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

OWNERSHIP CHANGE

1. File Number: 9854	2. Status Change Date: 4/10/23	3. Change Num:	4. Field Office:	5. GMD:						
6. Status: Approved	☐ Denied by DWR/GMD ☐	Dismiss by Reques	Dismiss by Request/Failure to Return 7. Filing Date of Change: 3/20/23							
8a. Applicant(s) New to system □	Person ID Add Seq#	RICH 8 22192	8c. Landowner(s) Person ID Add Seq# RICH & LIBBY SCHROEDER TR #1 22192 NE 219 RD JETMORE KS 67854							
8b. Landowner(s) New to system ⊠ SCHROEDER & S 22192 NE 219 RD JETMORE KS 678	Person ID Add Seq# CHROEDER FARM PART	BRIT S 26032	SCHROEDER SW L RD DRE KS 67854	Person ID 66211 Add Seq# 1						
☐ Anti-Reverse Meter	(s): DWR Meter(s) Date to Comp Meter Seal Check Valve ate Required: Da	□ N & P Form	☐ Water Tube ☐	Driller Copy						
10. Use Made of Water Fro	om: <u></u>	To:								
			Date Prepared: 3/22 Date Entered:	2/23 By: TMA By:						

File No.	9854		11.	Cou	nty: HG		Basin	BUC	KNER	CRE	EK	e e		S	tream:		4					F	ormation	Code: 1	113	Special Use: -	-
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Base Acres: 38 Year: 1968 Minimum Reasonable Quantity: 1.32

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.

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						F	ile No	. 9854									ı		0 2023
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MAR 2 0 2023

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 au Yes No (If no, all owners must sign this app	
 (b) Will the ownership interest of any owner of the currently auth affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this approved in the currently authors.) 	
(c) If this application is not approved expeditiously, will there be s Yes No (If no, all owners must sign this applications)	
If the application proposes a surface water change in point of diversion or a change in place of use, the application must be signed by all owner agent (attach notarized statement authorizing representation).	
I hereby verify, being first duly sworn upon my oath or affin	
age and the owner, the spouse of the owner, or a duly authoritheir behalf, in regards to the water right(s) to which this a contained in this application are true, correct and complete	pplication pertains. I further verify that the statements
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State of Kansas County of Allageman SS	
I hereby certify that the foregoing application was signed in of	my presence and sworn to before me this <u>Uz</u> day
JANICE J THOBEN My Appointment Expires February 3, 2025	Janice & Molen
My Commission Expires 2/3/2025	Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, accurate information; maps, if necessary, must be included; signatures of all the appropriate fee must be paid.	all of the applicable portions of the application form must be completed with appropriate owners' must be affixed to the application and notarized; and
FEE SCHE	
Each application to change the place of use or the point of diversion unforth in the schedule below: Make checks payable to: Kansas Depart (1) Application to change a point of diversion 300 feet or less.	ment of Agriculture \$100
 (2) Application to change a point of diversion more than 300 fe (3) Application to change the place of use 	eet
	RECEIVED
	MAR 2 0 2023

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. 9854 requesting that the place of use and / or point of A change application was received on diversion authorized under the above-referenced/file number be changed as described in the application. 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, 2023, 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, 2023, or within any authorized extension of time. By March 1, 2024 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 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 Yes 4/7/23 TMA -> Additional condition only on in • 11. Additional Conditions are attached. 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. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND 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 (Print Name): __ Lanterman review must state a basis for review pursuant to K.S.A. 77-527. Division of Water Resources - Kansas Department of Agriculture File any request with Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS Date of Issuance: 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 Acknowledged before m RECEIVED Signature: MAR 2 0 2023 **Notary Public** Stafford Field Office Division of Water Resources My commission expires: (Notary Seal) CHELSI SNODGRASS My Appointment Expires

9854

May 13, 2024

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

April 10th 2023

Brit Schroeder 26032 SW L RD Jetmore, KS 67854

Re: Water Right, File No(s). 9854,29062,38766

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 https://www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/new-applications-and-permits. 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.

This order requires that a notice and completion of works form be submitted once the diversion works are completed, including a properly installed flowmeter. This form is available at the referenced website.

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.

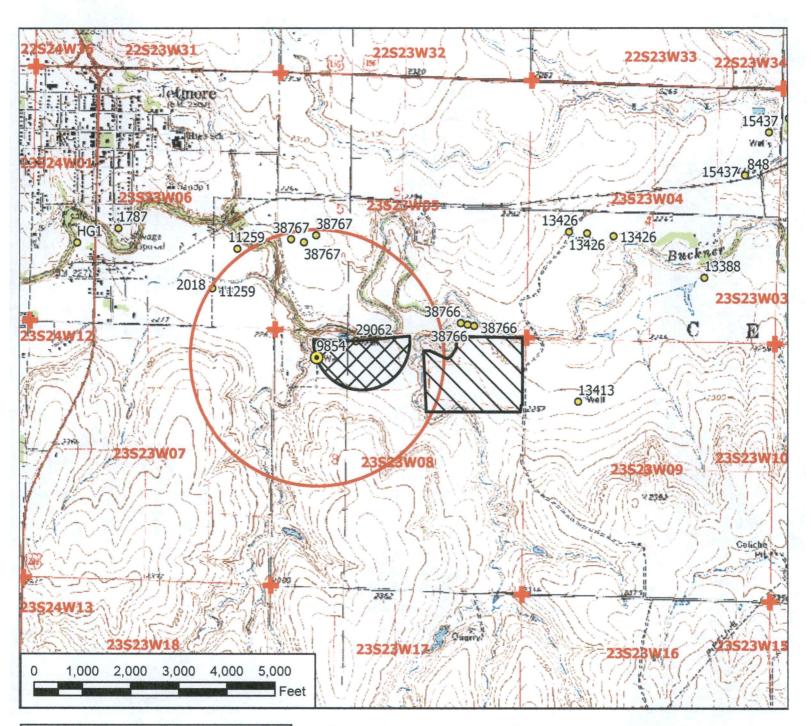
CERTIFICATE OF SERVICE

On this 10th day of April, 2023, I hereby certify that the attached Change in Place of Use for Water Right, File No. 9854, 29062, 38766, dated April 10th, 2023 was mailed via First Class U.S. mail to the following:

Brit Schroeder 26032 SW L RD Jetmore KS, 67854

A copy of the letter was sent via electronic mail to the following:

Staff



LegendWate

- Water Appropriation
- Authorized Point of Diversion
- Section Corner
- Section Line
- Half Mile Circle
- Authorized Place of Use
- Proposed Place of Use

Water Right, File No. 9854

Change in Place of Use Map 08-23-23W // Hodgeman County



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

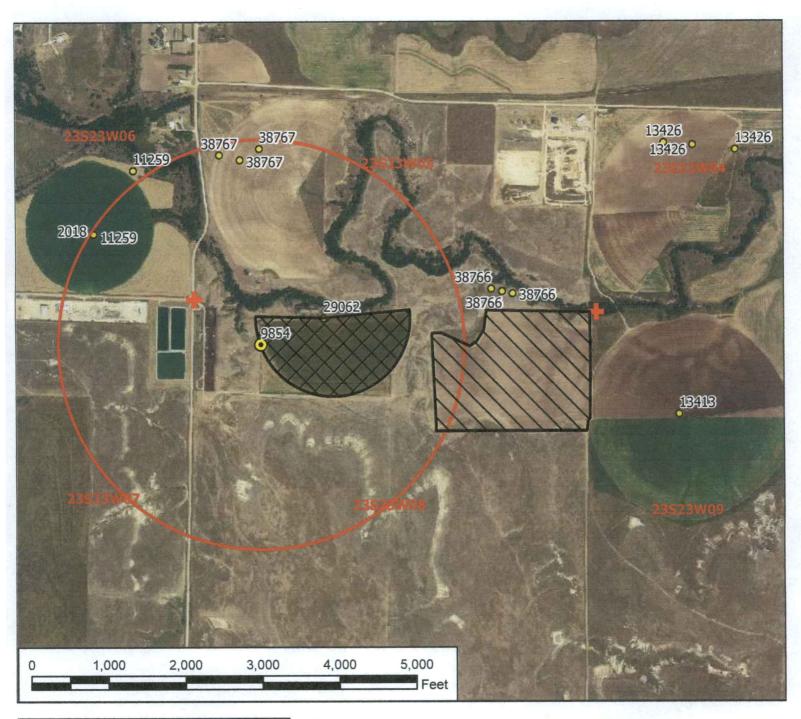
MAR 2 0 2023

Richal Schnowler.

3/16/2 Stafford Field Office Stafford Field Office

Signature / Date

03/08/2023 TMA/SFFO 1:24,000 scale



Legend

- Water Appropriation
- Authorized Point of Diversion
- Section Corner
- Section Line
- Half Mile Circle
- Authorized Place of Use
- Proposed Place of Use

Water Right, File No. 9854

Change in Place of Use Map 08-23-23W // Hodgeman County



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

MAR 2 0 2023

Richal Schwede.

3 14 23 Stafford Field Office Division of Water Resources

Signature / Date

03/08/2023 TMA/SFFO 1:15,000 scale

Change in Place of Use

File No. 9854: Nearby Well Owners

Irrigation wells:

2018/11259:

Martha P Sparks

622 Clay St

Jetmore KS 67854

29062:

Same ownership associated with this application.

38767:

Richard W & Julie Ann Shroeder

PO Box 623

Jetmore KS 67854 - 0623

RECEIVED

MAR 2 0 2023

Stafford Field Office Division of Water Resources

KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

MEMORANDUM

TO: Files **DATE**: 4/10/2023

FROM: Taylor Arrowood RE: Water Right, File Nos. 9854, 29062,

38766

Place of Use Change Applications

Brit Schroeder has been in contact with the Stafford Field Office to find out the possibility of being able to move water from two separate places of use and three water rights that are referenced above in any which way necessary. Cameron Conant of the Stafford Field Office mentioned to Brit that this would require field office place of use changes on all three files to create a complete place of use overlap.

The referenced files are in compliance with 82a-732. A review of the application finds 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.

These changes in place of use were ultimately desired to create a place of use overlap to pump water from any point of diversion authorized by the three water rights to any place of use that is authorized under these three water rights. The following information was obtained from each water right and details the proposed changes in place of use to create the overlap:

<u>File No. 9854:</u> A base acre review was done in accordance with K.A.R. 5-5-11 which found the base acres on file to be 38 acres. A change in place of use would be able to increase by 3.8 acres from this if needed. The file is currently authorized 42 acres but not all 42 are irrigated. The place of use is a half pivot in the NW ¼ of 8-23S-23W in Hodgeman County (a few acres in the NE ¼ on the edge of the pivot). The point of diversion associated with this water right is located at 3,920' N, 3,400' W of the SE corner of 8-23S-23W and has no overlaps.

<u>File No. 29062:</u> This file is already overlapped in place of use with senior right 9854. The base acre review found no additional acres were ever irrigated beyond 9854, so the base is 0 additional acres to the 38 authorized by 9854. The point of diversion authorized by this file is currently 5,115' N and 3,565' W of the SE corner of 8-23S-23W. It will be modified to be better described with GPS to footages 5,180' N, 3,554' W. There is no overlap in point of diversion.

File No. 38766: The file authorizes a pivot system in the NE ¼ of the same legal description as the previous files. The currently authorized place of use is 58 acres, all in the NE quarter of the section. Upon reviewing aerial imagery, it appears that the same ground that is authorized is actually greater than 58 acres, which is the primary reason for the base acre reviews being done. All of the same ground is covered that was covered previously, and there is technically no

new acres being irrigated, but the acreage totals are increasing to reflect the actual acres irrigated. The place of use map reflects this, as it is clearly seen there are no new acres being irrigated. The base acre review for this file determined a base acres of 58, with an allowable increase of 5.8 acres. The water right has an authorized point of diversion that is a battery of two wells in the SE ¼ of Section 5 of 23S-23W in Hodgeman County, footages of 100' N, 980' W for the E well and 220' N, 1,200' W for the W well. The geocenter is located at 160' N, 1,090' W. The locations are modified to reflect GPS coordinates as detailed in the application.

All three files will be completely overlapped in place of use going forward. The final total acreage being overlapped is 104 acres.

These approvals will comply with K.A.R. 5-5-3, *Change in consumptive use*. The acreage is increasing from 96 to 104, which is allowable per K.A.R. 5-5-11. The maximum acreage allowable is 105.6 acres. AF/acre on the water rights will still be reasonable because there will be a limitation placed on the junior water right (38766) that reduces quantity used on the entire place of use to 208 AF. This is 2 AF/acre, the maximum allowable in Hodgeman County. The applicant agreed to this limitation (see email and response on 4/10/23) and that the wells individually would retain their same quantities they have now.

The change applications were received at the Stafford Field office on March 20, 2023 along with the proper fee and signatures from all landowners.

Because this is a field office place of use change, nearby well owners, as stated in a previous memo, were not notified of this change. The files are not located in a GMD, so there was no GMD recommendation requested regarding these change applications.

A water flow meter is required. 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 the applications be approved.

Taylor Arrowood Environmental Scientist - SFFO