Stockton Field Office 820 S. Walnut Stockton, KS 67669-0192



Phone: 785-425-6787 Fax: 785-425-6842 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

June 12, 2020

TERRY WALT 26028 120 AVE COLLYER, KS 67631-6026

Re: Water Rights, File Nos. 15,088 & 49,446

Dear Mr. Walt:

Enclosed are two (2) orders executed by Chris Beightel, Acting Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the terms, conditions, and limitations specified in these approvals for change. Also, the approval of the orders does require the installation of a water flow meter(s) on the point(s) of diversion authorized under the above file numbers by <u>December 31, 2020</u>. Please complete and return the enclosed Notice(s) of Completion of Diversion Works when a water flow meter has been installed. A copy of the Chief Engineer's specifications for the water flow meters is found in K.A.R. 5-1-4 through K.A.R. 5-1-12, along with a partial list of those flow meters found to be acceptable for installation in Kansas can be found on our website at the following web address: http://agriculture.ks.gov/meters

Please note that all meters must be installed and maintained in accordance with the specifications for water flow meters referenced above.

The abandoned water well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment (KDHE). If the well is to be retained by the landowner for other purposes, a copy of the legal transfer of responsibility for maintenance of the well must be forwarded to KDHE Geology Section, 1000 SW Jackson, Suite 420, Topeka, Kansas 66612, telephone number (785) 296-5524. More information is available online at: http://kdheks.gov/waterwell

Since these orders modify the original certificates, they should be recorded with the Register of Deeds just as other legal documents affecting real estate. Such records are maintained at the Register of Deeds Office in the county wherein the place of use is located.

These documents are summary orders by this agency regarding this matter. These orders shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order.

If you have any questions, please feel free to contact this office at (785)425-6787. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

Mark Billinger

Assistant Water Commissioner

MB:rfh
Enclosures

CERTIFICATE OF SERVICE

On this 12th day of June, 2020, I hereby certify that the attached **SUMMARY ORDERS APPROVING APPLICATIONS FOR CHANGE in POINT OF DIVERSION** for water rights, File Nos. 15,088 & 49,446, dated on the 12th day of June, 2020, were mailed postage prepaid, first class, U.S. mail, to the following:

TERRY WALT 26028 120 AVE COLLYER, KS 67631-6026

Bulle Hagewall

ed application to: 'nt of Agriculture esources your area.

ress:

∠peka -- (785) 296-5733 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787 Garden City -- (620) 276-2901 http://agriculture.ks.gov/dwr

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



STATE OF KANSAS

APPLICATION COMPLETE 6/12/2020

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

Reviewer MB.

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your property lines

My Commission Expires 12-20-2020 My Appl. Expires 12-20-2020 ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; the appropriate fee must be paid. FEE SCHEDULE Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee so forth in the schedule below. Make checks payable to: Kansas Department of Agriculture (1) Application to change a point of diversion 300 feet or less. \$100 (2) Application to change a point of diversion more than 300 feet . \$200 (3) Application to change the place of use. \$200 DWR 1-121 (Revised 04/5/2018) Page 3 Stockton Field Office File No	14. If the proposed groundwater point of diversion is 300 or	r fewer feet from t	he existing point of diversion, comple	ete the following:
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My Commission Expires 12-26-2020 ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; the appropriate fee must be paid. FEE SCHEDULE Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee so forth in the schedule below: Make checks payable to: Kansas Department of Agriculture (1) Application to change a point of diversion 300 feet or less \$100 (2) Application to change a point of diversion more than 300 feet \$200 (3) Application to change the place of use \$200 RECEIVED DWR 1-121 (Revised 04/5/2018) Page 3 Stockton Field Office File No	NOTARY PUBLIC -	EE HERL /	Rama Lee Lle	of the same of the
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SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, et seq. and other applicable provisions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions 49,4410 and limitations of File No. 6-10-2020 A change application was received on requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown 2. on the topographic map accompanying the application to change the place of use.

Applicable Not Applicable The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 50 radius of the authorized point(s) of diversion.

Applicable

Not Applicable The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. ☑ Applicable ☐ Not Applicable The point(s) of diversion authorized herein shall not actually be located more than authorized point(s) of diversion. ☐ Applicable ☒ Not Applicable feet from the previously As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13.

Applicable
Not Applicable 7. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2020, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. ☐ Not Applicable Installation of the works for diversion of water shall be completed on or before December 31, 2020, or within any authorized extension of time. By March 1, 2021 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. ☐ Not Applicable The completed well log shall be submitted with the required notice. ☐ Applicable Not Applicable 10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed operated and maintained in accordance with K.A.R. 5-3-5c. Applicable \(\subseteq \) Not check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. 🛛 Applicable Applicable 11. Additional Conditions are attached. □ Yes ⊠ No 12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water* Appropriation Law and the Rules and Regulations promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law. Administrative Appeal and Effective Date of Order FOR OFFICE USE ONLY If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, APPLICATION APPROVED AND you may request an evidentiary hearing before the Chief SUMMARY ORDER ISSUED Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within 15 days of service of this Order and a request for administrative review by the Secretary must be filed within 30 days pursuant to K.S.A. 77-531. Any request for administrative Duly Authorized Designee of the Chief Engineer Buncon review must state a basis for review pursuant to K.S.A. 77-527. File any request with Kansas Department of Agriculture, Division of Water Resources - Kansas Department of Agriculture Legal Division, 1320 Research Park Drive, Manhattan, KS 6-12-2020 Date of Issuance: 66502. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act. State of Kansas For Use by Register of Deeds SS Acknowledged before me on

My commission expires 6-29-23

PUBLIC

Notary ₩ublic

REBECCA F. HAGEMAN My Appointment Expires FUGN 29, 2023 (Notary Seal)

RECEIVED

JUN 1 0 2020

Stockton Field Office Division of Water Resources

DWR 1-121 (Revised 04/5/2018)

Page 5

File No.

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. <u>49,446</u>

JUN 1 0 2020

Presently authorized p	oint of diversion:			Stockton Field Office
		e SW	Quarter of the	Division of Water Resources NE Quarter
of Section	19 Township	13	South Bange	
				of Southeast corner of section.
	Authorized Qu			
(DWR use only: Comp	outer ID No. 5	GPS 3636	feet North	2566 feet West)
				er described with GPS as follows:
				t is better described by GPS)
				NE Quarter
				25 W,
in TR	County Kansas 3	636 feet North	2566 feet West	of Southeast corner of section.
Proposed Rate	Proposed Qua	ntity	Proposed well der	oth (feet)
This point is: Addition	nal Well D Geo Center	List other water righ	that will use this no	oint 15,088
	Hartten Goodonier	List other water rigi	ito triat will ado triio pe	
Presently authorized p	oint of diversion:			
.One in theN	N Quarter of the	eSW	Quarter of the	NE Quarter
of Section	<u>19</u> , Township _	13	South, Range	<u>25</u> W,
in <u>TR</u>	County, Kansas,3	500 feet North	2630 feet West	of Southeast corner of section.
Authorized Rate	Authorized Qu	antity	Depth of well	(feet)
(DWR use only: Comp	outer ID No. 6	GPS	feet North	feet West)
☐This point will not be ch	nanged This point will be	changed as follows: [No change, point bett	er described with GPS as follows:
				is better described by GPS)
				NE Quarter
of Section	19 , Township	13	South, Range	Qdarki
in TR	County, Kansas, 3	275 feet North	2594 feet West	of Southeast corner of section.
Proposed Rate	Proposed Qua	ntity	Proposed well der	oth (feet)
This point is: Addition	nal Well	List other water righ	nts that will use this no	oint 15,088
L	terms and the second se		to mat iiii acc tine pe	
Presently authorized p	oint of diversion:			
One in the	ooint of diversion: Quarter of the	9	Quarter of the	Quarter
One in the of Section	ooint of diversion: Quarter of the , Township)	Quarter of theSouth, Range _	Quarter (E/W),
One in the of Section in	ooint of diversion: Quarter of the , Township County, Kansas,	efeet North _	Quarter of the _ South, Range _ feet West	Quarter (E/W), of Southeast corner of section.
One in the of Section in Authorized Rate	ooint of diversion: Quarter of the, Township County, Kansas, Authorized Qu	e feet North _	Quarter of theSouth, Rangefeet West	Quarter (E/W), of Southeast corner of section. (feet)
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