

Stafford Field Office  
300 S. Main Street  
Stafford, KS 67578-1521



Phone: 620-234-5311  
Fax: 620-234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Mike Beam, Secretary

Laura Kelly, Governor

March 11, 2021

Thane & Shannon Buss  
1 Honeysuckle Ct  
Oxford, KS 67119

Re: Water Right, File No(s). 47595

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 that reads "Jeff Lanterman".

Jeff Lanterman  
Water Commissioner

Enclosures

pc: Water Rights Section  
Groundwater Management District No.

## CERTIFICATE OF SERVICE

On this **11 March 2021**, I hereby certify that the attached Change in Place of Use, File No.47595 dated 3/11/2021 was mailed to the following:

Thane & Shannon  
1 Honeysuckle Ct  
Oxford KS 67119

pc: Water Rights Section  
GMD #

*Faith Curtis*

---

Staff

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

1. File Number: <b>47595</b>	2. Status Change Date: <b>3/11/21</b>	3. Change Num: <b>2</b>	4. Field Office: <b>02</b>	5. GMD:	
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: <b>2/12/21</b>	
8a. Applicant(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		8c. Landowner(s) New to system <input type="checkbox"/>	
8b. Landowner(s) New to system <input type="checkbox"/>		Person ID <b>61146</b> Add Seq# <b>1</b>		8d. WUC New to system <input type="checkbox"/>	
<b>THANE J &amp; SHANNON D BUSS 1 HONEYSUCKLE CT OXFORD KS 67119</b>		<b>8B</b>		Person ID <b>61146</b> Add Seq# <b>1</b>	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/21</b> <input type="checkbox"/> N & P Date to Comply: _____					
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter					
<input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____					
10. Use Made of Water    From: _____    To: _____					
				Date Prepared: <b>3/3/21</b> By: <b>EKF</b>	
				Date Entered: _____    By: _____	

File No. **47595**      11. County: SU      Basin: ARKANSAS RIVER      Stream: N/A      Formation Code: 100      Special Use: N/A

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
CHK	77762																
CHK	82122																
CHK	82123																
CHK	82124																
CHK	82125																

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	65126	33	30	2E	8				36.5			21.5													58	8b	N	NONE	
MOD	65127	34	30	2E	2								0.5	1.5											24	8b	N	NONE	
													LOT 1	LOT 2															
MOD	65127	34	30	2E	2								15	7															

Base Acres: **75.5**      Year: **2014**      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



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.

File No. 47595

**RECEIVED**  
*#0: 1:44pm*  
**FEB 12 2021**

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

Stafford Field Office  
 Division of Water Resources

2. Name and address of Applicant: Thane J Buss  
1 Honeysuckle Ct, Oxford KS 67119-8056

Phone Number: (620)202-1932                      Email address: thanebuss@gmail.com

Name and address of Water Use Correspondent: Thane J & Shannon D Buss  
1 Honeysuckle Ct, Oxford KS 67119-8056

Phone Number: (620)202-1932                      Email address: thanebuss@gmail.com

3. The presently authorized place of use is:  
 Owner of Land ---- NAME: Thane J & Shannon D Buss  
 ADDRESS: 1 Honeysuckle Ct, Oxford KS 67119-8056  
 (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	
33	30	2E	34.5			19													53.5
34	30	2E					14.5	7.5											22
																	Total	75.5	

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: Thane J & Shannon D Buss  
 ADDRESS: 1 Honeysuckle Ct, Oxford KS 67119-8056  
 (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	
33	30	2E	36.5			21.5													58
34	30	2E					0.5	1.5											24
34	30	2E*					15.5	8.5											82
																	Total	82	

\* Per PLSS map - River Lots      EXT 3/3/21

For Office Use Only: Code CPW      Fee \$ 200      TR # \_\_\_\_\_      Receipt Date \_\_\_\_\_      Check # 4248

5. **Presently authorized point of diversion: Geocenter of Battery of Four (4) Wells**  
 One in the SE Quarter of the NE Quarter of the NE Quarter of Section 33, Township 30 South, Range 2 E, in Sumner County, Kansas, 4,438 feet North 573 feet West of Southeast corner of section.  
 Authorized Rate 765 gpm Authorized Quantity 61 AF Depth of well N/A (feet)  
**(DWR use only: Computer ID No. 06 GPS 4,438 feet North 573 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 \_\_\_\_\_

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) Change the place of use to cover the actual irrigated acres.  
 \_\_\_\_\_  
 \_\_\_\_\_

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

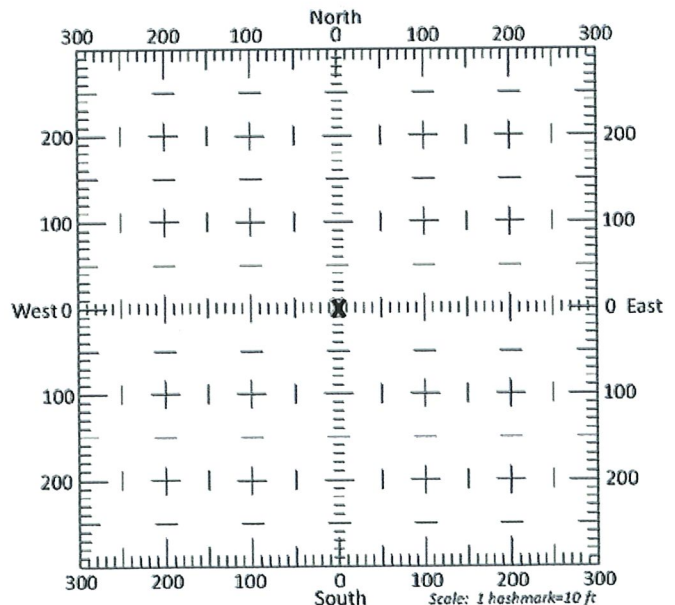
9. The change(s) (was)(will be) completed by?  
Upon approval of change

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.

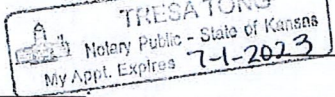
Dated at Oxford, Kansas, this 12<sup>th</sup> day of February, 2021.

Thane J. Buss  
 (Owner)  
Thane J. Buss  
 (Please Print)  
 \_\_\_\_\_  
 (Owner)  
 \_\_\_\_\_  
 (Please Print)  
 \_\_\_\_\_  
 (Owner)  
 \_\_\_\_\_  
 (Please Print)

Shannon D Buss  
 (Spouse)  
Shannon D Buss  
 (Please Print)  
 \_\_\_\_\_  
 (Spouse)  
 \_\_\_\_\_  
 (Please Print)  
 \_\_\_\_\_  
 (Spouse)  
 \_\_\_\_\_  
 (Please Print)

State of Kansas }  
County of Sumner } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 12<sup>th</sup> day of February, 2021.

My Commission Expires 7/1/2023  Jesse Tong  
 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

File No. 47595  
**RECEIVED**

**FEB 12 2021**

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. 47595.

1. A change application was received on February 12, 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.

REVISED

**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 **FEB 12 2021**  
**APPLICATION APPROVED AND**  
**SUMMARY ORDER ISSUED** Stafford Field Office  
Division of Water Resources

By: *Jeff Lantierman*  
 \_\_\_\_\_  
 Duly Authorized Designee of the Chief Engineer

(Print Name): *Jeff Lantierman*  
 \_\_\_\_\_  
 Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: *3/11/2021*  
 \_\_\_\_\_

State of Kansas \_\_\_\_\_ )

County of *Stafford* \_\_\_\_\_ ) SS

Acknowledged before me on *3/11/2021*  
 \_\_\_\_\_

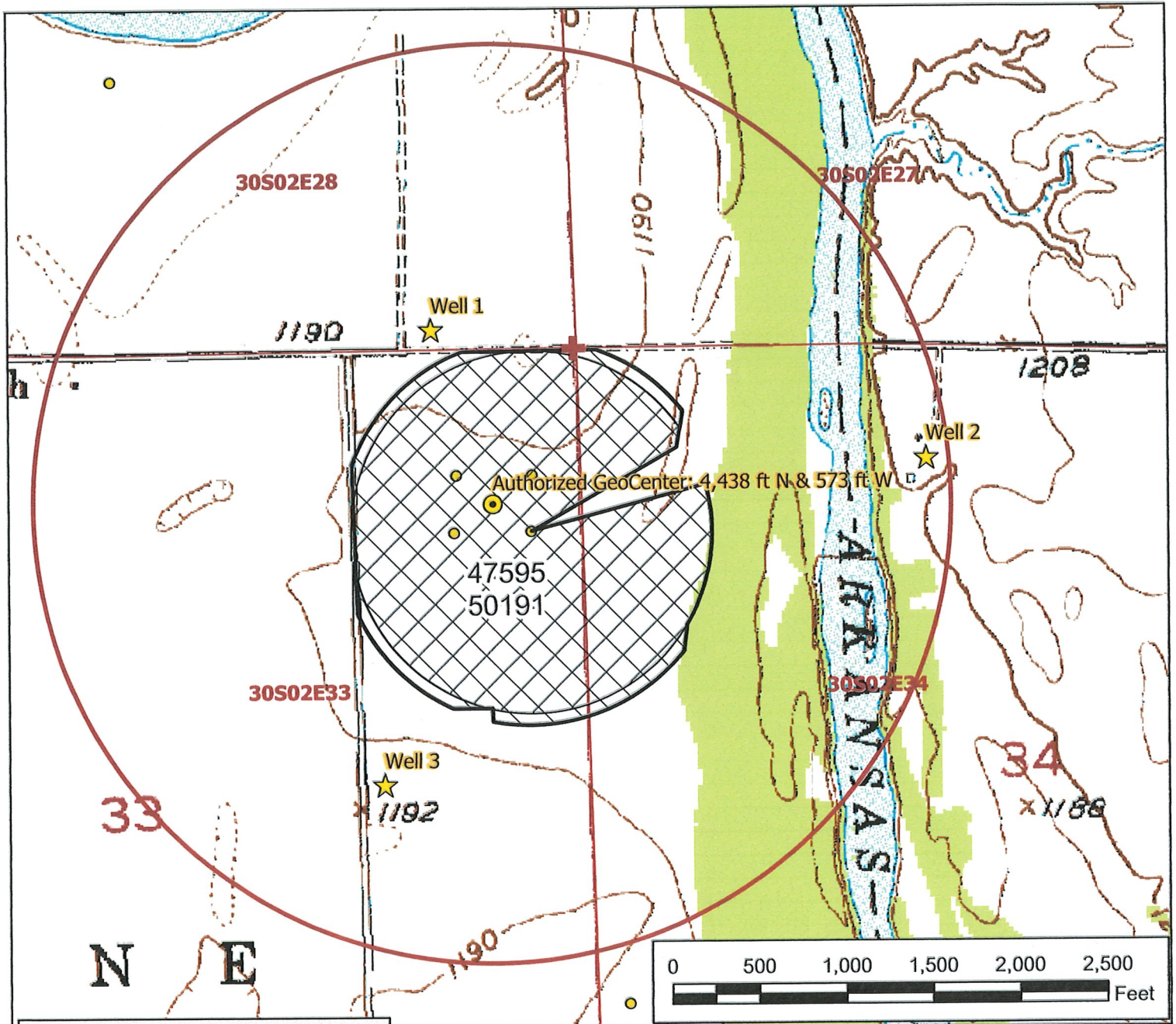
by *Faith Curtis*  
 \_\_\_\_\_

Signature: *Faith Curtis*  
 \_\_\_\_\_  
 Notary Public

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







**Legend**

- Water Appropriation
- Proposed 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. 47595

### Change in Place of Use Map 33 & 34-30-2E // Sumner County

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

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Stafford Field Office  
Division of Water Resources

*John J. Burr* 2-9-21  
Signature / Date

02/04/2021 EKF/SFFO 1:10,000 scale

**File No. 47595 Change Application Nearby Well Owners**

Domestic Well 1

Sumner Cowley Electric Coop  
2223 N A St  
Wellington KS 67152

Domestic Well 2

John & Anna Middleton  
1635 E 100<sup>th</sup> Ave N  
Udall KS 67146

Domestic Well 3

Kenneth E & Sheree A Delaughder Rev Liv Tr  
946 N Barner Rd  
Belle Plaine KS 67013

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FEB 12 2021

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:** March 3, 2021

**FROM:** Elizabeth K Fitch

**RE:** Water Right, File No. 47595

Thane Buss, on behalf of himself and Shannon Buss as owners of the referenced files authorized for irrigation use, has submitted an application for approval to change the authorized place of use. All owners signed the application.

The referenced file appears to be in compliance with 82a-732 (Annual water use report required). A review of the application found that it complies with K.A.R. 5-5-1, *Filing an application for change*. The referenced file does not appear abandoned as per K.S.A. 82a-718.

The referenced file authorizes 75.5 acres, of which, 53.5 acres are in the East Half of the Northeast Quarter (E $\frac{1}{2}$  NE $\frac{1}{4}$ ) of Section 33 and 22 acres are in the West Half of the Northwest Quarter (W $\frac{1}{2}$  NW $\frac{1}{4}$ ) of Section 34, all in Township 30 South, Range 2 East, Sumner County. There are no overlapping water rights on the place of use or the point of diversion. However, Water Application, File No. 50191 is pending approval and will be a point of diversion and place of use overlap on the acres proposed by the referenced change application.

A previous application to change the place of use for File No. 47595 was filed on April 27, 2018 to address unauthorized acres. However, due to how the place of use map submitted with the application for a permit to proceed had been drawn, there was a second landowner that needed to sign the change application. This second owner refused to sign the change application, which was dismissed on July 18, 2018. Since that time, File No. 47595 has been certified and the land associated with the second landowner was dropped from the authorized place of use because it was not irrigated during the perfection period. File No. 50191 was applied for to increase the authorized quantity for the proposed place of use.

File No. 47595 authorizes a battery of four (4) wells 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 33, more specifically described as 4,438 feet North and 573 feet West of the Southeast corner of said section, in Township 30 South, Range 2 East, Sumner County. A compliance inspection on August 30, 2017 determined that the file is not in compliance due to the irrigation of unauthorized acres. No modifications are being made to the point of diversion description.

File No. 47595 authorizes 61 acre-feet (AF) at 765 gpm. The file is certified. Pending File No. 50191 proposes to authorize 106.6 AF, limited to 106.6 AF when combined with File No. 47595.

The current change application, received on February 12, 2021, proposes to add 6.5 to the authorized place of use. This will cover the unauthorized acres being irrigated around the installed center pivot system. The "Base Acres," as defined by K.A.R. 5-5-11 are 75.5. The proposed 82 acres complies with part (b) of K.A.R. 5-5-11 and the 6.5 acre increase above the Base Acres is allowed by the regulation.

The proposed change will result in a quantity of 61 AF irrigating 82 acres, resulting in an irrigation ratio of 0.74 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 Sumner 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 approvable for irrigation use for an application for change in place of use and a request to reduce a water right.* However, the generally accepted minimum quantity per acre for Sumner County is 1.01 AF per acre, so the proposed quantity does not meet this threshold. But, as previously noted, Water Application, File No. 50191 is pending approval on the same acres and when approved will increase the total authorized quantity to 106.6 AF. This higher total is 1.3 AF per acre on the proposed acres.

The referenced application to change the place of use does not propose to add more than 10 acres or 10% of the base acres to the authorized place of use. Therefore, 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 2/12/2021).

It was determined that there are river lots present in Section 34, so the proposed place of use was modified to reflect this fact on the change application.

The referenced water appropriation is not in a special use area. The referenced water right is not in a groundwater management district.

No structures permit appears to be needed.

A water flow meter is required for the authorized 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 application be approved.

Elizabeth K Fitch  
Environmental Scientist - SFFO

TOWNSHIP N° 30 SOUTH RANGE N° 2 EAST

G F F E D

T30S R2E

North Boundary of Osage L

