

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

1. File Number: 33194	2. Status Change Date: 9/10/2021	3. Change Num: 1	4. Field Office: 02	5. GMD:
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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 9/10/21	7. Filing Date of Change: 9/9/21
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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"/> Person ID 14118 Add Seq# 1 BARBARA J PRIEST 22337 41ST RD WINFIELD, KS 67156	8d. WUC New to system <input type="checkbox"/> Person ID 62468 Add Seq# 1 BRIAN E & RACHEL PRIEST 7497 192ND RD WINFIELD, KS 67156
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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: **9/9/21** By: **EKF**
 Date Entered: **9/13/2021** By: **LMoody**

File No. **33194** 11. County: **CL** Basin: **ARKANSAS RIVER** Stream: --- Formation Code: --- Special Use: ---

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	30744				NE NW NE	12	33S	3E	2	5,265	1,385		48	350	48	350	48464

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	NE ¼	NW ¼	SW ¼	SE ¼					
MOD	29500				12	33S	3E	2			38	40															78	8b	N	48464

Base Acres: **72** Year: **1980** Minimum Reasonable Quantity: **0.95**

Comments:

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 10, 2021

Brian Priest
7497 192nd Rd
Winfield, KS 67156

Re: Water Right, File No(s). 33194

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.

CERTIFICATE OF SERVICE

On this **10 September 2021**, I hereby certify that the attached Change in Place of Use, File No. 33194 dated 9/10/2021 was mailed to the following:

Brian Priest
7497 192nd Rd
Winfield, KS 67156

pc: Water Rights Section
GMD #



Staff

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.
 Call for address:

Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

WATER METER REQUIRED

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.
 Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

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 9:08am
 SEP 09 2021

File No. 33194

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

Stafford Field Office
 Division of Water Resources

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: Brian Priest

7497 192nd Rd, Winfield KS 67156

Phone Number: (620)222-1928

Email address: brpriest2@gmail.com

Name and address of Water Use Correspondent: Brian E & Rachel Priest

7497 192nd Rd, Winfield KS 67156

Phone Number: (620)222-1928

Email address: brpriest2@gmail.com

3. The presently authorized place of use is:

Owner of Land ---- NAME: Barbara J Priest

ADDRESS: 22337 41st Rd, Winfield KS 67156*

(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	
12	33S	3E		37	35													72	

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: Barbara J Priest

ADDRESS: 22337 41st Rd, Winfield KS 67156*

(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	
12	33S	3E		38	40													78	

For Office Use Only: Code CPU Fee \$ 2000.00 TR # _____ Receipt Date _____ Check # 3932

*Per file. ETDWR 9/9/2021

5. **Presently authorized point of diversion:**
 One in the NE Quarter of the NW Quarter of the NE Quarter of Section 12, Township 33 South, Range 3 E, in Cowley County, Kansas, 5,245 feet North 1,355 feet West of Southeast corner of section.
 Authorized Rate 350 gpm Authorized Quantity 48 AF Depth of well --- (feet)
(DWR use only: Computer ID No. 02 GPS 5,265 feet North 1,385 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 NE Quarter of the NW Quarter of the NE Quarter of Section 12, Township 33 South, Range 3 E, in Cowley County, Kansas, 5,265 feet North 1,385 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 48464

**Per File. EKF/DWR 9/9/2021*

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) Add acres to the place of use

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

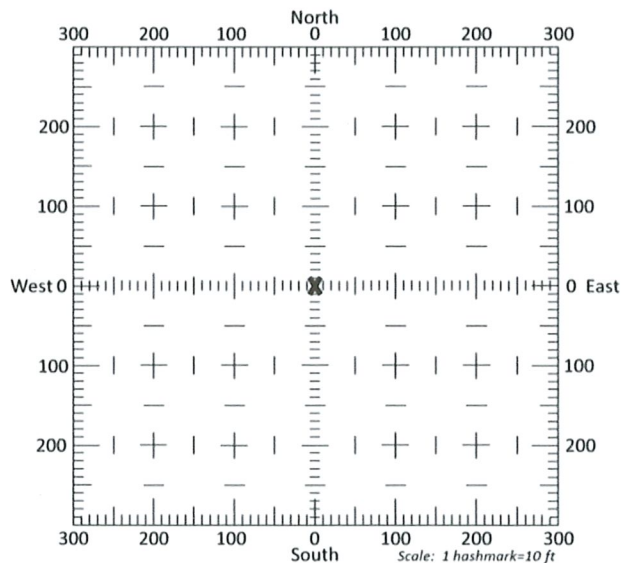
9. The change(s) (was)(will be) completed by?
Upon approval of change application

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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Stafford Field Office
 Division of Water Resources

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 Winfield, Kansas, this 7 day of September, 2021.

<u>Barbara J Priest</u> (Owner)	_____
_____	(Spouse)
<u>Barbara J Priest</u> (Please Print)	_____
_____	(Please Print)
_____	(Owner)
_____	(Spouse)
_____	(Please Print)
_____	(Please Print)
_____	(Owner)
_____	(Spouse)
_____	(Please Print)
_____	(Please Print)

State of Kansas }
County of Cowley } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 7th day of September, 2021.

My Commission Expires 3-25-22

LACEY L. WARE
Notary Public - State of Kansas
By Appt. Expires 3-25-22

Lacey Ware
Notary Public

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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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. 33194.

1. A change application was received on September 9, 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, 2021**, 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

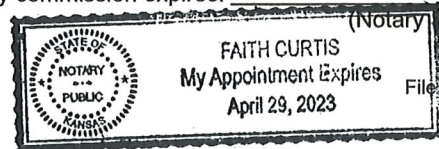
If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and 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: September 10, 2021
State of Kansas)
County of Stafford) SS
Acknowledged before me on 9/10/2021
by Faith Curtis
Signature: Faith Curtis
Notary Public

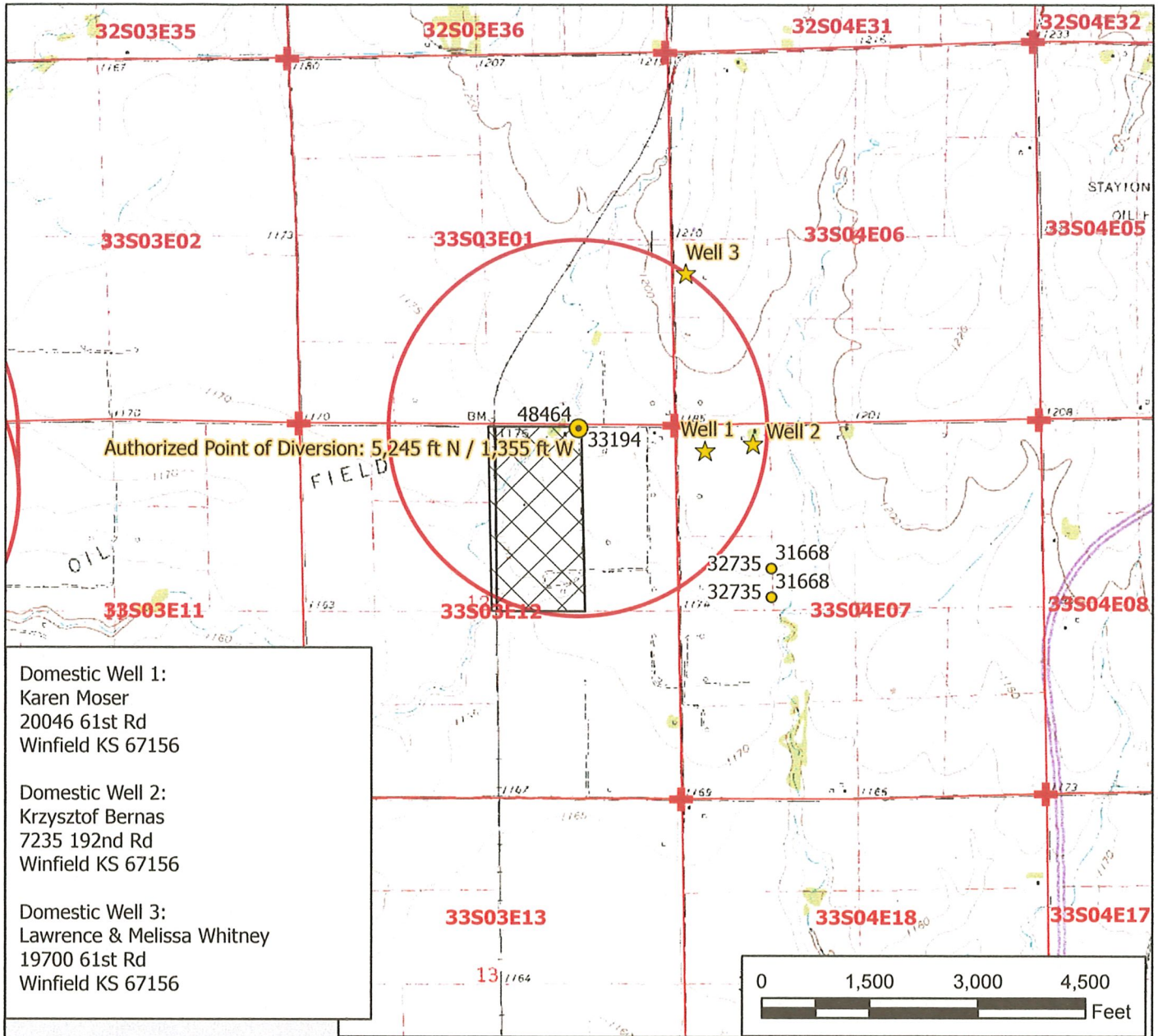
My commission expires: _____ (Notary Seal)



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Division of Water Resources



Domestic Well 1:
 Karen Moser
 20046 61st Rd
 Winfield KS 67156

Domestic Well 2:
 Krzysztof Bernas
 7235 192nd Rd
 Winfield KS 67156

Domestic Well 3:
 Lawrence & Melissa Whitney
 19700 61st Rd
 Winfield KS 67156

Legend

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

**Water Right File No. 33194 and
 Water Appropriation, File No. 48464
 Change Application Map
 12-33-3E // Cowley County**

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

Barbara J Priest
 Signature / Date

9-7-21

9/2/2021 EKF/SFFO 1:24,000 scale

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Stafford Field Office
 Division of Water Resources

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: September 9, 2021

FROM: Elizabeth K Fitch

RE: Water Right File No(s). 33194 &
48464

Brian Priest, on behalf of Barbara Priest, the owner of the referenced files authorized for irrigation use, has submitted two (2) applications for approval to change the authorized place of use. Barbara Priest, as an unmarried individual, signed the applications.

File Nos. 33194 and 48464 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 per K.S.A. 82a-718 *Abandonment of water rights*.

The referenced files currently have an overlapped place of use on 72 acres in the West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 12, Township 33 South, Range 3 East, Cowley County. All subsequent legal descriptions in this memo are in Township 33 South, Range 3 East.

File Nos. 33194 and 48464 authorize one (1) groundwater well in the Northeast Quarter of the Northwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 12, more specifically described as 5,245 feet North and 1,355 feet West of the Southeast corner of said section. A compliance inspection on July 15, 2021 found the water rights to be in compliance other than the unauthorized acres. The authorized point of diversion will be modified based on GPS coordinates.

- File No. 33194 authorizes 48 acre-feet (AF) per year at 350 gallons per minute (gpm). This file is certified.
- File No. 48464 authorizes 86.4 AF per year at 400 gpm and is limited to 86.4 AF per year at 400 gpm when combined with File No. 33194. File No. 48464 is not certified and the perfection period is scheduled to end on December 31, 2024.

The referenced change applications, received on September 9, 2021, propose to maintain the existing overlap under the associated water rights while modifying the acreage to cover the unauthorized acres being irrigated on the west side of the center pivot.

File No. 33194 has 72 "Base Acres" as defined by K.A.R. 5-5-11 *Applications for change in place of use for irrigation purposes*. File No. 48464 does not have any additional base acres. The proposed 78 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 86.4 AF irrigating 78 acres, which is an irrigation ratio of 1.11 AF per acre. It would appear this irrigation ratio is reasonable as the it is less than the 1.5 AF per acre maximum for Cowley 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 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 Cowley County is 0.95 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 09/9/2021).

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 be approved.

Elizabeth K Fitch
Environmental Scientist - SFFO