

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

Document Signature \_\_\_\_\_

1. File Number: <b>29919</b>	2. Status Change Date: <i>5/23/2017</i>	3. Change Num: <b>C1</b>	4. Field Office: <b>03</b>	5. GMD:
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: <b>17-APR-2017</b>
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8a. Applicant(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID <b>63610</b> Add Seq# <u>1</u>  <b>MIDWAY DEVELOPMENT LLC</b> <b>PO BOX 504 1108 N INDEPENDENCE</b> <b>BELOIT KS 67420</b>	8c. Landowner(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
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8b. Landowner(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID <b>63610</b> Add Seq# <u>1</u>  <b>MIDWAY DEVELOPMENT LLC</b> <b>PO BOX 504 1108 N INDEPENDENCE</b> <b>BELOIT KS 67420</b>	8d. WUC <input type="checkbox"/> New to system <input type="checkbox"/> Person ID <b>63610</b> Add Seq# <u>1</u>  <b>NO CHANGE</b>  <b>MIDWAY DEVELOPMENT LLC</b> <b>PO BOX 504 1108 N INDEPENDENCE</b> <b>BELOIT KS 67420</b>
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9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: 12/31/17     N & P Date to Comply: 12/31/17

Anti-Reverse Meter     Meter Seal     Check Valve     N & P Form     Water Tube     Driller Copy     H & E Letter

Conservation Plan    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

10. Use Made of Water    From: \_\_\_\_\_    To: \_\_\_\_\_

Date Prepared: **05/18/17**    By: **RAK**  
 Date Entered: *5/24/2017*    By: *UM*

File No. **29919**      11. County: **MC**      Basin: **SOLOMON RIVER**      Stream: *Solomon River*      Formation Code:      Special Use:

12. Points of Diversion										Rate and Quantity					
MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate gpm	Quantity AF	Rate gpm	Quantity AF	Overlap PD Files
DEL	46549	NW¼ SW¼ NW¼		32	7	6W	2	3610	5010						NO
AUTH QTY 98 OVLP GLEN ELDER IRR DIST 8															
ENT	<i>80145</i>	SE¼ NE¼ SE¼		31	7	6W		1860	630		1550 gpm	98 AF	1550 gpm	98 AF	NO
ADD PD COMMENT AUTH QTY 98 OVLP GLEN ELDER IRR DIST 8															

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. **KEEP** Limitation: **182AF/YR COM/W 24324**  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

15. 5YR Allocation: Allocation Type \_\_\_\_\_ Start Year \_\_\_\_\_ 5 YR Amount \_\_\_\_\_ Amount Unit \_\_\_\_\_ Base Acres \_\_\_\_\_ Comment \_\_\_\_\_

16. Place of Use	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
MOD ✓ DEL ENT PUSE S T R ID																				
<b>NO CHANGES to PU</b>																				

Comments:

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**M E M O R A N D U M**

**TO:** Files

**DATE:** May 18, 2017

**FROM:** Richelle A. Krueger

**RE:** Water Right  
File No. 29,919

Dennis Lutgen, on behalf of Midway Development, L.L.C., owner of the referenced file number, filed an application for approval to change the point of diversion for File No. 29,919. The referenced file number is authorized surface water from Solomon River for irrigation use.

The water right does not appear abandoned as per K.S.A. 82a-718.

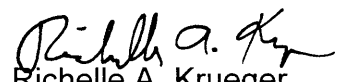
File No. 29,919 is authorized 98 acre-feet from one pumpsite for irrigation of 121 acres in Sections 31 and 32, Township 7 South, Range 6 West, Mitchell County. WRIS indicates the file is limited to 182 acre-feet when combined with Glen Elder Irrigation District No. 8 water (File No. 24,324). The referenced file number has no other overlaps in the authorized point of diversion or place of use. The water right owner proposes to move the authorized point of diversion approximately 3,900 feet downstream to a pumpsite located 1,860 feet North and 630 feet West of the Southeast corner of the aforementioned Section 31. It appears that the same local source of supply will not change. There are two pumpsites authorized by Water Right, File Nos. 5,534 and 9,173 located between the presently authorized and proposed pumpsite locations. There is also a third pumpsite authorized by File Nos. 5,534 and 9,173 downstream of the proposed pumpsite location.

Nearby landowners located one-half (1/2) mile upstream and downstream from land owned or controlled by the applicant were notified of the proposed changes in point of diversion by letters dated April 25, 2017; no comments have been received as of today's date.

In a May 18, 2017 e-mail, Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated that he has no objections to approval of the application.

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 changes are 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 referenced application be approved.

  
Richelle A. Krueger  
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

May 25, 2017

MIDWAY DEVELOPMENT LLC  
ATTN DENNIS LUTGEN  
PO BOX 504 1108 N INDEPENDENCE  
BELOIT KS 67420

**FILE COPY**

RE: Water Right, File No. 29,919

Dear Mr. Lutgen:

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.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

Since the order for the referenced file number modifies the original document referred to above it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Brent A. Turney".

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

Enclosures

pc: Stockton Field Office



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN  
POINT OF DIVERSION  
WATER RIGHT  
FILE NO. 29,919**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Dennis Lutgen, on behalf of Midway Development, L.L.C., 1108 North Independence, Box 504, Beloit, Kansas, 67420, received in this office on April 17, 2017, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, 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 the authorized location of the point of diversion shall be:

one (1) pumpsite located in the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 31, more particularly described as being near a point 1,860 feet North and 630 feet West of the Southeast corner of said section,

in Township 7 South, Range 6 West, Mitchell County, Kansas,

located substantially as shown on the map accompanying the application to change the point of diversion.

Installation of the works for diversion of water shall be completed on or before December 31, 2017, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

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. 29,919, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated February 8, 1993.

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.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

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 23rd day of May, 2017, in 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 23rd day of May, 2017, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson  
Notary Public

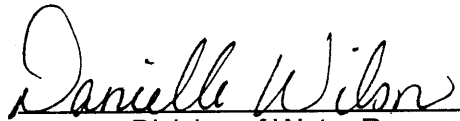
### CERTIFICATE OF SERVICE

On this *25<sup>th</sup>* day of *May*, *2017*, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 29,919, dated *May 23<sup>rd</sup>, 2017* was mailed postage prepaid, first class, US mail to the following:

MIDWAY DEVELOPMENT LLC  
PO BOX 504 1108 N INDEPENDENCE  
BELOIT KS 67420

With photocopies to:

Stockton Field Office

  
\_\_\_\_\_  
Division of Water Resources

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APR 05 2017

1:07

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KS DEPT OF AGRICULTURE



State of Kansas

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APR 17 2017

11:24

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Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS 66502  
[www.ksda.gov/dwr](http://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. 29919

2. Name of applicant: Midway Development, LLC

Address: 1108 North Independence, Box 504

City, State and Zip: Beloit, KS 67420

Phone Number: (785)738-2422 E-mail address: dennis@gomidway.com

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): \_\_\_\_\_

The change in point of diversion is to facilitate a change in the configuration to the center pivot irrigation system on the property.

The change(s) will be completed by December 31<sup>st</sup>, 2018 (Date)

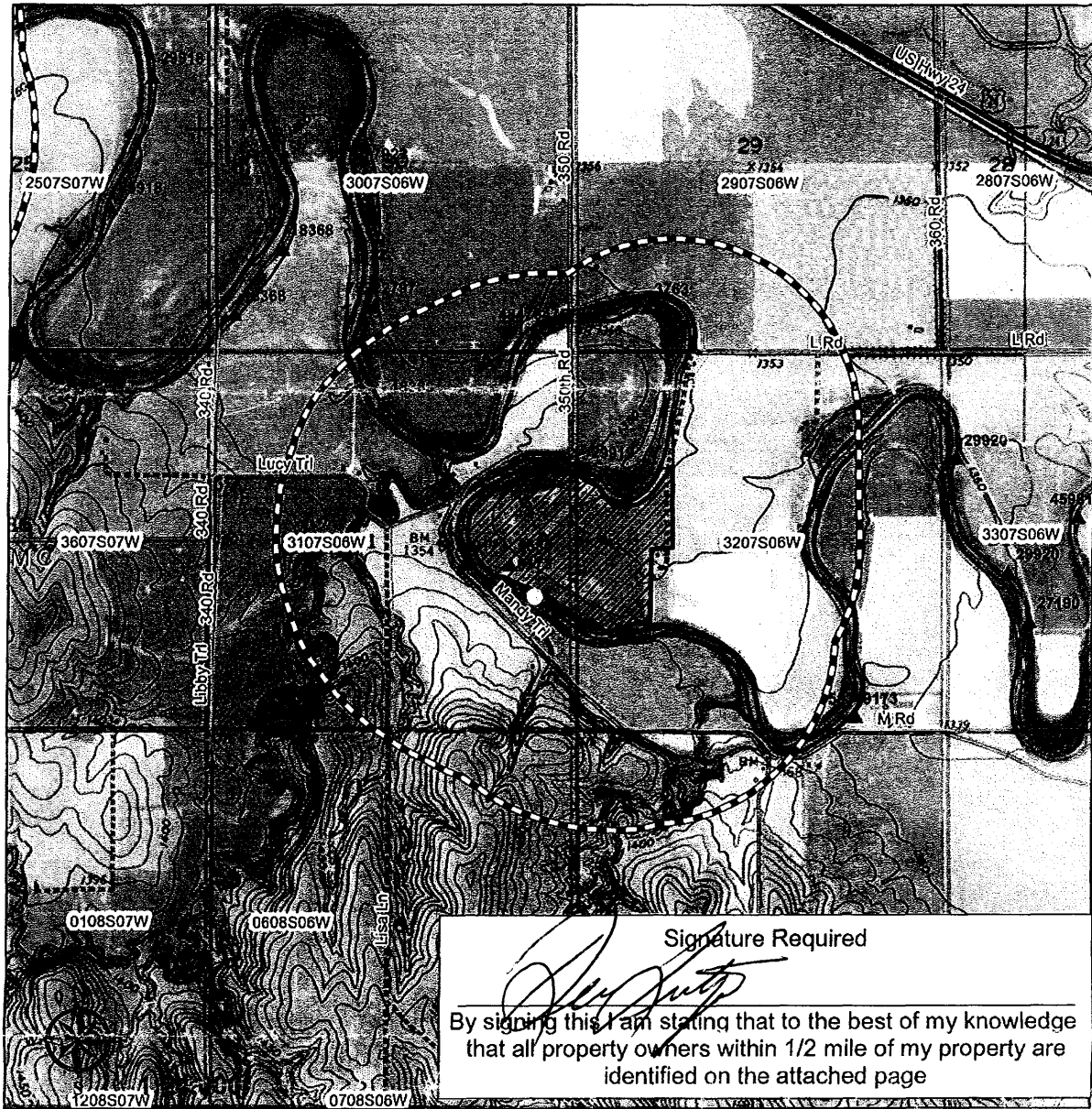
For Office Use Only:					
F.O. Code	<u>3</u>	<u>AMD</u>	Meets K.A.R. 5-5-1 (YES/NO)	Use	<u>IRR</u>
	<u>0</u>	<u>0</u>	<u>YES</u>	Source	<u>G</u>
	<u>0</u>	<u>0</u>		County	<u>MC</u>
	<u>0</u>	<u>0</u>		By	<u>AW</u>
	<u>0</u>	<u>0</u>		Date	<u>4/17/17</u>
	<u>0</u>	<u>0</u>	Fee \$	<u>200</u>	TR #
	<u>0</u>	<u>0</u>		Receipt Date	<u>4/17/17</u>
	<u>0</u>	<u>0</u>		Check #	<u>91037</u>

5 15 17  
RAK








4/18/2017 UM SCANNED



Application to Change the Point of Diversion  
For Water Right File # 29919



Signature Required  
*[Signature]*  
 By signing this I am stating that to the best of my knowledge that all property owners within 1/2 mile of my property are identified on the attached page

-  Authorized Place of Use
-  Property Line
-  1/2 mile radius
-  Surface Water Point of Diversion
-  Groundwater Point of Diversion
-  Current Point of Diversion
-  Proposed Point of Diversion

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Landowners within ½ Mile of Water Right File No. 29919 Proposed Change in Point of Diversion

Leonard W. Wood Trust #2  
Mary Wood Beaty Trust B  
121 Overhill Rd  
Salina, KS 67401

Sandra Jean Strawn Revocable Trust  
1561 HWY K  
Hartford, WI 53207

53021

LMH LLC  
1243 Lori Lane  
Beloit, KS 67420

Mary K Eilert Trust #1  
3003 D Rd  
Beloit, KS 67420

Ted Hedrick Trust #1 Et al  
Attn: Larrk Hedrick  
3883 L Rd  
Beloit, KS 67420

Carolyn & Allan Harms  
1040 E Madapalla Court  
Derby, KS 67037

Daniel Brummer  
3532 L Road  
Beloit, KS 67420

Ronald J. Eilert Trust #1  
Bernice Eilert Trust #1  
12 Supple Ave  
Beloit, KS 67420

Eric and Melinda Hilt  
710 N Hersey  
Beloit, KS 67420

Dorothy D. Wilson Trust  
3581 Mandy Tr.  
Beloit, KS 67420

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4. The presently authorized place of use is:

Owner of Land — NAME: Midway Development, LLC

ADDRESS: 1108 North Independence, Box 504, Beloit, KS 67420

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		
31	07S	06W			06	26										25	04			61
32	07S	06W							25				35							60

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: \_\_\_\_\_

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. \_\_\_\_\_

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 MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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6. The presently authorized point(s) of diversion is 1 surface water pumpsite  
(Provide description and number of points)

7. The proposed point(s) of diversion is 1 surface water pumpsite  
(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 SW Quarter of the NW Quarter of Section 32, Township 07 South, Range 06 W, in Mitchell County, Kansas, 3610 feet North 5010 feet West of Southeast corner of section. Authorized Rate 1550 gpm Authorized Quantity 98 AF  
 (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 SE Quarter of the NE Quarter of the SE Quarter of Section 31, Township 07S South, Range 06 W, in Mitchell County, Kansas, 1860 feet North 630 feet West of Southeast corner of section. Proposed Rate 1550 gpm Proposed Quantity 98 AF  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

9. **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 \_\_\_\_\_

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 \_\_\_\_\_

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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12. The presently authorized use of water is for Irrigation purposes.  
It is proposed that the use be changed to NA purposes.

13. If changing the place of use and/or use made of water, describe how the 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 NA (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to NA 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.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.  
\_\_\_\_\_

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

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**APR 17 2017**

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**WATER RESOURCES  
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**APR 05 2017**

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**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.

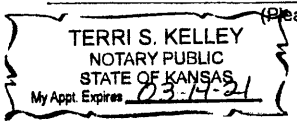
If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

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 Beloit, Kansas, this 31<sup>st</sup> day of March, 2017.

<u>[Signature]</u> (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
<u>Dennis Lotzer, Midway Development LLC</u> (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)

State of Kansas }  
County of Mitchell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 31<sup>st</sup> day of March, 2017.

My Commission Expires 03-14-2021  
[Signature]  
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.

WATER RESOURCES RECEIVED

APR 17 2017

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

APR 05 2017 UNACCEPTABLE FOR PRIORITY

KS DEPT OF AGRICULTURE

SCANNED

## Krueger, Richelle

---

**From:** Stewart, Kelly  
**Sent:** Thursday, May 18, 2017 2:07 PM  
**To:** Krueger, Richelle  
**Subject:** Re: Request for Recommendation Change in PD File No. 29919 Dennis Lutgen Midway Development LLC

Lol. I meant no objection.

Sent from my iPhone

On May 18, 2017, at 1:03 PM, Krueger, Richelle <[Richelle.Krueger@ks.gov](mailto:Richelle.Krueger@ks.gov)> wrote:

Hi Kelly,  
Did you really mean you have no objection to approval, I just now re-read this...  
Richelle

---

**From:** Stewart, Kelly  
**Sent:** Thursday, May 18, 2017 9:37 AM  
**To:** Krueger, Richelle <[Richelle.Krueger@ks.gov](mailto:Richelle.Krueger@ks.gov)>  
**Cc:** Billinger, Mark <[Mark.Billinger@ks.gov](mailto:Mark.Billinger@ks.gov)>; Hageman, Rebecca <[Rebecca.Hageman@ks.gov](mailto:Rebecca.Hageman@ks.gov)>  
**Subject:** Re: Request for Recommendation Change in PD File No. 29919 Dennis Lutgen Midway Development LLC

Richelle,

I have objection to the approval of this application.

Kelly

Sent from my iPhone

On May 18, 2017, at 7:28 AM, Krueger, Richelle <[Richelle.Krueger@ks.gov](mailto:Richelle.Krueger@ks.gov)> wrote:

Hi Kelly,  
Attached is a draft memo for the referenced change in pd, do you recommend approval?  
Thanks,  
Richelle

<29919surfmovePDdownstreambelowotherrightsmem.docx>

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

April 25, 2017

LEONARD W WOOD TRUST #2  
MARY WOOD BEATY TRUST B  
121 OVERHILL RD  
SALINA KS 67401

**FILE COPY**

RE: Water Right  
File No. 29,919

Dear Sir or Madam:


This is to advise you that Dennis Lutgen, on behalf of Midway Development, L.L.C., has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced file number. The application proposes the following change in the point of diversion.

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Sincerely,

  
Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

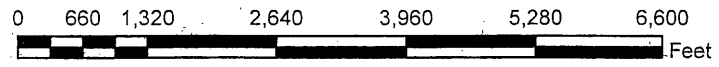
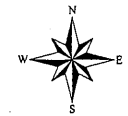
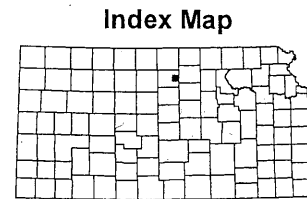
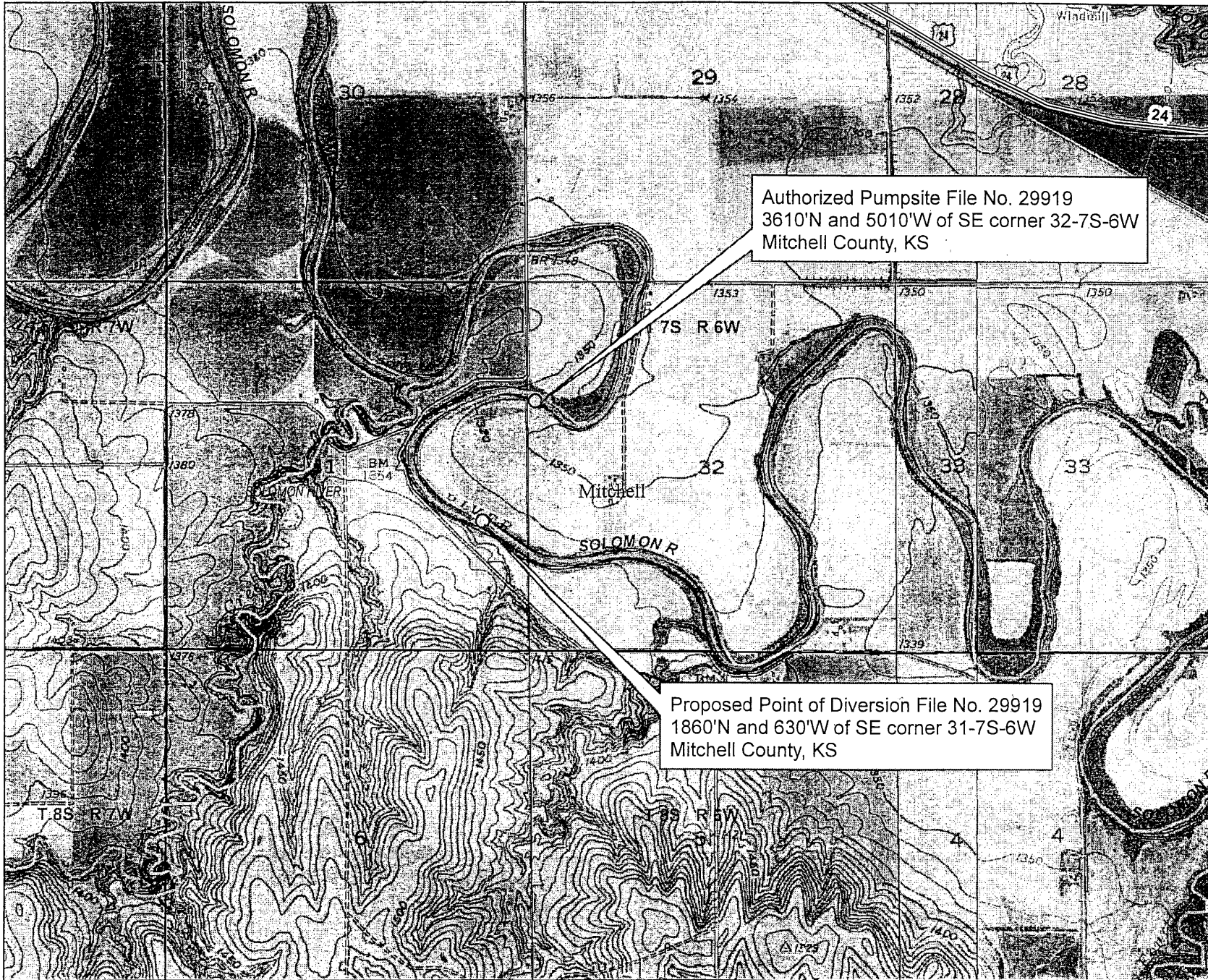
RAK

pc: Stockton Field Office  
Dennis Lutgen, Midway Development L.L.C.

SCANNED



# Application to Change the Point of Diversion File No. 29919



1:24,000

This map was created by WIMAS on 4/24/2017 10:22:19 AM

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

April 25, 2017

LMH LLC  
1243 LORI LANE  
BELOIT KS 67420

**FILE COPY**

RE: Water Right  
File No. 29,919

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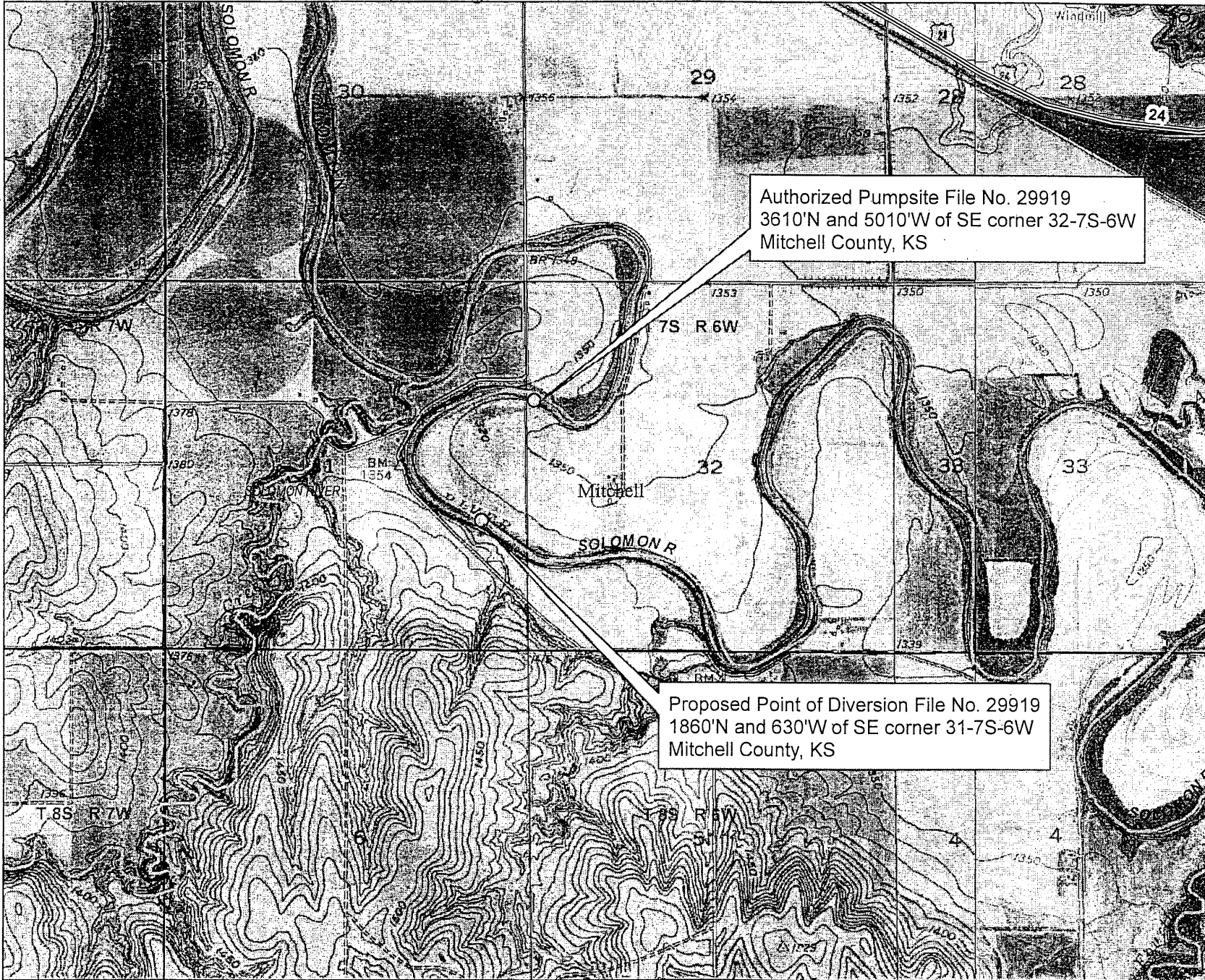
  
Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stockton Field Office  
Dennis Lutgen, Midway Development L.L.C.

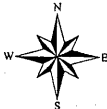
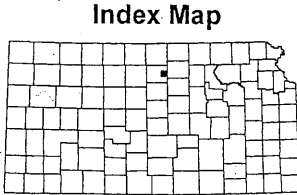
SCANNED

# Application to Change the Point of Diversion File No. 29919

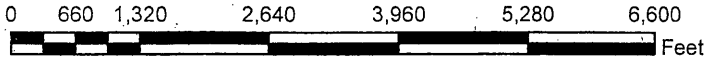


Authorized Pumpsite File No. 29919  
3610'N and 5010'W of SE corner 32-7S-6W  
Mitchell County, KS

Proposed Point of Diversion File No. 29919  
1860'N and 630'W of SE corner 31-7S-6W  
Mitchell County, KS



1:24,000



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

Jackie McClaskey, Secretary

Governor Sam Brownback

April 25, 2017

MARY K EILERT TRUST #1  
3003 D RD  
BELOIT KS 67420

RE: Water Right  
File No. 29,919

**FILE COPY**

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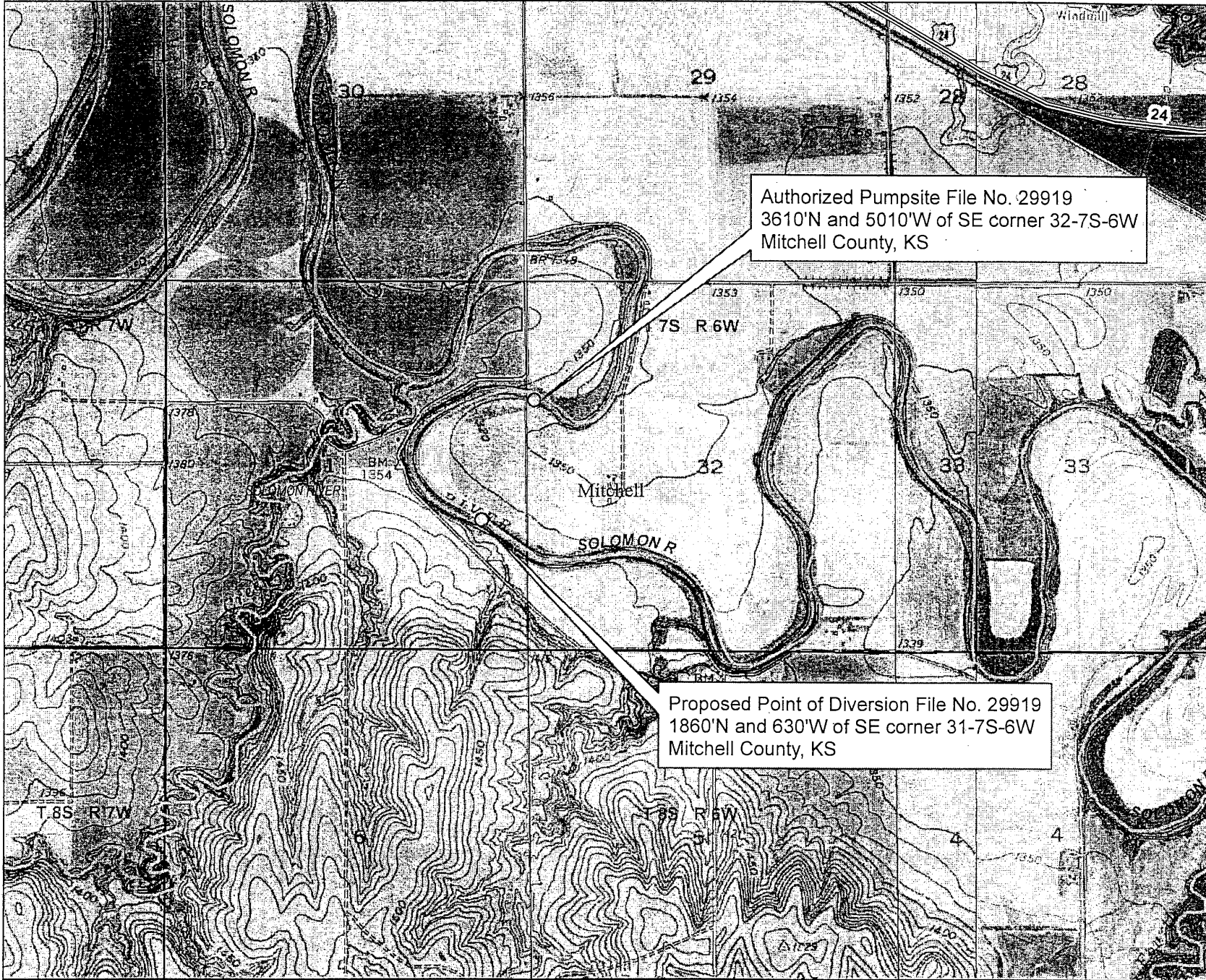
Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

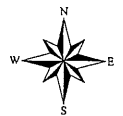
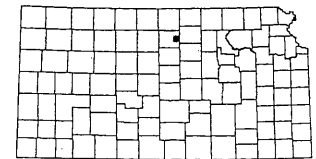
pc: Stockton Field Office  
Dennis Lutgen, Midway Development L.L.C.

SCANNED

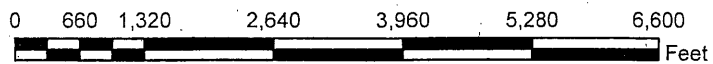
# Application to Change the Point of Diversion File No. 29919



Index Map



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

Jackie McClaskey, Secretary

Governor Sam Brownback

April 25, 2017

**FILE COPY**

TED HEDRICK TRUST #1 ETAL  
ATTN LARRY HEDRICK  
3883 L RD  
BELOIT KS 67420

RE: Water Right  
File No. 29,919

Dear Sir or Madam:

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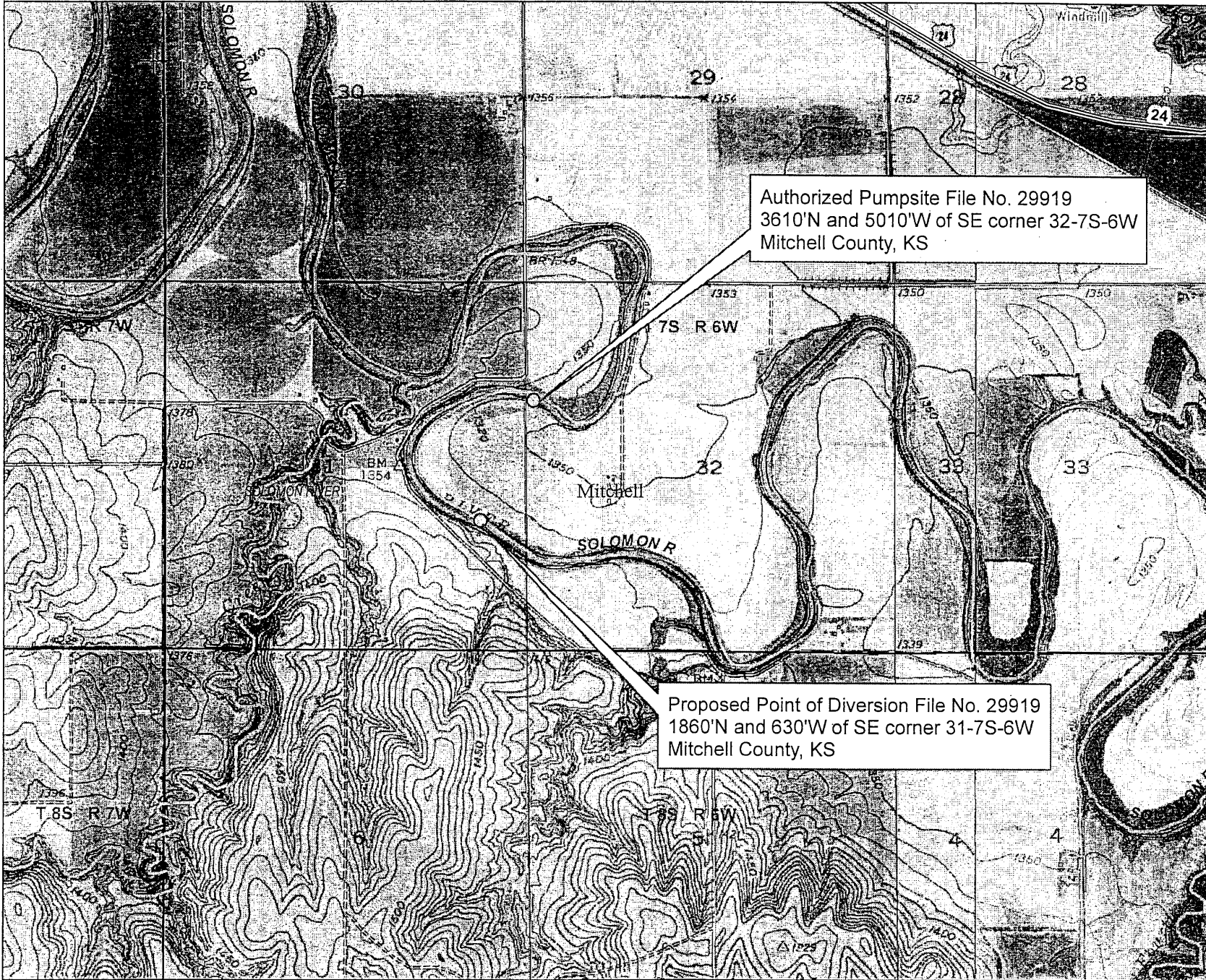
Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

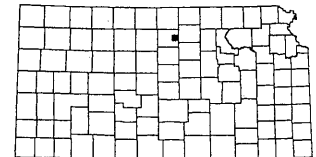
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**SCANNED**

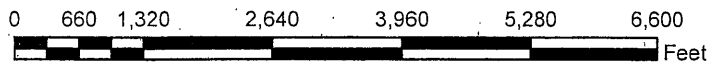
# Application to Change the Point of Diversion File No. 29919



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(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

April 25, 2017

**FILE COPY**

CAROLYN AND ALLAN HARMS  
1040 E MADAPALLA COURT  
DERBY KS 67037

RE: Water Right  
File No. 29,919

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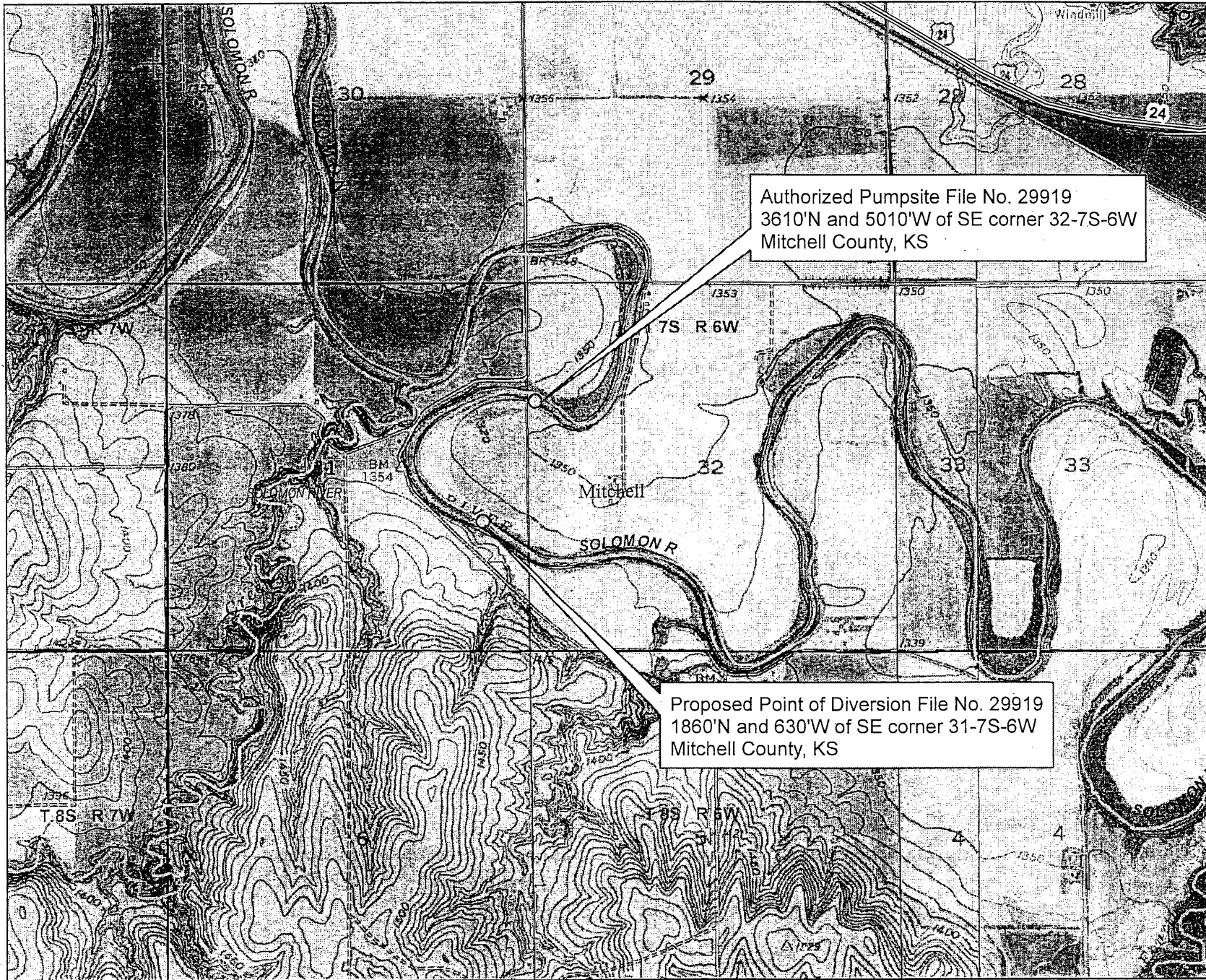
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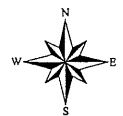
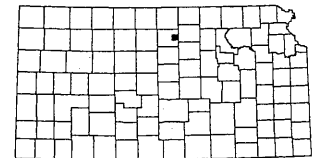
SCANNED



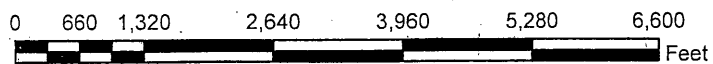
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(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

April 25, 2017

DANIEL BRUMMER  
3532 L ROAD  
BELOIT KS 67420

**FILE COPY**

RE: Water Right  
File No. 29,919

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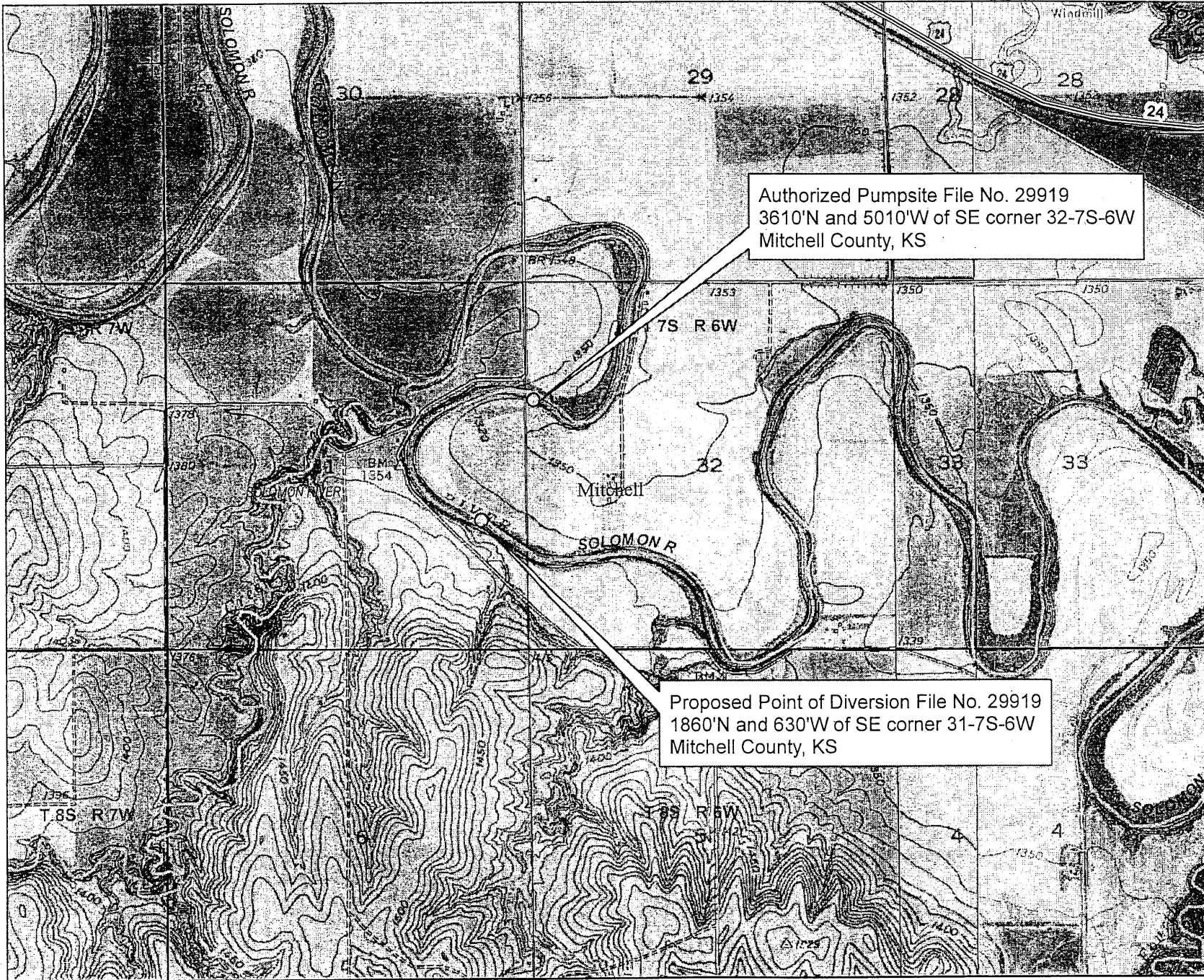
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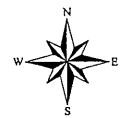
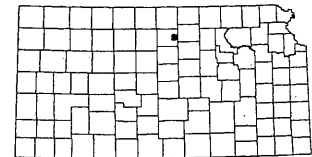
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SCANNED

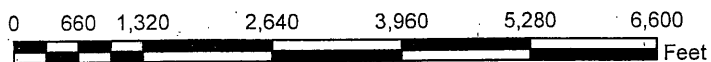
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Jackie McClaskey, Secretary

Governor Sam Brownback

April 25, 2017

RONALD J EILERT TRUST #1  
BERNICE EILERT TRUST #1  
12 SUPPLE AVE  
BELOIT KS 67420

RE: Water Right  
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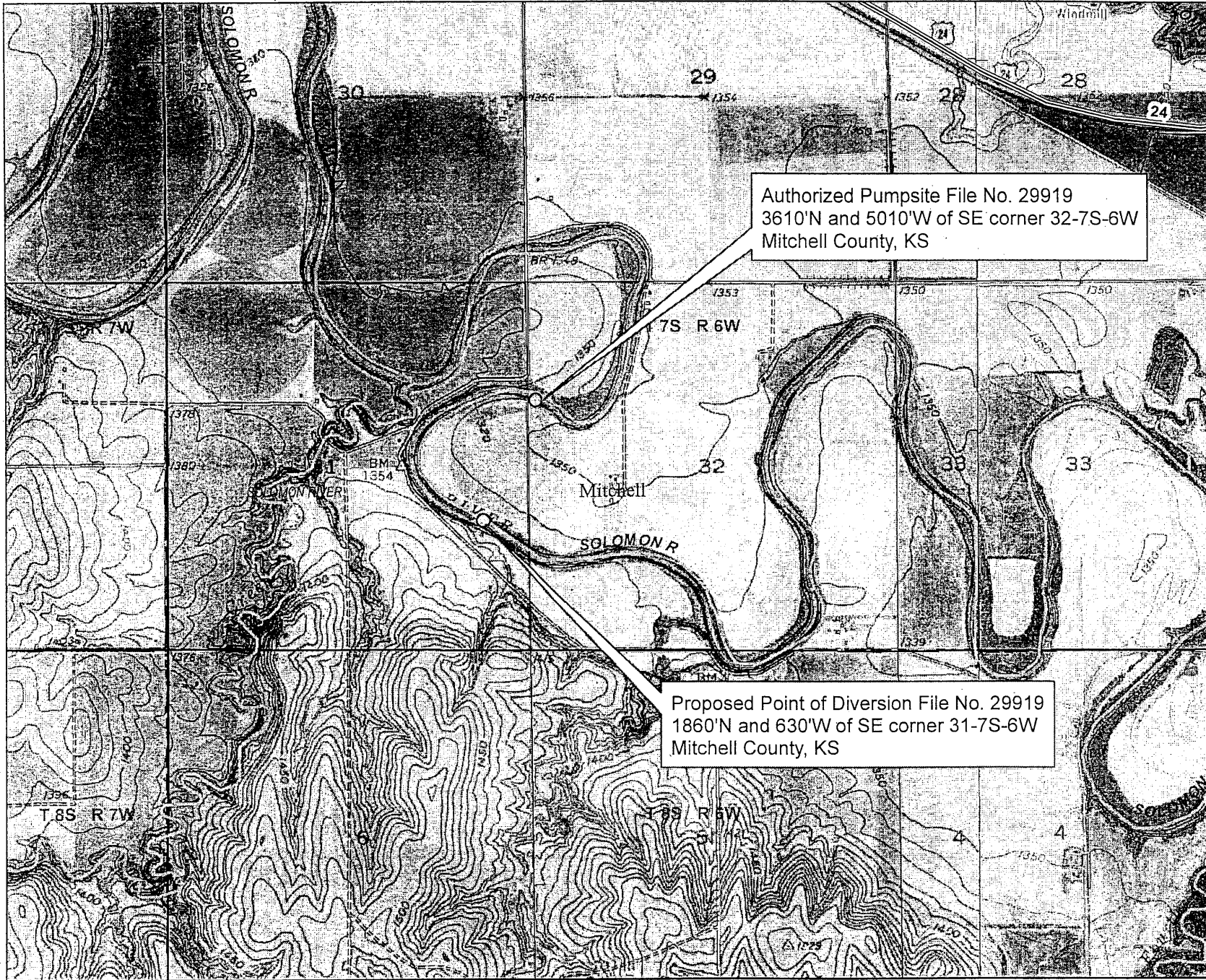
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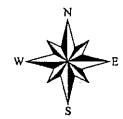
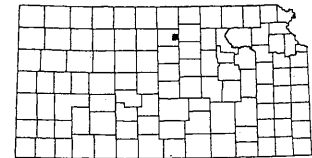
pc: Stockton Field Office  
Dennis Lutgen, Midway Development L.L.C.

SCANNED

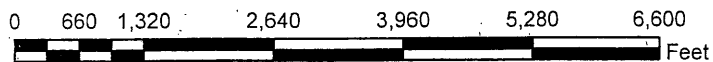
# Application to Change the Point of Diversion File No. 29919



Index Map



1:24,000



This map was created by WIMAS on 4/24/2017 10:22:19 AM



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

April 25, 2017

**FILE COPY**

ERIC AND MELINDA HILT  
710 N HERSEY  
BELOIT KS 67420

RE: Water Right  
File No. 29,919

Dear Sir or Madam:

This is to advise you that Dennis Lutgen, on behalf of Midway Development, L.L.C., has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced file number. The application proposes the following change in the point of diversion.

- from: one (1) pumpsite located in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 32, more particularly described as being near a point 3,610 feet North and 5,010 feet West of the Southeast corner of said section, in Township 7 South, Range 6 West, Mitchell County, Kansas,
- to: one (1) pumpsite located in the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 31, more particularly described as being near a point 1,860 feet North and 630 feet West of the Southeast corner of said section, in Township 7 South, Range 6 West, Mitchell County, Kansas.

A map is on the reverse of this letter for your information. You are being notified of this proposed change in the point of diversion so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact me at (785) 564-6635 or Brent Turney, Change Application Unit Supervisor 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,

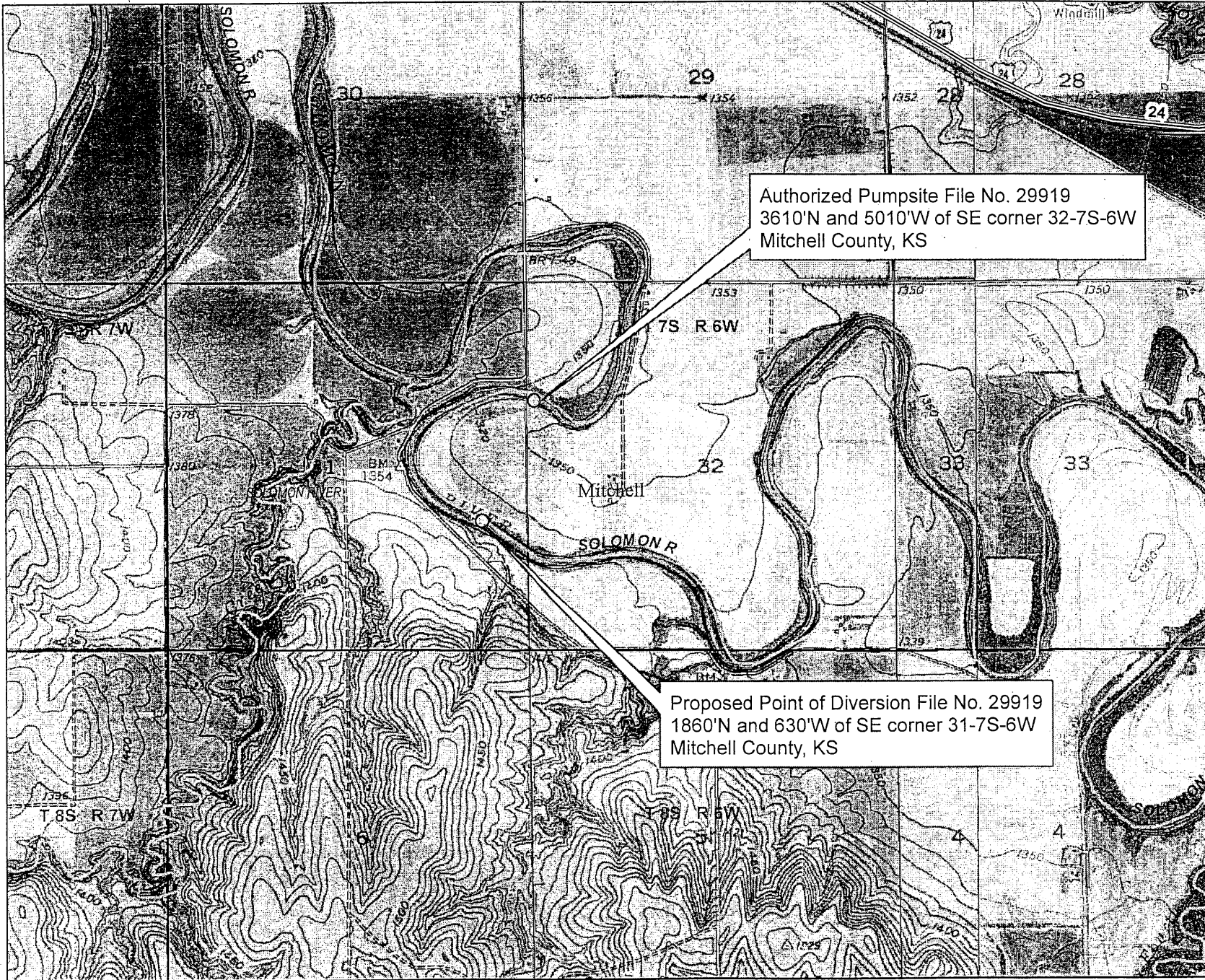
Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stockton Field Office  
Dennis Lutgen, Midway Development L.L.C.

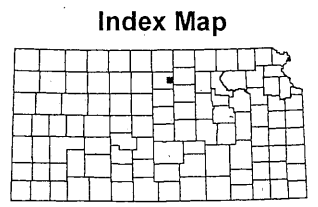
SCANNED

# Application to Change the Point of Diversion File No. 29919

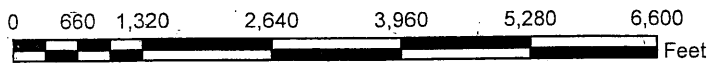


Authorized Pumpsite File No. 29919  
3610'N and 5010'W of SE corner 32-7S-6W  
Mitchell County, KS

Proposed Point of Diversion File No. 29919  
1860'N and 630'W of SE corner 31-7S-6W  
Mitchell County, KS



1:24,000



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Manhattan, Kansas 66502  
(785) 564-6700



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

Jackie McClaskey, Secretary

Governor Sam Brownback

April 25, 2017

DOROTHY D WILSON TRUST  
3581 MANDY TR  
BELOIT KS 67420

**FILE COPY**

RE: Water Right  
File No. 29,919

Dear Sir or Madam:

This is to advise you that Dennis Lutgen, on behalf of Midway Development, L.L.C., has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced file number. The application proposes the following change in the point of diversion.

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Sincerely,

A handwritten signature in black ink, appearing to read "Richelle A. Krueger".

Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

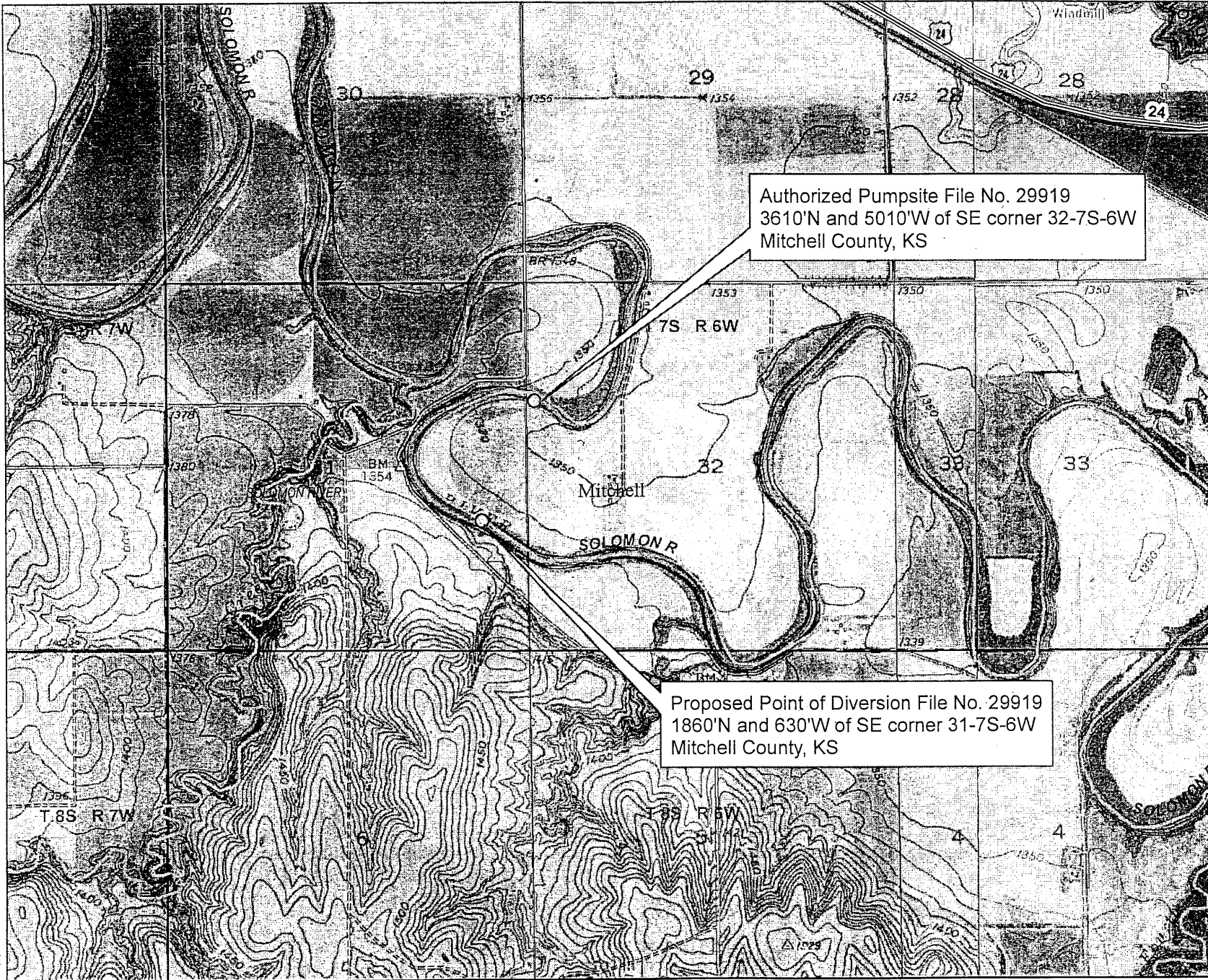
RAK

pc: Stockton Field Office  
Dennis Lutgen, Midway Development L.L.C.

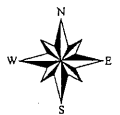
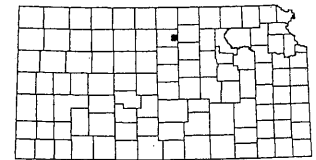
SCANNED



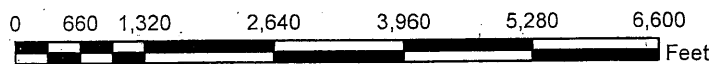
# Application to Change the Point of Diversion File No. 29919



Index Map



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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

April 25, 2017

**FILE COPY**

SANDRA JEAN STRAWN REVOCABLE TRUST  
1561 HWY K  
HARTFORD WI 53027

RE: Water Right  
File No. 29,919

Dear Sir or Madam:

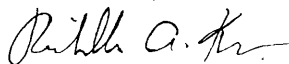
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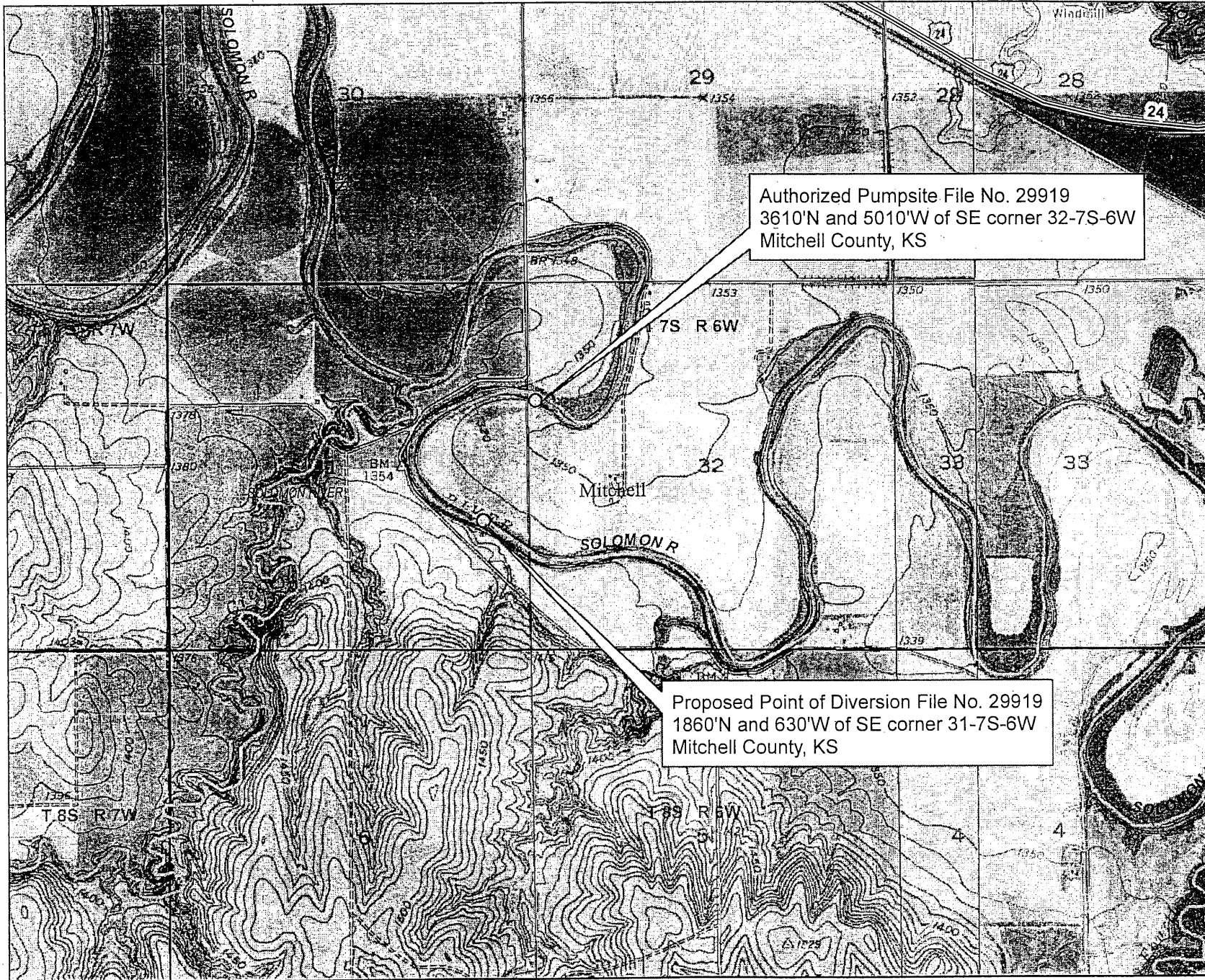
  
Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

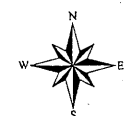
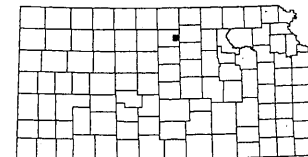
pc: Stockton Field Office  
Dennis Lutgen, Midway Development L.L.C.

SCANNED

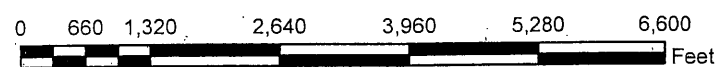
# Application to Change the Point of Diversion File No. 29919



Index Map



1:24,000



This map was created by WIMAS on 4/24/2017 10:22:19 AM

## Krueger, Richelle

---

**From:** Stewart, Kelly  
**Sent:** Friday, April 21, 2017 8:05 AM  
**To:** Krueger, Richelle  
**Cc:** Billinger, Mark; Turney, Brent  
**Subject:** RE: question change in pd surface water File No. 29919 Dennis Lutgen Midway Development LLC

Richelle,

I do not have a problem with that.

Kelly

---

**From:** Krueger, Richelle  
**Sent:** Thursday, April 20, 2017 5:17 PM  
**To:** Stewart, Kelly <Kelly.Stewart@ks.gov>  
**Cc:** Billinger, Mark <Mark.Billinger@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>  
**Subject:** question change in pd surface water File No. 29919 Dennis Lutgen Midway Development LLC

Hi Kelly,

Dennis Lutgen just called anxious for us to get started on this surface water application, which we just officially received 4-17-17. Looks like he wants to move the pumpsite below (downstream) of senior right File Nos. 5534 and 9173, apparently owned by someone else. This is in Mitchell County, southeast of Beloit on the Solomon River. Question: do you have a problem with them moving a junior pumpsite below (downstream) of senior priority pumpsites?

Thanks,  
Richelle

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

April 11, 2017

MIDWAY DEVELOPMENT LLC  
1108 NORTH INDEPENDENCE BOX 504  
BELOIT KS 67420

Re: Unacceptable Application

Dear Sir or Madam:

Returned herewith is your Application for Approval to Change the Place of Use, the Point of Diversion or the Use Made of Water Under an Existing Water Right received by the Division of Water Resources on April 5, 2017. This application is not acceptable for filing in its present form.

The required fee as stated as stated on the bottom of the signature page of the application was not included. Therefore, we find it necessary to return the application to you. Upon submitting the application to this office with the required fee, it will be further examined and processed. Based on the information received, \$200 is needed for the filing fee.

Upon return of the acceptable application with required original signatures and information, it will be assigned a priority based upon the date and time it is received in the office of the Chief Engineer. If you have any questions, please contact me at (785) 564-6631 or [alex.whitesell@ks.gov](mailto:alex.whitesell@ks.gov).

Sincerely,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

enclosure

WATER RESOURCES  
RECEIVED  
APR 17 2017  
KS DEPT OF AGRICULTURE

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

April 18, 2017

**FILE COPY**

MIDWAY DEVELOPMENT, LLC  
1108 NORTH INDEPENDENCE, BOX504  
BELOIT, KS 67420

RE: File No. 29919

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 PD
- 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. Turney".

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

BAT: DLW  
pc: STOCKTON Field Office GMD