Kansas Department of Agriculture Division of Water Resources

CHANGE: P/U WORKSHEET

1. File Number: 48262	2. Status Change Date:	3. Change Num:	4. Field Office: 02	5. GMD: 02
6. Status: Approved D	enied by DWR/GMD	Dismiss by Reques	st/Failure to Return	7. Filing Date of Change: 11/23/20
8a. Applicant(s) New to system □	Person ID Add Seq#	8c. Landown New to sy		Person ID Add Seq#
8b. Landowner(s) New to system GRAY METAL INC 3170 N OHIO ST WICHITA KS 67219-41	Person ID 65738 Add Seq# 1	1795 A	vstem □ & JOYCE VOG IRAPAHO RD DRIDGE KS 67 ⁷	V.
9. Documents and Enclosure(s):	DWR Meter(s) Date to Comp	oly: 12/31/21	□ N & P Date	to Comply:
☐ Anti-Reverse Meter ☐ Me	ter Seal 🛛 Check Valve		☐ Water Tube ☐ ☐ Date	Driller Copy
10. Use Made of Water From: _		То:		
			Date Prepared: 3/2/ Date Entered:	21 By: EKF By:

File No. 48262	11. County:	HV	Bas	sin: LI	TTLE	ARK	ANSA	S RIV	ER	S	tream	: N/A						F	ormatio	n Code: 190	Special Use: N	//A
12. Points of Diversion CHK	Rate and Quantity																					
MOD DEL PDIV														Authorized				Additio	nal			
ENT Qualifier	S	Т	R	ID		'N	'\	Ν	Co	mmer	nt (AK/	A Line)		ate om	Qua a	ntity f		Rate ipm	Quantity af	Overlap PD Files	
MOD 76593 NE SW SE	26	22	3W	4	1	1,107	1,	671	1					1	,000	39	1.3	1	,000	270.4	NONE	
			14																			
	8								11											7		
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																					90 1 1 1 1 1 1 1 1 1 1	
13. Storage: Rate	N	NF	Qua	ntity _					ac/f	t	Additio	onal R	ate _					NF A	dditiona	Quantity		_ ac/ft
14. Limitation: 391.3	af/yr a	nt		_		gpm	(_ cfs)	when	combii	ned w	ith file	numb	er(s) 4	5672					
Limitation:																						
15. 5YR Allocation: Allocation																		Comme	nt			
16. Place of Use CHK	ace of Use		NE1/4			NW1/4			SW1/4			SE¼ T			Total	Owne	r Chg?	Overlap Files				
MOD DEL		NE	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4					
ENT PUSE S T R MOD 57586 26 22 3\			\vdash	32.5	32	35	27	,-	18.5	20		33.5	11	32	32		/4	311	8b	N	45672	
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Base Acres: Year: Comments:	Mi	inimun	n Reas	onabl	e Qua	antity:		T.											X			

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. 48262 1. Application is hereby made for approval of the Chief Engineer to change the (check one or both): Place of Use							
Place of Use Point of Diversion Lindion of Vicaer Resource under the water right which is the subject of this application in accordance with the conditions described below.							
☐ Point of Diversion ☐ Circuit Circuit Resource under the water right which is the subject of this application in accordance with the conditions described below.							
	9 S						
The source of supply is: IXI Groundwater II Surface water							
The course of cappy to:							
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:							
B. 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.)							
NE¼ NW¼ SW¼ SE¼ TOTAL							
Sec. Twp. Range NE½ NW½ SW½ SE½ NE½ NW½ SW½ SE½ NE½ NW½ SE½ NE½ NW½ SE½ NE½ NW½ SW½ SE¾ ACRE	.ES						
26 22S 3W 40 40 34 7 20 20 36 35 14 32.5 32.5 311	1						
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.)							
NE¼ NW¼ SW¼ SE¼ TOT/							
Sec. Twp. Range NE¼ NW¼ SW¼ SE¼ NE¼ NW¼ SW¼ SE¼ NE¼ NW¼ SW¼ SE¼ NE¼ NW¼ SW¼ SE¼ NE¼ NW¾ SW¼ SE¼ ACRE	₹ES 						
26 22S 3W 38 37.5 35 27 7.5 20 37.5 33.5 11 32 32 31	1						
32.5 32 35 27 18.5 20 37.5 33.5 11 32 32 311	1						
	F						
EXTOUR Korfung L. L.	Kellyli						
For Office Use Only: Code PU Fee \$ 200,00 TR # 1010 17 Receipt Date Check # 1990							
<u></u>							

RECEIVED

File No. ____48262

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	Presently authorized point of diversion:				
	One in the Quarter of the	SW	Quarter of the	SE	Quarter
	of Section 26 , Township	22	South, Range	3	W,
	in <u>Harvey</u> County, Kansas, <u>1,100</u> fee	et North	1,666 feet Wes	st of Southeas	t corner of section.
	Authorized Rate 1,000 GPM Authorized Quantity 391.3				
- 1	(DWR use only: Computer ID No. 04 GPS				
	☐ This point will not be changed ☐ This point will be changed as	follows:	No change, point be	etter described v	with GPS as follows:
	Proposed point of diversion: (Complete only if change is				
	One in the Quarter of the				
- 1	of Section26, Township	22	South Range	3	W.
	in <u>Harvey</u> County, Kansas, <u>1,107</u> fee	et North	1 671 feet Wes	st of Southeas	t corner of section.
-	Proposed Rate <u>no change</u> Proposed Quantity <u>no</u>				
	This point is: Additional Well Geo Center List other				
	This point is. Additional Well Geo Center List other	water rigit	to that will use this	point <u>ivone</u>	· · · · · · · · · · · · · · · · · · ·
Г	D. O.				
6.	Presently authorized point of diversion:		O		Ouerter
	One in the Quarter of the		Quarter of the	·	Quarter
	of Section, Township		South, Range		(E/VV),
	in County, Kansas, fee				
	Authorized Rate Authorized Quantity		Depth of well		(feet)
	(DWR use only: Computer ID No GPS _		feet North	I	eet vvest)
	☐ This point will not be changed ☐ This point will be changed as				
	Proposed point of diversion: (Complete only if change is				
7	One in the Quarter of the		Quarter of the	e	Quarter
	of Section, Township		South, Range	•	(E/VV),
	in County, Kansas, fee	et North _	feet We	st of Southeas	it corner of section.
-	Proposed Rate Proposed Quantity				
L	This point is: Additional Well Geo Center List other	water righ	its 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	300	200 100	North 0 100	200 300
	while still maintaining the complete PU overlap.	F	ողոորողուդուր	m‡mm/mm/m	4000000
	The other management of the second	F		<u> </u>	
8.	If a well, is the test hole log attached? 🔲 Yes 💮 No	200E	-	<u> </u>	1 + 1 = 200
				≣ ''	' ']
9.	The change(s) (was)(will be) completed by?	E	-	<u> </u>	
	ASAP	100	-1 + 1 + 1	= +	十 一
40	If the constant of all constant is a constitu	E		<u> </u>	_ =
10.	If the point of diversion is a well:	West			
	(a) What are you going to do with the old well?	VVest	***************************************	=	1,
	NA .	E		1 + - + -	_ =
		100	-1 + 1 + 1	= 1 +	+ = 100
	(b) When will this be done? NA	E		Ξ _	_ =
		E		- <u>-</u>	1 1 1 200
11.	Groundwater Management District recommendation attached?	200	-1 + 1 + 1	= +	十 量200
	Yes	E		_	- =
12	Assisted by TJS/EKF - SFFO		يسلسيلسلسليس		
		300	200 100	0 100 South Scal	200 300 le: 1 hashmark=10 ft
138	a. If the proposed point of diversion will be relocated more than 300	12h f + ho	proposed point of di	vorsion will be r	elocated within 300 feet
	feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater	of th	e existing point of	diversion, indic	cate its location on the
	sources, show all wells (including domestic) within one-half mile	e diagr	am shown above	in relation to	the existing point of
	of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the	diver	SION. (PLEASE NO	DIE: The "X"	in center of diagram authorized point of
	names and addresses of the landowner(s) one-half mile	dive	!\		
	downstream and one-half mile upstream from your property	1	RECEI	VED	RECEIVED

lines

14. If the proposed groundwater point of diversion	n is 300 or fewer feet from the existing point of	diversion, complete the following:
	ers of the currently authorized place(s) of use iders must sign this application.)	dentified in this application?
affected if this application is approved as	r of the currently authorized place(s) of use ides requested? ners must sign this application.)	entified in this application be adversely
	tiously, will there be substantial damage to propers must sign this application.)	perty, public health or safety?
If the application proposes a surface water chang or a change in place of use, the application must agent (attach notarized statement authorizing rep	be signed by all owners of the currently authori	n point of diversion greater than 300 feet, ized place of use, or their duly authorized
I hereby verify, being first duly sworn upon age and the owner, the spouse of the own their behalf, in regards to the water right contained in this application are true, compated at	ner, or a duly authorized agent of the ov (s) to which this application pertains.	vner(s) to make this application on further verify that the statements
Notes J. Mohton (Owner)		(Spouse)
(Please Print)		(Please Print)
(Owner)		(Spouse)
(Please Print)		(Please Print)
(Owner)		(Spouse)
(Please Print)		(Please Print)
State of Kansas County of SS I hereby certify that the foregoing applications applied to the foregoing application of the	ntion was signed in my presence and sy	worn to before me this 19 day
of Nemple, 20 20.	LORI PAYNE State of Kansas My Appt. Exp. 12-11-23	Payhe Notary, Public
My Commission Expires $12-11-23$		110.00.17/2 02.110
ONLY COMPLETE APPLICATIONS WILL BE PROCES accurate information; maps, if necessary, must be incluted appropriate fee must be paid.	<u>SSED</u> . To be complete, all of the applicable portions uded; signatures of all the appropriate owners' must be	of the application form must be completed with e affixed to the application and notarized; and
	FEE SCHEDULE	
Each application to change the place of use or th forth in the schedule below: Make checks payab (1) Application to change a point of dive	ersion 300 feet or less	\$100
(2) Application to change a point of dive(3) Application to change the place of use	ersion more than 300 feet	\$200 \$200
	RECEIVED	Man
		NOV 2 3 2020
DWR 1-121 (Revised 04/5/2018)	Page 3N 0 4 202	Stafford Field Office. 48262

Stafford Field Office
Division of V ater 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. 48262 A change application was received on November 13, 1000 requesting that the place of us diversion authorized under the above-referenced file number be changed as described in the application. requesting that the place of use and / or point of 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 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 _radius of the authorized point(s) of diversion.

Applicable

Not Applicable 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 The point(s) of diversion authorized herein shall not actually be located more than _ authorized point(s) of diversion. ☐ Applicable ☒ Not Applicable feet from the previously 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 The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2020, 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. ☐ Not Applicable 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 Not Applicable The completed well log shall be submitted with the required notice. ☐ 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 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 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 dismissar of the 20 water or appropriation right or any other enforcement actions authorized by law. Stafford Field Office FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVEDDANIOn of Water Resources If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, SUMMARY ORDER ISSUED 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 Duly Authorized Designee of the Chief Engineer 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. R. Conant Cameran (Print Name): Division of Water Resources - Kansas Department of Agriculture File any request with Kansas Department of Agriculture, Date of Issuance: March 1505 Legal Division, 1320 Research Park Drive, Manhattan, KS 66502. Failure to timely request a hearing or review may State of Kansas preclude review under the Kansas Judicial Review Act. SS For Use by Register of Deeds County of March 4,7.02 Acknowledged before me on Signature: Notary Public My commission expires:

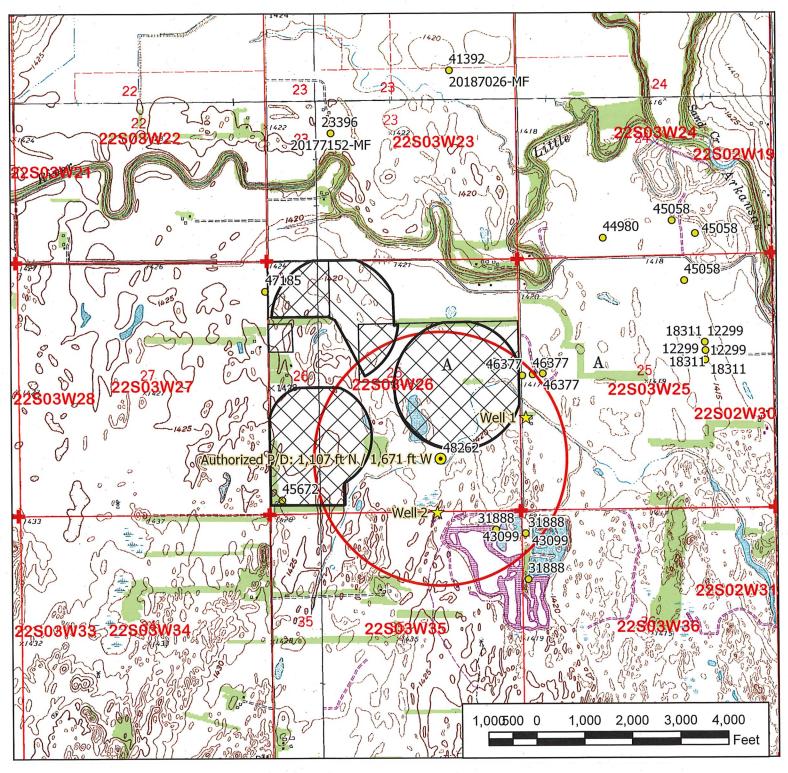
e 4

JAN 0 4 2021

Notary STARIN CURTIS

My Appointment Expires
April 29, 2023
File No. 48262

NOTARY PUBLIC



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 JAN 0 4 2021

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

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 <u>Certified Water Flowmeters</u> as well as the regulations regarding the installation of flowmeters, measurement tubes and check valves can be found at <u>www.ksda.gov/includes/document_center/dwr/Forms/ApprovalPack.pdf</u>. 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,

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

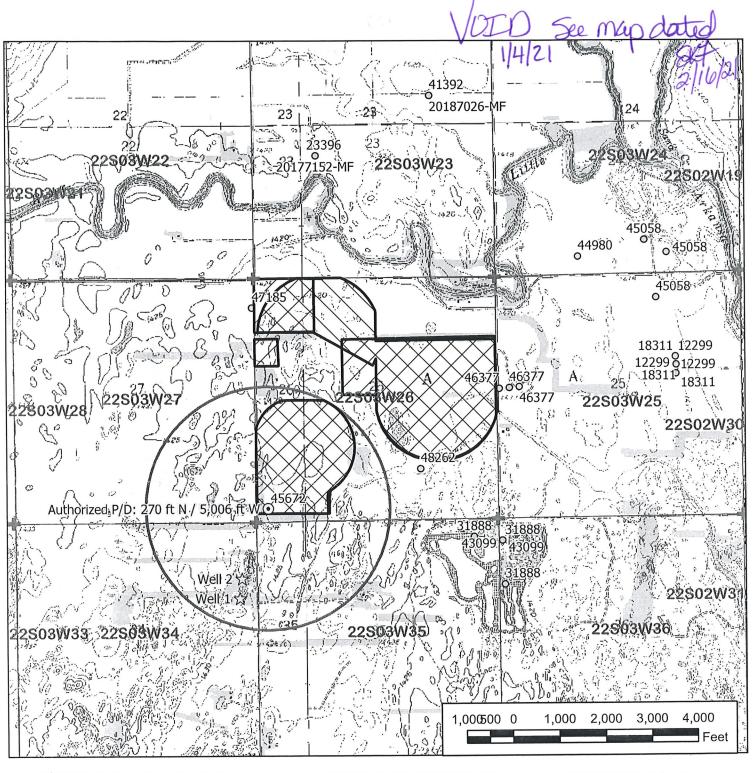
<u>Domestic Well 1</u> William R & Kerry G Toews 4361 N Sand Hill Rd Burrton KS 67020-9011

Domestic Well 2
Allyson Hughes
Richard Stucky
4513 N Sand Hill Rd
Burrton KS 67020-9012

RECEIVED

NOV 2 3 2020

Division of Water Resources



Legend O Water Appropriation ● Proposed Point of Diversion O Authorized Point of Diversion Domestic Well Section Corner Section Line Proposed Place of Use Authorized Place of Use

Water Right, File No. 45672 RECEIVED

Change in Place of Use Application Map NOV 2 3 2010 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.

Feth Moliton

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

KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

<u>MEMORANDUM</u>

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 (SW½ SW½ SW½) 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 (NE½ SW½ SE½) 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.

File Nos. 45672 & 48262 Change in P/U Memo March 2, 2021

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 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 approvable for irrigation use for an application for change in place of use and a request to reduce a water right. The generally accepted minimum quantity per acre for 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