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

April 19, 2021

ROBERT L & SALLY A CLYDESDALE 26148 CENTER RD EDMOND, KS 67645

Re: Water Rights, File Nos. 25,459; 32,081; 35,123

Dear Mr. & Mrs. Clydesdale:

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

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

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

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

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

Sincerely,

Mark Billinger

Assistant Water Commissioner

While Bely

MB:rh Enclosures

CERTIFICATE OF SERVICE

On this 19th day of April, 2021, I hereby certify that the attached <u>SUMMARY ORDERS</u> <u>APPROVING APPLICATIONS FOR CHANGE in PLACE OF USE</u> for water rights, File Nos. 25,459; 32,081; 35,123, dated on the 19th day of April, 2021, were mailed postage prepaid, first class, U.S. mail, to the following:

ROBERT L & SALLY A CLYDESDALE 26148 CENTER RD EDMOND, KS 67645

Bellua Kagemenn Staff Submit completed application to: Kansas Department of Agriculture Division of Water Resources Field Office for your area. Call for address:

Topeka -- (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

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

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater

APPLICATION COMPLETE

4/19/21

Reviewer_wb

than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use. RECEIVED File No. 35,123 APR 1 5 2021 10:55 am. 1. Application is hereby made for approval of the Chief Engineer to change the (check one or both): Stockton Field Office Division of Water Resources ☐ Point of Diversion under the water right which is the subject of this application in accordance with the conditions described below. The source of supply is: □ Groundwater ☐ Surface water Name and address of Applicant: ROBERT CLYDESDALE LIVING TRUST 26148 CENTER RD EDMOND, KS 67645 Phone Number: () Email address: Name and address of Water Use Correspondent: ROBERT L & SALLY A CLYDESDALE 26148 CENTER RD EDMOND, KS 67645 Phone Number: (____) Email address: The presently authorized place of use is: Owner of Land ---- NAME: ROBERT CLYDESDALE LIVING TRUST ADDRESS: 26148 CENTER RD EDMOND, KS 67645 (If there is more than one landowner, attach supplemental sheets as necessary.) NE1/4 NW1/4 SW1/4 TOTAL ACRES NE1/4 NW1/4 SW1/4 Sec. Twp. Range SE1/4 NE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 SE1/4 15 58 23W 10 10 10 58 23W 40 15 12 40 24 35 38 17 15 35 18 38 14 15 366 9 58 23W 40 31 25 40 136 If this application is for a change in place of use, it is proposed that the place of use be changed to: Owner of Land ---- NAME: ROBERT CLYDESDALE LIVING TRUST ADDRESS: 26148 CENTER RD EDMOND, KS 67645 (If there is more than one landowner, attach supplemental sheets as necessary.) SW1/4 SE1/4 TOTAL **ACRES** Twp. Range NE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 SE1/4 NW1/4 SW1/4 SE1/4 NW1/4 NE1/4 NE1/4 SW1/4 10 58 23W 35 2 2 35 27 7 23 25 14 35 1 206 23W 18 11 22 33 84

For Office Use Only: Code

Receipt Date

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Yes No (If no, all owners must sign this application)		in to energinal
 (b) Will the ownership interest of any owner of the currently authorisaffected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this application) 		tion be adversely
(c) If this application is not approved expeditiously, will there be subs ☐ Yes ☐ No (If no, all owners must sign this application)		safety?
f the application proposes a surface water change in point of diversion, a	orthis natzievile to tubo au E. Alexnorthis v	eater than 300 fe
or a change in place of use, the application must be signed by all owners agent (attach notarized statement authorizing representation).	of the currently authorized place of use, or the	neir duly authorize
I hereby verify, being first duly sworn upon my oath or affirma age and the owner, the spouse of the owner, or a duly authorize their behalf, in regards to the water right(s) to which this app contained in this application are true, correct and complete.	zed agent of the owner(s) to make this lication pertains. I further verify that	s application o
Dated at 4-15-21 Stockton FO, Kansas, this_	15th day of April	, 2021
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My Commission Expires June 29, 2023	Notary Public /	
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of	of the applicable portions of the application form	nust be completed
accurate information; maps, if necessary, must be included; signatures of all the ap he appropriate fee must be paid.	propriate owners' must be affixed to the application	on and notarized; a
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<u>FEE SCHEDU</u> Each application to change the place of use or the point of diversion unde		polication fee set
forth in the schedule below: Make checks payable to: Kansas Departme	ent of Agriculture	
(1) Application to change a point of diversion 300 feet or less(2) Application to change a point of diversion more than 300 feet		\$100 \$200
(3) Application to change the place of use	DECEN (==	\$200
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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 and limitations of File No. 35,123 4-15-21 requesting that the place of use and / or point of A change application was received on 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 on the topographic map accompanying the application to change the place of use. 2. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a ______ foot radius of the authorized point(s) of diversion.

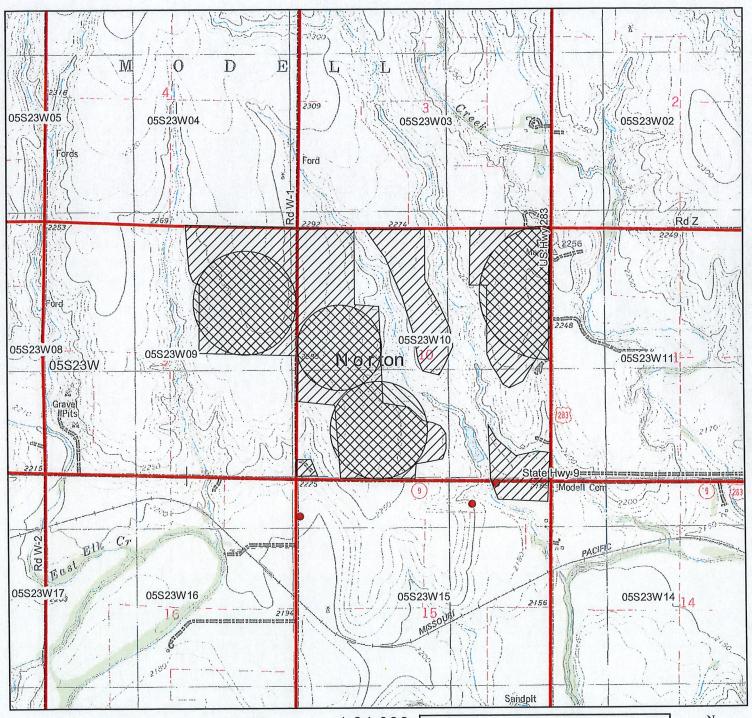
Applicable 3. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. ☐ Applicable ☒ Not Applicable The point(s) of diversion authorized herein shall not actually be located more 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 The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20____, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.

| Applicable | | Not Applicable | Not App ☐ Applicable Installation of the works for diversion of water shall be completed on or before December 31, 20_____, or within any authorized extension of time. By March 1, 20_____ the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. ☐ Applicable 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 ☒ Not Applicable 11. Additional Conditions are attached. 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 APPLICATION APPROVED AND If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, SUMMARY ORDER ISSUED you may request an evidentiary hearing before the Chief 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 Duly Authorized Designee of the Chief Engineer administrative review by the Secretary must be filed within 30 days pursuant to K.S.A. 77-531. Any request for administrative MARK BRUNGON (Print Name): review must state a basis for review pursuant to K.S.A. 77-527. Division of Water Resources - Kansas Department of Agriculture File any request with Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS Date of Issuance: 66502. Failure to timely request a hearing or review may State of Kansas preclude review under the Kansas Judicial Review Act. SS For Use by Register of Deeds Acknowledged before me on Signature: Notary Public WEO. REBECCA F. HAGEMAN My commission expires: MOTARY (Notary Sea) June 29, 2023 6-29-23

File No.

Application to Change the Place of Use File number 25459, 32081 & 35123 Assisted by Division of Water Resources Stockton Field Office



Surface Water Point of Diversion

Groundwater Point of Diversion

1:24,000

Authorized Place of Use



Proposed Place of Use



RECEIVED

APR 1 5 2021

Stockton Field Office
Division of Water Resources