

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

1. File Number: 17282	2. Status Change Date: 10/8/2018	3. Change Num: C2	4. Field Office: 03	5. GMD: 04
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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: 17-SEP-2018
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8a. Applicant(s) Person ID 11904
 New to system Add Seq# 1

WILLARD W MILLER JR
2 LEE CIR
COLBY KS 67701-2738

8c. Landowner(s) Person ID 65022
 New to system Add Seq# _____

PEGGY J MILLER TRUST
2 LEE CIRCLE
COLBY KS 67701

8d. Landowner(s) Person ID 29501
 New to system Add Seq# 1

DIAMOND M FARMS INC
WILLARD MILLER JR
2 LEE CIR
COLBY KS 67701

8b. Landowner(s) Person ID _____
 New to system Add Seq# 65022

WILLARD W MILLER JR TRUST
2 LEE CIRCLE
COLBY KS 67701

8e. WUC Person ID _____
 New to system Add Seq# _____

8D NO CHANGE

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: 12/31/2018 N & P Date to Comply: _____

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: **9/27/18** By: **RAK**
 Date Entered: **10/8/2018** By: **UM**

File No. **17282** 11. County: **TH** Basin: **SAPPA CREEK (29)** Stream: Formation Code: **211** Special Use:

12. Points of Diversion										Rate and Quantity							
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
	MOD			16689	CN	22	6	36W	1	5264	2631		685 g.p.m.	320AF	685 g.p.m.	320AF	NO
5YR ALLOCATION																	
	MOD			31479	NWNWSE	22	6	36W	2	2638	2598		625 g.p.m.	320AF	625 g.p.m.	320AF	NO
5YR ALLOCATION																	

Better describe pd with gps feet distances is the only change per 7/18/12 compliance investigation

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. **KEEP** Limitation: **5YR ALLOCATION** af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
MODIFY Limitation: **2127AF/5YR PERIOD** af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
ADD Limitation: **3191 AF/5YR PERIOD W/C FILE NO 18455** af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. **NO CHANGE** 5YR Allocation: **ID 290** Allocation Type **B3** Start Year **2012** 5 YR Amount **2127** Amount Unit **AF** Base Acres **320** Comment _____

16. Place of Use										NE%				NW%				SW%				SE%				Total	Owner	Chg?	Overlap Files
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID		NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %				
	MOD			30808	22	6	36W	1		40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00									320.00	8B & 8C	YES	18455
	DEL			6673	22	6	36W	2						40.00	40.00	40.00	40.00									160.00			
	✓			52602	22	6	36W	3										40.00	40.00	40.00	40.00				160.00	8D	NO	18455	
	MOD			52603	23	6	36W	2						40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	480.00	8B & 8C	YES	18455
	DEL			63107	23	6	36W	3						40.00	40.00	40.00	40.00								160.00				

Base Acres: Year: Minimum Reasonable Quantity: **Special Conditions YES 5 YR Allocation**
Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files
FROM: Richelle A. Krueger

DATE: October 1, 2018
RE: Water Right
File Nos. 17,282 and 18,455

Willard and Peggy Miller, Jr., on behalf of Diamond M. Farms, Inc., Willard W Miller Jr. Trust and Peggy J. Miller Trust, filed applications for approval to change the authorized place of use under the referenced files, both authorized for irrigation use.

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

The referenced file numbers have no overlaps in the authorized points of diversion but overlap in the place of use located in Sections 22 and 23, Township 6 South, Range 36 West, Thomas County, in the Sappa Creek Basin. The 800 acres authorized by File Nos. 17,282 and 18,455 have been enrolled in the latest five-year allocation of water since April 4, 2012 pursuant to K.A.R. 5-5-11(b)(3) **Necessity to install a more efficient irrigation system; limited quantity.** The water right owners now propose to add the Southeast Quarter (SE¼) of Section 23 to the authorized place of use for a total of 960 acres to be irrigated pursuant to K.A.R. 5-5-11(b)(3). They are requesting to continue in the present five-year allocation period; it does not appear that they have pumped more than the annual average of the five-year allocation during 2017 based on WRIS information.

- Northwest Kansas Groundwater Management District No. 4 will assume monitoring responsibility.
- ~~Combined base acres are 480 acres based on a January 13, 1999 memorandum to the files by Duane Harris of the Stockton Field Office, so the applicants have proposed a net increase of 480 acres above the "base acres".~~
- There has been no recent pattern of water use significantly in excess of the maximum annual quantity authorized.
- Limitations: File No. 17,282 will continue in the five-year allocation of 2,127 acre-feet per five-year period; File No. 18,455 will continue in the five-year allocation of 1,064 acre-feet per five-year period; both files are limited when combined to a **five-year fixed allocation of 3,191 acre-feet**: $1.13'(50\% \text{ N.I.R. Thomas County}) / .85 \times 480 \text{ base acres} \times 5 \text{ years} = 3,191 \text{ acre-feet}$.
- Use of water in excess of the five-year allocation shall result in a two-year suspension of all water use under the referenced rights and subsequent restrictions of the authorized place of use to the reversion acreage at the locations specifically set forth in the change approvals.

No nearby wells within one-half mile of the authorized points of diversion were identified on the maps or shown in WRIS, so no nearby well owner letters sent.

Authorized points of diversion for File Nos. 17,282 and 18,455 will be better described with g.p.s. feet distances shown in WRIS.

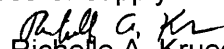
The same local source of supply will not change, which appears to be Ogallala Formation (211) based on available information.

In a letter dated September 25, 2018, Ray Luhman, Manager of the Northwest Kansas Groundwater Management District No. 4, recommended approval of the applications.

In an e-mail dated September 26, 2018, Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated no objection to approval of the referenced applications.

Water flow meters are required. Check valves are required if chemigating.

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 applications be approved.


Richelle A. Krueger
Environmental Scientist

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

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

DIAMOND M FARMS INC/WILLARD W JR AND PEGGY MILLER TRUSTS
2 LEE CIR
COLBY KS 67701

October 9, 2018

FILE COPY

RE: Water Right, File Nos. 17,282 and 18,455

Dear Sir or Madam:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

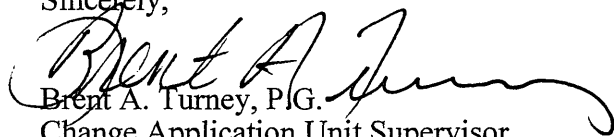
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that acceptable water flow meters must be installed on the diversion works authorized under the referenced file numbers. Please return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

Approval of the applications for File Nos. 17,282 and 18,455 does not allow the diversion of water in excess of the authorized quantity per calendar year or rate of diversion. Your attention should be drawn to the fact that the authorized quantity of water under File No. 17,282 is limited to a fixed allocation, 2,127 acre-feet during a period of five (5) years in this case, and further limited to the annual authorized quantity of 640 acre-feet in any given year, provided that the five (5)-year fixed allocation is not exceeded, and that authorized quantity of water under File No. 18,455 is limited to a fixed allocation, 1,064 acre-feet during a period of five (5) years in this case, and further limited to the annual authorized quantity of 278 acre-feet in any given year, provided that the five (5)-year fixed allocation is not exceeded. In addition, the combined authorized quantity of water under File Nos. 17,282 and 18,455 is limited to a fixed allocation, 3,191 acre-feet during a period of five (5) years in this case, and further limited to the annual authorized quantity of each water right in any given year, provided that the five (5)-year fixed allocation is not exceeded. Non-compliance with the terms of these approvals will result in substantial penalties.

Since the orders for the referenced file numbers modify the original documents referred to above they 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,


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

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 ORDER BETTER DESCRIBING
THE LOCATIONS OF THE
AUTHORIZED POINTS OF DIVERSION
WATER RIGHT
FILE NO. 17,282**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Willard and Peggy Miller Jr., on behalf of Willard W. Miller Jr. Trust, Peggy J. Miller Trust, and Diamond M Farms, Incorporated, 2 Lee Circle, Colby, Kansas, 67701, received in this office on September 17, 2018, for approval of a change in the location of the place of use 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 17, 1999 and April 4, 2012, approving applications to change the place of 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 place of use shall be:

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	
22	6S	36W	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00					40.00	40.00	40.00	40.00	480.00
23	6S	36W					40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	480.00

a total of 960.00 acres in Township 6 South, Range 36 West, Thomas County, Kansas, located substantially as shown on the map accompanying the application to change the place of use, and the locations of the authorized points of diversion are more accurately described as:

one(1) well located near the center of the North side (CN) of Section 22, more particularly described as being near a point 5,264 feet North and 2,631 feet West of the Southeast corner of said section, and

one(1) well located in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW¼ NW¼ SE¼) of Section 22, more particularly described as being near a point 2,638 feet North and 2,598 feet West of the Southeast corner of said section,

both in Township 6 South, Range 36 West, Thomas County, Kansas.

By this order, this water right continues to be subject to the following conditions:

1. That the quantity of water authorized under Water Right, File No. 17,282 shall not exceed 2,127 acre-feet per five (5)-year period; the first period being calendar years 2012 through 2016, ad infinitum.

2. That the quantity of water authorized under Water Right, File No. 17,282 shall not exceed 640 acre-feet per calendar year, provided that 2,127 acre-feet per five (5)-year period is not exceeded.
3. That the quantity of water authorized under Water Right, File No. 17,282, and when combined with Water Right, File No. 18,455 shall not exceed 3,191 acre-feet per five (5)-year period.
4. That use of water under File No. 17,282 in excess of 2,127 acre-feet per five (5)-year period or in excess of 3,191 acre-feet when combined with Water Right, File No. 18,455 per five (5) year period shall result in a two (2)-year suspension of all water use under this water right, effective the next two (2) calendar years, and a subsequent restriction of the authorized place of use to the following described property:

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					
22	6S	36W	34.00	34.00	34.00	34.00												34.00	34.00	34.00	34.00	272.00	
23	6S	36W					14.00	34.00															48.00

a total of 320.00 acres in Township 6 South, Range 36 West, Thomas County, Kansas, located substantially as shown on the map accompanying the application to change the place of use.

5. That if the Northwest Kansas Groundwater Management District No. 4 and/or the Division of Water Resources terminate(s) their/its Memorandum of Understanding (MOU) pertaining to K.A.R. 5-5-11(b)(3), (4) and (5), by which the District assumes monitoring responsibility, then the place of use authorized by this change approval, which was issued by the Division pursuant to the MOU shall revert to the property described in paragraph no. 4, above, starting the calendar year following the year of termination.

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. 17,282, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated November 18, 1981, as modified and amended by the aforementioned orders.

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 the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 review 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 the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 8th day of October, 2018, 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 8th day of October, 2018, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

CERTIFICATE OF SERVICE

On this 8th day of October, 2018, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 17,282, dated October 8th 2018 was mailed postage prepaid, first class, US mail to the following:

DIAMOND M FARMS INC/WILLARD W JR AND PEGGY MILLER TRUSTS
2 LEE CIR
COLBY KS 67701

With photocopies sent to:

Stockton Field Office
Groundwater Management District No. 4


Division of Water Resources

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
109 SW 9th Street, 2nd Floor
Topeka, KS 66612-1283
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**



State of Kansas

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
 Point of Diversion
 Use Made of Water

(Check one or more)

Water Resources
Received

SEP 17 2018

12:55

KS Dept Of Agriculture

File No. 17282

2. Name of applicant: WILLARD W MILLER JR

Address: 2 LEE CIRCLE

City, State and Zip: COLBY, KS 67701

Phone Number: (785)462-0117 E-mail address: _____

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

Name of water use correspondent: DIAMOND M FARMS INC WILLARD MILLER JR

Address: 2 LEE CIRCLE

City, State and Zip: COLBY, KS 67701

Phone Number: (785)462-0117 E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): TO ADD SE 23 AS PART OF THE PL/USE. CURRENT 5 YEAR LIMITED QUANTITY WILL NOT BE CHANGED.

The change(s) (was) (will be) completed by 1/1/2019 (Date)

For Office Use Only:			
F.O. <u>3</u>	GMD <u>4</u>	Meets K.A.R. 5-5-1 (YES/NO) Use <u>RR</u>	Source <u>G) S</u> County <u>JH</u>
Code <u>CPJ</u>	Fee \$ <u>200</u>	TR # _____	By <u>DAW</u> Date <u>9/17/18</u>
			Receipt Date <u>9/17/18</u> Check # <u>100079</u>

APPLICATION COMPLETE

Reviewer _____

4. The presently authorized place of use is:

Owner of Land — NAME: WILLARD W MILLER J TRUST & PEGGY J MILLER TRUST DIAMOND M FARMS INC
 ADDRESS: 2 LEE CIRCLE COLBY, KS 67701

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	
22	6	36	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	480	
23	6	36					40	40	40	40	40	40	40	40	40	40	40	160 [*] 320	

List any other water rights that cover this place of use. 18455

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: WILLARD W MILLER J TRUST & PEGGY J MILLER TRUST DIAMOND M FARMS INC
 ADDRESS: 2 LEE CIRCLE COLBY, KS 67701

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	
22	6	36	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	480	
23	6	36					40	40	40	40	40	40	40	40	40	40	40	480	

List any other water rights that cover this place of use. 18455

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

** per WKIS
 * BAK/owner 9/26/18*

* The reversion acres will be:

Owner of Land — NAME: Willard^w Miller Jr Trust & Peggy J Miller Trust
 ADDRESS: 2 Lee Circle Colby KS 67701

Sec.	Twp.	Rng.	NE%				NW%				SW%				SE%				Total
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
22	6S	36W	34-	34-	34-	34-													136-
23	6S	36W					14-	34-											48-

Owner of Land — NAME: Diamond M Farms Inc.
 ADDRESS: 2 Lee Circle Colby KS 67701

Sec.	Twp.	Rng.	NE%				NW%				SW%				SE%				Total
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
22	6S	36-													34	34	34	34	136-

Owner of Land — NAME: _____
 ADDRESS: _____

320 acres

Sec.	Twp.	Rng.	NE%				NW%				SW%				SE%				Total
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	

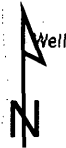
Owner of Land — NAME: _____
 ADDRESS: _____

Sec.	Twp.	Rng.	NE%				NW%				SW%				SE%				Total
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	

* per 6/17/99 & 4/4/12 chg approvals
 * back down 9/19/18

CHANGE PL/USE
17282

1 24000



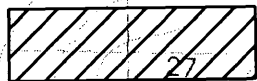
B A R R E T T

CTR 22-6-36

CTR 23-6-36



PRESENT PL/USE



PROPOSED PL/USE



REVERSION PL/USE
NO CHANGE FROM 6/17/99 ORDER

Water Resources
Received

SEP 17 2018

KS Dept Of Agriculture

SCANNED

6. The presently authorized point(s) of diversion are TWO WELLS
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) NO CHANGE PT/DIV
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**

One in the NE Quarter of the NE Quarter of the NW Quarter of Section 22, Township 6 South, Range 36 W, in THOMAS County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate 685 GPM Authorized Quantity 320 AF * 5264' N 2631' W
 (DWR use only: Computer ID No. 1 *GPS 5258 feet North 2628 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 _____

9. **Presently authorized point of diversion:**

One in the NW Quarter of the NW Quarter of the SE Quarter of Section 22, Township 6 South, Range 36 W, in THOMAS County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate 625 GPM Authorized Quantity 320 AF * 2638' N 2598' W
 (DWR use only: Computer ID No. 2 *GPS 2627 feet North 2594 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

* Feet Distances updated with gps feet distances
 per 7/18/12 Compliance investigation Stockton FO.
 * RAN/DOWN 9/27/18

Water Resources
Received

SEP 17 2018

SCANNED

Dept Of Agriculture

12. The presently authorized use of water is for IRRIGATION purposes.
It is proposed that the use be changed to NO CHANGE purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
EXISTING KAR 5-5-11 5 YEAR LIMITED QUANTITY. THIS WILL CONTINUE UNCHANGED.
REVERSION PL/USE SHOWN ON MAP (UNCHANGED FROM THE CURRENT REVERSION PL/USE).

(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). 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.

CHANGE PL/USE ONLY. NO CHANGE IN RATE OR AMOUNT. NO IMPAIRMENT WILL OCCUR.

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.

ALL REGS ARE MET

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

20 APR 2011 10:14 AM
KANSAS

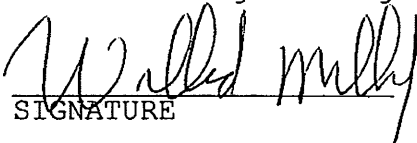
3005 77 14

2011/04/20 10:14 AM

Water Right File Number: 17282
Base Acreage: 320 Acres
Annual Allocation: 320 Acre-Feet on each well
5 Year Allocation: 2127 Acre-Feet

Pursuant to KAR 5-5-11, I understand that the above referenced water right will be subject to the following restrictions and that the landowner assumes the following responsibilities upon approval of the change in place of use that I have filed.

1. I understand that all wells covered by the above referenced water right will be required to have flow meters properly installed.
2. I understand that the above referenced water right will be limited to a maximum 5 year total quantity of 2127 acre-feet and may not exceed 3191 acre-feet when combined with 18455.
3. I understand that the approval of this change does not allow me to pump more than my annual allocation in any one calendar year.
4. I understand that if more than 2127 or 3191 acre-feet is diverted in each successive 5 year block period the right to divert water under the above referenced water right will be totally suspended for a period of two years.
5. I understand that if more than 2127 or 3191 acre-feet is diverted in each successive 5 year block period the total authorized place of use for the above referenced water right will be reduced to a total not to exceed the base acreage.
6. I understand that GMD 4 personnel will conduct at least one field compliance check each year to verify that the flow meter is operating, to record the amount of water that has been pumped, and to compare the amount pumped to both the authorized annual amount and the 5 year allocation. GMD 4 will report their findings to the landowner and to the Division of Water Resources.
7. I understand that these restrictions and responsibilities will be permanent and will continue to apply to the water right referenced above unless changes that alter the restrictions and responsibilities are approved by DWR. These restrictions and responsibilities will also continue to apply to the right upon sale, lease, inheritance, or any other mode of transfer or disposal.
8. This is a continuation of the current 5 year limited quantity with no changes being made.


SIGNATURE

9-12-11
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 Thomas Co, KS, Kansas, this 12 day of Sept, 20 18.

x Willard Mully, Trustee
(Owner)

Peggy Mully
by Willard Mully Trustee
(Spouse)

Willard Mully
(Please Print)

Peggy Mully
by Willard Mully Trustee
(Please Print)

x Willard Mully, Trustee
(Owner)

Peggy Mully
by Willard Mully Trustee
(Spouse)

Willard Mully
(Please Print)

Peggy Mully
(Please Print)

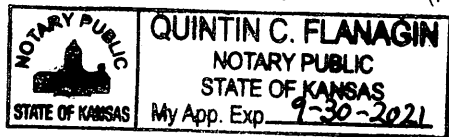
x Willard Mully, President
(Owner)

Peggy Mully
(Spouse)

Willard Mully
(Please Print)

by Willard Mully Trustee
(Please Print)

State of Kansas }
County of Thomas } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 12 day of September, 20 18.

Q. C. Flanagin
Notary Public

My Commission Expires 9-30-2021

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
SEP 17 2018

Krueger, Richelle [KDA]

From: Stewart, Kelly [KDA]
Sent: Wednesday, September 26, 2018 1:34 PM
To: Krueger, Richelle [KDA]
Subject: Re: Request for Recommendation Change in PU File Nos. 17282 and 18455 Willard Miller

No.

Sent from my iPhone

On Sep 26, 2018, at 1:14 PM, Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov> wrote:

Is that something I need to worry about on this?

From: Stewart, Kelly [KDA]
Sent: Wednesday, September 26, 2018 12:56 PM
To: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Hageman, Rebecca [KDA] <Rebecca.Hageman@ks.gov>
Subject: RE: Request for Recommendation Change in PU File Nos. 17282 and 18455 Willard Miller

Richelle,

I have no objection to the approval of these change applications.

FYI – a 5-5-11 allocation in GMD 4's LEMA would not be allowed to exceed the LEMA allocation.

From: Krueger, Richelle [KDA]
Sent: Wednesday, September 26, 2018 11:47 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: Request for Recommendation Change in PU File Nos. 17282 and 18455 Willard Miller

Hi Kelly,

Attached is a draft memo for the referenced changes in pu, which propose to add acreage to an existing K.A.R 5-5-11(b)(3) 5 yr allocation in the GMD 4 lema area (not sure how it impacts these changes). Do you recommend approval of the referenced changes in pu for File Nos. 17282 and 18455?

Thanks,
Richelle

Krueger, Richelle [KDA]

From: Jody McCain <jmccain@gmd4.org>
Sent: Tuesday, September 25, 2018 4:51 PM
To: Krueger, Richelle [KDA]
Subject: Recommendations for WR# 17,282 & #18,455
Attachments: 20180925173543383.pdf

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Richelle,

Attached you will find a copy of Ray's recommendation for the above referenced water right files, as well as a copy of the signed monitoring agreement for each file.

Jody McCain
NW KS Groundwater
Management District No 4
P O Box 905 – 1290 West Fourth
Colby KS 67701
785-462-3915
jmccain@gmd4.org

SCANNED



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

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

September 25, 2018

Richelle Krueger
Division of Water Resources
1320 Research Park Drive
Manhattan KS 66502

RE: Application: 17,282 & 18,455
Willard Miller Jr.

Dear Richelle,

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:
If you have any questions, please contact this office.

Approve applications

Sincerely,

Ray Luhman
Manager

RPL: jem

SCANNED

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

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

NORTHWEST KANSAS GROUNDWATER September 20, 2018
MANAGEMENT DISTRICT NO 4
ATTN RAY LUHMAN
PO BOX 905
COLBY KS 67701-0905

FILE COPY

RE: Water Right, File Nos. 17,282 and 18,455

Dear Mr. Luhman:

We are enclosing copies of the applications to change the place of use under Water Right, File Nos. 17,282 and 18,455. It appears that File Nos. 17,282 and 18,455 still need signed monitoring agreements.

We are delaying 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 allowed time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stockton Field Office

SCANNED

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777

900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov



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

WILLARD W. MILLER, JR
2 LEE CIRCLE
COLBY, KS 67701

September 18, 2018

RE: File No 17282

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
- 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,

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

BAT: DLW
pc: STOCKTON Field Office GMD4

SCANNED

Property Details for PID: 0970652200000001000

QuickRef ID :	R632
Owner Name :	MILLER, WILLARD W J TRUST & MILLER, PEGGY J TRUST
Location:	00000 CO RD BB, Colby, KS 67701
Abbreviated Boundary Description:	S22 , T06 , R036 , ACRES 159.0 , NE4 LESS R/W

Owner Information:

Owner	MILLER, WILLARD W J TRUST & MILLER, PEGGY J TRUST
Mailing Address	2 LEE CIR COLBY, KS 67701

Property Information:

Type	Agricultural Use
Status	Active
Taxing Unit	BARRETT
Neighborhood Code	001

No Secondary Address Details found

Market Land Details:

Actual Width:	0
Eff. Width	0
Eff. Depth	0
Acres	0
Square Feet	0

Permit Details

Number	Date	Amount	Purpose
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Property Details for PID: 0970652200000001010

QuickRef ID :	R633
Owner Name :	MILLER, WILLARD W J TRUST & MILLER, PEGGY J TRUST
Location:	00000 CO RD BB, Colby, KS 67701
Abbreviated Boundary Description:	S22 , T06 , R036 , ACRES 159.0 , NW4

Owner Information:

Owner	MILLER, WILLARD W J TRUST & MILLER, PEGGY J TRUST
Mailing Address	2 LEE CIR COLBY, KS 67701

Property Information:

Type	Agricultural Use
Status	Active
Taxing Unit	BARRETT
Neighborhood Code	001

No Secondary Address Details found

Market Land Details:

Actual Width:	0
Eff. Width	0
Eff. Depth	0
Acres	0
Square Feet	0

Permit Details

Number	Date	Amount	Purpose
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Property Details for PID: 0970652200000001020

QuickRef ID :	R634
Owner Name :	DIAMOND M FARMS INC
Location:	00000 CO RD AA, Colby, KS 67701
Abbreviated Boundary Description:	S22 , T06 , R036 , ACRES 159.6 , SE4 LESS R/W

Owner Information:

Owner	DIAMOND M FARMS INC
Mailing Address	2 LEE CIRCLE COLBY, KS 67701

Property Information:

Type	Agricultural Use
Status	Active
Taxing Unit	BARRETT
Neighborhood Code	001

No Secondary Address Details found

Market Land Details:

Actual Width:	0
Eff. Width	0
Eff. Depth	0
Acres	0
Square Feet	0

Permit Details

Number	Date	Amount	Purpose
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Property Details for PID: 0970662300000002010

QuickRef ID :	R642
Owner Name :	MILLER, WILLARD W J TRUST & MILLER, PEGGY J TRUST
Location:	00000 CO RD BB, Colby, KS 67701
Abbreviated Boundary Description:	S23 , T06 , R036 , ACRES 157.0 , NW4 LESS R/W

Owner Information:

Owner	MILLER, WILLARD W J TRUST & MILLER, PEGGY J TRUST
Mailing Address	2 LEE CIR COLBY, KS 67701

Property Information:

Type	Agricultural Use
Status	Active
Taxing Unit	BARRETT
Neighborhood Code	001

No Secondary Address Details found

Market Land Details:

Actual Width:	0
Eff. Width	0
Eff. Depth	0
Acres	0
Square Feet	0

Permit Details

Number	Date	Amount	Purpose
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Property Details for PID: 0970662300000002000

QuickRef ID :	R641
Owner Name :	MILLER, WILLARD W J TRUST & MILLER, PEGGY J TRUST
Location:	00000 CO RD 5, Colby, KS 67701
Abbreviated Boundary Description:	S23 , T06 , R036 , ACRES 317.0 , S2 LESS R/W

Owner Information:

Owner	MILLER, WILLARD W J TRUST & MILLER, PEGGY J TRUST
Mailing Address	2 LEE CIR COLBY, KS 67701

Property Information:

Type	Agricultural Use
Status	Active
Taxing Unit	BARRETT
Neighborhood Code	001

No Secondary Address Details found

Market Land Details:

Actual Width:	0
Eff. Width	0
Eff. Depth	0
Acres	0
Square Feet	0

Permit Details

Number	Date	Amount	Purpose
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