

File No. **16,436** 11. County: **GO** Basin: **SALINE RIVER** Stream: Formation Code: **211** Special Use:

12. Points of Diversion											Rate and Quantity			
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files
										Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	
MOD	69620	NW NW NE	18	11S	26W	3	5192	2363	IRR	900	376.75	900	376.75	
MOD	69620	NW NW NE	18	11S	26W	3	5192	2363	REC	200	10.33	200	10.33	

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 T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files		
						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						
CHK	36731	7	11S	26W	1									40	Lot 3 35.16	Lot 4 35.19	35	25	35	30	40	275.35	8a	IRR	23,307 & 45,632		
MOD	915	18	11S	26W	1	40	40	35.2	31.75													146.95	8a	IRR	23,307 & 45,632		
ENT	68594	7	11S	26W						0.5 SURFACE ACRE POND (SW SE)															8a	REC	NONE

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files
FROM: Austin McColloch

DATE: October 11, 2017
RE: Water Right
File Nos. 16,436 and 23,307
Appropriation of Water
File No. 45,632

Kirby & Donna Gillespie, owners of the above referenced water rights, have filed a reduction in place of use request for Water Right, File No. 16,436 & 23,307 and Appropriation of Water, File No. 45,632, and an application for approval to change the use made of water for Water Right, File No. 16,436, all authorized groundwater for irrigation use in the Saline River Basin.

The referenced file numbers do not appear abandoned as per K.S.A. 82a-718.

The referenced file numbers form a complete overlap in the 435.35 acre place of use located in the South Half (S $\frac{1}{2}$) of Section 7 and Northeast Quarter (NW $\frac{1}{4}$) of Section 18, both in Township 11 South, Range 26 West, Gove County, Kansas. File Nos. 23,307 and 45,632 overlap in point of diversion and File No. 16,436 is authorized a separate well. The water right owner proposes to convert 10.33 acre-feet under File No. 16,436 from irrigation to recreational use to cover the evaporative loss from filling a 0.5 surface acre pond not located within the currently authorized place of use. It is located in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of the aforementioned Section 7. The annual net evaporation for this area according to K.A.R. 5-6-3 is 39 inches so the quantity of water justified for net evaporation is as follows:

$$39 \text{ inches}/12 \times 0.5 \text{ acres (surface area of pond)} = 1.625 \text{ acre-feet}$$

The pond capacity was determined to be:

$$220 \text{ feet} \times 115 \text{ feet} \times 15 \text{ feet deep} = 379,500 \text{ cubic feet} = 8.7 \text{ acre-feet}$$

The total quantity of 10.33 acre-feet requested for recreational use appears reasonable.

Pursuant to K.A.R. 5-5-10 *Partial changes in the use made of water from irrigation to another type of beneficial use*, if 10.33 acre-feet is changed to recreational use, then the quantity retained for irrigation use is based on the following:

Step 1: 388 acre-feet x .876 (Gove County) = 336 max acre-feet that can be converted.

Step 2: 10.33 acre-feet (quantity to be changed to recreational use File No. 16,436) ÷ 336 acre-feet (total quantity available to change) = .03 – the percentage of the entire reduced right that will be changed to the new use.

1-.03= .97 - the remaining percentage of the current right that can be retained for irrigation use.

Step 3: .97 x 388 acre-feet (currently authorized total quantity) = 376.75 acre-feet total can be retained for irrigation use under File Nos. 16,436; 23,307 and 45,632 – no reduction in the overall quantity of either file is required.

The authorized place of use for the irrigation right shall be generally reduced in proportion to the reduction in annual quantity caused by the change. The irrigation place of use for File Nos. 16,436; 23,307 and 45,632 will be reduced from 435.35 acres to 422.3 acres and is in compliance with K.A.R. 5-5-10(b). The quantity of water to be authorized under File Nos. 16,436; 23,307 and 45,632 for irrigation, equals 582.75 acre-feet, will irrigate the 422.3 acres with 1.37 acre-feet per acre which appears reasonable and meets the requirements of 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 same local source of supply will not change, previously determined to be Ogallala Aquifer (211) in the Saline River Basin. There are no other water rights or domestic wells located within a half mile of the point of diversion. No nearby letters were sent out.

All files are located within the boundaries of Northwest Kansas Groundwater Management District No. 4. Copies of the application and reductions were sent to GMD No. 4 on October 3, 2017 for recommendation. GMD No. 4 provided recommendation for approval on October 9, 2017.

In an e-mail dated October 10, 2017, Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated that he has no objection to approval of the applications.

A water meter will be required. A check valve is required if chemigating.

Based on the above discussion, that the change is reasonable; that impairment to existing water rights is unlikely, and no change in the local source of supply will occur, it is recommended that the referenced application be approved.



Austin McColloch
Environmental Scientist

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

KIRBY & DONNA GILLESPIE
PO BOX 71
QUINTER KS 67752

November 3, 2017

RE: Water Right, File No. 16,436

FILE COPY

Dear Mr. or Mrs. Gillespie:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the referenced file. Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change.

Since this order modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

If you have any questions, please contact me at (785) 564-6640. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A. Turney, P.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT:am

Enclosures

pc: Stockton Field Office
Groundwater Management District No. 4



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE
AND
CHANGE IN USE MADE OF WATER
WATER RIGHT, FILE NO. 16,436**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Kirby & Donne Gillespie, PO Box 71, Quinter, Kansas 67752, received in the office of the Chief Engineer on June 8, 2017, for approval of a change in the location of the place of use and use made of water under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Orders of the Chief Engineer dated June 20, 1986, correcting the authorized place of use, and by the Orders of the Chief Engineer dated October 16, 2003, reducing the authorized quantity of water, and by the Orders of the Chief Engineer dated October 23, 2003, approving the application to change the authorized point of diversion, and by the Orders of the Chief Engineer dated November 4, 2003, correcting the authorized quantity of water, and by the Orders of the Chief Engineer dated June 15, 2004, approving the application to change the authorized point of diversion, and by the Orders of the Chief Engineer dated August 16, 2005, approving the application to change the authorized point of diversion, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which that portion retained for irrigation use shall be authorized a maximum quantity not to exceed 376.75 acre-feet of groundwater per calendar year at a rate not in excess of 900 gallons per minute (2.0 c.f.s.) for irrigation use at the following described location:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7 11S 26W									40	Lot 3 35.16	Lot 4 35.19	35	25	35	30		275.35
18 11S 26W	40	40	35.2	31.75													146.95

a total of 275.35 acres in Section 7 and 146.95 acres in Section 18, all in Township 11 South, Range 26 West, Gove County, Kansas.

located substantially as shown on the topographic map accompanying the application to change the use made of water.

The portion changed to recreational use shall be authorized a maximum quantity not to exceed 10.33 acre-feet of groundwater per calendar year at a rate of diversion not to exceed 200 gallons per minute (0.44 c.f.s.) for recreational use at the following described location:

a 0.5 surface acre pond located in the southwest Quarter of the Southeast Quarter (SW¼ SE¼) of Section 7, Township 11 South, Range 26 West, Gove County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the use made of water.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 16,436, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated December 28, 1979, as modified and amended by the aforementioned orders.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 – 6777.

Ordered this 30th day of October, 2017, at Topeka, Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 30th day of October, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

CERTIFICATE OF SERVICE

On this 30th day of November, 2017, I hereby certify that the attached Approval of Application for Change in Place of Use and Use Made of Water, Water Right, File No. 16,436 dated, Oct. 30th, 2017, was mailed postage prepaid, first class, US mail to the following:

KIRBY & DONNA GILLESPIE
PO BOX 71
QUINTER KS 67752

With photocopies sent to:

Stockton Field Office

Groundwater Management District No. 4

Danielle Wilson
Division of Water Resources

APPLICATION COMPLETE

10/10/17

Reviewer AD

WATER RESOURCES RECEIVED

JUN 08 2017

11:06

DEPT OF AGRICULTURE



State of Kansas

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
www.ksda.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. 16,436

2. Name of applicant: Kirby & Donna Gillespie

Address: PO Box 71

City, State and Zip: Quinter, KS 67752

Phone Number: (785)635-4765 E-mail address: _____

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

Name of water use correspondent: Same as above

Address: _____

City, State and Zip: _____

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): to authorize a groundwater pit for recreation use, and to change a portion of the quantity authorized for irrigation use to recreation use for the purposes of maintaining the water level.

The change(s) (was) (will be) completed by 2012 (under Term Permit 20118457)
(Date)

For Office Use Only:							
F.O. <u>3</u>	<u>GMD</u>	<u>4</u>	Meets K.A.R. 5-5-1 (YES/NO) <u>(YES)</u>	Use <u>IRL</u>	Source <u>(G)S</u>	County <u>G0</u>	By <u>ASW</u> Date <u>6/8/17</u>
Code <u>C-2</u>	Fee \$ <u>500</u>	TR # _____	Receipt Date <u>6/8/17</u>	Check # <u>6902</u>			

6/8/17 DW

4. The presently authorized place of use is:

Owner of Land — NAME: Kirby & Donna Gillespie

ADDRESS: PO Box 71 Quinter, KS 67752

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		
7	11	26w																		275.35
18	11	26w	40	40	40	40														160

List any other water rights that cover this place of use. WR# 23,307 & 45,632

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: Kirby & Donna Gillespie

IRRIGATION

ADDRESS: PO Box 71 Quinter, KS 67752

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		
07	11	26w																		275.35
18	11	26w	40	40	40	40														160
					35.2	31.75														146.95*

List any other water rights that cover this place of use. WR# 23,307 & 45,632 (IRR only)

Owner of Land — NAME: ~~Kirby & Donna Gillespie~~ per request to reduce 10/31/17

RECREATION

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			
07	11	26w	.5 acre pond (SW SE)																		

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

12. The presently authorized use of water is for irrigation purposes.
It is proposed that the use be changed to irrigation and recreation purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
Pit capacity: approx. 220 feet x 115 feet x 15 feet deep = 379500 cubic feet = 8.7 AF
1 year indirect use = (.5 acres surface area x 39") / 12 = 1.625 AF Storage + 1 year indirect use = 10.33 AF REC
K.A.R. 5-5-10: 1) 1.09' (50% NIR GO) x 325 acres (max perfected) = 354.25 AF (max quantity available for chg to REC)
 2) 10.33 AF REC / 354.25 AF available for chg to REC = .029 1 - .029 = .971
 3) .971 x 388 AF = 376.75 AF may be retained for IRR
There should be no increase to consumptive use.

(Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to 376.75 AF IRR | 10.33 AF REC (acre-feet).
15. It is requested that the maximum rate of diversion of water be reduced to 900 gpm IRR | 200 gpm REC 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). 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.
- If a change in the location of the point(s) of diversion is proposed, show:
 - 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.
 - If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within ½ 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 ½ mile, please indicate so on the map.
 - If the source of supply is surface water, the names and mailing addresses of all landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.
 - 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.
Impairment should not be an issue - no change to the existing well is proposed. Consumptive use should not increase.

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.
No waiver should be necessary, however the file is located within GMD4.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

6. The presently authorized point(s) of diversion is one (1) well
(Provide description and number of points)
7. The proposed point(s) of diversion is unchanged
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NW Quarter of the NW Quarter of the NW Quarter of Section 18, Township 11 South, Range 26 W, in Gove County, Kansas, 5192 feet North 2363 feet West of Southeast corner of section.
 Authorized Rate 1100 gpm Authorized Quantity 388
 (DWR use only: Computer ID No. 3 GPS 5192 feet North 2363 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 NW Quarter of the NW Quarter of the NW Quarter of Section 18, Township 11 South, Range 26 W, in Gove County, Kansas, 5192 feet North 2363 feet West of Southeast corner of section.
 Proposed Rate 900 Proposed Quantity 376.75 AF Reduced quantity for irrigation use.
 This point is: Additional Well Geo Center List other water rights that will use this point none

9. **Presently authorized point of diversion:**
 One in the Same as #8 Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ 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 NW Quarter of the NW Quarter of the NW Quarter of Section 18, Township 11 South, Range 26 W, in Gove County, Kansas, 5192 feet North 2363 feet West of Southeast corner of section.
 Proposed Rate 200 Proposed Quantity 10.33 AF Quantity allocated to recreation.
 This point is: Additional Well Geo Center List other water rights that will use this point none

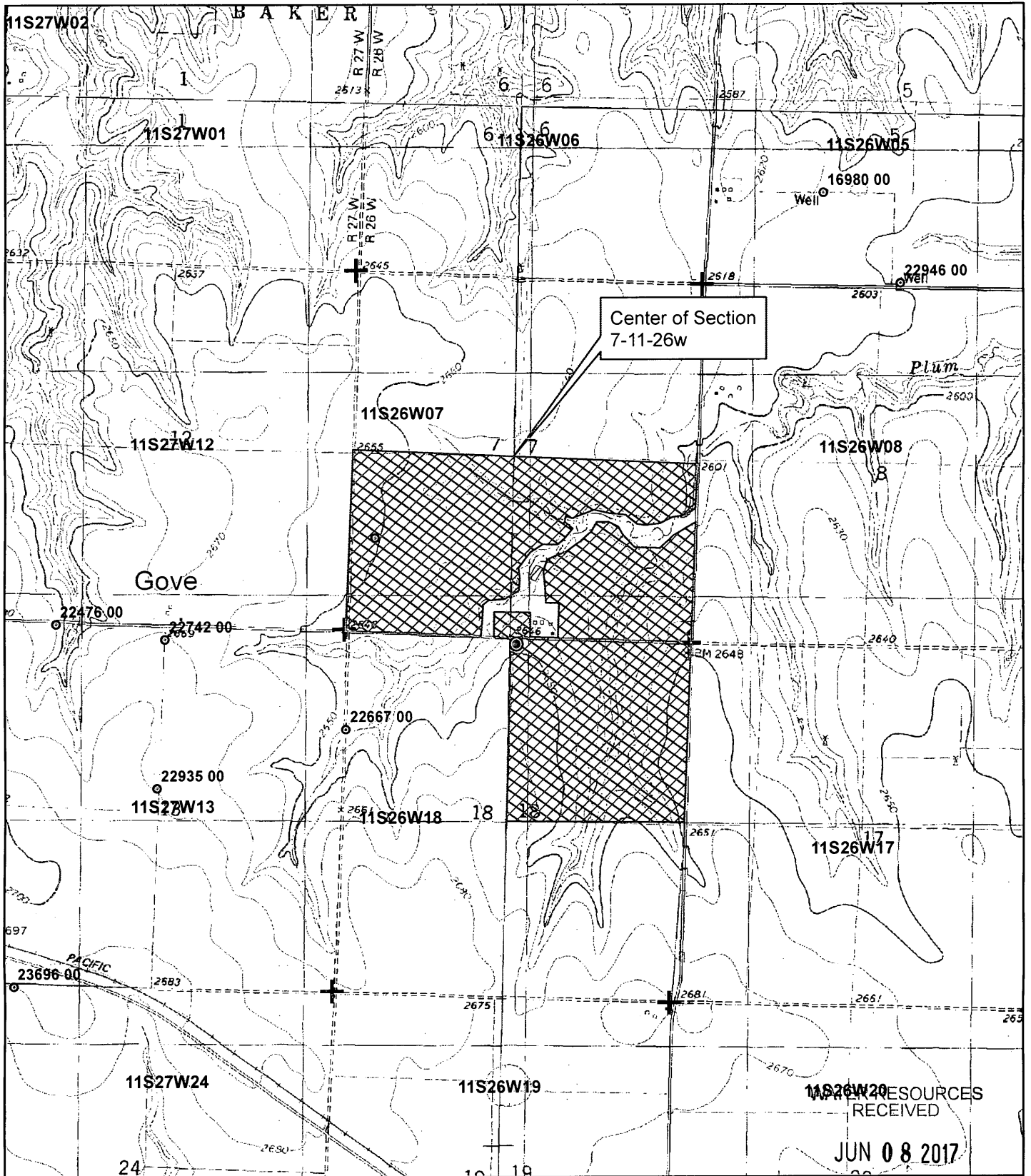
10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ W, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (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 _____ 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 _____

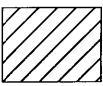

WATER RESOURCES RECEIVED
 JUN 08 2017
 KS DEPT OF AGRICULTURE

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Application for Change in Place of Use
and Use Made of Water, File No. 16,436



- Point of Diversion
-  Current place of use IRR
-  Proposed place of use IRR



Proposed place of use REC

KS DEPT OF AGRICULTURE 1:24,000



Karoly D. Miller
Signature

6-2-17
Date

SCANNED

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 Quinter, Kansas, this 1st day of June, 2017.

Kirby Gillespie
(Owner)
Kirby Gillespie
(Please Print)

Donna Gillespie
(Spouse)
Donna Gillespie
(Please Print)

(Owner)
(Please Print)
(Owner)
(Please Print)

(Spouse)
(Please Print)
(Spouse)
(Please Print)

State of Kansas }
County of Gove } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 1st day of June, 2017.

Norma J. Zerr
Notary Public

My Commission Expires 12-04-2020

NORMA J. ZERR
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 12-04-2020

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.**

WATER RESOURCES
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JUN 08 2017

KS DEPT OF AGRICULTURE **SCANNED**

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

REQUEST TO REDUCE A PORTION OF AN EXISTING WATER RIGHT
(NO FEE REQUIRED)

Identify the file which is the subject of this request:

- Vested Right, File No. _____
- (CHECK ONE) Water Right, File No. 16,436
- Appropriation of Water, File No. _____

WATER RESOURCES
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To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502

SEP 18 2017

KS DEPT OF AGRICULTURE

From: (Names and addresses of owners of authorized place of use. Please see instructions on back.)

Kirby & Donna Gillespie

PO Box 71

Quinter KS 67752

REQUEST

The above listed owners request a:

[Complete only the sections that apply. Check only the boxes that apply. Fill in only the blanks that apply.]

A. REDUCTION IN AUTHORIZED MAXIMUM ANNUAL QUANTITY OF WATER.

It is requested that the maximum annual quantity of water be reduced to _____
(acre-feet or million gallons; circle one) per calendar year.

B. REDUCTION IN AUTHORIZED MAXIMUM RATE OF DIVERSION OF WATER.

It is requested that the maximum rate of diversion of water be reduced to _____ gallons per minute
(_____ c.f.s.).

Assisted by: jkb - STOCK FO

C. **REDUCTION IN THE SIZE OF THE AUTHORIZED PLACE OF USE OF WATER.**
(A reduction in place of use may result in a reduction of the authorized rate and quantity to reflect reasonable needs.)

It is requested that the authorized place of use be reduced to: NOTE: reduction in authorized P/U for irrigation to be processed in conjunction with Application for Change in P/U and UMW for File 16,436 filed June 8, 2017, and with Requests for Reduction in P/U for Files 23,307 & 45,632. Reduces irrigation P/U to 422.3 acres in correlation with the quantity to be converted to recreation use under File 16,436.

Owner of Land - NAME: Kirby & Donna Gillespie

ADDRESS: PO Box 71, Quinter, KS 67752

IRRIGATION USE

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		
7	11	26w																		275.35
18	11	26w	40	40	35.2	31.75														146.95

OR

NON IRRIGATION USE

Describe:

(If more space is needed, attach additional sheets as necessary.)

A copy of a topographic map is attached showing the place of use after the requested reduction.

D. **REDUCTION IN THE NUMBER OF POINTS OF DIVERSION AUTHORIZED.**
(A reduction in the point(s) of diversion may result in the reduction of the rate and quantity authorized by the amounts associated with those points of diversion.)

It is requested that the number of authorized points of diversion be reduced to: _____ located as follows:
 (No. of points of diversion) (wells, pumps, or other works for diversion of water)

One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas, and

One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(If more space is needed, attach additional sheets as necessary.)

A copy of a topographic map is attached, showing the location of the remaining point(s) of diversion after the requested reduction.

E. **REDUCTION IN THE TYPES OF BENEFICIAL USE AUTHORIZED.**

It is requested that the types of beneficial use of water be reduced to: _____.

I, the undersigned owner of this water right or permit declare that: (1) I am freely and voluntarily choosing to reduce the water right listed; and (2) I am waiving any rights to a hearing or an appeal that I may have had regarding the reduction of the water right listed.

I declare that I am an owner, as identified herein, or that I represent an owner, as identified herein, and am authorized to make this request on his or her behalf.

Dated at Quinter, Kansas, this 15th day of September, 2017.
(City) (Month) (Year)

Karby Gillespie
(Owner)

Donna Gillespie
(Spouse)

Kirby Gillespie
(Please Print)

Donna Gillespie
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

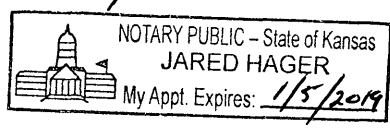
State of Kansas)
County of Gove) ss.

I hereby certify that the foregoing application was signed in my presence and sworn to before me this

15 day of September, 2017.
(Month) (Year)

Jared Hager
Notary Public

My Commission expires 1/5/2019



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SEP 18 2017

KS DEPT OF AGRICULTURE

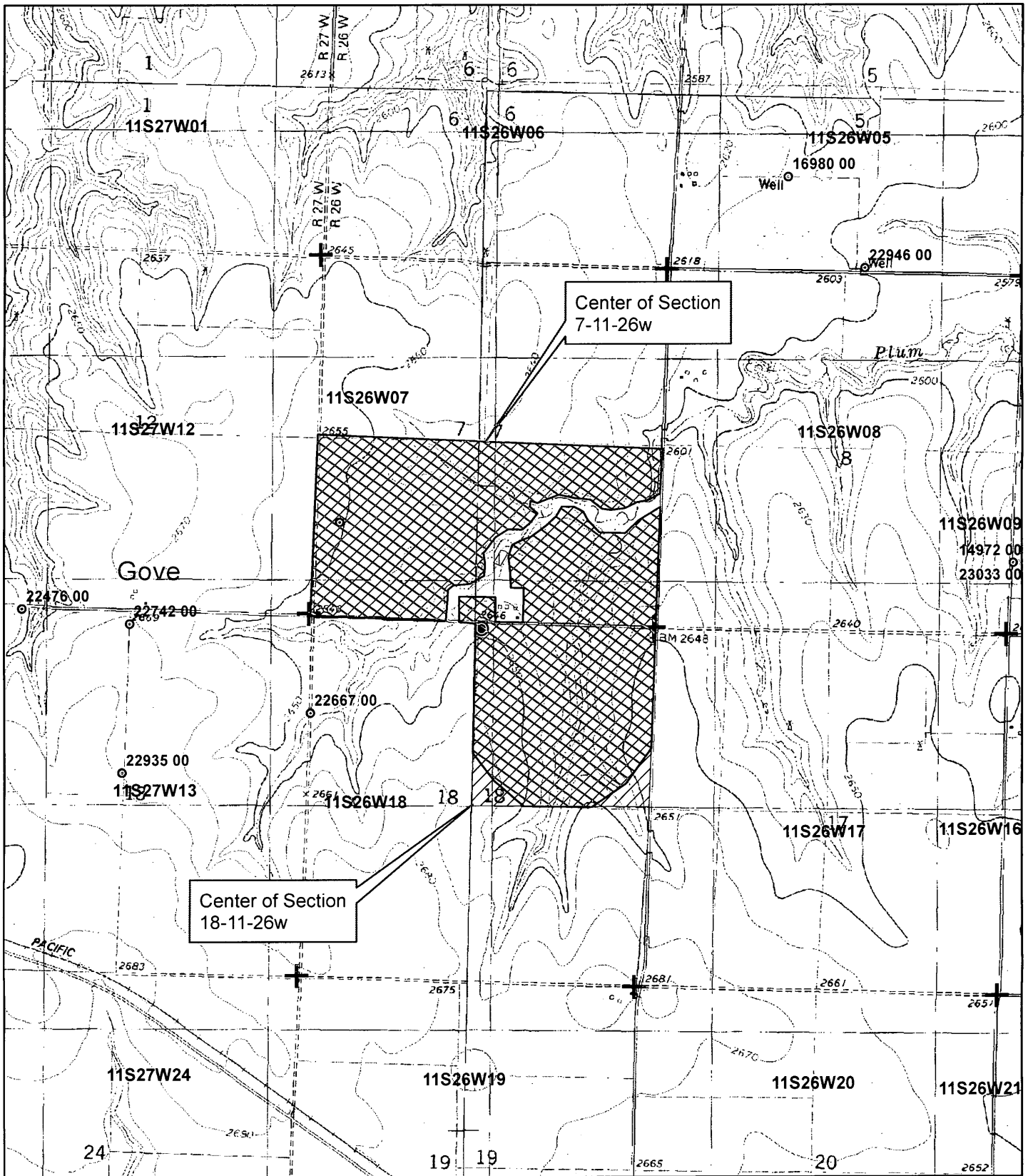
INSTRUCTIONS:

The request must be signed by each owner of the place of use authorized by the water right or permit and his or her spouse, if married. All water right or permit owners, including spouses, must sign this request for it to be valid. Unless the water right or permit has been legally severed from the authorized place of use, the owners of the water right or permit are the owners of the authorized place of use. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as owner until such time as the contract is completed.

In the event that all owners cannot sign together in front of one notary public, they may, as necessary, sign appropriate copies of the request in front of any notary public conveniently available to them. All copies signed in this manner shall be accepted as valid parts of the request.

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.

Request to Change the Place of Use and Use Made of Water, File No. 16,436



● Authorized Point of Diversion

Current place of use IRR

Proposed place of use IRR

Proposed place of use REC

With signature, replaces map submitted with
Application for Change in P/U & UMW,
File No. 16,436 filed June 8, 2017.

1:24,000

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SEP 18 2017

Kathy Gillespie
Signature

9-15-17
Date

KS DEPT OF AGRICULTURE

SCANNED

McColloch, Austin

From: Stewart, Kelly
Sent: Tuesday, October 10, 2017 3:41 PM
To: McColloch, Austin
Cc: Billinger, Mark; Hageman, Rebecca
Subject: RE: Recommendation Change App File No. 16,436

Austin,

With the new consumptive use regulations becoming effective in September, I think we need to change your memo to reflect how those calculations would be now.

Step 1: $388 \text{ acre-feet} \times .876 = 336$ max that could be converted
Step 2: $10.33/336 = .03$ or 3%
Step 3: $.97 \times 388 = 376$ acre-feet to be retained for irrigation

Fortunately, in this case, the numbers don't change.

Other than that, I have no objection to the approval of the change application.

Kelly

From: McColloch, Austin
Sent: Tuesday, October 10, 2017 11:36 AM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>
Subject: RE: Recommendation Change App File No. 16,436

There was an error on my memo regarding the remaining AF/acre. Attached is corrected memo. Sorry.

Austin McColloch
Environmental Scientist
Ph: (785) 564-6643

From: McColloch, Austin
Sent: Tuesday, October 10, 2017 11:25 AM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>
Subject: Recommendation Change App File No. 16,436

Kelly and Mark,

Attached is my draft memo for the Change in PU & UMW under Water Right, File No. 16,436 submitted by Kirby & Donna Gillespie. Included with the change app are reduction in PU requests for File Nos. 16,436; 23,307 & 45,632. Let me know if you have any question.

Thanks,

Austin McColloch
Environmental Scientist
Ph: (785) 564-6643



**NORTHWEST KANSAS
GROUNDWATER MANAGEMENT
DISTRICT NO. 4**

1290 West 4th Street
P.O. Box 905
Colby, Kansas 67701-0905

WATER RESOURCES
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OCT 12 2017

KS DEPT OF AGRICULTURE

October 9, 2017

Austin McColloch
Division of Water Resources
1320 Research Park Drive
Manhattan KS 66502

RE: Applications: 16,436; 23,307; 45,632
Kirby Gillespie

Dear Austin

The Northwest Kansas Groundwater Management District has reviewed the above referenced application and based on our records and the information supplied by the applicant, we have determined that the following recommendations be made to the Chief Engineer:
If you have any questions, please contact this office.

Approve application(s)

Sincerely,

Ray Luhman
Manager

RPL: rw

SCANNED

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

October 3, 2017

FILE COPY

GROUNDWATER MANAGEMENT DISTRICT NO 4
1290 W. 4TH STREET
COLBY KS 67701

Re: Change Application,
File No. 16,436

Dear Sir or Madam:

We are enclosing a copy of the referenced application, which was submitted by Kirby & Donna Gillespie, and appears to be in proper form, for your review.

Included with the change application are three requests to reduce a portion of an existing water right for File Nos. 16,436; 23,307 & 45,632. These requests were filed per K.A.R. 5-5-10 to reduce the place of use in proportion with the annual quantity retained for irrigation, and to maintain a complete overlap in place of use with all files.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning these applications. Please submit your recommendations within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (785) 564-6643. If you wish to discuss a specific file, please have the file number ready to that I may help you more efficiently.

Sincerely,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosure
pc: Stockton Field Office

SCANNED

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

FILE COPY

KIRBY & DONNA GILLESPIE
PO BOX 71
QUINTER, KS 67752

June 8, 2017

RE: File No 16436

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU/UMW
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Brent A. Tourney".

Brent Tourney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: STOCKTON Field Office GMD4