

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 13, 2022

TERRY L & VERLA J MARTIN
931 GAGE ST
BENKELMAN, NE 69021

Re: Water right, File Nos. 31713

Dear Mr. and Mrs. Martin:

Enclosed is the order executed by Earl Lewis, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the terms, conditions, and limitations specified in this approval for change. Also, the approval of the order does require the installation of a water flow meter(s) on the point(s) of diversion authorized under the above file numbers by **December 31, 2022**. 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 certificate, it 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.

This document is a summary order by this agency regarding this matter. This order 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.

(over)

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,



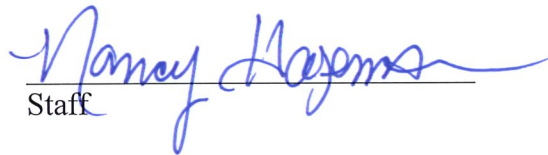
Mark Billinger
Assistant Water Commissioner

MB:ndh
Enclosures

CERTIFICATE OF SERVICE

On this 13th day of March 2022, I hereby certify that the attached **SUMMARY ORDER APPROVING APPLICATION FOR CHANGE in Point of Diversion** for water right, File No. 31713, dated on the 13th day of March 2022, were mailed postage prepaid, first class, U.S. mail, to the following:

TERRY L & VERLA J MARTIN
931 GAGE ST
BENKELMAN, NE 69021



Staff

RECEIVED ch # 89445
 4:12 pm AT \$ 100.00
 APR 11 2022



Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.

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

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>

STATE OF KANSAS

WATER METER REQUIRED

APPLICATION COMPLETE
 4/13/22
 Reviewer _____

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 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.

File No. 31,713

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use 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

2. Name and address of Applicant: TERRY MARTIN

931 GAGE ST BENKELMAN, NE 69021

Phone Number: (308)882-6397

Email address: tmartin6397@gmail.com

Name and address of Water Use Correspondent: SAME AS ABOVE

Phone Number: () _____

Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: HARVEY J RAMBAT ESTATE ROYCE A RAMBAT

ADDRESS: BOX 78 BIRD CITY, KS 67731 2460 RS 115 BIRD CITY, KS 67731-3184

(If there is more than one landowner, attach supplemental sheets as necessary.)

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	
8	1S	38W													39	12	27	34	112
9	1S	38W										10							10

4. 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: NO CHANGE

ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

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	

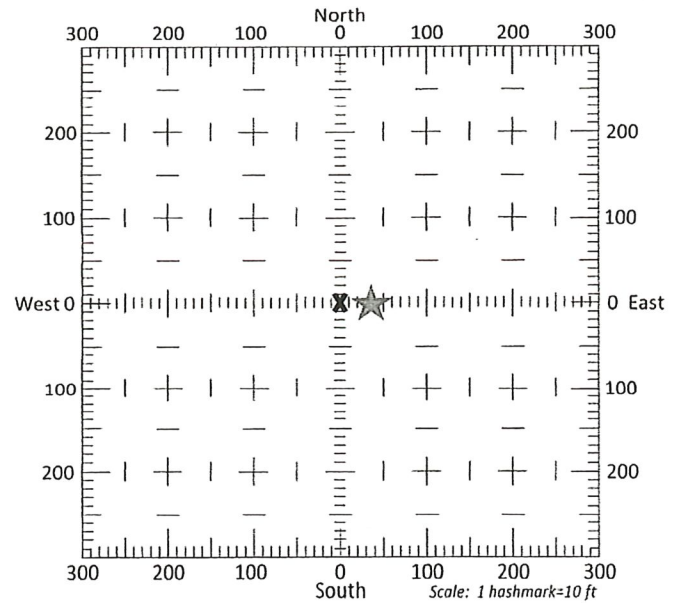
For Office Use Only: Code _____ Fee \$ _____ TR # _____ Receipt Date _____ Check # _____

5. **Presently authorized point of diversion:**
 One in the SE Quarter of the NE Quarter of the SE Quarter of Section 8, Township 1 South, Range 38 W, in CN County, Kansas, 1650 feet North 200 feet West of Southeast corner of section.
 Authorized Rate 450 GPM Authorized Quantity 103 AF Depth of well _____ (feet)
(DWR use only: Computer ID No. 1 GPS 1698 feet North 106 feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the SE Quarter of the NE Quarter of the SE Quarter of Section 8, Township 1 South, Range 38 W, in CN County, Kansas, 1698 feet North 76 feet West of Southeast corner of section.
 Proposed Rate 450 GPM Proposed Quantity 103 AF Proposed well depth (feet) _____.
 This point is: Additional Well Geo Center List other water rights that will use this point _____.

6. **Presently authorized point of diversion:**
 One in the SW Quarter of the SW Quarter of the SE Quarter of Section 8, Township 1 South, Range 38 W, in CN County, Kansas, 525 feet North 1610 feet West of Southeast corner of section.
 Authorized Rate 280 GPM Authorized Quantity 58 AF Depth of well _____ (feet)
(DWR use only: Computer ID No. 2 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 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 _____ Proposed well depth (feet) _____.
 This point is: Additional Well Geo Center List other water rights that will use this point _____.

7. The changes herein are desired for the following reasons?
 (please be specific) BAD CASING/WELL SCREEN

8. If a well, is the test hole log attached? Yes No
9. The change(s) (was)(will be) completed by?
UPON APPROVAL
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
PLUG OR CAP
 (b) When will this be done? UPON COMPLETION
11. Groundwater Management District recommendation attached?
 Yes No
12. Assisted by MB STKFO



- 13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines
- 13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. **(PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)**

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APR 11 2022

Stockton Field Office
 Division of Water Resources

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:

(a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?

Yes No (If no, all owners must sign this application.)

(b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?

Yes No (If yes, all owners must sign this application.)

(c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?

Yes No (If no, all owners must sign this application.)

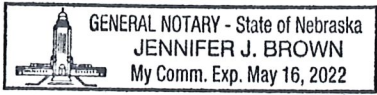
If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at _____, Kansas, this 6 day of April, 20 22.

<u>Terry L. Martin</u> (Owner)	_____	(Spouse)
<u>Terry L. Martin</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Kansas Nebraska }
County of Dundy } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 6th day of April, 20 22.

Jennifer J. Brown
Notary Public

My Commission Expires May 16, 2022.

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and 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 set 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

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Stockton Field Office
Division of Water Resources

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. 31,713.

- 1. A change application was received on 4-11-22 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.
- 2. 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. Applicable Not Applicable
- 3. 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 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
- 4. 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
- 5. The point(s) of diversion authorized herein shall not actually be located more than _____ feet from the previously authorized point(s) of diversion. Applicable Not Applicable
- 6. 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, 2022**, 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
- 8. Installation of the works for diversion of water shall be completed on or before **December 31, 2022**, or within any authorized extension of time. By March 1, 2023 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 Not Applicable
- 9. 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. 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

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, 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 administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

FOR OFFICE USE ONLY
**APPLICATION APPROVED AND
SUMMARY ORDER ISSUED**

By: Mark Billinger
Duly Authorized Designee of the Chief Engineer

(Print Name): MARK BILLINGER
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: 4-13-22

State of Kansas)
County of _____) SS

Acknowledged before me on _____
by _____

Signature: _____
Notary Public

My commission expires: _____
(Notary Seal)

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APR 11 2022

Stockton Field Office
Division of Water Resources

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502-5000
http://agriculture.ks.gov/dwr

KANSAS DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES

**NOTICE OF COMPLETION OF
DIVERSION WORKS**

For Office Use Only:

Code FIS

Fee \$ _____

TR # _____

Rcpt Date _____

Check # _____

Section 1 - Action requiring this form is:

- New application approval and permit to proceed (Fee must be attached. \$400 fee required for all uses made of water, except for sediment control use and groundwater pit for industrial use a \$200 fee is required by K.S.A. 82a-714(d)) **Make check payable to the Kansas Department of Agriculture**
- Change in point of diversion, place of use, or use made of water (no fee).
- Term permit (no fee).
- Other (e.g., Special order of the Chief Engineer).

Section 2 - Location of the Point of Diversion

The location of the point of diversion should be described as actually installed. The description should include the Section, Township, and Range, the 10-acre tract description ($\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$) and the footage from the southeast corner of the section.

1. File No(s): _____, _____, _____ [If assisted by DWR: P/D ID _____ By: _____]

2. The date the diversion works were completed: _____, 20____.

3. The diversion works are located in the _____ Quarter of the _____ Quarter of the _____ Quarter of (also described as _____ feet North and _____ feet West of the southeast corner of ...), Section _____, Township _____ South, Range _____ East / West, in _____ County, Kansas.

4. If an additional point of diversion is involved:
The diversion works are located in the _____ Quarter of the _____ Quarter of the _____ Quarter of (also described as _____ feet North and _____ feet West of the southeast corner of ...), Section _____, Township _____ South, Range _____ East / West, in _____ County, Kansas.

If this is a change in point of diversion (PD), how was the PD being replaced identified? _____

Section 3 - PRINT CLEARLY

Printed Name: _____

Address: _____

City, State, Zip: _____ Telephone/Cell: _____

I, the holder of a permit issued by the Chief Engineer of the Division of Water Resources pursuant to the file(s) referenced in section 2, hereby certify that the information on sections 1-4 of this form is correct to the best of my knowledge.

Signature: _____ Date: _____

If you have further questions on how to fill out this form, please contact the field office in your area:

Topeka
Kansas Department of Agriculture
6531 SE Forbes Ave, Ste B
Topeka, KS 66619
(785) 296-5733

Stafford
Kansas Department of Agriculture
300 South Main St.
Stafford, KS 67578
(620) 234-5311

Stockton
Kansas Department of Agriculture
820 South Walnut
Stockton, KS 67669
(785) 425-6787

Garden City
Kansas Department of Agriculture
2508 Johns Street
Garden City, KS 67846
(620) 276-2901

Section 4 - Flowmeter information:

File No(s): _____

Manufacturer of Flowmeter: _____

Date Flowmeter Installed: _____

Model Number: _____

Flowmeter Type: Propeller Turbine Multi-jet Positive Displacement Electromagnetic
 Vortex? Ultrasonic Other: _____

Flowmeter Serial Number: _____

Flowmeter Units: Gallons Acre-Feet Acre-Inches Other: _____

Flowmeter Size: 2" 4" 6" 8" 10" 12" Other: _____

Multiplier Factor: 1000 100 10 1 0.1 0.01 0.001 Other: _____

(Multiplier factor is normally indicated on flowmeter readout – possibly by printed zeroes)

Flowmeter totalizer reading when installed: (include all digits and all zeroes): _____

If the flowmeter is not easily viewed, or not within 100 feet of the point of diversion being metered, please briefly describe its location: _____

Is flowmeter installed on a portable pump? Yes No

Is the flowmeter installed in a manufacturer's measuring chamber? Yes No

Are straightening vanes installed? Yes No

Is a strainer installed? Yes No

Does the meter installation have 5 straight pipe diameters of upstream spacing? Yes No

Does the meter installation have 2 straight pipe diameters of downstream spacing? Yes No

Does flowmeter serve more than one point of diversion? Yes No

Is this a replacement flowmeter? Yes No (Information related to a replacement flowmeter not associated with the actions in Item #1 on the front page of this form should be submitted on Water Flowmeter Repair/Replacement Report (Form DWR 1-560).)

Any additional information:

K.A.R. 5-1-1(y), defines diversion works as "all well(s), pump(s), power unit(s), power source(s), dam(s) and all other devices necessary to bring water under control for delivery to a distribution system by which the water will be distributed to the proposed use and any other equipment required . . . such as a check valve, water level measurement tube, meter or other measuring device."

If you have completed your diversion works as described above and completed the requirements as set forth in your Approval of Application, please complete this form. ***If you are unable to meet the requirements stated on your approval, you must submit a request for extension of time (form DWR 1-203.15).*** K.S.A. 82a-714(e) puts a \$100 fee on an extension of time to complete the diversion works. **Failure to notify the Chief Engineer of the completion of the diversion works within the time allotted can result in dismissal of the referenced file(s) and loss of priority date.**

If the subject file(s) authorizes multiple new points of diversion (PDs), you may photocopy this form (both sides) and submit one form for each new PD authorized. **Form DWR 1-203.14 is an instruction sheet with sample entries.**