

APR 15 2024

13:55

KS Dept. of Agriculture



State of Kansas

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO  
CHANGE THE PLACE OF USE, THE  
POINT OF DIVERSION OR THE USE  
MADE OF THE WATER UNDER AN  
EXISTING WATER RIGHT**

*Filing Fee Must Accompany the Application  
(Please refer to Fee Schedule on signature page of application form.)*

**Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions.** A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more)  Point of Diversion
- Use Made of Water

File No. 34602

2. Name of applicant: Bryson G Butts

Address: 3323 N 124th Ct W

City, State and Zip: Wichita KS 67223

Phone Number: (316)304-7449 E-mail address: bgb44@sbcglobal.net

What is your relationship to the water right;  owner  tenant  agent  other? If other, please explain. \_\_\_\_\_

Name of water use correspondent: Bryson G Butts

Address: 3323 N 124th Ct W

City, State and Zip: Wichita KS 67223

Phone Number: (316) 304-7449 E-mail address: bgb44@sbcglobal.net

3. The change(s) proposed herein are desired for the following reasons (please be specific): To create a place of use overlap with File No. 10927 and add acres for a swing arm system. In addition, this water right will be moved to the well currently authorized by File No. 10927. File No. 10927 will be moved to a new proposed well.

The change(s) will be completed by Spring 2025 (Date)

4/15/2024  
KAnderson

For Office Use Only:															
F.O. Code	<u>2</u>	GMD	<u>C-2</u>	Meets K.A.R. 5-5-1	<input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	Use	<u>IRR</u>	Source	<input checked="" type="checkbox"/> G / <input type="checkbox"/> S	County	<u>SG</u>	By	<u>ALB</u>	Date	<u>4/15/2024</u>
Fee \$	<u>700</u>	TR #		Receipt Date	<u>4-15-24</u>	Check #	<u>2245</u>								

APR 15 2024

4. The presently authorized place of use is:

Owner of Land — NAME: Bryson G Butts KS Dept. of Agriculture // Kurt A & Linda Butts

ADDRESS: 3323 N 124th Ct W, Wichita KS 67223 // 3323 N 124th Ct W, Wichita KS 67223

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	
27	29S	1E			40	40													80

List any other water rights that cover this place of use. none

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

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	

List any other water rights that cover this place of use. \_\_\_\_\_

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: Bryson G Butts // Kurt A & Linda Butts

ADDRESS: 3323 N 124th Ct W, Wichita KS 67223 // 3323 N 124th Ct W, Wichita KS 67223

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	
27	29S	1E			39.5	38.5													78

List any other water rights that cover this place of use. 10927

Owner of Land — NAME: \*Delva J Butts Rev Trust

// \*\*Steven J Butts et al

ADDRESS: 205 S Central Ave, Mulvane KS 67110-1719 // 3323 N 124th Ct W, Wichita KS 67223-6900

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	
*27	29S	1E												38.5	38.5	20	38		135
**27	29S	1E								11									11
																		Total	224

List any other water rights that cover this place of use. 10927

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

APR 15 2024

File No. 34602

6. The presently authorized point(s) of diversion is one well (Provide description and number of points)
7. The proposed point(s) of diversion is one well (Provide description and number of points)

KS Dept. of Agriculture

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**  
 One in the Northeast Quarter of the Southwest Quarter of the Northeast Quarter of Section 27, Township 29 South, Range 1 E, in Sedgwick County, Kansas, 3,500 feet North 1,800 feet West of Southeast corner of section.  
 Authorized Rate 1,020 gpm Authorized Quantity 120 AF  
 (DWR use only: Computer ID No. 5 GPS 3,453 feet North 1,806 feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested):**  
 One in the Northeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 27, Township 29 South, Range 1 E, in Sedgwick County, Kansas, 1,225 feet North 1,371 feet West of Southeast corner of section.  
 Proposed Rate no change Proposed Quantity no change  
 This point is:  Additional Well  Geo Center List other water rights that will use this point none (currently 10927)

9. **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 \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested):**  
 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 \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

10. **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 \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested):**  
 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 \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. Well will be plugged

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

APR 15 2024

12. The presently authorized use of water is for irrigation purposes.  
It is proposed that the use be changed to --- KS Dept. of Agriculture --- purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  
The change in place of use will create a complete overlap with File No. 10927. Below is a discussion of the base acres:  
File No. 10927 = 130 base acres      File No. 34602 = 80 base acres  
The proposed place of use is 224 acres, which is within base acres + 10 acre or 10% as allowed by K.A.R.5-5-11, therefore  
consumptive use will not be increased.  
(Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to --- (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to --- gallons per minute (--- c.f.s.).
16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 ([www.usgs.gov](http://www.usgs.gov)). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.
- a. If a change in the location of the point(s) of diversion is proposed, show:
- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
  - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
  - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.
17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.  
No impairment is anticipated. There is a domestic well owned by one of the proposed water right owners close to the  
proposed point of diversion. However, the proposed point of diversion is already authorized by File No. 10927 and there  
have not been any negative impacts to the operation of either well.
18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.  
A waiver of K.A.R. 5-4-4 Well Spacing will be needed because spacing is not met to a domestic well owned by one of the  
proposed water right owners.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

APR 15 2024

KS Dept. of Agriculture

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Wichita, Kansas, this 15<sup>th</sup> day of March, 20 24.

Bryan G. Butts  
(Owner)

(Spouse)

Bryson G. Butts  
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

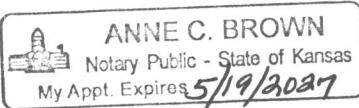
(Owner)

(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 15<sup>th</sup> day of March, 20 24.

Anne C. Brown  
Notary Public

My Commission Expires May 19, 2027

**FEE SCHEDULE**

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
- (4) Application to change the use made of the water . . . . . \$300

Make check payable to **Kansas Department of Agriculture**.

APR 15 2024

File No. 34602

KS Dept. of Agriculture

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

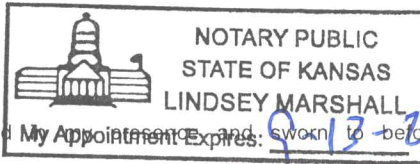
Dated at \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

X Kurt G. Butts (Owner)  
Kurt A. Butts (Please Print)  
 \_\_\_\_\_ (Owner)  
 \_\_\_\_\_ (Please Print)  
 \_\_\_\_\_ (Owner)  
 \_\_\_\_\_ (Please Print)

X Linda Butts (Spouse)  
Linda Butts (Please Print)  
 \_\_\_\_\_ (Spouse)  
 \_\_\_\_\_ (Please Print)  
 \_\_\_\_\_ (Spouse)  
 \_\_\_\_\_ (Please Print)

State of Kansas }  
County of Sedgwick } SS

I hereby certify that the foregoing application was signed of March, 2024.  
My Commission Expires 8-13-24



signed and sworn to before me this 25th day of \_\_\_\_\_  
\_\_\_\_\_  
Notary Public

FEE SCHEDULE

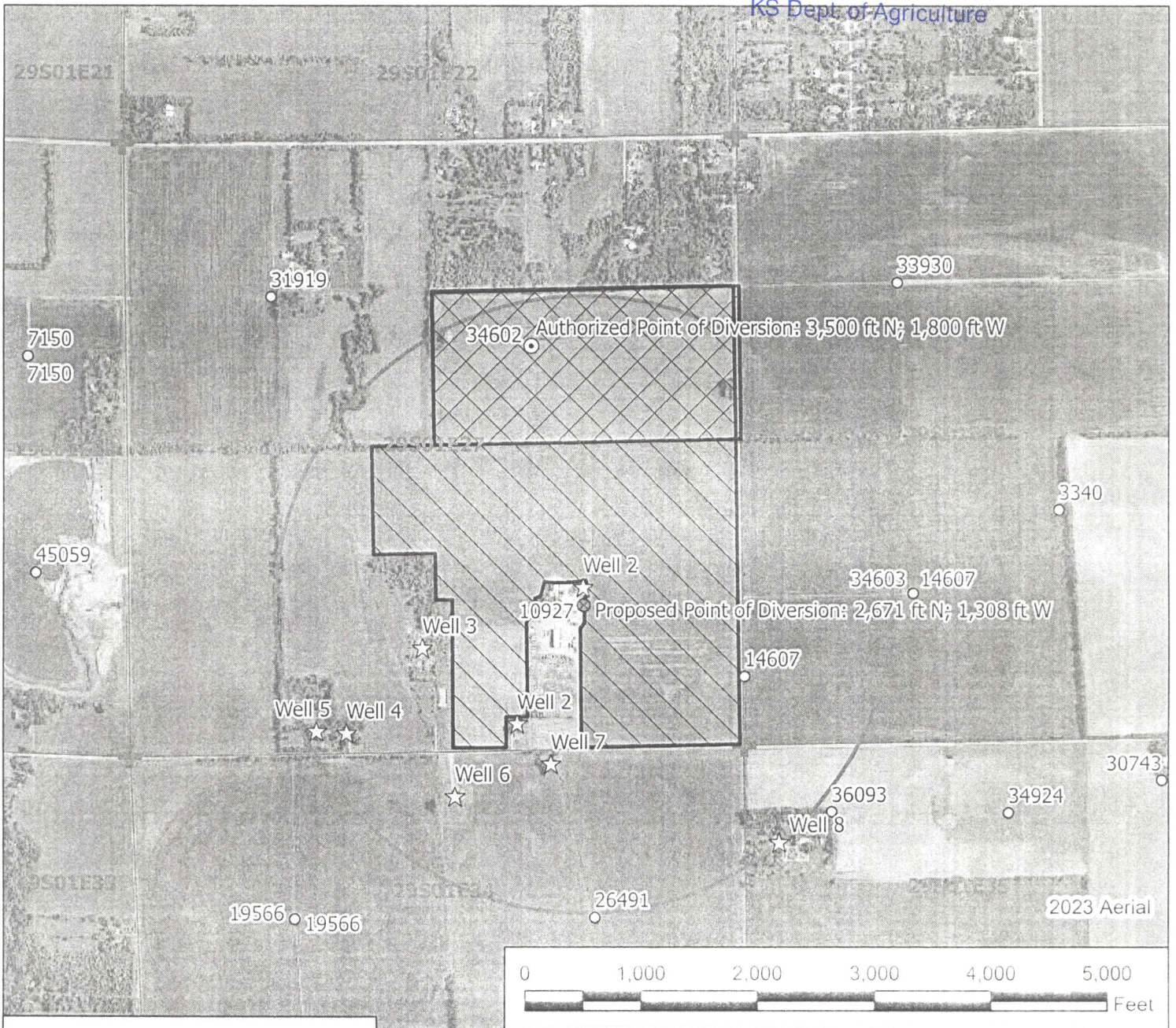
Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
- (4) Application to change the use made of the water ..... \$300

Make check payable to Kansas Department of Agriculture.

APR 15 2024

KS Dept. of Agriculture



### Legend

- Water Appropriation
- ⊗ Proposed Point of Diversion
- ⊙ Authorized Point of Diversion
- ☆ Domestic Well
- ⊕ Section Corner
- Section Line
- Half Mile Circle
- ▨ Proposed Place of Use
- ▩ Authorized Place of Use

## Water Right, File No. 34602

### Application to Change P/D & P/U Map 27-29S-1E // Sedgwick County

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



Signature / Date

4/5/2024 EKF/SFFO 1:15,000 scale

WATER RESOURCES  
RECEIVED

APR 15 2024

KS Dept. of Agriculture

**File No. 34602 Change Application Nearby Well Owners**

Water Right, File No. 10927 & Domestic Well 1, 2, 6 & 7  
Applicant/Water Right Owner

Domestic Well 3

ALAN C WING REV TR  
2444 E 111TH ST S  
MULVANE, KS 67110-9286

Water Right, File No. 14607

KANSAS FARMS LLC  
PO BOX 455  
NEEDLES CA 92363-0455

Domestic Well 4

KENT E LAWLESS  
2218 E 111TH. ST. S.  
MULVANE, KS 67110-9559

Domestic Well 5

SEAN A MAGEE  
2210 E 111TH ST S  
MULVANE, KS 67110

Domestic Well 8

TERRY & JANIS K TEDMAN  
11208 S HILLSIDE  
MULVANE, KS 67110-9580



To: Kansas Department of Agriculture  
Division of Water Resources  
1320 Research Park Dr  
Manhattan KS 66502  
Telephone: (785) 564-6640

Re: Domestic Well Spacing  
Consent Form

WATER RESOURCES  
RECEIVED

APR 15 2024

KS Dept. of Agriculture

I, Bryson G. Butts, own a well near the center of the  
Southeast Quarter of Section 27, Township 29 South, Range 1 East,  
Sedgwick County, Kansas.

Water from this well is used only for domestic purposes as follows:

- household use;
- watering of livestock, poultry, farm and domestic animals used in operating a farm; and/or
- irrigation of lands not exceeding a total of two (2) acres in area for the growing of gardens, orchards and lawns.

I understand that an application for a change in point of diversion under Water Right, File No. 34602, has been filed with the Division of Water Resources and that the applicant seeks to use water from an irrigation well located closer to my domestic well than allowed by the rules and regulations of the Chief Engineer, in particular K.A.R. 5-4-4(c)(2)(C). I hereby give my permission to the applicant to authorize an existing groundwater well under a different water right number at a location approximately 150 feet from my domestic well if the same is allowed and permitted by the Chief Engineer.

By giving my permission, I do not waive any right I may have to file a complaint with the Chief Engineer or to make a written request to secure water, pursuant to K.A.R. 5-4-1, if the use of my well becomes impaired such that I am unable to exercise my domestic water right, nor do I waive any other rights I may have under the Kansas Water Appropriation Act or the rules and regulations of the Chief Engineer.

APR 15 2024

KS Dept. of Agriculture

I acknowledge that my permission has been given freely and voluntarily. I further acknowledge that I have not entered any agreement either oral or in writing with any person(s) including the Applicant, land owner, or any representative or agent of the applicant or land owner that condition my permission on giving up any of my rights under the Kansas Water Appropriation Act or the rules and regulations of the Chief Engineer or that condition my permission on reliance on any person or entity other than the Chief Engineer to investigate any claims of impairment I may make with respect to my domestic well or to secure water to satisfy my domestic water right.

Bryson G. Butts  
Signature

2850 E. 111<sup>th</sup> St. S.  
Address (please print)

MULVANE, KS. 67160  
City/Town, State (please print)

(316) 304-7449  
Phone

State of Kansas

County of Sedgwick

Signed or attested before me on March 15, 2024

by Bryson G. Butts  
(Please print name of signatory)

Anne C. Brown  
Notary Public

[My appointment expires: May 19, 2027

