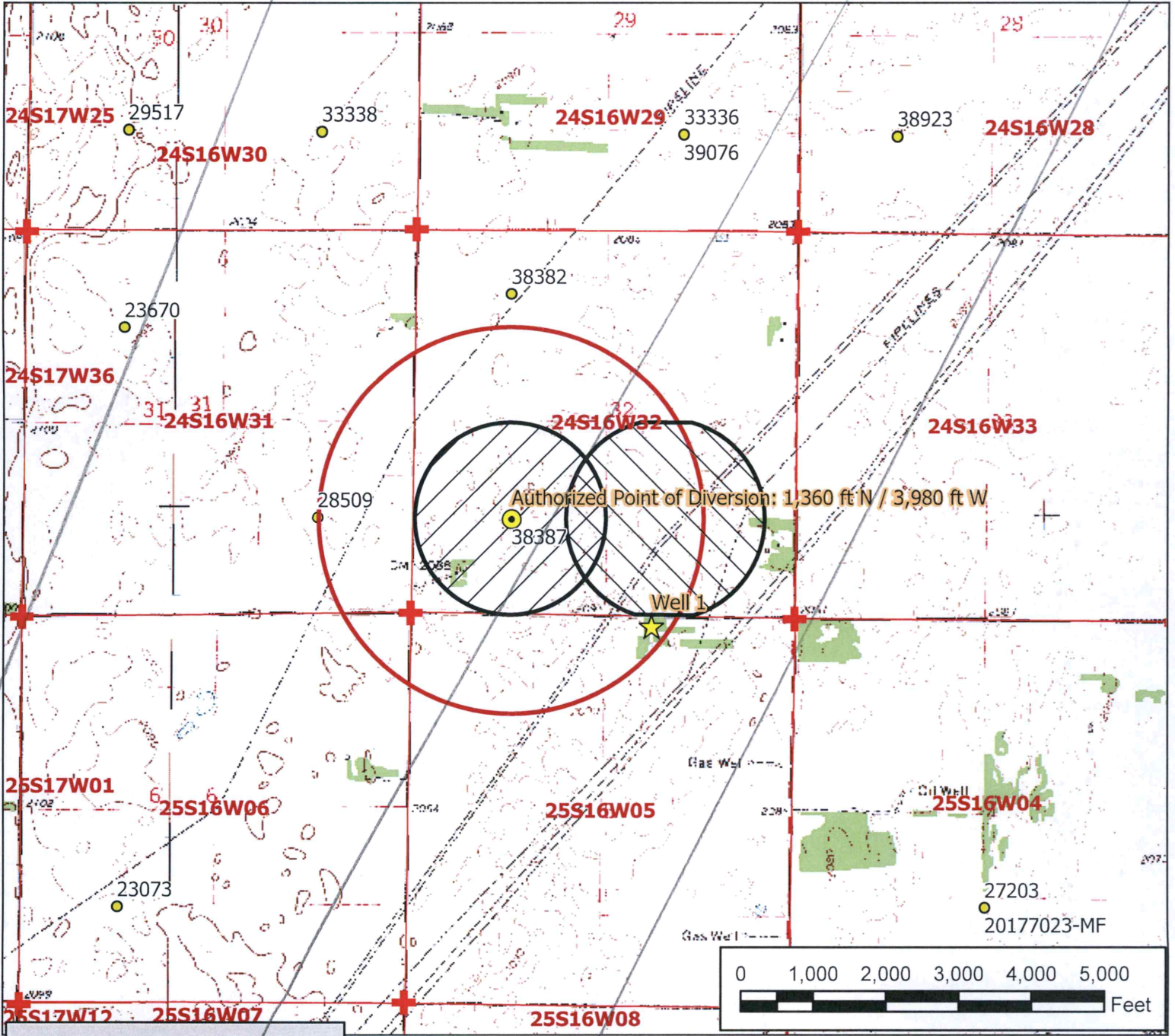
By: _____
 Duly Authorized Designee of the Chief Engineer
 (Print Name): _____
 Division of Water Resources - Kansas Department of Agriculture
 Date of Issuance: _____
 State of Kansas)
) SS
 County of _____)
 Acknowledged before me on _____
 by _____
 Signature: _____
 Notary Public
 My commission expires: _____
 (Notary Seal)

RECEIVED

FEB 04 2020

Stafford Field Office
 DIVISION OF WATER RESOURCES

Please see revised map dated 4/7/20



Legend

- Water Appropriation
- Proposed Point of Diversion
- Authorized Point of Diversion
- ★ Domestic Well
- ⊕ Section Corner
- Section Line
- Half Mile Circle
- ▭ Place of Use
- ▨ Authorized
- ▨ Proposed

Water Resources Received
MAR 05 2020
KS Dept Of Agriculture

Water Right, File No. 38387

Change in Place of Use Map 32-24-16W // Edwards County

To the best of my knowledge, all wells within one-half mile of the authorized point(s) of diversion have been shown.

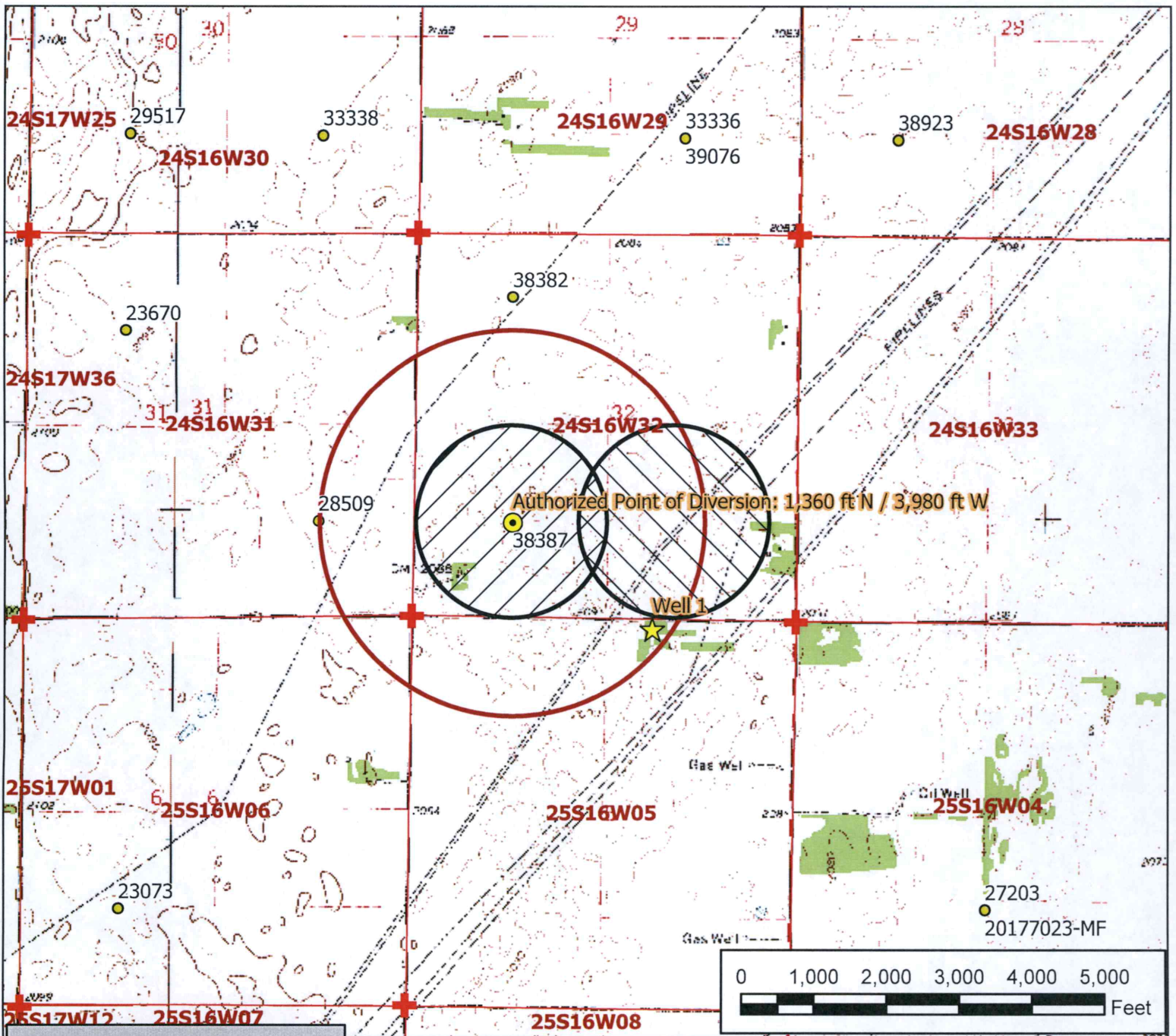
David A. Wood

Signature / Date

2-3-2020

2/3/2020 EKF/SFFO 1:24,000 scale

RECEIVED
FEB 04 2020
Stafford Field Office
DIVISION OF WATER RESOURCES



Legend

- Water Appropriation
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- ⦿ Authorized Point of Diversion
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Water Right, File No. 38387

Change in Place of Use Map **REVISED** 32-24-16W // Edwards County

To the best of my knowledge, all wells within one-half mile of the authorized point(s) of diversion have been shown.



Signature / Date

4/7/2020 EKF/SFFO 1:24,000 scale

Krueger, Richelle [KDA]

From: Lanterman, Jeff [KDA]
Sent: Tuesday, April 7, 2020 5:06 PM
To: Fitch, Elizabeth [KDA]; Krueger, Richelle [KDA]
Cc: Conant, Cameron [KDA]
Subject: RE: Darrell Wood Change in PU File No. 38387

Thanks. We can chat about it with Lane if you want Richelle? My vote is 1.5 on new acres and 1.62 on the rest. But I will go with what Lane and Chris agreed to if needed.

Jeff

From: Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>
Sent: Tuesday, April 7, 2020 4:58 PM
To: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: Darrell Wood Change in PU File No. 38387

The overlap with the smaller circle size is 8.39 acres

Elizabeth

From: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Sent: Tuesday, April 7, 2020 4:37 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>
Subject: RE: Darrell Wood Change in PU File No. 38387

I am thinking we prolly ought to run this by Lane once you figure out the number since he and Chris discussed with Mr. Wood? This is so confusing

From: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Sent: Tuesday, April 7, 2020 4:33 PM
To: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>; Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>
Subject: RE: Darrell Wood Change in PU File No. 38387

I was under the understanding that Darrell would get the higher rate just on the overlapped acres. So we probably need to figure those up and go from there. 1.5 on the rest. I think the 25 was an estimate from what Darrell told them. Maybe Elizabeth can tell us what the actual number is and we can go from there?

From: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Sent: Tuesday, April 7, 2020 4:29 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Darrell Wood Change in PU File No. 38387

I am easily confused so maybe they meant something else....

From: Krueger, Richelle [KDA]
Sent: Tuesday, April 7, 2020 4:07 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: Darrell Wood Change in PU File No. 38387

Hi Jeff,

That e-mail Lane sent us back on March 20th that indicated that Chris Beightel, Lane and Darrell Wood visited and came to an agreement on the quantity for File No. 38,387 and included Darrell in the email.

He indicated that the propose move still had 25 acres of the current place of use. I am kind of paraphrasing Lane’s e-mail below, you may have a different interpretation?

Before the PU move. The file is authorized for 200 af on 123.6 acres = 1.62 af/ac

According to Lane’s e-mail the proposed move still has 25 acres of the current place of use. I don’t know if he is getting credit for those original AWEPP acres in the E2 of the SW or what for sure....

Chris, Darrel and Lane agreed to allow Darrel to keep the current 1.62 af/ac per acre on 25 acres. This provides him the original AWEPP quantity on these acres. The balance of 98.6 acres will have 1.5 af/ac.

The resulting quantity is 40.5 af + 147.9 af = 188.4 af.

It is my understanding that Lane gave Darrell verbal approval.

Lane indicated those numbers are a little lower than what was discussed as they did not review in detail while on the phone, but that they did agree in concept.

So, I’m really not sure if the quantity is assigned to specific acres or not.....

Richelle

From: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Sent: Tuesday, April 7, 2020 3:40 PM
To: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>; Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>; Saryerwinnie, Tyler [KDA] <Tyler.Saryerwinnie@ks.gov>
Subject: RE: Darrell Wood Change in PU File No. 38387

Do you need to know how many acres overlap so you can figure the quantity on those acres. We are doing 1.5 on the new acres and what 1.7 on the acres that are overlapping the old PU.

From: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Sent: Tuesday, April 7, 2020 3:39 PM
To: Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>; Saryerwinnie, Tyler [KDA] <Tyler.Saryerwinnie@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: Darrell Wood Change in PU File No. 38387

Thanks for putting this together Elizabeth and Tyler! Jeff, would you consider this application good to go now or does this need to go back to Darrell Wood or are we good to go?
Richelle

From: Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>
Sent: Tuesday, April 7, 2020 2:43 PM
To: Saryerwinnie, Tyler [KDA] <Tyler.Saryerwinnie@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Subject: RE: Darrell Wood Change in PU File No. 38387

Tyler had some GIS issues, so I was able to take care of this. Attached is a revised map. Here are the revised quarter descriptions for

NE				NW				SW				SE			
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
								5.6			5.3	20.2	37	36	19.5

Elizabeth

From: Saryerwinnie, Tyler [KDA] <Tyler.Saryerwinnie@ks.gov>
Sent: Monday, April 6, 2020 12:08 PM
To: Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Subject: RE: Darrell Wood Change in PU File No. 38387

Hello All,

I helped Darrell make the revisions to this app and created a new revised map, but both of those reflected the 133.5, not the 123.6 acres. I have the new pivot point in my arcmap project and I can recreate the 123.6 acre circle at the new spot (100 ft west) and let you know what the qtr qtr descriptors are. I will have to do that once I get more things up and running at home but will work on it later today.

Thanks
Tyler

Tyler Saryerwinnie, Environmental Scientist

From: Fitch, Elizabeth [KDA]
Sent: Monday, April 6, 2020 11:51 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>; Saryerwinnie, Tyler [KDA] <Tyler.Saryerwinnie@ks.gov>
Subject: RE: Darrell Wood Change in PU File No. 38387

While I did the original app, Tyler was working on it after that. I copied him on this because I'm out of the loop now.

Elizabeth

From: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Sent: Monday, April 6, 2020 11:37 AM
To: Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>; Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Subject: FW: Darrell Wood Change in PU File No. 38387

Elizabeth. Didn't you originally work up the change application here? Can you help Richelle. She might like a new map?

What we decided is to reduce to 1.5 AF/A on the new land and leave the higher quantity on the overlapped land.

Jeff

From: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Sent: Monday, April 6, 2020 11:32 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: Darrell Wood Change in PU File No. 38387

Hi Jeff,

How's it going? Hey I am trying to work up the memo and approval documents for Darrell Wood as per Lanes March 20th e-mail to us. As you may recall Lane gave a verbal approval on it but I am not sure what the qtr qtr description should be for the 123.6 acres. Do you have an idea of what those qtr qtr descriptions should be?

Thought I better check with you since I want this to be accurate.

Thanks,
Richelle

Richelle Krueger, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive, 3rd Floor
Manhattan, KS 66502
(785) 564-6635

Krueger, Richelle [KDA]

From: Letourneau, Lane [KDA]
Sent: Friday, March 20, 2020 10:40 AM
To: Krueger, Richelle [KDA]; Lanterman, Jeff [KDA]
Cc: Beightel, Chris [KDA]; Darrell Wood
Subject: File No. 38,387 change in PU

Richelle,

Chris and I visited with Darrel and we came to an agreement on the quantity for File No. 38,387. Darrel is included in this email. I want to use this email to solidify what we agreed to.

Before the PU move. The file is authorized for 200 af on 123.6 acres. This equals 1.62 af/ac

The proposed move still has 25 acres of the current place of use.

Chris, Darrel and I agreed to allow Darrel to keep the current 1.62 af/ac per acre on 25 acres. This provides him the original AWEF quantity on these acres. The balance of 98.6 acres will have 1.5 af/ac.

The resulting quantity is $40.5 \text{ af} + 147.9 \text{ af} = 188.4 \text{ af}$.

We will process this change in headquarters. Because of the two weeks of administrative leave, I gave Darrel verbal approval.

These numbers are a little lower than what we were discussing as we did not review in detail while on the phone. We did agree in concept.

Please review and let me know anything I missed.

Thank you all for your work on this.

Lane

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Dept. of Agriculture

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: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, 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 hearing 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: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, 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.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.


CERTIFICATE OF SERVICE

On this 20th day of April, 2020, I hereby certify that the foregoing Approval of Application for Change in Place of Use, File No. 38,387, dated April 20, 2020 was mailed postage prepaid, first class, US mail to the following:

DARRELL N & NATALIE D WOOD REV TRUSTS
Attn: DARRELL-NATALIE WOOD TTEE
1983 260TH AVE
LEWIS, KS 67552-5133

With photocopies to:

Stafford Field Office
Groundwater Management District No. 5



Division of Water Resources