## Kansas Department of Agriculture Division of Water Resources

### **CHANGE: P/U WORKSHEET**

Dwnership change

1. File Number: <b>31754</b>	2. Status Change Date:	3. Change Num:	4. Field Office:	5. GMD:					
6. Status: Approved  9/7/21	☐ Denied by DWR/GMD ☐	Dismiss by Reques	ismiss by Request/Failure to Return 7. Filing Date of Char 8/9/21						
8a. Applicant(s)  New to system □	Person ID Add Seq#		8c. Landowner(s) Person ID New to system  Add Seq#						
8b. Landowner(s) New to system   ISIDORES AGROI 9171 S WEST ST HAYSVILLE, KS 6	Person ID Add Seq# 1  NOMICS OF KANSAS LLC	ROBER 9171 S	vstem □ RT D HAY REV WEST ST /ILLE, KS 67060						
☐ Anti-Reverse Meter	(s): ☑ DWR Meter(s) Date to Comp  ☐ Meter Seal ☑ Check Valve  ate Required: Da	□ N & P Form	☐ Water Tube ☐	to Comply: H & E Letter to Comply:					
10. Use Made of Water From	om: <u></u>	To: _							
			Date Prepared: <b>9/3/2</b> Date Entered:	21 By: <b>EKF</b> By:					

File No.	31754		11. C	count	y: SG	Ва	sin: A	RKAN	ISAS	RIVER			St	ream:							Fo	ormation	Code: 113	Special Use: N/	Α
12. Point CHK MOD DEL F	ts of Diver	rsion Qualifier		S	Т	R	ID		'N	. "\	V	Cor	mmen	t (AKA	\ Line)			e and o	Quantity orized Quar			Addition	nal Quantity		
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																						WAS A			
13. Storag	ge: Rate				_NF	Qua	antity _					ac/ft		Additic	onal R	ate					NF A	dditional	Quantity _		_ ac/ft
14. Limita	ation:			_af/y	r at				gpm				cfs)	when o	combi	ned wi	th file	numbe	er(s)						
Limita	ation:			_af/y	r at				gpm		1/4		cfs)	when o	combi	ned wi	th file	numbe	er(s)					A CHAILE	<u> </u>
15. 5YR A	Allocation	: Allocation	туре		_ s	tart Ye	ar		5 Y	R Amo	unt		An	nount (	Unit _		Bas	e Acre	s		Comme	nt			
16. Place	e of Use					N	E1/4			NV	V¹/4			sv	V¹/4			S	E1/4		Total	Owner	Chg?	Overlap Files	
MOD DEL FNT F	PUSE	STR		ID	NE	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				S. C. All A	
		36 28S 1				100			29	26.75	34.75	39	6	2.5				100			138	8b	Υ	1660 & 42234	1
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Comments: Base acres from File No. 1660. File 31754 has zero additional base acres.

### KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

### MEMORANDUM

TO: Files DATE: September 3, 2021

FROM: Elizabeth K Fitch RE: Water Right File No(s). 1660, 31754 &

42234

The Robert D Hay Revocable Trust, on behalf of Isidores Agronomics of Kansas LLC, the owner of the referenced files authorized for irrigation use, has submitted three (3) applications for approval to change the authorized place of use. Robert and Janice Hay signed the applications and provided information showing they are authorized to sign on behalf of the LLC.

File Nos. 1660, 31754 and 42234 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 128 acres in the Northwest Quarter (NW¼) of Section 36, Township 28 South, Range 1 West, Sedgwick County. There are no point of diversion overlaps and all files are certified. All subsequent legal descriptions in this memo are in Township 28 South, Range 1 West.

File No. 1660 authorizes a battery of two (2) groundwater wells with a geographic center in the Northwest Quarter of the Northwest Quarter (NW½ NE½ NW½) of Section 36, more specially described as 5,107 feet North and 3,800 feet West of the Southeast corner of said section. The permit is authorized 115 acre-feet (AF) at 380 gallons per minute (gpm). A compliance inspection on June 11, 2015 found the water right to be in compliance and the authorized point of diversion will be modified based on GPS coordinates on file.

File No. 31754 authorizes a groundwater well near the center of the Northwest Quarter (NC NW½) of Section 36, more specially described as 4,006 feet North and 3,960 feet West of the Southeast corner of said section. The permit is authorized 115 acre-feet at 400 gpm and is limited to 153 AF at 535 gpm when combined with File No. 1660. A compliance inspection on June 11, 2015 found the water right to be in compliance and the authorized point of diversion will be modified based on GPS coordinates on file. It should be noted that the water from File No. 1660 dumps into the casing of this well. Therefore, the meter installed for File No. 31754 double meters the quantity from File No. 1660.

File No. 42234 authorizes a groundwater well in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW½ SW½ NW½) of Section 36, more specially described as 3,530 feet North and 5,235 feet West of the Southeast corner of said section. The permit is authorized 57 acre-feet at 180 gpm and is limited to 153 AF when combined with File Nos. 1660 and 31754. A compliance inspection on June 11, 2015 found the water right to be in compliance and the authorized point of diversion will be modified based on GPS coordinates on file.

File Nos. 1660, 31754 & 42234 Change in P/U Memo September 3, 2021

The referenced change applications, received on August 9, 2021, propose to maintain the existing overlap under the associated water rights while modifying the acreage to authorize additional acres to accommodate a swing arm center pivot system.

File No. 5228 has 128 "Base Acres" as defined by K.A.R. 5-5-11 Applications for change in place of use for irrigation purposes. File No. 31754 and 42234 do not have any additional base acres. The proposed 138 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 is allowed by the regulation.

The proposed changes will result in a maximum quantity of 153 AF irrigating 138 acres, resulting in an irrigation ratio of 1.11 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 Sedgwick 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 Sedgwick County is 1.05 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 09/3/2021).

The referenced water rights are not in a special use area.

The referenced water rights are not in a groundwater management district.

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



#### STATE OF KANSAS

### WATER METER REQUIRED

Filing Fee Must Accompany the Application, K.S.A. 823-708b(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 partions. 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.

						F	File No		31-	754	4_							REC.	EIVED
1.	Application	on is he	ereby r	nade f	or app	roval o	of the C	Chief E	ingine	er to ch	nange	the (ch	.ck or	ne or b	oth):		AL	JG n	08
■ Place of Use □ Point of Diversion  DIVISION Field Office  under the water right which is the subject of this application in accordance with the conditions described below: WATER RESOURCES  The source of supply is: □ Surface water							2021												
	under the water right which is the subject of this application in accordance with the conditions described below WATER Office																		
	The sour	ce of su	apply i	s:			Ground	water			Surfa	ce wat	e <del>r</del>						RESOURCES
2.	Name an	d addre	ess of	Applic	ant:	RO	Ber	27	0	HAY	Ro	ev -	TRU	51					
	917	1 5.	M	rest	57	Ree	T	HA	VSV	me	K	5 0	670	60					
	Phone N	umber:	1316	2) 7	34 -	827	1		Email	addre	ss: _	HAY	FAL	ms	10	G	MA	12,0	om
	Name an	d addre	ess of	Water	Use C	orresp	onden	t:	RA	Ber	T	HAY	1						
	9171 S. WEST STREET, HAYSVILLE KS 67060																		
	Phone N				,		77_	,	Email	addre	ss: _	HAY	FAG	ms	1	@ (	-MA	12.0	om
	The pres			1231/2		~													· 1/
	Owner of Land NAME: ROBERT D HAY REV TRUST ISOLORS Agronomics of Kansas L																		
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	(If there is	more th	an one	landov	vner, at	tach su	ppleme	ental sh	eets as	neces	sary.)		ri-						
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Sec	. Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SMY	SE1/4	NE14	NW14	SW1/4	SE1/4	
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	If this app Owner of (If there is	Land -	NA	AME: ESS:	Re 91	Be	RT S	DWE	HI	TY 5.	Rei		TRI				Agai	nomic 670	s a Kansasi 368
				NE	1/4			NV	N1/4			SV	1%			SI		TOTAL	
Sec	. Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4		-	NE1/4	NW1/4	CWY	SE1/4	NE1/4	NW1/4	SW1/4	SE14	ACRES
36	265	IW"					27.	2A.8	365	37-7	9.0	3.0							138.00
							29	26.75	34.75	39	6	2.5	*						
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	For Offic						1	- 4	_TR	1			na jot i	Date_			Chec	k# 0	TP877

5.	Presently authorized point of diversion:	. 1 -	*	A.I /
	One in the Quarter of the of Section 36 , Township 28	Qu Qu	arter of the NC	NW Quarter
	of Section 36 , Township 28	So	uth, Range	(E/W),
	in Sengwick County, Kansas, 4006	eet North 3960	feet West of So	utheast corner of section.
	Authorized Rate 400 gem Authorized Quantity	115 AF Dept	h of well	(feet)
	(DWR use only: Computer ID No GPS			
	☐This point will not be changed ☐This point will be changed			
	Proposed point of diversion: (Complete only if change	s requested or if ex	xisting point is be	tter described by GPS)
	One in theQuarter of theOf Section, Township	Qu	arter of the	Quarter
	of Section, Township	So	uth, Range	(E/W),
	in Sedquick County, Kansas, 3,884			
	Proposed Rate no change Proposed Quantity			
	This point is: Additional Well Geo Center List other	r water rights that w		
			*per hu	OKT DWR 8/17/2021
6.	Presently authorized point of diversion:			
	One in the Quarter of the	Qu	larter of the	Quarter
	of Section, Township			
	in County, Kansas,			
	Authorized Rate Authorized Quantity			
	(DWR use only: Computer ID No GPS ☐ This point will not be changed ☐ This point will be changed			
	### 1700 STREET TO BE SHOWN THE RESERVE OF THE PROPERTY OF THE			
	Proposed point of diversion: (Complete only if change			
	One in the Quarter of the	Qu	larter of the	Quarter
	of Section, Township			
	in County, Kansas,t			
	Proposed Rate Proposed Quantity This point is:  Additional Well  Geo Center List other			
	This point is.   Additional Well   Geo Center List other	water rights that w	ili use triis point	
7	The changes herein are desired for the following reasons?			
	(please be specific) ALLOWS SYSTEM TO RUN 360° MSTEAD OF 188. MDR		North	
	RUN 360° INGTEAD OF 180° MORE	300 200	100 North 0	100 200 300
	EFFICIENT.	E / L		
8.	If a well, is the test hole log attached? Yes No No		5, 2, 5	+   +   = 200
		200	1+1=1	+   +   = 200
9.	The change(s) (was)(will be) completed by?	E -	- =	=
	Sent 30 2021	100 - 1 +	1+1=1	+   +   = 100
		E _	<u> </u>	
10.	If the point of diversion is a well:	E .	<u>.</u>	, , , ,
	(a) What are you going to do with the old well?	-	munhamma 👼 mp	nı ııı ııı ııı ı
	NA		一一	=
	(In) Although Habin by James O	100 +	1+1=1	+ + + + 1 = 100
	(b) When will this be done?	E		
44	One and the Management District recovered bis a start of	200 =   +		+ + +   = 200
11.	Groundwater Management District recommendation attached?  Yes No	E		
	이 없었다. 얼마나 그 아내는 아이를 살아보니 아니라 아니는	E T	丁 章	
12.	Assisted by BRAD VINCENT, GROUND WOTER A	556. 500 200	սևուկումում	mhinimining 200
			100 0 South	100 200 300 Scale: 1 hashmark=10 ft
138	a.If the proposed point of diversion will be relocated <u>more than 30 feet but within 2,640 feet</u> of the existing point of diversion, attac	13b If the proposed	noint of diversion w	ill be relocated within 300 feet
	a topographic map or aerial photograph. For groundwate	of the existing	point of diversion	indicate its location on the
	sources, show all wells (including domestic) within one-half mil of the proposed point of diversion and the names and mailin	diagram show	n above in relation	on to the existing point of
	addresses of the owners. For surface water sources, show th	above repres	sents the prese	e "X" in center of diagram
	names and addresses of the landowner(s) one-half mil downstream and one-half mile upstream from your propert	diversion.)		
	lines		PROCESTED	
			RECEIVED	

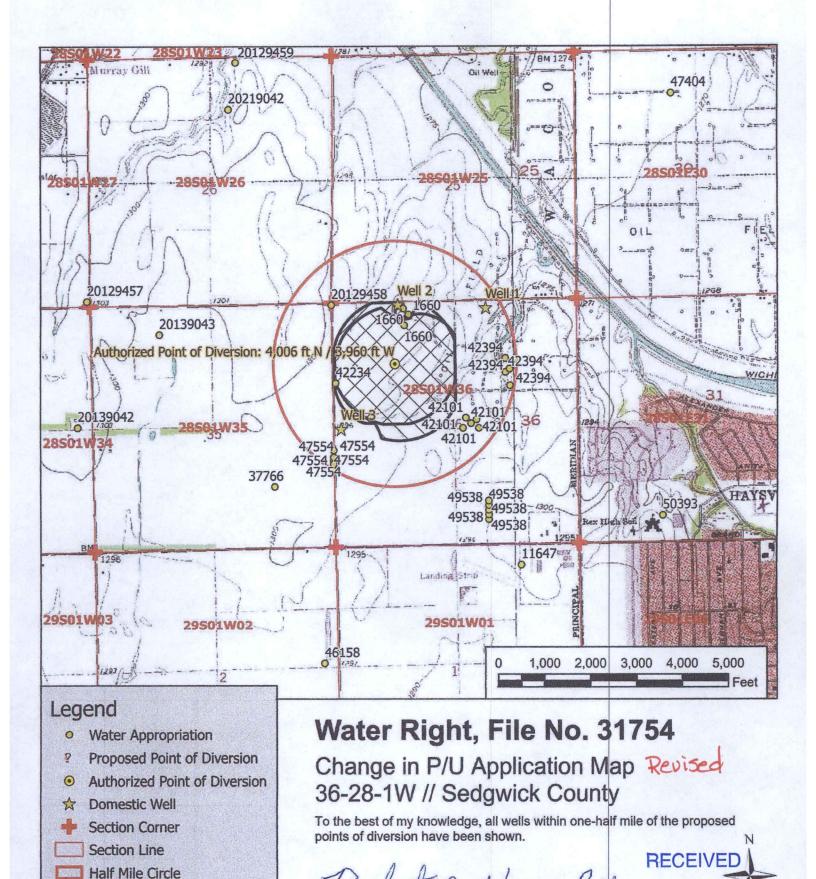
14. If the proposed groundwater point of diversion is 300 or fewer feet from the	existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently authorized Yes No (If no, all owners must sign this application.	
(b) Will the ownership interest of any owner of the currently authorized paffected 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 substantially Yes No (If no, all owners must sign this application.	al damage to property, public health or safety?
If the application proposes a surface water change in point of diversion, a ground or a change in place of use, the application must be signed by all owners of the agent (attach notarized statement authorizing representation).	ndwater change in point of diversion greater than 300 feet, currently authorized place of use, or their duly authorized
I hereby verify, being first duly sworn upon my oath or affirmation age and the owner, the spouse of the owner, or a duly authorized a their behalf, in regards to the water right(s) to which this applicate contained in this application are true, correct and complete.	agent of the owner(s) to make this application on ion pertains. I further verify that the statements
Dated at Haysville , Kansas, this 5	day of $Ausus/$ , $202/$ .
(Owner)	Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)  State of Kansas  County of Sedawick  State of Kansas  SS MADALYN BOWN Notary Public - State My Appt. Expires 5 108	of Kansas
I hereby certify that the foregoing application was signed in my prof	resence and sworn to before me this 5th day
M	Adaly Bounaker Notary Public
My Commission Expires 5 108 2022.	
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the accurate information; maps, if necessary, must be included; signatures of all the appropriate appropriate fee must be paid.	applicable portions of the application form must be completed with ate owners' must be affixed to the application and notarized; and
FEE SCHEDULE	
Each application to change the place of use or the point of diversion under this forth in the schedule below: Make checks payable to: Kansas Department of	Agriculture
<ul> <li>(1) Application to change a point of diversion 300 feet or less</li> <li>(2) Application to change a point of diversion more than 300 feet</li> <li>(3) Application to change the place of use</li></ul>	\$200
	AUG 0 9 2021

AUG 0 9 2021

### SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

prov Wit limi	is Summary Order is issued under authority of K.S.A. 82a-708b ovisions of the <i>Kansas Water Appropriation Law, K.S.A. 82a-70</i> bth the exception of those conditions expressly contained herein, itations of File No.	of et. seq., and rules and regulations promulgated thereunder, this Summary Order does not change the terms, conditions and
1.	A change application was received on August 9, 21 diversion authorized under the above-referenced file number	requesting that the place of use and / or point of er be changed as described in the application.
2.	On and after the effective date of this summary order, the author the topographic map accompanying the application to change	orized place(s) of use shall be located substantially as shown on ge the place of use. Applicable \(\bigcap\) Not Applicable
3.	The change in point of diversion shall not impair existing rights previously authorized. The point of diversion authorized by radius of the authorized point(s) of diversion.   Applicable	s and shall be limited to the same source or sources of water as this summary order shall be located within a foot \( \infty \text{Not Applicable} \)
4.	The point(s) of diversion described herein is administratively Positioning System (GPS), as described in the application.	corrected to be more accurately described using the Global Applicable  Not Applicable
5.	The point(s) of diversion authorized herein shall not actually be authorized point(s) of diversion. ☐ Applicable ☒ Not	e located more than feet from the previously Applicable
6.	As required by K.A.R. 5-3-5d, if the works for diversion is a we or other device suitable for making water level measurement K.A.R. 5-6-13.   Applicable Not Applicable	Il with a diversion rate of 100 gallons per minute or more, a tube ts shall be installed, operated and maintained in accordance with
7.	operated and maintained in accordance with K.A.R. 5-1-4 th	vhichever occurs first. The water flow meter shall be installed, rough 5-1-12. As required by K.S.A. 82a-732, as amended, and he reading of the water flow meter and the total quantity of water
8.	Installation of the works for diversion of water shall be consultation authorized extension of time. By March 1, 20 the aworks for diversion has been completed, on the form provided Applicable Not Applicable	ompleted on or before December 31, 20, or within any pplicant shall notify the Chief Engineer that construction of the ed by the Chief Engineer, as required by K.A.R. 5-8-4e.
9.	The completed well log shall be submitted with the require	ed notice. Applicable Mot Applicable
10.	<ul> <li>All diversion works into which any type of chemical or other for with an in-line, automatic, quick-closing check valve capable check valve(s) shall be installed, operated and maintained in</li> </ul>	reign substance will be injected into the water shall be equipped e of preventing pollution of the source of the water supply. The accordance with K.A.R. 5-3-5c. Applicable \(\square\) Not Applicable
11.	. Additional Conditions are attached.  Yes 🔀 No	
12.	limitations, as amended and/or supplemented by this Sumn Appropriation Law and the Rules and Regulations promulg	er are responsible for compliance with its terms, conditions and mary Order, and with applicable provisions of the <i>Kansas Water</i> gated thereunder. Failure to comply with these provisions may nded, and/or the suspension or revocation and dismissal of the
	Administrative Appeal and Effective Date of Order	FOR OFFICE USE ONLY
you Eng Agr filed adn day revi File Leg 665	rou are aggrieved by this order, pursuant to K.S.A. 82a-1901, a may request an evidentiary hearing before the Chief gineer or request administrative review by the Secretary of riculture. A request for hearing by the Chief Engineer must be ad within 15 days of service of this Order and a request for ministrative review by the Secretary must be filed within 30 ys pursuant to K.S.A. 77-531. Any request for administrative riew must state a basis for review pursuant to K.S.A. 77-527. The any request with Kansas Department of Agriculture, gal Division, 1320 Research Park Drive, Manhattan, KS 502. Failure to timely request a hearing or review may eclude review under the Kansas Judicial Review Act.  For Use by Register of Deeds	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
	PUBLI	County of Statord  Acknowledged before me on 911 2021  by Commissionoexpires:  My Conomissionoexpires:  My Appointment Expires  May 13, 2024 ECETVED  Notary Public
DIM	/P 1-121 (Pavised 04/5/2018)	File No. 31754

AUG 0 9 2021



Proposed Place of Use

Stafford Field Office Division of Water Resources 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

September 8th, 2021

Robert D Hay Rev Trust 9171 S West ST Haysville, KS 67060

Re: Water Right, File No(s). 42234,31754,1660

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 <a href="https://www.ksda.gov/includes/document\_center/dwr/Forms/ApprovalPack.pdf">www.ksda.gov/includes/document\_center/dwr/Forms/ApprovalPack.pdf</a>. 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.

Any abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

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

Enclosures

pc: Water Rights Section

Groundwater Management District No.

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

September 8th, 2021

Robert D Hay Rev Trust 9171 S West ST Haysville, KS 67060

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Sincerely,

Jeff Lanterman

Water Commissioner

**Enclosures** 

pc: Water Rights Section

Groundwater Management District No.

### CERTIFICATE OF SERVICE

On this 8th day of September, 2021, I hereby certify that the attached Change in Place of Use for Water Right, File No. 42234,31754,1660, dated September 8th, 2021 was mailed via First Class U.S. mail to the following:

Rober D Hay 9171 S West ST Haysville KS 67060

A copy of the letter was sent via electronic mail to the following:

**GMD** 

Cheli Inodopass