

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

1. File Number: 19845	2. Status Change Date: 4/27/2020	3. Change Num: C2	4. Field Office: 03	5. GMD: 04
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: 18-FEB-2020
8a. Applicant(s) New to system <input type="checkbox"/>		Person ID 35365 Add Seq# 1		8c. Landowner(s) New to system <input type="checkbox"/>
WILLARD W & PEGGY MILLER 2 LEE CIR COLBY, KS 67701-2738				Person ID _____ Add Seq# _____
8b. Landowner(s) New to system <input type="checkbox"/>		Person ID 65022 Add Seq# 1		8d. Landowner(s) New to system <input type="checkbox"/>
WILLARD W MILLER JR TRUST & PEGGY J MILLER TRUST 2 LEE CIRCLE COLBY, KS 67701 (per Thomas Co ORKA)				Person ID _____ Add Seq# _____
8e. WUC New to system <input type="checkbox"/>		NO CHANGE		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/20</u> <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input 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: 04/16/20 By: RAK Date Entered: 5/4/2020 LMoody By: _____				

File No. **19845** 11. County: **TH** Basin: **SAPPA CREEK (29)** 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/cfs Quantity af/mgy Additional Rate gpm/cfs Quantity af/mgy Overlap PD Files

NO CHANGES TO PDS

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) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: **2592 AF/5YR PERIOD W/C FILE NO 26776-D1** af/yr at _____ gpm (_____ cfs)

15. **NO CHANGE** 5YR Allocation: _____ Allocation Type **B3** Start Year **2011** 5 YR Amount **2592 w/c26776-D1** Amount Unit **AF** Base Acres **390** 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								
√	22605	5	7	35W	1																	40.00	40.00	40.00	40.00	160.00	8B	YES	26776-D1
DEL	62502	8	7	3511W	2	11	36	40	36	36.00	11.00	36.00	40.00											246					
MOD	53954	8	7	35W	1	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	640.00	8B	YES	26776-D1		
√	37947	9	7	35W	2	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00											320.00	8B	YES	26776-D1		

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

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

TO: Files
FROM: Richelle A. Krueger

DATE: April 21, 2020
RE: Water Right
File Nos. 19,845 and 26,776-D1

Willard W. and Peggy J. Miller, Jr., 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 5, 8 and 9, Township 7 South, Range 35 West, Thomas County, in the Sappa Creek Basin. The 972 acres authorized by File Nos. 19,845 and 26,776-D1 have been enrolled in a five-year allocation of water since November 7, 2011 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 corners in Section 8 to the authorized place of use for a total of 1,120 acres to be irrigated pursuant to K.A.R. 5-5-11(b)(3). The purpose indicated in Paragraph No. 3 of the application is to allow for more crop rotation. They are requesting to continue in the present five-year allocation period, which ends in 2020, and Paragraph No. 13 of the application indicates they have 1,068 acre-feet of the allocation left for 2020.

- Northwest Kansas Groundwater Management District No. 4 will continue monitoring responsibility.
- Combined base acres are 390 acres based on an October 31, 2011 memorandum to the files by Leslie Ireland of the Change Application Unit, so the applicants have proposed a net increase of 730 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 Nos. 19,845 and 26,776-D1 will continue to be limited to a total five-year allocation of 2,592 acre-feet per five-year period $1.13'(50\% \text{ N.I.R. Thomas County})/.85 \times 390 \text{ base acres} \times 5 \text{ years} = 2,592 \text{ acre-feet}$.
- 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.

Nearby well owners within one-half mile of the authorized points of diversion were notified of the proposed changes by letters dated March 12, 2020 to comply with K.S.A. 82a-1906. One comment was received.


The same local source of supply will not change, previously determined to be Ogallala Formation (211).

In a letter dated March 17, 2020, Shannon Kenyon, Manager of Northwest Kansas Groundwater Management District No. 4, recommended approval of the applications.

In an e-mail dated April 20, 2020, 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

Property Details for PID: 0970830500000003000

Shareable link to Property Information : <https://www.kansasgis.org/orka/permalinkprop.cfm?parcelId=0970830500000003000>

Shareable link to Map: <https://www.kansasgis.org/orka/permalink.cfm?parcelId=0970830500000003000>

QuickRef ID : R837

Owner Name : MILLER, WILLARD W JR TRUST & MILLER, PEGGY J TRUST

Location: 00000 CO RD X, Levant, KS 67743

Abbreviated Boundary Description: S05 , T07 , R035 , ACRES 155.2 , SE4 LESS RW

Owner Information:

Owner MILLER, WILLARD W JR 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

Property Details for PID: 0970830800000001000

Shareable link to Property Information :	https://www.kansasgis.org/orka/permalinkprop.cfm?parcelid=0970830800000001000
Shareable link to Map:	https://www.kansasgis.org/orka/permalink.cfm?parcelId=0970830800000001000
QuickRef ID :	R844
Owner Name :	MILLER, WILLARD W JR TRUST & MILLER, PEGGY J TRUST
Location:	00000 CO RD X, Levant, KS 67743
Abbreviated Boundary Description:	S08 , T07 , R035 , ACRES 308.7 , N2 LESS RW
Owner Information:	
Owner	MILLER, WILLARD W JR 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

Property Details for PID: 0970830800000002000

Shareable link to Property Information :	https://www.kansasgis.org/orka/permalinkprop.cfm?parcelid=0970830800000002000
Shareable link to Map:	https://www.kansasgis.org/orka/permalink.cfm?parcelId=0970830800000002000
QuickRef ID :	R845
Owner Name :	MILLER, WILLARD W JR TRUST & MILLER, PEGGY J TRUST
Location:	00000 CO RD W, Levant, KS 67743
Abbreviated Boundary Description:	S08 , T07 , R035 , ACRES 304.8 , S2 LESS RW
Owner Information:	
Owner	MILLER, WILLARD W JR 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

Property Details for PID: 0970820900000001000

Shareable link to Property Information :	https://www.kansasgis.org/orka/permalinkprop.cfm?parcelid=0970820900000001000
Shareable link to Map:	https://www.kansasgis.org/orka/permalink.cfm?parcelId=0970820900000001000
QuickRef ID :	R830
Owner Name :	MILLER, WILLARD W JR TRUST & MILLER, PEGGY J TRUST
Location:	00000 CO RD X, Levant, KS 67743
Abbreviated Boundary Description:	S09 , T07 , R035 , ACRES 315.6 , N2 LESS R/W
Owner Information:	
Owner	MILLER, WILLARD W JR 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

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
http://agriculture.ks.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
FEB 18 2020
12:02
KS Dept Of Agriculture

File No. 19845

2. Name of applicant: Willard W Miller JR & PEGGY MILLER H/W

Address: 2 Lee Circle

City, State and Zip: Colby, Kansas

Phone Number: () _____ 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

Address: _____

City, State and Zip: _____

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

3. The change(s) proposed herein are desired for the following reasons (please be specific): Allow for more crop rotation

The change(s) (was) (will be) completed by May 2020

(Date)

For Office Use Only:

F.O. 3 GMD 4 Meets K.A.R. 5-5-1 (YES / NO) Use IRR Source S County TH By KJN Date 2/18/20
Code _____ Fee \$ 200 TR # _____ Receipt Date 2/18/20 Check # 104829

APPLICATION COMPLETE

3/20/20
Reviewer Rd/L

SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: Applicant

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	
5	7	35w													40	40	40	40	160
8	7	35w	11	36	40	36	36	11	36	40	40	36	11	36	36	40	36	11	492
9	7	35w	40	40	40	40	40	40	40	40									*320

List any other water rights that cover this place of use. 26776D1

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: Applicant

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	
5	7	35w													40	40	40	40	160
8	7	35w	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
9	7	35w	40	40	40	40	40	40	40	40									*320

List any other water rights that cover this place of use. 26776D1

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 WAIS Rsk/Down 3/10/20*

6. The presently authorized point(s) of diversion (is) (are) 3 WELLS
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) NO CHANGE
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SE Quarter of the SE Quarter of the NW Quarter of Section 9, Township 7 South, Range 35 W, in TH County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate 590 Authorized Quantity 239
 (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 _____

9. **Presently authorized point of diversion:**
 One in the SE Quarter of the NW Quarter of the NE Quarter of Section 9, Township 7 South, Range 35 W, in TH County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate 605 Authorized Quantity 237
 (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 NC Quarter of the S SIDE Quarter of the SE Quarter of Section 5, Township 7 South, Range 35 W, in TH County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate 375 Authorized Quantity 150
 (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.

Water Resources
Received
FEB 18 2020

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

12. The presently authorized use of water is for IRRIGATION purposes.
It is proposed that the use be changed to 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.
KAR 5-5-11 5 YEAR LIMITED QUANTITY OF 2592 AF COMBINED WITH 26776-D1. THESE RIGHTS ARE CURRENTLY OPERATING UNDER THE 5-YEAR LIMITATION AND 2020 IS THE LAST YEAR OF THE PERIOD WITH A BALANCE OF 1068 A/F. FOR THE 4 WELLS

(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.

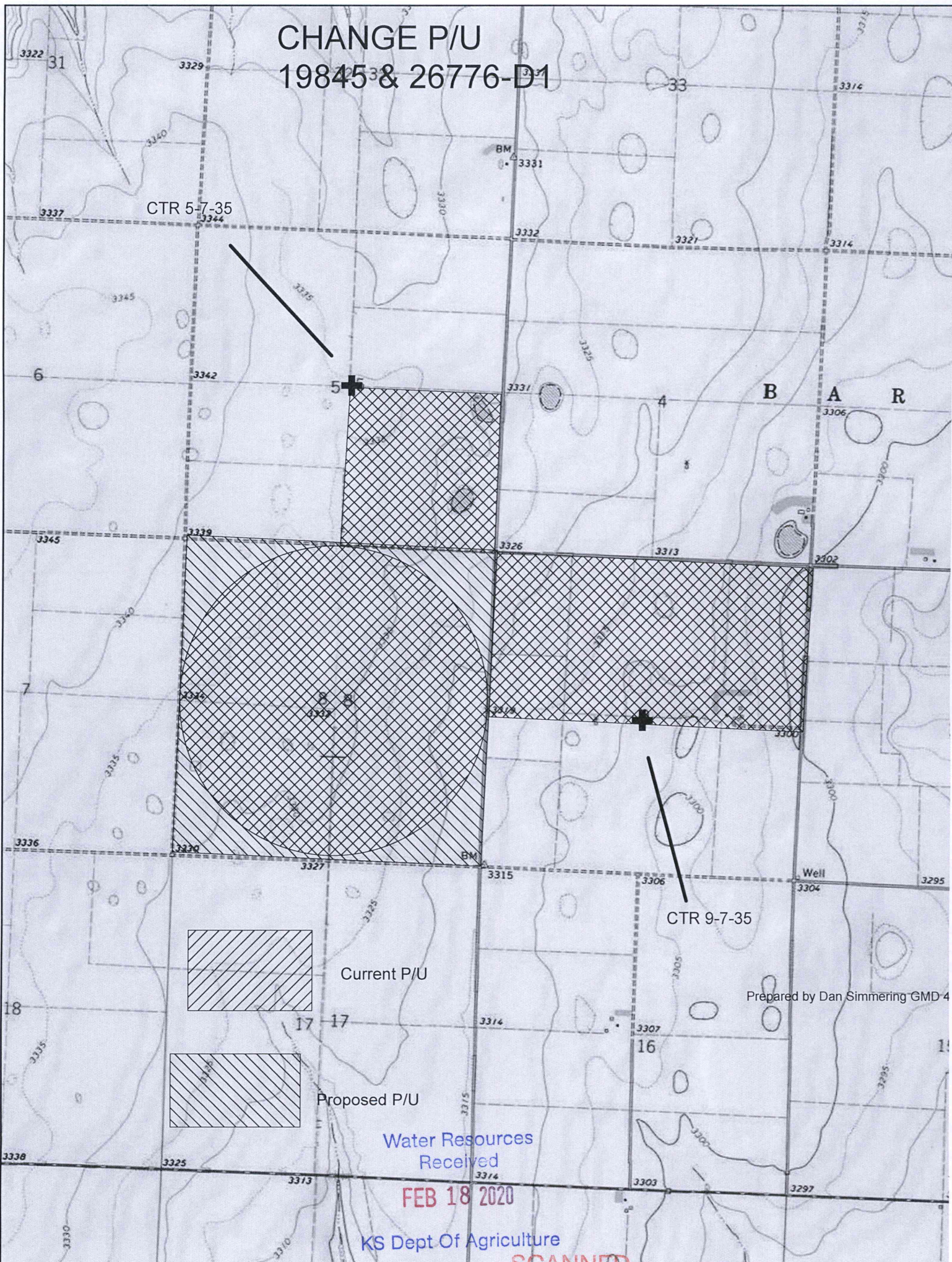
CHANGE IN PL/USE ONLY, NO CHANGE IN RATE OR AMOUNT. NO IMPAIRMENT WILL OCCUR.

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

CHANGE P/U 19845 & 26776-D1



CTR 5-7-35

5

CTR 9-7-35

Current P/U

Proposed P/U

Water Resources
Received

FEB 18 2020

KS Dept Of Agriculture

SCANNED

Prepared by Dan Simmering GMD 4

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 Colby, Thomas County, Kansas, this 10 day of February, 2020.

X [Signature] (Owner)

X [Signature] (Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

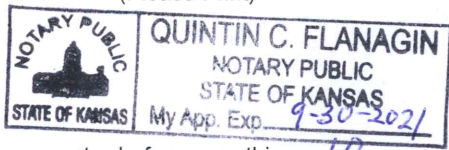
(Owner)

(Spouse)

(Please Print)

(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 10 day of February, 2020.

[Signature]
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
FEB 18 2020

KS Dept Of Agriculture

Krueger, Richelle [KDA]

From: Stewart, Kelly [KDA]
Sent: Monday, April 20, 2020 8:54 AM
To: Krueger, Richelle [KDA]
Cc: Billinger, Mark [KDA]; Hageman, Rebecca [KDA]
Subject: RE: Request for Recommendation Change in PU File No. 19845 and 26776-D1 Willard Miller

Richelle,

I have no objection to the approval of these change applications. The current 5 year allocation should continue uninterrupted.

The water meter on 26,776-D1 was deemed out of compliance this past year because it didn't have enough digits to prevent it from rolling over multiple times during the year. However, there is no reason to hold off on the approval of these changes.

Kelly

From: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Sent: Monday, April 20, 2020 8:07 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 No. 19845 and 26776-D1 Willard Miller

Hi Kelly,
Attached is a draft memo for the referenced changes in pu. This is the last year of their 5 year allocation and they propose to go from 972 acres to 1,120, the purpose is to allow for more crop rotation. In 7/22/2019 in the action trail for File No. 26776-D1 it indicates they were not in compliance for a meter. I am not sure by looking at the action trail if that was resolved or not. They did not sent any paperwork in for a different allocation, I am assuming they are continuing on with the old one...GMD 4 recommended approval.

Do you recommend approval of these applications?

Thanks,

Richelle

Richelle Krueger, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive, 3rd Floor
Manhattan, KS 66502
(785) 564-6635

Krueger, Richelle [KDA]

From: Krueger, Richelle [KDA]
Sent: Wednesday, March 11, 2020 9:24 AM
To: Stewart, Kelly [KDA]
Subject: RE: Change in PU File Nos. 19845 and 26776-D2 Willard Miller Jr. 5 yr allocation

Kelly,
That's what I was thinking but thought I better touch base.
Thanks,
Richelle

From: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Sent: Wednesday, March 11, 2020 9:21 AM
To: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: RE: Change in PU File Nos. 19845 and 26776-D2 Willard Miller Jr. 5 yr allocation

Richelle,

I don't have a problem with this proposal assuming GMD 4 will continue to monitor it and recommend approval. I don't see a reason to start over with a new 5 year allocation. I think we would just keep moving forward with the existing.

Kelly

From: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Sent: Wednesday, March 11, 2020 7:56 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: Change in PU File Nos. 19845 and 26776-D2 Willard Miller Jr. 5 yr allocation

Hi Kelly,
I wanted to check with you before I send this out to the gmd. Millers are proposing to increase the acres on their 5 year allocation from 972 acres to 1120 acres. They have a 5 year allocation of 2592 AF, the last year of the allocation is 2020. According to their application, they have 1068 AF left total for the four wells. Do you have any issues with this proposal? Not sure if they have to sign a new agreement or start a new 5 year allocation or how that will work but wanted to get your opinion before I move this along.
Thanks,
Richelle

Richelle Krueger, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive, 3rd Floor
Manhattan, KS 66502
(785) 564-6635

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
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900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

WILLARD W & PEGGY J MILLER JR
2 LEE CIR
COLBY, KS 67701-2738

RE: Water Right, File Nos. 19,845 and 26,776-D1

Dear Mr. Miller:


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 diversion works and/or installation of the required meters as soon as these actions are completed.

Since these orders 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,


Richelle. A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stockton Field Office
Groundwater Management District No. 4

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE WATER RIGHT FILE NO. 19,845

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Willard W. and Peggy J. Miller Jr., 2 Lee Circle, Colby, Kansas, 67701, received in this office on February 18, 2020, 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 Findings and Order of the Chief Engineer dated July 16, 1991, reducing the place of use, the Order of the Chief Engineer dated February 16, 2001, approving the application to change the place of use, the Correction Order of the Chief Engineer dated July 24, 2001, to correct an error in the additional limitation on the quantity of water, and by the Order of the Chief Engineer dated November 7, 2011, approving the application 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 irrigation 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	
5	7S	35W													40.00	40.00	40.00	40.00	160.00
8	7S	35W	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	640.00
9	7S	35W	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00									320.00

a total of 1,120.00 acres in Township 7 South, Range 35 West, Thomas County, Kansas, located substantially as shown on the map accompanying the application to change the place of use,

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

1. That the quantity of water authorized for irrigation use pursuant to Water Right, File No. 19,845 shall be limited to a quantity when combined with Water Right, File No. 26,776-D1, shall not exceed 2,592 acre-feet per five (5)-year period; the first period being calendar years 2011 through 2015, ad infinitum.
2. That the quantity of water authorized under Water Right, File No. 19,845 shall not exceed 626 acre-feet per calendar year, provided that 2,592 acre-feet per five (5)-year period is not exceeded.

3. That the use of water in excess of 2,592 acre-feet 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	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL ACRES
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5	7S	35W													32.50	32.50	32.50	32.50	130.00
9	7S	35W	32.50	32.50	32.50	32.50	32.50	32.50											260.00

a total of 390.00 acres in Sections 5 and 9, Township 7 South, Range 35 West, Thomas County, Kansas, located substantially as shown on the map accompanying the application to change the place of use.

4. 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. 3, above, starting the calendar year following the year of termination.

All 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

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.

CERTIFICATE OF SERVICE

On this day of , 2020, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 19,845, dated , 2020 was mailed postage prepaid, first class, US mail to the following:

WILLARD W & PEGGY J MILLER JR
2 LEE CIR
COLBY, KS 67701-2738

With photocopies to:

Stockton Field Office
Groundwater Management District No. 4

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 19,845, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated May 26, 1987, as modified and amended by the aforementioned orders.

Ordered this 27th day of April, 2020, in Manhattan, Riley 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 27th day of April, 2020, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.

Katie N. Anderson

Notary Public



RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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- 2) request administrative review by the Secretary of Agriculture.

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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.

CERTIFICATE OF SERVICE

On this 6th day of May, 2020, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 19,845, dated April 27, 2020 was mailed postage prepaid, first class, US mail to the following:

WILLARD W & PEGGY J MILLER JR
2 LEE CIR
COLBY, KS 67701-2738

With photocopies to:

Stockton Field Office
Groundwater Management District No. 4

Katie Anderson

Division of Water Resources