

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

May 6, 2021

John E Thompson Rev Trust
45997 NE U Road
Burdett, KS 67523-2411

Re: Water Right, File No(s). 31751

Dear Water Right Owner:

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

Your attention is directed to the enclosures and to the terms, conditions and limitations specified in this approval for change. An acceptable water flow meter must be installed on your well before any water is applied as authorized under this change approval. A copy of the approved list of Certified Water Flowmeters as well as the regulations regarding the installation of flowmeters, measurement tubes and check valves can be found at 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.

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

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

Sincerely,

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

Jeff Lanterman
Water Commissioner

Enclosures

pc: Water Rights Section
Groundwater Management District No. 5

CERTIFICATE OF SERVICE

On this **6 May 2021**, I hereby certify that the attached Change in Place of Use, File No. 31751 dated 5-6-2021 was mailed to the following:

John E Thompson Rev Trust
45997 NE U Road
Burdett, KS 67523-2411

pc: Water Rights Section
GMD #5

Faith Curtie

Staff

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

1. File Number: 31751	2. Status Change Date:	3. Change Num: 2	4. Field Office: 02	5. GMD: 05
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return <i>5/6/21</i>	7. Filing Date of Change: 4/14/21
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8a. Applicant(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/> JOHN E THOMPSON REV TRUST 45997 NE U ROAD BURDETT KS 67523-2411	Person ID 17934 Add Seq# 1	8d. WUC New to system <input type="checkbox"/> DAN THOMPSON 31624 NE 231 RD HANSTON KS 67849	Person ID 67495 Add Seq# 1
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/21** 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: **5/5/21** By: **EKF**
 Date Entered: _____ By: _____

File No. **31751** 11. County: PN Basin: PAWNEE RIVER Stream: --- Formation Code: 180 Special Use: 020

12. Points of Diversion										Rate and Quantity							
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
MOD	75441				SE NE NE	30	21	20W	11	4,450	126		NO CHANGE				NONE

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

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

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use				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				
MOD	4583				29	21	20W	03					11.5	40	12	0.5					64	8b	N	5228
MOD	20879				30	21	20W	04	34			37					31.5			7	109.5	8b	N	5228

Base Acres: **120 (42 ADDITIONAL)** Year: **1991** 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: May 5, 2021

FROM: Elizabeth K Fitch

RE: Water Right File No(s). 5228 & 31751

Dillon Thompson, on behalf of the John E Thompson Revocable Trust, the owner of the referenced files authorized for irrigation use, has submitted two (2) applications for approval to change the authorized place of use. An authorized trustee of the referenced trust signed both applications.

File Nos. 5228 and 31751 appear to be in compliance with 82a-732 (Annual water use report required). A review of the applications found that they comply with K.A.R. 5-5-1, *Filing an application for change*. The referenced files do not appear abandoned as per K.S.A. 82a-718 *Abandonment of water rights*.

The referenced files currently have an overlapped place of use on 162 acres. There are 60 acres authorized in the Southwest Quarter (SW $\frac{1}{4}$) of Section 29 and 102 acres authorized in the East Half of the East Half (E $\frac{1}{2}$ E $\frac{1}{2}$) of Section 30, both in Township 21 South, Range 20 West, Pawnee County.

File No. 5228 authorizes a groundwater well in the Northeast Quarter of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 30, more specially described as 2,540 feet North and 85 feet West of the Southeast corner of said section, Township 21 South, Range 20 West, Pawnee County. A recent compliance inspection has not been conducted. The authorized point of diversion will not be modified. File No. 5228 authorizes 194 acre-feet (AF) at 1,000 gallons per minute (gpm).

File Nos. 31751 authorizes groundwater well in the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 30, more specially described as 4,435 feet North and 95 feet West of the Southeast corner of said section, Township 21 South, Range 20 West, Pawnee County. A compliance inspection on April 19, 2021 found the water right to be in compliance. The authorized point of diversion will be better described based on GPS coordinates. File No. 31751 authorizes 150 AF at 930 gpm. The file is limited to 1,300 gpm and 230 AF when combined with File No. 5228.

The referenced change applications, received on April 14, 2021, propose to maintain the existing overlap under the associated water rights while modifying the acreage to authorize some acres being irrigated that are not a part of the current place of use.

File No. 5228 has 120 "Base Acres" and File No. 31751 also has 120 *Base Acres*, of which 42 are additional as defined by K.A.R. 5-5-11 *Applications for change in place of use for irrigation purposes*. The proposed 173.5 acre place of use complies with part (b) of K.A.R. 5-5-11 and the 10 acre / 10 percent increase above the *Base Acres* for each file number is allowed by the regulation.

File Nos. 5228 & 31751
Change in P/U Memo
May 5, 2021

The proposed changes will result in a maximum quantity of 230 AF irrigating 173.5 acres, resulting in an irrigation ratio of 1.33 AF per acre. It would appear this irrigation ratio is reasonable as the ratio is less than the 1.5 AF per acre maximum for Pawnee County found in K.A.R. 5-3-19, *Maximum reasonable annual quantity of water 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 Pawnee County is 1.25 AF per acre, so the proposed quantity meets this threshold as well.

Since the referenced applications to change the place of use do 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 04/21/2021).

The referenced water rights are in the Pawnee River IGUCA.

The referenced water rights are in the Big Bend Groundwater Management District No. 5 (GMD5), so a recommendation request was sent to the District on April 21, 2021. A response was received from GMD5 Manager, Orrin Feril on May 4, 2021. In his response, Mr. Feril recommended approval for the change applications filed under each of the referenced water rights.

No structures permit appears to be needed.

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 applications are approved.

Elizabeth K Fitch
Environmental Scientist - SFFO

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 **WATER METER REQUIRED**



STATE OF KANSAS

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.

File No. 31751

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 3:17
 APR 14 2021

Stafford Field Office
 DIVISION OF WATER RESOURCES

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):
- Place of Use Point of Diversion
- under the water right which is the subject of this application in accordance with the conditions described below.
- The source of supply is: Groundwater Surface water

2. Name and address of Applicant: Dillon Thompson

Phone Number: (620)804-1322 Email address: dillon.thompson@tribineharvester.com

Name and address of Water Use Correspondent: John E Thompson Rev Trust
45997 NE U Road, Burdett KS 67523-2411

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land --- NAME: John E Thompson Rev Trust
 ADDRESS: 45997 NE U Road, Burdett KS 67523-2411

(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	
29	21	20W									14	40	6						60
30	21	20W	25	37	33	37									33			7	102
																	Total	162	

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: John E Thompson Rev Trust
 ADDRESS: 45997 NE U Road, Burdett KS 67523-2411
- (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	
29	21	20W									11.5	40	12	0.5					64
30	21	20W	34	37	31.5	37									31.5			7	109.5
																	Total	173.5	

* Per map/file EX7/DWR 4/21/21

For Office Use Only: Code <u>CPU</u> Fee \$ <u>200⁰⁰</u> TR # _____ Receipt Date _____ Check # <u>100310</u>

5. **Presently authorized point of diversion:**
 One in the SE Quarter of the NE Quarter of the NE Quarter of Section 30, Township 21 South, Range 20 W, in Pawnee County, Kansas, 4,435 feet North 95 feet West of Southeast corner of section.
 Authorized Rate 930 gpm Authorized Quantity 150 AF (limited) Depth of well 126 (feet)
 (DWR use only: Computer ID No. 11 GPS 4,450 feet North 126 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 SE Quarter of the NE Quarter of the NE Quarter of Section 30, Township 21 South, Range 20 W, in Pawnee County, Kansas, 4,450 feet North 126 feet West of Southeast corner of section.
 Proposed Rate no change Proposed Quantity no change Proposed well depth (feet) N/A.
 This point is: Additional Well Geo Center List other water rights that will use this point none.

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) Modify place of use to add irrigated acres that are not currently authorized.

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

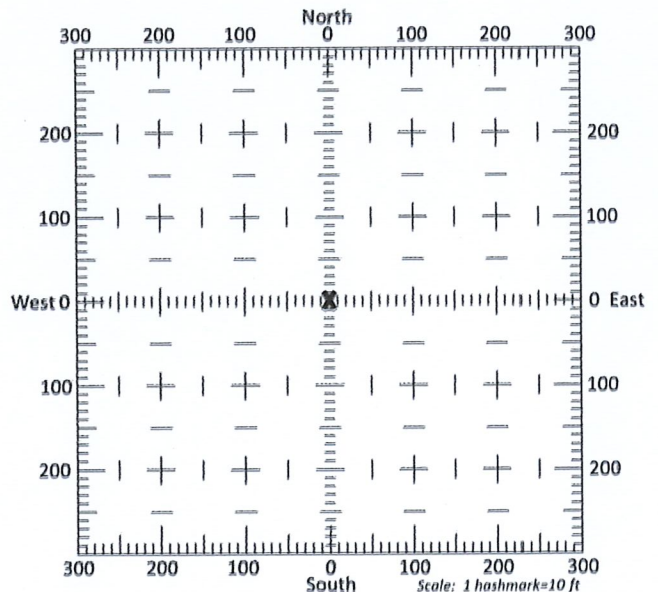
9. The change(s) (was)(will be) completed by?
upon completion of change

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.)

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APR 14 2024 File No. 31751

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 Great Bend, Kansas, this 9th day of April, 2021.

John E. Thompson, Rev. Trust
by Robin D. Niederee, Trustee
John E. Thompson, (Owner), Rev. Trust
by Robin D. Niederee, Trustee
(Please Print)

(Spouse)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

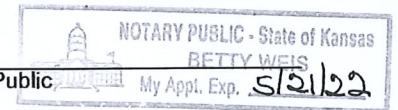
State of Kansas

County of Barton } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 9th day of April, 2021.

Betty Weis

Notary Public



My Commission Expires 5/21/22.

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

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APR 14 2021

File No. 5228
Stafford Field Office
DIVISION OF WATER RESOURCES

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. 31751.

1. A change application was received on April 14, 2021 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, 2019, 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

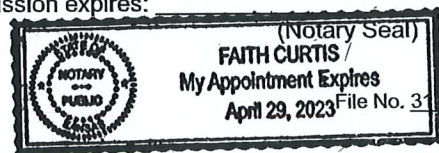
If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and 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**

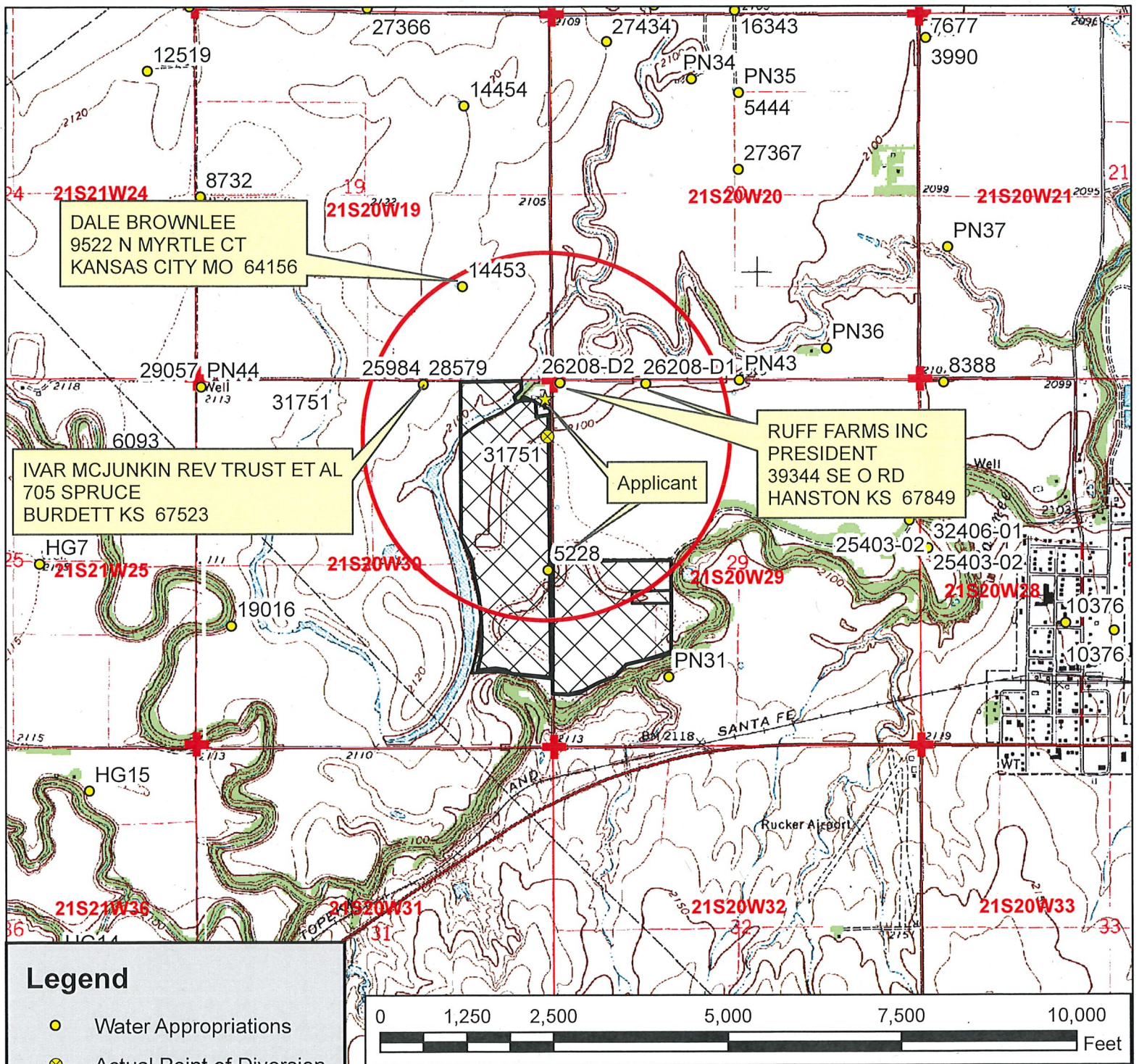
By: Cameron R. Conant
Duly Authorized Designee of the Chief Engineer
(Print Name): Cameron R. Conant
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: May 6, 2021
State of Kansas)
County of Stafford) SS
Acknowledged before me on 5-6-2021
by Faith Curtis
Signature: Faith Curtis
Notary Public

My commission expires: _____



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APR 14 2021

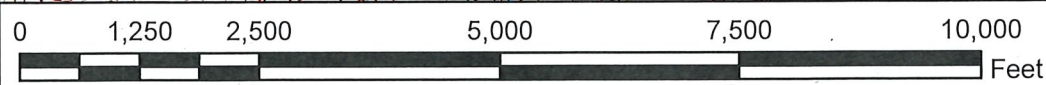


DALE BROWNLEE
 9522 N MYRTLE CT
 KANSAS CITY MO 64156

IVAR MCJUNKIN REV TRUST ET AL
 705 SPRUCE
 BURDETT KS 67523

RUFF FARMS INC
 PRESIDENT
 39344 SE O RD
 HANSTON KS 67849

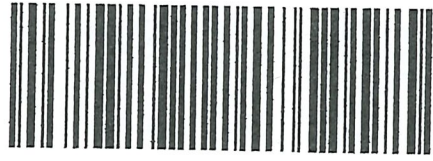
Applicant



APR 14 2021

Stafford Field Office
 DIVISION OF WATER RESOURCES

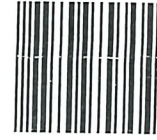
John E. Thompson, Rev. J. J. ...
56 NE 20th Ave.
Great Bend, KS 67530



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67578

U.S. POSTAGE PAID
FCM LG ENV
GREAT BEND, KS
67530
APR 09, 21
AMOUNT

\$5.00

R2304M113798-28

Kansas Department of Agriculture
Division of Water Resources
Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521

NAME _____
1ST NOTICE APR 12 2021
2ND NOTICE _____
RETURN APR 27 2021

Stafford Field Office
DIVISION OF WATER RESOURCES

APR 14 2021

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576 5228
31751