

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

|                                 |                        |                            |                               |                      |
|---------------------------------|------------------------|----------------------------|-------------------------------|----------------------|
| 1. File Number:<br><b>45672</b> | 2. Status Change Date: | 3. Change Num:<br><b>3</b> | 4. Field Office:<br><b>02</b> | 5. GMD:<br><b>02</b> |
|---------------------------------|------------------------|----------------------------|-------------------------------|----------------------|

|  |  |
|--|--|
| 6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return | 7. Filing Date of Change:<br><b>11/23/20</b> |
|--|--|

|   |   |
|---|---|
| 8a. Applicant(s)<br>New to system <input type="checkbox"/><br><br>Person ID _____<br>Add Seq# _____ | 8c. Landowner(s)<br>New to system <input type="checkbox"/><br><br>Person ID _____<br>Add Seq# _____ |
|---|---|

|   |   |
|---|---|
| 8b. Landowner(s)<br>New to system <input type="checkbox"/><br><br><b>GRAY METAL INC</b><br><b>3170 N OHIO ST</b><br><b>WICHITA KS 67219-4134</b><br><br>Person ID <b>65738</b><br>Add Seq# <b>1</b> | 8d. WUC<br>New to system <input type="checkbox"/><br><br><b>MARK &amp; JOYCE VOGTS TRUST</b><br><b>1795 ARAPAHO RD</b><br><b>MOUNDRIDGE KS 67107</b><br><br>Person ID <b>56254</b><br>Add Seq# <b>1</b> |
|---|---|

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: **3/2/21**    By: **EKF**  
Date Entered: \_\_\_\_\_    By: \_\_\_\_\_

File No. **45672**      11. County: HV      Basin: LITTLE ARKANSAS RIVER      Stream: N/A      Formation Code: 190      Special Use: N/A

12. Points of Diversion  
 CHK  
 MOD  
 DEL  
 ENT      PDIV  
 Qualifier      S      T      R      ID      'N      'W      Comment (AKA Line)      Rate gpm      Quantity af      Additional Rate gpm      Quantity af      Overlap PD Files

CHK      69517

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<br>CHK<br>MOD<br>DEL<br>ENT      PUSE      S      T      R      ID | NE¼  |      |      |      | NW¼  |      |      |      | SW¼  |      |      |      | SE¼  |      |      |      | Total | Owner     | Chg?     | Overlap Files |
|---|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|-----------|----------|---------------|
|   | 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 |       |           |          |               |
| <b>MOD 57586 26 22 3W 3</b>   |      |      | 32.5 | 32   | 35   | 27   |      | 18.5 | 20   | 37.5 | 33.5 | 11   | 32   | 32   |      |      | 311   | <b>8b</b> | <b>N</b> | <b>48262</b>  |
|   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |           |          |               |
|   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |           |          |               |
|   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |           |          |               |
|   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |           |          |               |

Base Acres:      Year:      Minimum Reasonable Quantity:

Comments:

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. 45672

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 NOV 23 2020  
 @ 3:30 PM  
 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: Kortney Kelley

Grey Metal Inc, 3170 N Ohio St, Wichita KS 67219-4134

Phone Number: (316)613-9374

Email address: kortneykelley79@gmail.com

Name and address of Water Use Correspondent: Mark & Joyce Vogts Trust

1795 Arapaho Rd, Moundridge KS 67107

Phone Number: (620)345-6616

Email address: mjfarm01@yahoo.com

3. The presently authorized place of use is:

Owner of Land ---- NAME: Grey Metal Inc

ADDRESS: 3170 N Ohio St, Wichita KS 67107

(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 |             |
| 26   | 22S  | 3W    |     |     | 40  | 40  |     | 34  | 7   | 20  | 20  | 36  | 35  | 14  | 32.5 | 32.5 |     |     | 311         |
|      |      |       |     |     |     |     |     |     |     |     |     |     |     |     |      |      |     |     |             |

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: Grey Metal Inc

ADDRESS: 3170 N Ohio St, Wichita KS 67107

(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 |             |
| 26   | 22S  | 3W    |     |     | <del>36</del> 37.5 | 35  | 27  |     | <del>7.5</del> | 20  | 37.5 | 33.5 | 11  | 32  | 32  |     |     | 311 |             |
|      |      |       |     |     | 32.5               | 32  |     |     | 18.5           |     |      |      |     |     |     |     |     |     |             |

*EXT/DWR 12/23/2020 Kortney L. Kelley 12-30-2020*

|   |
|---|
| For Office Use Only: Code <u>CDU</u> Fee \$ <u>\$200.00</u> TR # <u>10100171</u> Receipt Date _____ Check # <u>1996</u> |
|---|

5. **Presently authorized point of diversion:**  
 One in the SW Quarter of the SW Quarter of the SW Quarter of Section 26, Township 22 South, Range 3 W, in Harvey County, Kansas, 270 feet North 5,006 feet West of Southeast corner of section.  
 Authorized Rate 680 GPM Authorized Quantity 120.9 AF Depth of well --- (feet)  
**(DWR use only: Computer ID No. 02 GPS 270 feet North 5,006 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 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) Modifying the place of use to accommodate a new partial pivot in the NW 1/4 of Sec. 26 while still maintaining the complete PU overlap.

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

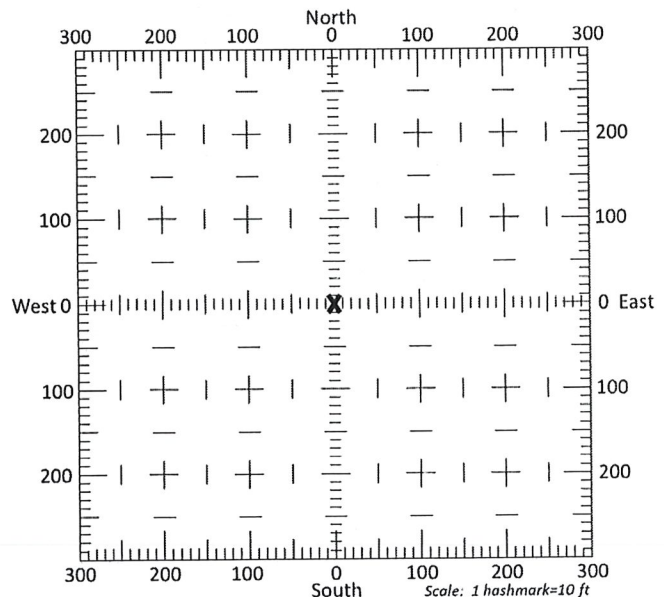
9. The change(s) (was)(will be) completed by?  
ASAP

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  
3/4/21 CAC

12. Assisted by TJS/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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File No. 45672

Stafford Field Office  
 Division of Water Resources

JAN 04 2021  
 2021  
 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 Valley Center, KS, Kansas, this 19<sup>TH</sup> day of November, 2020

Peter J. Molitor  
 (Owner)

\_\_\_\_\_  
 (Spouse)

Peter J. Molitor  
 (Please Print)

\_\_\_\_\_  
 (Please Print)

\_\_\_\_\_  
 (Owner)

\_\_\_\_\_  
 (Spouse)

\_\_\_\_\_  
 (Please Print)

\_\_\_\_\_  
 (Please Print)

\_\_\_\_\_  
 (Owner)

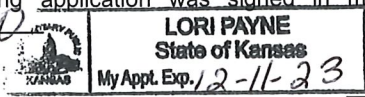
\_\_\_\_\_  
 (Spouse)

\_\_\_\_\_  
 (Please Print)

\_\_\_\_\_  
 (Please Print)

State of Kansas }  
 County of Sedgwick } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 19 day of November, 2020



Lori Payne  
 Notary Public

My Commission Expires 12-11-23

**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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NOV 23 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. 45672.

1. A change application was received on November 23, 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, 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.

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Stafford Field Office  
Division of Water Resources

**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. Couart  
Duly Authorized Designee of the Chief Engineer

(Print Name): Cameron R. Couart  
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: March 4, 2021

State of Kansas \_\_\_\_\_ )  
County of Stafford ) SS

Acknowledged before me on March 4, 2021  
by Faith Curtis

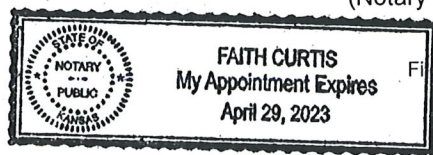
Signature: Faith Curtis  
Notary Public

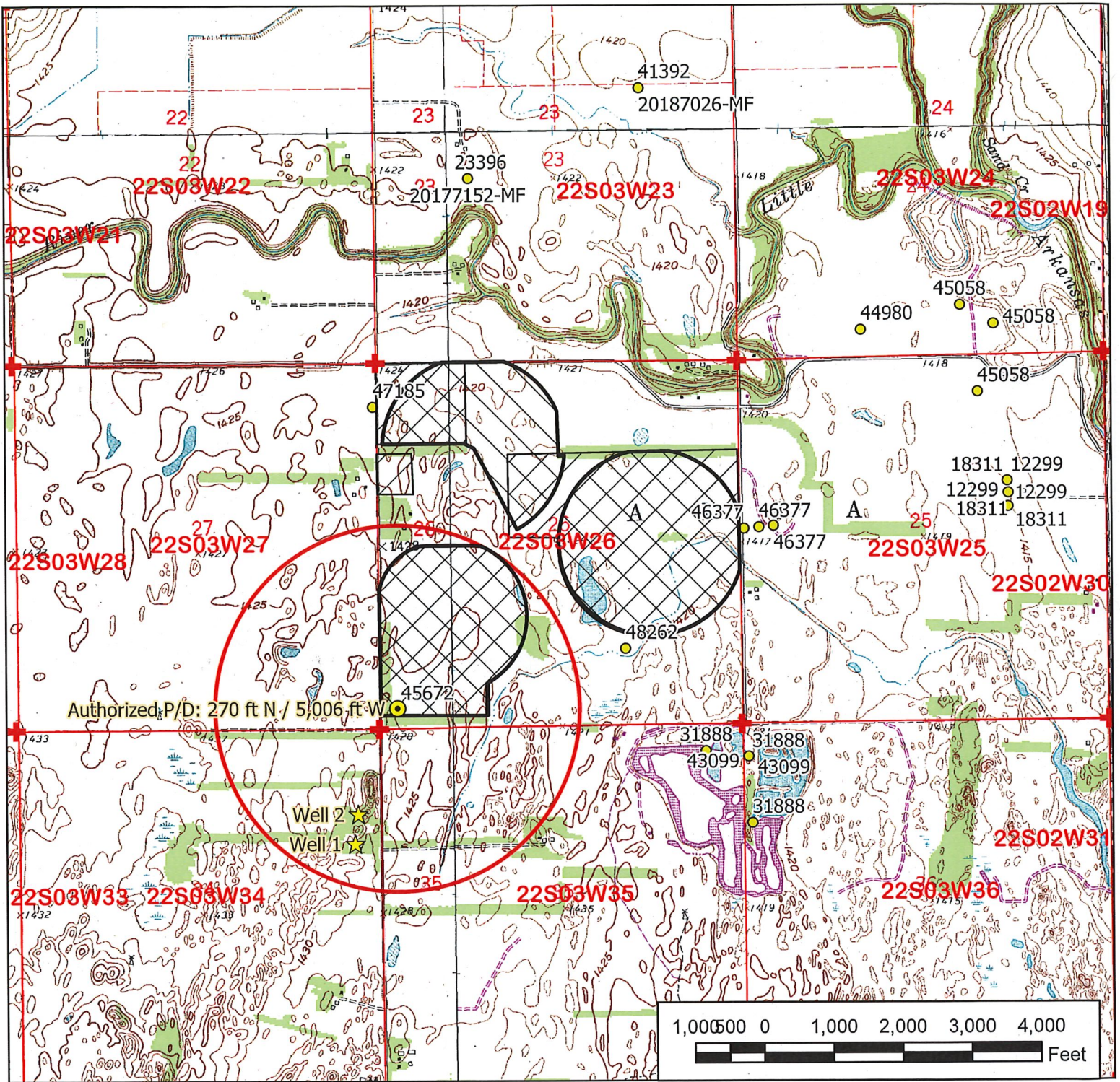
My commission expires: \_\_\_\_\_  
(Notary Seal)

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JAN 04 2021  
2021

Stafford Field Office  
Division of Water Resources





| Legend  |                               |
|---|-------------------------------|
| <span style="color: yellow;">●</span>   | Water Appropriation           |
| <span style="color: red;">●</span>  | Proposed Point of Diversion   |
| <span style="color: yellow;">●</span>   | Authorized Point of Diversion |
| <span style="color: yellow;">★</span>   | Domestic Well                 |
| <span style="color: red;">+</span>  | Section Corner                |
| <span style="border: 1px solid red; display: inline-block; width: 10px; height: 10px;"></span>                              | Section Line                  |
| <span style="border: 1px solid black; background-color: #cccccc; display: inline-block; width: 10px; height: 10px;"></span> | Proposed Place of Use         |
| <span style="border: 1px solid black; background-color: #cccccc; display: inline-block; width: 10px; height: 10px;"></span> | Authorized                    |

# Water Right, File No. 45672

## REVISED Change in P/U Application Map 26-22-3W // Harvey County

To the best of my knowledge, all water wells within one-half mile of the proposed point of diversion have been shown.

*Katlyn L. Kelly* POA 12-30-2020

Signature / Date

12/23/2020 EKF/SFFO 1:24,000 scale

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JAN 04 2021

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

March 4, 2021

Kortney Kelley  
Gray Metal Inc  
3170 N Ohio St  
Wichita, KS 67219-4134

Re: Water Right, File No(s). 45672

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](http://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. 2



## CERTIFICATE OF SERVICE

On this **4 March 2021**, I hereby certify that the attached Change in Place of Use, File No. 45672 dated 3/4/2021 was mailed to the following:

Kortney Kelley  
Gray Metal Inc  
3170 N Ohio St  
Wichita, KS 67219-4134

pc: Water Rights Section  
GMD #2



-----  
Staff

**File No. 48262 Change Application Nearby Well Owners**

Domestic Well 1

Zachary Grieser  
5202 N Willow Lake Rd  
Burrton KS 67020-9020

Domestic Well 2

Eduardo F Benitez  
Kendall & Courtney Fout  
402 W Adams St  
Burrton KS 67020-2068

Water Right, File No. 31888 & 43099

Brent Culver  
1432 Ranch Rd  
McPherson KS 67460-1818

Water Right, File No. 46377

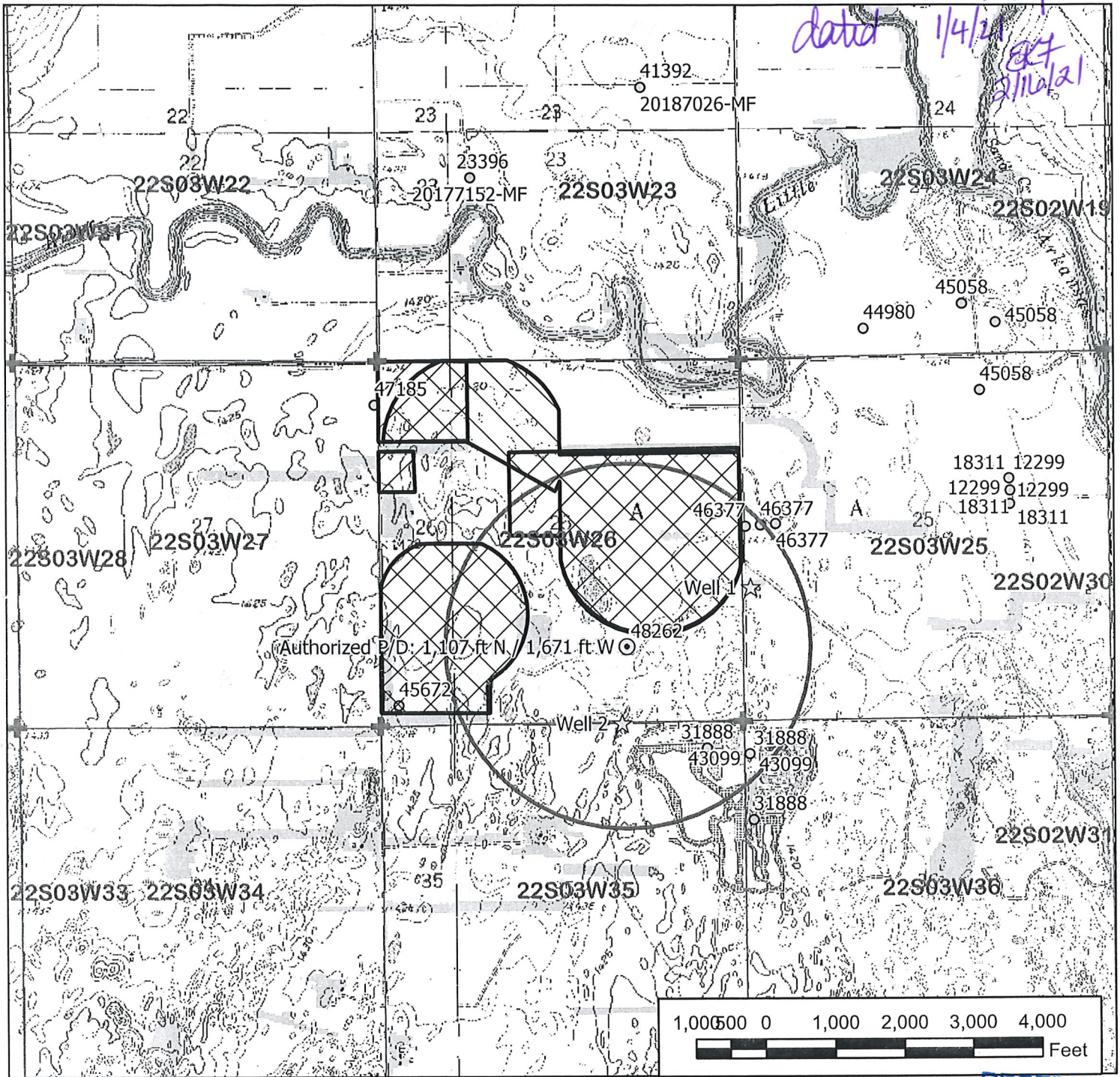
Dan R Randall Trust  
6008 N Willow Lake Rd  
Burrton KS 67020-9021

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NOV 23 2020

Stanford Field Office  
Division of Water Resources

*Void - See map dated 1/4/21*



**Legend**

- Water Appropriation
- ⊗ Proposed Point of Diversion
- ⊙ Authorized Point of Diversion
- ☆ Domestic Well
- ✚ Section Corner
- - - Section Line
- ▨ Proposed Place of Use
- ▭ Authorized Place of Use

# Water Appropriation, File No. 48262

Change in Place of Use Application Map  
26-22-3W // Harvey County

RECEIVED  
NOV 23 2020  
Stafford Field Office  
Division of Water Resources

To the best of my knowledge, all water wells within one-half mile of the proposed point of diversion have been shown.

*Roger J. Richter*  
Signature / Date

11-19-2020  
11/9/2020 EKF/SFFO 1:24,000 scale

KANSAS DEPARTMENT OF AGRICULTURE  
Division of Water Resources

M E M O R A N D U M

**TO:** Files

**DATE:** March 2, 2021

**FROM:** Elizabeth K Fitch

**RE:** Water Right File No(s). 45672 & 48262

Kortney Kelley, on behalf of Gray Metal Inc, the owner of the referenced files authorized for irrigation use, have submitted two (2) applications for approval to change the authorized place of use. All the owners of record signed both applications.

The referenced files 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.

The referenced files currently have an overlapped place of use on 311 acres authorized in the Section 26, Township 22 South, Range 3 West, Harvey County.

**File No. 45672** currently authorizes a groundwater well in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 26, more specially described as 270 feet North and 5,006 feet West of the Southeast corner of said section, Township 22 South, Range 3 West, Harvey County. File No. 45672 authorizes 120.9 acre-feet (AF) per year at 680 gallons per minute (gpm). A field inspection performed on July 27, 2017, found the water right to be in compliance. The authorized point of diversion will not be modified, and the file is certified.

**File No. 48262** currently authorizes a groundwater well in the Northeast Quarter of the Southwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 26, more specially described as 1,100 feet North and 1,666 feet West of the Southeast corner of said section, Township 22 South, Range 3 West, Harvey County. File No. 48262 authorizes 391.3 AF per year at 1,000 gpm and is limited to 391.3 AF per year when combined with File No. 45672. A field inspection performed on July 27, 2017, found File No. 48262 to be in compliance. The authorized point of diversion will be better described based on GPS coordinates. This file is not yet certified, and the perfection period currently is set to expire on December 31, 2023.

The referenced change applications were originally received on November 23, 2020. A request to modify the changes was received in an email from GMD2 on behalf of the owner and applicant on December 21, 2020. The applications were revised and sent back to the owner for initials approving the revisions. On January 4, 2021, the revised applications were returned to the Stafford Field Office. The revised changes propose to maintain the existing overlap under the associated water rights while modifying the acreage to allow for a third center pivot system to be installed in the Northwest Quarter of the section.

File No. 45672 has 93 "Base Acres," as defined by K.A.R. 5-5-11. As it is still in the perfection period, the base acres for File No. 48262 are 301, of which 208 acres are additional. The proposed 311 acres complies with part (b) of K.A.R. 5-5-11.

The proposed changes will result in a maximum quantity of 391.3 AF irrigating 311 acres, resulting in an irrigation ratio of 1.26 AF per acre. It would appear this irrigation ratio is reasonable as the ratio is less than the 1.3 AF per acre maximum for Harvey County found in K.A.R. 5-3-24, Reasonable quantity for irrigation use, thus complying with K.A.R. 5-3-23, *Maximum reasonable annual quantity for irrigation use for an application for change in place of use and a request to reduce a water right.* The generally accepted minimum quantity per acre for Harvey County is 1.0 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 12/2/2020).

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

The referenced water rights are in the Equus Beds Groundwater Management District No. (GMD), so a recommendation request for the revised change applications was sent to the District on January 5, 2021. A response was received from GMD2 Manager, Tim Boese on February 26, 2021 after one extension of time. In his response, Mr. Boese 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