

Kansas Department of Agriculture / Division of Water Resources
Stockton Field Office

TO: HEADQUARTERS

RE Vested Right; Water Right; Appropriation of Water; Application

File No(s). 10,373; 23,631; 26,306 County DC

Enclosed are the following checked items:

A _____ FIR Full Partial Inspection Return to Field Office

Proposed Certificate to deliver to Certificate Unit

Meter Order: GMD#4

Lower Smoky

Other _____

A Compliance Check Inspection on _____

Meter Install New App Chg App Other _____

In Compliance Not in Compliance, why _____

Modify Point of Diversion No Yes, document attached

Indicate all overlapping p/d files _____

An application and judgment sheet with recommendation.

A memorandum dated _____

A request for an extension of time to perfect or complete.

A verified report.

A closure request.

A field investigation report.

Notice of Non-Compliance _____

Violation

Date

An ownership change (name(s) and address(es) below).

A water use report for _____

A letter dated _____

A copy of an Approval to Change the place of use and/or point of diversion,

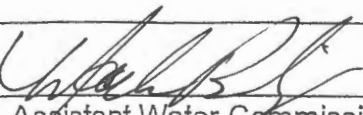
Filing Fee attached. # 1001

\$600.00

An Advanced copy of a change application and the filing fee, to be processed at the field office.

An original field office change application and the filing fee needing headquarters office review and further processing.

Other: _____



Assistant Water Commissioner

8-14-18

Date

File No. **26,306** 11. County: DC Basin: PRAIRIE DOG CREEK Stream: Formation Code: 211 Special Use:

12. Points of Diversion
 CHK
 MOD
 DEL PDIV
 ENT
 Qualifier S T R ID 'N 'W Comment (AKA Line) Rate gpm Quantity af Additional Rate gpm Quantity af Overlap PD Files

NO CHANGE

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 CHK 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				
MOD	13002	25	5S	30W	1					40	30.5	40	40	40	40	30.5	40				301	8b.	MOD	10373, 23631	
MOD	2003	26	5S	30W	1									17	8	14	27	29	7	8	30	140	8b.	MOD	10373, 23631

Base Acres: **420 COMBINED** Year: Minimum Reasonable Quantity:

Comments:

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
STOCKTON FIELD OFFICE
820 S. WALNUT
STOCKTON, KS 67669-0192

STATE OF KANSAS



PHONE: (785) 425-6787
FAX: (785) 425-6842
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

August 14, 2018

LAWRENCE H & ANNA C WESSEL LLC
GEORGE WESSEL
159 400TH RD
SELDON KS 67757-5719

Re: Water Rights, File Nos. 10,373; 23,631; & 26,306

Dear Mr. & Mrs. Wessel:

Enclosed are three (3) orders executed by David W. Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the terms, conditions, and limitations specified in these approvals for change.

Since these orders modify the original certificates, they should be recorded with the Register of Deeds as other instruments affecting real estate.

These documents are summary orders by this agency regarding these matters. These orders shall become final if requests for hearings are not filed with the Chief Engineer within 15 days of the date of service of these orders.

If you have any questions, please feel free to contact this office. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

Mark Billinger
Assistant Water Commissioner

MB:rh
Enclosures
pc: G.M.D. No. 4

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.

Call for address:

Topeka -- (785) 862-6300
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
www.ksda.gov/dwr

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

APPLICATION COMPLETE
8/14/18
 Reviewer MB

**Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.
 Fee Schedule is on the third page of this application form.**

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

RECEIVED

File No. 10373

AUG 13 2018
11:21 a.m.
 Stockton Field Office
 Division of Water Resources

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: THE LAWRENCE & ANNA WESSEL LLC

159 400TH RD SELDEN, KS 67757

Phone Number: (785)386-8109

Email address: _____

Name and address of Water Use Correspondent: SAME

Phone Number: () _____

Email address: _____

3. The presently authorized place of use is:

Owner of Land --- NAME: THE LAWRENCE & ANNA WESSEL LLC

ADDRESS: 159 400TH RD SELDEN, KS 67757

(If there is more than one landowner, attach supplemental sheets as necessary.)

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	
25	5	30					32	32	40	40	40	40	40	40					304
26	5	30				18					19	9	15	40	28	19	37	40	225

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land --- NAME: THE LAWRENCE & ANNA WESSEL LLC

ADDRESS: 159 400TH RD SELDEN, KS 67757

(If there is more than one landowner, attach supplemental sheets as necessary.)

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	
25	5	30					40	30.5	40	40	40	40	30.5	40					301
26	5	30									17	8	14	27	29	7	8	30	140

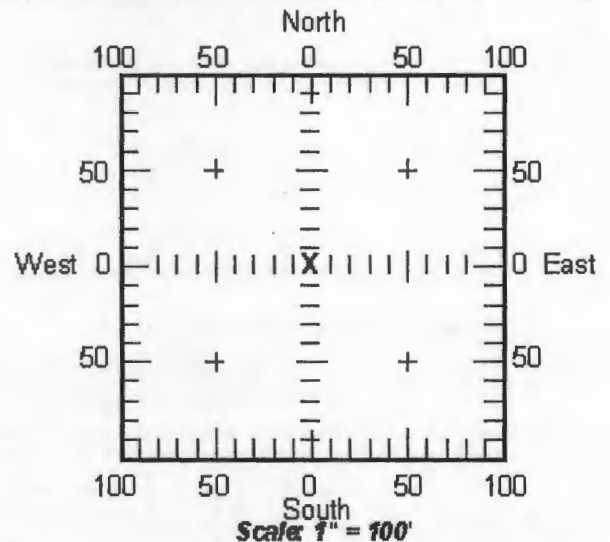
For Office Use Only: Code _____ Fee \$ _____ TR # _____ Receipt Date _____ Check # _____

5. **Presently authorized point of diversion:**
 One in the SW Quarter of the NW Quarter of the SW Quarter of Section 25, Township 5 South, Range 30 W, in DECATUR County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (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 _____, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

6. **Presently authorized point of diversion:**
 One in the SE Quarter of the NW Quarter of the SW Quarter of Section 25, Township 5 South, Range 30 W, in DECATUR County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

7. Why do you need a new point of diversion? NA

the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



8. If a well, is the test hole log attached? Yes No

9. When do you propose to complete the new point of diversion?

NA

10. If the point of diversion is a well:

(a) What are you going to do with the old well?

NA

(b) When will this be done? NA

11. Groundwater Management District recommendation attached?

Yes No

12. Assisted by RL GMD #4 _____

13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines.

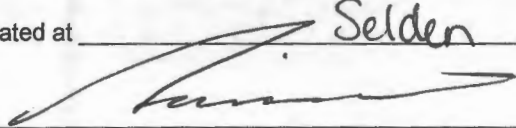
13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on

14. If the proposed groundwater point of diversion is 300 or fewer feet from existing point of diversion, complete the following:
- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
 - (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
 - (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

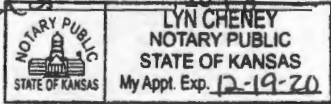
I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regard to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Selden, Kansas, this 6 day of August, 2018.

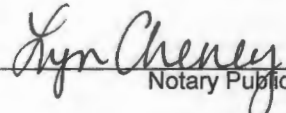
 (Owner)	 (Spouse)
<u>Michael Wessel Mangis member</u> (Please Print)	 (Please Print)
 (Owner)	 (Spouse)
 (Please Print)	 (Please Print)
 (Owner)	 (Spouse)
 (Please Print)	 (Please Print)

State of Kansas }
 County of Sherridan } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 6 day of August, 2018.



My Commission Expires _____


 Notary Public

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- | | |
|---|-------|
| (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 |

RECEIVED

AUG 13 2018

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, K.A.R. 5-1-1 et. seq. With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 10373.

1. A change application was received on 8-14-18 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a _____ foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion authorized herein shall not actually be located more than _____ feet from the previously authorized point(s) of diversion. Applicable Not Applicable
5. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
6. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20____, or before the first use of water, whichever occurs first.** The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable
7. **Installation of the works for diversion of water shall be completed on or before December 31, 20____, or within any authorized extension of time.** By March 1, 20____ the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
8. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
9. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
10. Additional Conditions are attached. Yes No
11. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

You have the right to a hearing in accordance with K.A.R. 5-14-3 before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the **Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502**, within 15 days after the date shown on the Certificate of Service attached hereto. If a hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15th day after the date shown on the Certificate of Service.

For Use by Register of Deeds

FOR OFFICE USE ONLY
APPLICATION APPROVED AND SUMMARY ORDER ISSUED

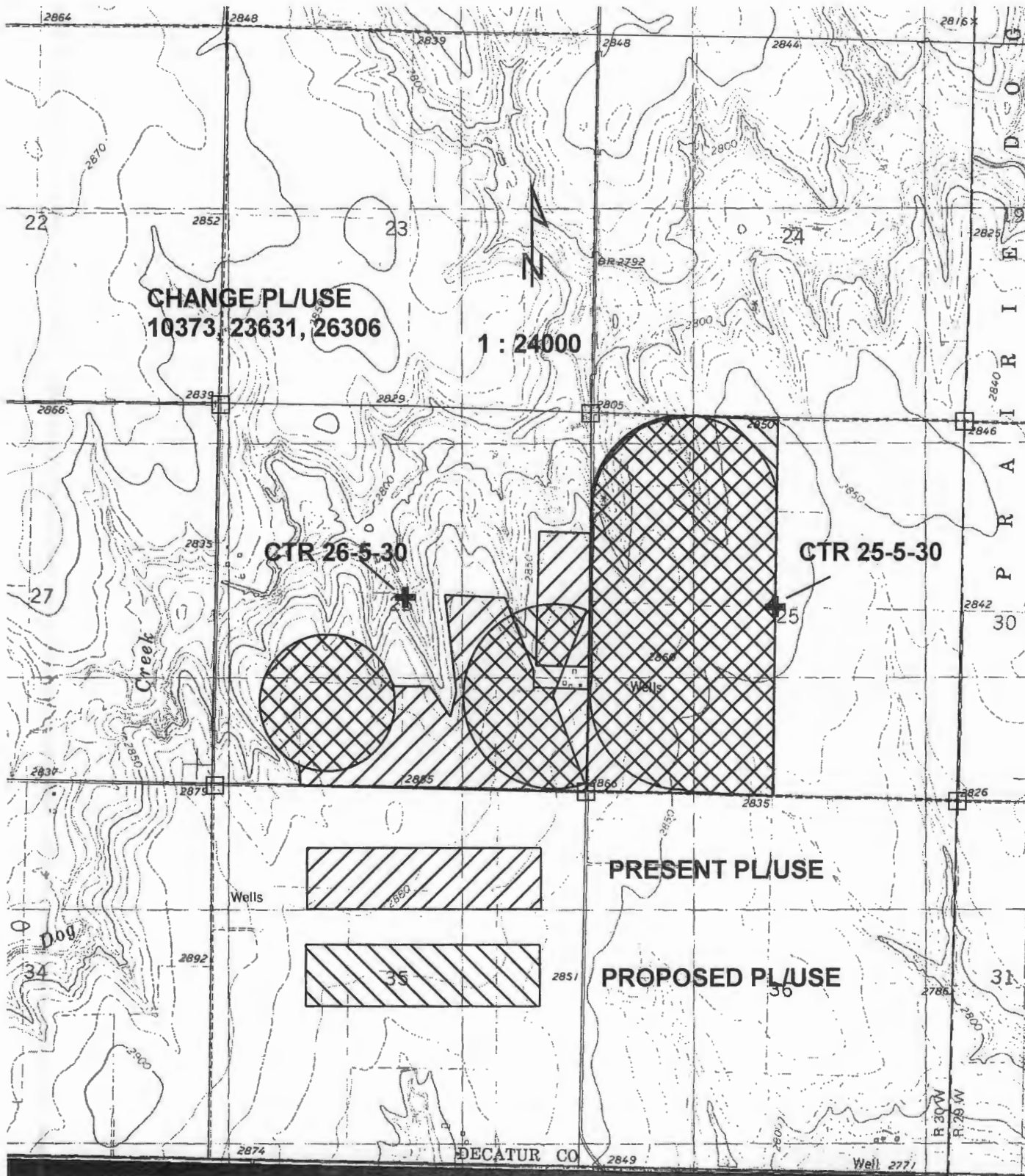
By: *Mark Billinger*
Duly Authorized Designee of the Chief Engineer
(Print Name): MARK BILLINGER
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: 8-14-18

State of Kansas)
County of Rooks) SS
Acknowledged before me on 8-14-18
by Mark Billinger

Signature: *Rebecca F. Hageman*
Notary Public



My commission expires: 6-29-19 (Notary Seal)



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AUG 13 2018

Stockton Field Office

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
STOCKTON FIELD OFFICE
820 S. WALNUT
STOCKTON, KS 67669-0192

STATE OF KANSAS



PHONE: (785) 425-6787
FAX: (785) 425-6842
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE
August 13, 2018

GROUNDWATER MANAGEMENT DISTRICT NO 4
PO BOX 905
COLBY KS 67701

Re: Water Rights, File Nos. 10,373; 23,631; & 26,306

Dear Ladies and Gentlemen:

Reference is made to the applications referred to above which appear to be in proper form.

We are delaying any further action until August 27, 2018 to allow you time to submit your recommendation concerning these applications.

Please submit your recommendation within the allotted time or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

Kelly C. Stewart
Water Commissioner

KCS:rfh
Enclosures

SCANNED



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

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

August 13, 2018

Kelly Stewart
Stockton Field Office
820 South Walnut Street
Stockton KS 67669

RE: WR File No. 10,373; 23,631; & 26,306
Lawrence & Anna Wessel LLC

Dear Kelly,

The Northwest Kansas Groundwater Management District has reviewed the above referenced applications 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:

Approve application. Resource Development Plan attached.

If you have any questions, please contact this office.

Sincerely,

Ray Luhman
Manager

RPL: jem
attachments

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AUG 13 2018

Stockton Field Office
Division of Water Resources

SCANNED

LEGAL (OPT) W/2 25-5-30 10373, 23631, 26306

PIVOT LENGTH (REQD) 2640

ROTATION DEGREES (REQD) 180

GPM (REQD) 900

NOZZLE SPACING IN FT (OPT) 6.6666

RESIDUE IN LBS/ACR (REQD) 4000

ACRES OF CLASS VI SOIL
IN GRASS, ALFALFA, ETC. 0

CROPS ANY IRRIGABLE CROPS MAY
BE PRODUCED

ADDED PROVISIONS/NOTES NONE

CALCULATIONS FOR AVERAGE FIELD SLOPE

ACRES IN FIELD:

251.3274

MAP UNIT NUMBER	SOIL TYPE	AVERAGE SLOPE	ACRES OF THE SOIL TYPE	WEIGHTE AVERAGE
1620	Keith silt loam, 1 to 3 percent slopes	2	101.8	0.8101
2582	Coly silt loam, 6 to 20 percent slopes	13	3.1	0.16035
2667	Holdrege silt loam, 0 to 1 percent slopes	0.5	127	0.25266
2817	Uly silt loam, 3 to 6 percent slopes	4.5	15.9	0.28469
2820	Uly silt loam, 6 to 11 percent slopes, eroded	8.5	3.5	0.11837
0		0		0
0		0		0
0		0		0
0		0		0

AVERAGE WEIGHTED FIELD SLOPE:

1.63 %

ENTER CLASS VI ACRES HERE:
 ENTER STEEPEST SLOPE IF CLASS VI:
 WEIGHTED AVERAGE FIELD SLOPE:
 PER CENT CLASS VI SOIL
 DESIGN SLOPE FOR CENTER PIVOT:

3.1 ACRES
 10 %
 1.626166 %
 1.233451 %
 1.626166 %

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AUG 13 2018

Stockton Field Office
 Division of Water Resources

SCANNED

DESIGN GROUP 5

design slope	1.626166 %	3	1	4.2
residue	4000 lbs/acre	4000	3	2.5
			5	1.5
max all. Appl. Rate	3 in/hr		7	1.1

900	0.85
1000	0.9
1500	0.95
2000	1
2500	1.05
3000	1.1
3500	1.15
4000	1.2
4500	1.25

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NOV 17 2011

DESIGN GROUP 5

CALCULATED

MAX ALLOW APPL RATE	PIVOT LENGTH	GPM:WTD DIA	GPM	WTD DIA
3	2640	41.14	900.00	21.88

GPM = 900

APPL RT= 3.00

RADIUS	GPM	NZL SPCNG	GPM/AC
2640	900	6.6666	1.79

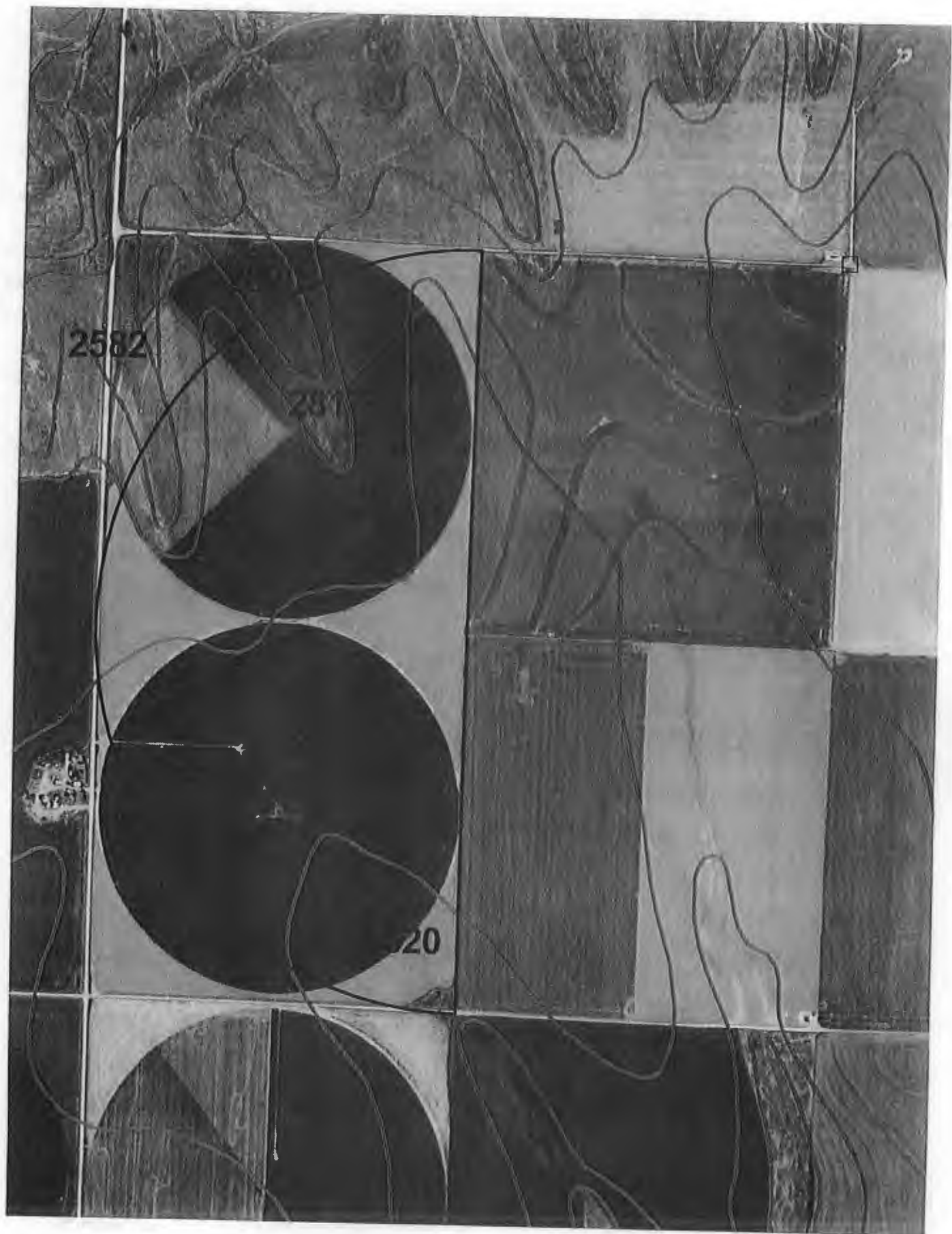
902.25 =SUM NZL GPM
4.55 =GPM END NZL

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AUG 13 2018

Stockton Field Office
Division of Water Resources

SCANNED



2582

20

LEGAL (OPT) SE 26-5-30 10373, 23631, 26306

PIVOT LENGTH (REQD) 1290

ROTATION DEGREES (REQD) 226

GPM (REQD) 450

NOZZLE SPACING IN FT (OPT) 6.6666

RESIDUE IN LBS/ACR (REQD) 4000

ACRES OF CLASS VI SOIL
IN GRASS, ALFALFA, ETC. 0

CROPS ANY IRRIGABLE CROPS MAY
BE PRODUCED

ADDED PROVISIONS/NOTES NONE

RECEIVED

AUG 13 2018

Stockton Field Office
Division of Water Resources

CALCULATIONS FOR AVERAGE FIELD SLOPE

ACRES IN FIELD:

75.34377

MAP UNIT NUMBER	SOIL TYPE	AVERAGE SLOPE	ACRES OF THE SOIL TYPE	WEIGHTE AVERAGE
2582	Coly silt loam, 6 to 20 percent slopes	13	1.5	0.25881
2817	Uly silt loam, 3 to 6 percent slopes	4.5	3.4	0.20307
1620	Keith silt loam, 1 to 3 percent slopes	2	48.8	1.2954
2667	Holdrege silt loam, 0 to 1 percent slopes	0.5	21.6	0.14334
	0	0		0
	0	0		0
	0	0		0
	0	0		0
	0	0		0

AVERAGE WEIGHTED FIELD SLOPE:

1.90 %

ENTER CLASS VI ACRES HERE:
 ENTER STEEPEST SLOPE IF CLASS VI:
 WEIGHTED AVERAGE FIELD SLOPE:
 PER CENT CLASS VI SOIL
 DESIGN SLOPE FOR CENTER PIVOT:

1.5 ACRES
 10 %
 1.900622 %
 1.990875 %
 1.900622 %

DESIGN GROUP 5

design slope	1.900622 %	3	1	4.2
residue	4000 lbs/acre	4000	3	2.5
			5	1.5
			7	1.1
max all. Appl. Rate	3 in/hr			

900	0.85
1000	0.9
1500	0.95
2000	1
2500	1.05
3000	1.1
3500	1.15
4000	1.2
4500	1.25

RECEIVED

AUG 13 2018

Stockton Field Office
Division of Water Resources

CALCULATED

MAX ALLOW APPL RATE	PIVOT LENGTH	GPM:WTD DIA	GPM	WTD DIA
3	1290	20.10	450.00	22.38

GPM = 450

APPL RT= 3.00

RADIUS	GPM	NZL SPCNG	GPM/AC
1290	450	6.6666	3.75

449.99 =SUM NZL GPM
4.64 =GPM END NZL

RECEIVED

MAY 19 1978

547 1/2 1/2 1/2

30 1/2 1/2 1/2

1/2 1/2 1/2



AUG 13 2018

SCANNED