

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

1. File Number: 48262	2. Status Change Date:	3. Change Num: 2	4. Field Office: 02	5. GMD: 02
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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	7. Filing Date of Change: 11/23/20
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8a. Applicant(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	8c. Landowner(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
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8b. Landowner(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID 65738 Add Seq# 1 GRAY METAL INC 3170 N OHIO ST WICHITA KS 67219-4134	8d. WUC <input type="checkbox"/> New to system <input type="checkbox"/> Person ID 56254 Add Seq# 1 MARK & JOYCE VOGTS TRUST 1795 ARAPAHO RD MOUNDRIDGE KS 67107
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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: **3/2/21** By: **EKF**
 Date Entered: _____ By: _____

File No. **48262** 11. County: HV Basin: LITTLE ARKANSAS RIVER Stream: N/A Formation Code: 190 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
	MOD			76593	NE SW SE	26	22	3W	4	1,107	1,671		1,000	391.3	1,000	270.4	NONE

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

14. Limitation: **391.3** af/yr at _____ gpm (_____ cfs) when combined with file number(s) **45672**
 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			57586	26	22	3W	3				32.5	32	35	27		18.5	20	37.5	33.5	11	32	32			311	8b	N	45672				

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.

RECEIVED

File No. 48262

NOV 23 2020
 @ 3:31 PM
 Division 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: mjfarms01@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			38	37.5	35	27	7.5	20	37.5	33.5	11	32	32				311
					<u>32.5</u>	<u>32</u>	<u>35</u>	<u>27</u>	<u>18.5</u>	<u>20</u>	<u>37.5</u>	<u>33.5</u>	<u>11</u>	<u>32</u>	<u>32</u>				<u>311</u>

FOA
12-30-2020

EAG/DWR
12/23/2020
Kortney L. Kelley

For Office Use Only: Code CPU Fee \$ 200.00 TR # 10110171 Receipt Date _____ Check # 1996

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JAN 04 2021

Stafford Field Office
Division of Water Resources

5. **Presently authorized point of diversion:**
 One in the NE Quarter of the SW Quarter of the SE Quarter of Section 26, Township 22 South, Range 3 W, in Harvey County, Kansas, 1,100 feet North 1,666 feet West of Southeast corner of section. Authorized Rate 1,000 GPM Authorized Quantity 391.3 AF Limited Depth of well 75 (feet)
(DWR use only: Computer ID No. 04 GPS 1,107 feet North 1,671 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 SW Quarter of the SE Quarter of Section 26, Township 22 South, Range 3 W, in Harvey County, Kansas, 1,107 feet North 1,671 feet West of Southeast corner of section. Proposed Rate no change Proposed Quantity no change Proposed well depth (feet) N/A.
 This point is: Additional Well Geo Center List other water rights that will use this point None

6. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____.
 This point is: Additional Well Geo Center List other water rights that will use this point _____

7. The changes herein are desired for the following reasons?
 (please be specific) Modifying the place of use to accommodate a new half 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

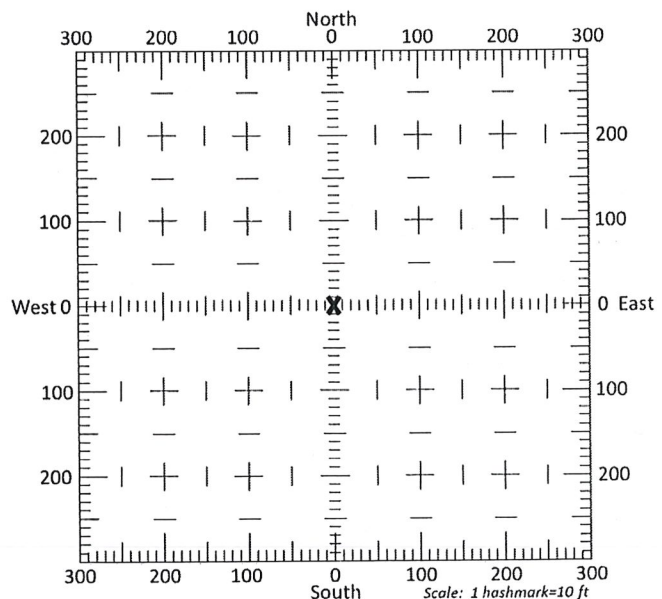
9. The change(s) (was)(will be) completed by?
ASAP

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
NA
 (b) When will this be done? NA

11. Groundwater Management District recommendation attached?
 Yes No
3/4/21 ccc

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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JAN 04 2021

NOV 23 2020

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 19TH day of November, 2020.

<u>Peter J. Molitor</u>	
(Owner)	(Spouse)
<u>Peter J. Molitor</u>	
(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.

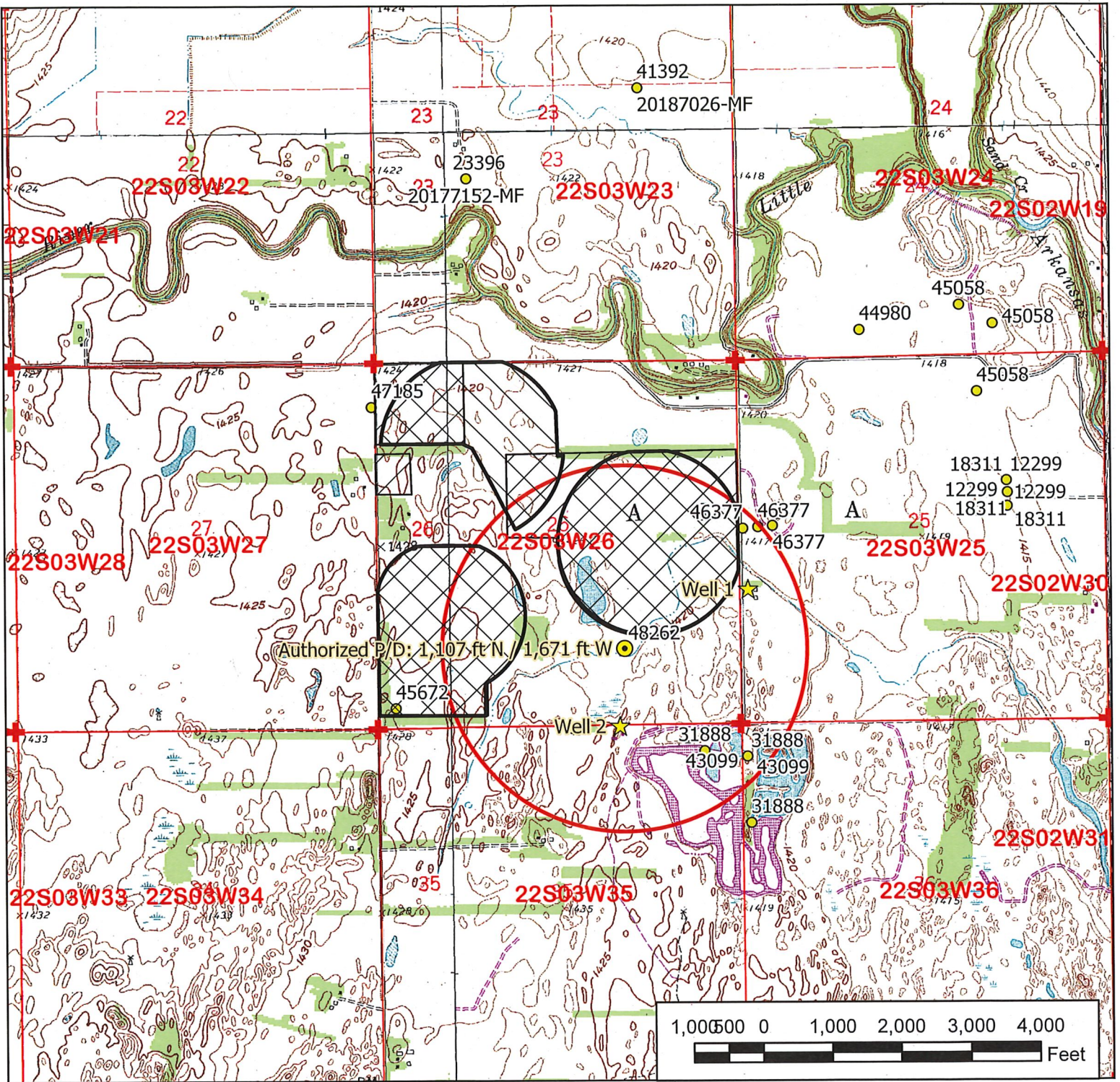
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate 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



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

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

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 JAN 04 2021
 State 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.

Kathy L. Kelly POA 12-30-2020

Signature / Date

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

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). 48262

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. 2

CERTIFICATE OF SERVICE

On this **4 March 2021**, I hereby certify that the attached Change in Place of Use, File No. 48262 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

Faith Curtie

Staff

File No. 45672 Change Application Nearby Well Owners

Domestic Well 1

William R & Kerry G Toews
4361 N Sand Hill Rd
Burrton KS 67020-9011

Domestic Well 2

Allyson Hughes
Richard Stucky
4513 N Sand Hill Rd
Burrton KS 67020-9012

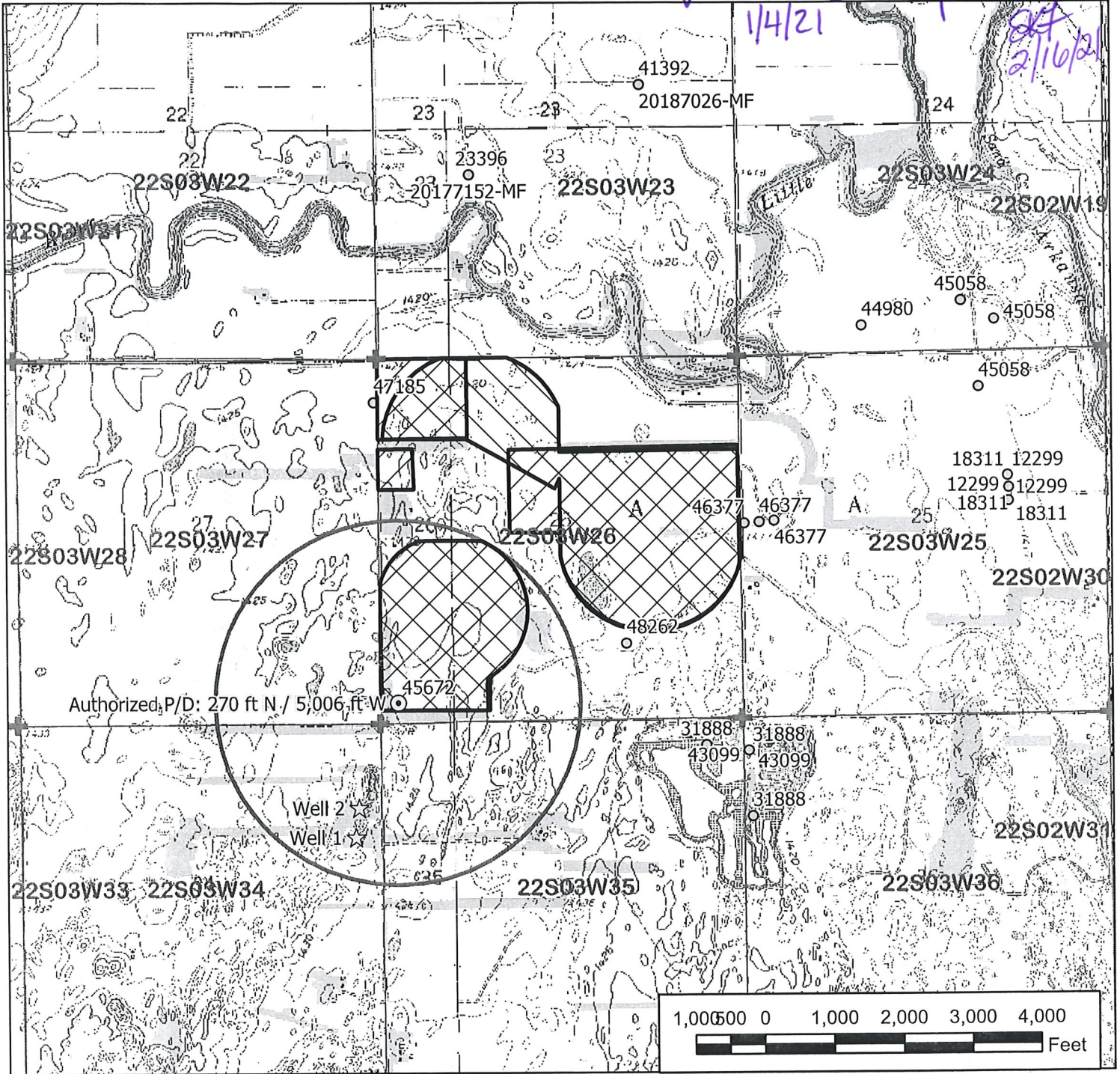
RECEIVED

NOV 23 2020

Lawford Field Office
Division of Water Resources

VOID See map dated
1/4/21

2/16/21



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 Right, File No. 45672

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

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.

Robert J. Prohaska
Signature / Date

11-19-2020

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

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

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