

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

Document Signature _____

1. File Number: 26466	2. Status Change Date: 3/27/2018	3. Change Num: C3	4. Field Office: 03	5. GMD:
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 25-SEP-2017
8a. Applicant(s) New to system <input type="checkbox"/> SMOKY HILL COUNTRY CLUB INC NORTH HALL ST PO BOX 204 HAYS KS 67601-0204		Person ID 16792 Add Seq# 1		
8b. Landowner(s) New to system <input type="checkbox"/> SMOKY HILL COUNTRY CLUB INC NORTH HALL ST PO BOX 204 HAYS KS 67601-0204 No change		Person ID 16792 Add Seq# 1		
8c. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		
8d. WUC New to system <input type="checkbox"/>		Person ID 16792 Add Seq# 1 NO CHANGE 8B		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/18 <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/18				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 3/22/18 By: RAK Date Entered: 3/29/2018 By: UM				

File No. **26466** 11. County: EL Basin: **BIG CREEK** Stream: Formation Code: **100 Quaternary System** Special Use: **019 Hays (PIGUCA)**

12. Points of Diversion										Rate and Quantity				
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files
										Rate gpm	Quantity AF	Rate gpm	Quantity AF	
✓		42368 SW¼ SE¼ NE¼	29	13	18W	5	2900	1056		87 g.p.m.	1.08 AF	87 g.p.m.	1.08 af	NO
ENT	86667	NE¼ NW¼ SE¼	29	13	18W		2440	1680	GEOCENTER	255 g.p.m.	142 AF	255 g.p.m.	142 AF	NO
MOD		48100 NE¼ NW¼ SE¼	29	13	18W	6	2440	1780	BATT 1 OF 2 WELLS					NO
MOD		49705 NE NW¼ SE¼	29	13	18W	7	2440	1580	BATT 1 OF 2 WELLS					NO

Battery ID #: 2074

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

14. Limitation: _____ af/yr at _____ cfs) when combined with file number(s) _____
 Limitation: _____

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

16. Place of Use 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				
NO CHANGES TO PU																									

Comments:

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

TO: Files

DATE: March 22, 2018

FROM: Richelle A. Krueger

RE: Water Right
File No. 26,466

David Weakland, on behalf of Smoky Hill Country Club Inc., owner of the referenced water right, filed an application to change the point of diversion for Water Right, File No. 26,466 authorized groundwater in the Big Creek basin within the Hays Intensive Groundwater Use Control Area.

The referenced file number does not appear abandoned pursuant to K.S.A. 82a-718.

File No. 26,466 is authorized three wells with assigned diversion rates and quantities for irrigation use on 130 acres in Section 29, Township 13 South, Range 18 West, Ellis County, Kansas. The authorized wells have no current overlaps but the place of use overlaps Water Right, File Nos. 34,295; 34,518; 34,519 and MYFA Term Permit Application File Nos. 20177127 MF; 20177128 MF; 20177129 MF and 20177130 MF. The water right owner proposes to create a battery of two wells with a geographic center located 2,440 feet North and 1,680 feet West of the Southeast corner of the above-mentioned Section 29 from two of the existing wells authorized by File No. 26,466. No change is proposed to the third well. The applicant has requested a waiver of K.A.R. 5-2-3. The time to construct the diversion works has expired, the battery will meet the definition of a battery of wells as per K.A.R. 5-1-1(n), however, it appears that a new application filed at the geocenter of the proposed battery of wells would not meet safe yield, allowable appropriation or similar type of regulation for a well filed at that location. The water right owner indicates the wells in question have functionally operated as a battery and meet the definition of a battery in Paragraph No. 17 of the application. There will be no functional change in the operation of the wells. The wells in question are about 200 feet apart. The application meets well spacing requirements of K.A.R. 5-4-4 since they do not decrease the distance to other wells or authorized well locations by more than 300 feet.

The proposed geocenter overlaps MYFA Term Permit Application File No. 20177130 MF.

Nearby well owners within one-half mile of the proposed geocenter were not notified of the proposed changes pursuant to Senate Bill 337 effective July 1, 2016 since the proposed move is less than 300 feet.

In an e-mail dated November 28, 2017, Kelly Stewart, Water Commissioner of the Stockton Field Office, stated that he has no objection to approval of the referenced change application.

A water flow meter is 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, that no change in the local source of supply will occur, and if the Chief Engineer waives K.A.R 5-2-3, it has been recommended that the referenced application 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

March 29, 2018

SMOKY HILL COUNTRY CLUB INC
ATTN DAVID WEAKLAND
NORTH HALL ST
PO BOX 204
HAYS KS 67601-0204

FILE COPY

RE: Water Right, File No. 26,466

Dear Mr. Weakland:

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 and the order which sets forth the interest in Water Right, File No. 26,466.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of this approval is that acceptable water flow meters 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 meters as soon as these actions are completed. The division of interest is pursuant to the Application to Divide a Water Right received in this office on January 8, 2018. Both portions of the water right will be retained by Smoky Hill Country Club, Inc., and will henceforth be identified as "Water Right, File No. 26,466-D1," and "Water Right, File No. 26,466-D2." As a matter of information, the owner of the water right, or his or her legally designated agent, is responsible for submitting annual water use reports. Future water use reports for both portions of the water right will be sent to Smoky Hill Country Club, Inc.

Since the orders for the referenced file number modify the original document 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,

A handwritten signature in black ink, appearing to read "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. 26,466**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of David Weakland, on behalf of Smoky Hill Country Club, Incorporated, North Hall Street, P.O. Box 204, Hays, Kansas, 67601-0204, received in this office on September 25, 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, as modified and amended by the Findings and Order of the Chief Engineer dated June 5, 2001, reducing the number of authorized points of diversion, quantity, diversion rate and uses made of water, and by the Order of the Chief Engineer dated October 5, 2010, approving the applications to change the point of diversion and use made of water, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply 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 locations of the points of diversion shall be:

one(1) well located in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 29, more particularly described as being near a point 2,900 feet North and 1,056 feet West of the Southeast corner of said section, at a diversion rate not in excess of 87 gallons per minute (0.19 c.f.s.) and a quantity not to exceed 1.08 acre-feet of water per calendar year, and

one(1) battery of two(2) wells with a geographic center located in the Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 29, more particularly described as being near a point 2,440 feet North and 1,680 feet West of the Southeast corner of said section, at a diversion rate not in excess of 255 gallons per minute (0.57 c.f.s.) and a quantity not to exceed 142 acre-feet of water per calendar year,

both in Township 13 South, Range 18 West, Ellis County, Kansas,

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

The point of diversion described herein as a battery of two (2) wells is further limited such that the wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply.

Installation of the works for diversion of water shall be completed on or before December 31, 2018, 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. 26,466, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated September 15, 1989, 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.

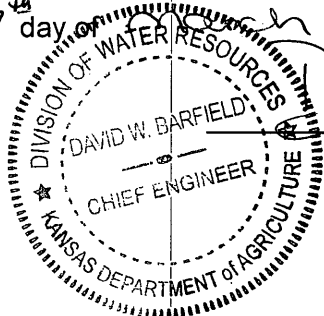
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal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

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

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

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

Ordered this 27th day of March, 2018, in Topeka, Shawnee County, Kansas.



David W. Barfield

 David W. Barfield, P.E.
 Chief Engineer
 Division of Water Resources
 Kansas Department of Agriculture

State of Kansas)
) SS
 County of Riley)

The foregoing instrument was acknowledged before me this 27th day of March, 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter

 Notary Public

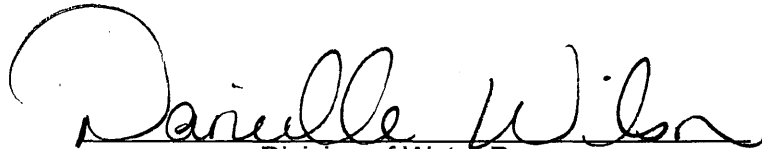
CERTIFICATE OF SERVICE

On this ^{29~~th~~} day of *March*, 2018, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 26,466, dated *March 27, 2018* was mailed postage prepaid, first class, US mail to the following:

SMOKY HILL COUNTRY CLUB INC
ATTN DAVID WEAKLAND
NORTH HALL ST
PO BOX 204
HAYS KS 67601-0204

With photocopies to:

Stockton Field Office


Division of Water Resources

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: **26,466**

FO: **3**

GMD: **NO**

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
Mun	09/25/17	50	Statewide	Battery of Wells	Conversion to Battery
Rule Number	Date Granted	Date Denied	Justification:	The wells in question are already in existence and have a location, rate and distribution system that meet the definition of a battery.	
K.A.R. 5-2-3	3/27/2018				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared **03/22/18** By **RAK**

Date Entered **3/29/2018** By **LLM**



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Acting Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**WAIVER OF REGULATION
K.A.R. 5-2-3
Battery of Wells**

Date: 3/27/2018

Re: Water Right, File No. 26,466

1. That K.A.R. 5-2-3 *Battery of wells* states in part that if the time to construct the diversion works has expired, an application for change to add one or more wells to the authorized well to create a battery of wells shall not be approved unless a new application to appropriate water filed at the geocenter of the proposed battery of wells would meet the safe yield, allowable appropriation, or similar type of regulation, for a well filed at that location, and that the proposed battery of wells must meet the definition of a battery of wells in K.A.R. 5-1-1. That the time to construct the diversion works for Water Right, File No. 26,466 has expired.
2. That the referenced file number is authorized three wells with assigned diversion rates and quantities for irrigation use. That the application to change the point of diversion for Water Right, File No. 26,466 proposes to create a battery of two (2) wells from two of the three existing authorized wells, with a geographic center located 2,440 feet North and 1,680 feet West of the Southeast corner of Section 29, Township 13 South, Range 18 West, Ellis County. There are no overlaps in the authorized points of diversion.
3. That the proposed battery of wells meets the definition of a battery of wells in K.A.R. 5-1-1, however a new application to appropriate water filed at the proposed geocenter cannot be approved.
4. That the applicant has requested a waiver of K.A.R. 5-2-3 since the wells in question are existing, have been operated as a battery and no functional change in the operation of the wells is planned.
5. That the referenced application for File No. 26,466 should be approved with a waiver of K.A.R. 5-2-3.
6. That the waiver of K.A.R. 5-2-3 will neither prejudicially nor unreasonably affect the public interest and it will not impair an existing water right.

Comments:

A handwritten signature in black ink that reads "David W. Barfield". The signature is written in a cursive style and is positioned above a horizontal line.

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

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

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



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

**WATER RESOURCES
RECEIVED**

SEP 25 2017

12:15

KS DEPT OF AGRICULTURE

File No. 26466

2. Name of applicant: Smoky Hill Country Club, Inc
- Address: North Hall Street, PO Box 204
- City, State and Zip: Hays, KS 67601-0204
- Phone Number: (785)625-4021 E-mail address: _____
- What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: Same as Owner

Address: _____

City, State and Zip: _____

Phone Number: (____) _____

*Has a MYFA
on this
file*

3. The change(s) proposed herein are desired for the _____
operated as a battery and it is our desire to have _____

The change(s) was completed by previously _____

_____s are functionally
it. _____

For Office Use Only:					
F.O. <u>3</u>	GMD <u>—</u>	Meets K.A.R. 5-5-1 (YES / NO)		by <u>AM</u>	Date <u>9-25-17</u>
Code <u>LT</u>	Fee \$ <u>100</u>	TR # _____	Receipt Date _____	Check # <u>5071</u>	

SEP 25 2017

File No. 26466

4. The presently authorized place of use is:

Owner of Land — NAME: Smoky Hill Country Club, Inc KS DEPT OF AGRICULTURE

ADDRESS: North Hall Street, PO Box 204, Hays, KS 67601-0204

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		
29	13S	18W	12	29	28	11					03			08			17	19	03	130

List any other water rights that cover this place of use. 34295, 34518, 34519

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: No Change

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

SCANNED

6. The presently authorized point(s) of diversion is 3 wells
(Provide description and number of points)
7. The proposed point(s) of diversion is 1 well and a battery of 2 wells
SEP 25 2017
(Provide description and number of points)

List all presently authorized point(s) of diversion:

KS DEPT OF AGRICULTURE

8. **Presently authorized point of diversion:**
 One in the SW Quarter of the SE Quarter of the NE Quarter of Section 29, Township 13 South, Range 18 W, in Ellis County, Kansas, 2900 feet North 1056 feet West of Southeast corner of section.
 Authorized Rate 87 Authorized Quantity 1.08 AF
 (DWR use only: Computer ID No. 5 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 _____

9. **Presently authorized point of diversion:**
 One in the NE Quarter of the NW Quarter of the SE Quarter of Section 29, Township 13 South, Range 18 W, in Ellis County, Kansas, 2440 feet North 1780 feet West of Southeast corner of section.
 Authorized Rate 125 GPM Authorized Quantity 71 AF
 (DWR use only: Computer ID No. 6 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) Battery Well 1 of 2
 One in the NE Quarter of the NW Quarter of the SE Quarter of Section 29, Township 13 South, Range 18 W, in Ellis County, Kansas, 2440 feet North 1780 feet West of Southeast corner of section.
 Proposed Rate 0 Proposed Quantity 0
 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 NE Quarter of the NW Quarter of the SE Quarter of Section 29, Township 13 South, Range 18 W, in Ellis County, Kansas, 2440 feet North 1580 feet West of Southeast corner of section.
 Authorized Rate 130 GPM Authorized Quantity 71 AF
 (DWR use only: Computer ID No. 6 ^{* 7} 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) Battery Well 2 of 2
 One in the NE Quarter of the NW Quarter of the SE Quarter of Section 29, Township 13 South, Range 18 W, in Ellis County, Kansas, 2440 feet North 1580 feet West of Southeast corner of section.
 Proposed Rate 0 Proposed Quantity 0
 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. _____
 NA

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* per W R I S
 * Max/Gunn 11/22/17

SCANNED

- 1. The presently authorized point(s) of diversion is 3 wells
(Provide description and number of points)
- 2. The proposed point(s) of diversion is 1 well and a battery of 2 wells
(Provide description and number of points)

SEP 25 2017

KS DEPT OF AGRICULTURE

List all presently authorized point(s) of diversion:

8. **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) Geographic Center
 One in the NE Quarter of the NW Quarter of the SE Quarter of Section 29, Township 13 South, Range 18 W, in Ellis County, Kansas, 2440 feet North 1680 feet West of Southeast corner of section.
 Proposed Rate 255 GPM Proposed Quantity 142 AF
 This point is: Additional Well Geo Center List other water rights that will use this point * 20177130 MF

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

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

* RAIL/OWN 3/22/18

SCANNED

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.
NA

**WATER RESOURCES
RECEIVED**

SEP 25 2017

(Please show any calculations here.)

KS DEPT OF AGRICULTURE

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.

The wells have functionally been operated as a battery and meets the definition of a battery. There will be no functional change in the operation of the wells.

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.

We respectfully ask that a waiver of KAR 5-2-3 be granted to accommodate the proposed change in point of diversion

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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 9/21/17, Kansas, this 21 day of September, 2017.

<u>David Weekland</u> (Owner) <i>General manager</i>	_____
<u>David Weekland</u> (Please Print)	_____ (Spouse)
_____ (Owner)	_____ (Please Print)
_____ (Please Print)	_____ (Spouse)
_____ (Owner)	_____ (Please Print)
_____ (Please Print)	_____ (Spouse)
_____ (Owner)	_____ (Please Print)
_____ (Please Print)	_____ (Spouse)

State of Kansas }
County of Ellis } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 21st day of September, 2017.

 NATALIE BENDER
Notary Public - State of Kansas
My Appt. Expires 3-20-2020

My Commission Expires 3-20-2020

Natalie Bender
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

WATER RESOURCES
RECEIVED

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

SEP 25 2017

KS DEPT OF AGRICULTURE

SCANNED

Krueger, Richelle

From: Stewart, Kelly
Sent: Tuesday, November 28, 2017 10:51 AM
To: Krueger, Richelle
Cc: Billinger, Mark; Hageman, Rebecca
Subject: RE: Request for Recommendation Smoky Hill Country Club Chg in PD File No. 26466; MFYA Term App File Nos. 20177127; 20177128; 20177129 and 20177130

Richelle,

For File No. 26,466, I recommend approval of the waiver request and approval of the change application.

For the 4 referenced MYFA applications, I recommend approval.

Kelly

From: Krueger, Richelle
Sent: Monday, November 27, 2017 9:25 AM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>; Walters, Steven <Steven.Walters@ks.gov>
Subject: Request for Recommendation Smoky Hill Country Club Chg in PD File No. 26466; MFYA Term App File Nos. 20177127; 20177128; 20177129 and 20177130

Hi Kelly,

Attached are draft memos for the referenced change app and 4 MYFA applications, do you recommend approval of this package?

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

SMOKY HILL COUNTRY CLUB INC
N HALL ST PO BOX 204
HAYS, KS 67601

9/27/2017

RE: File No 26466

FILE COPY

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.

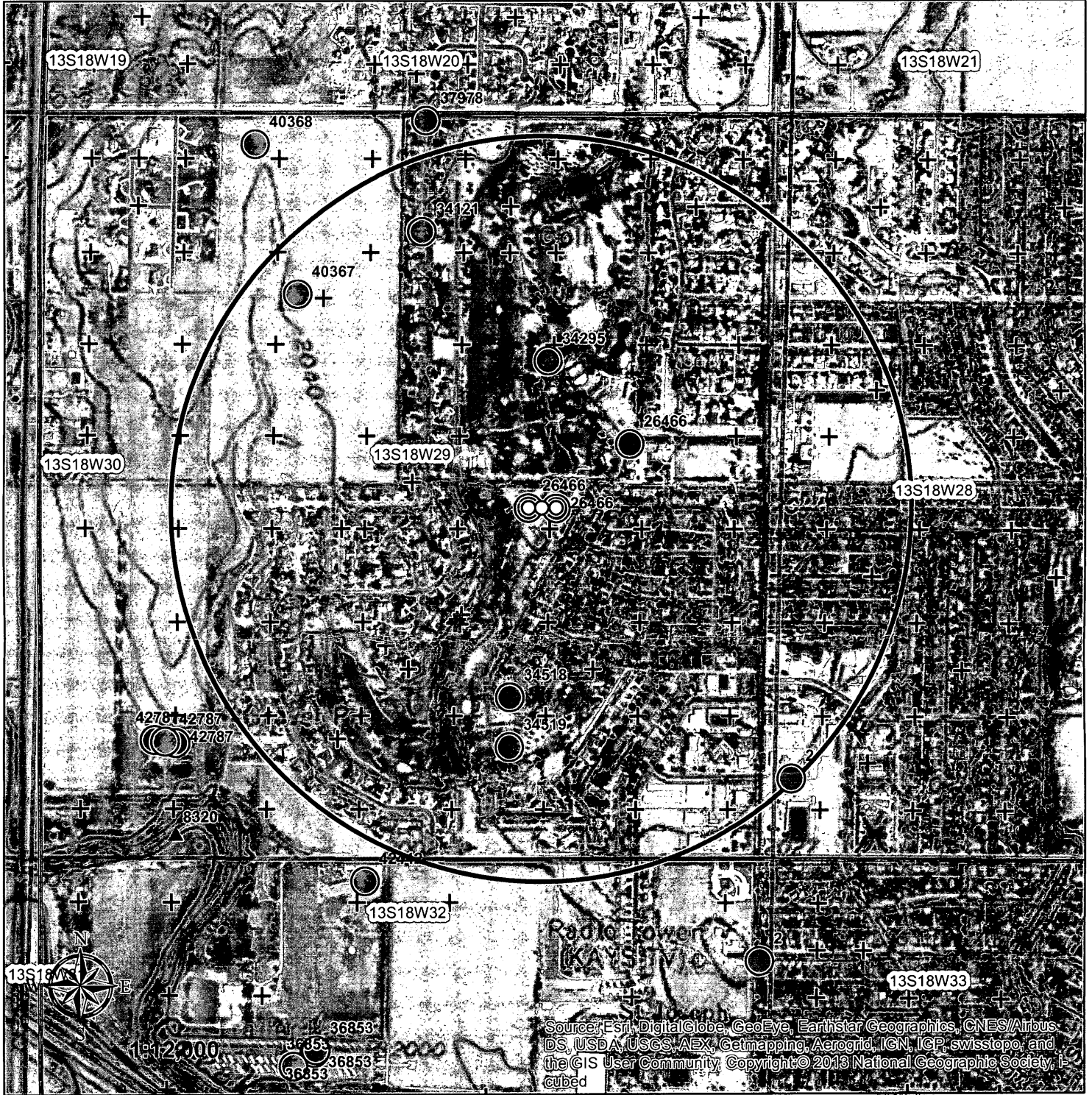
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT: DLW
pc: STOCKTON Field Office GMD

Application to Change the Point of Diversion For Water Right File # 26466



- Authorized Point(s) of Diversion
- Proposed Point(s) of Diversion
- 1/2 mile radius
- + WWC-5 Recods
- ▲ Surface Water Point of Diversion
- Groundwater Point of Diversion

Signature Required

By signing this I am stating that to the best of my knowledge that all wells within 1/2 mile of proposed well location are identified on this map.

WATER RESOURCES RECEIVED

SEP 25 2017

KS DEPT OF AGRICULTURE

SCANNED