Kansas Department of Agriculture Division of Water Resources

CHANGE: P/D WORKSHEET

1. File Number: 42,956	2. Status Change Date: 5/22/18	3. Change Num:	4. Field Office: 01	5. GMD:
6. Status: Approved Den	ed by DWR/GMD	Dismiss by Reques	t/Failure to Return	7. Filing Date of Change: 5/17/18
8a. Applicant(s) New to system ☐ JERRY T STOWELL PO BOX 185 FRANKFORT KS 66427	Person ID 36334 Add Seq# 1	8c. Landown		Person ID Add Seq#
8b. Landowner(s) New to system □ 8A.	Person ID Add Seq#	8d. WUC New to sy	rstem 🗆	Person IDAdd Seq#
9. Documents and Enclosure(s): DN Anti-Reverse Meter Meter Conservation Plan Date Require	Seal		☐ Water Tube ☐	o Comply: 12/31/18 Driller Copy
10. Use Made of Water From:		To:		
			Date Prepared: 5/22 Date Entered:	/18 ву: LHH/TFO Ву:

File No. 42,956	920	11. County:	Ľ.		Basin:	Basin: Kansas	S				Stre	Stream:							Form	Formation Code: 140	140	Special Use:	
12. Points of Diversion	iversion													Ra	Rate and Quantity	Quan	tifty						
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DEL 76697	SW NE SE	6	48	3E	13		1430	1071		BATT	BATT 1 OF 2 WELLS	2 WE	STI						Paul			None	
ENT	SW NE SE	6	48	9E			1415	1071		BATT	BATT 1 OF 2 WELLS	2 WE	STI		No	hang	No Change to R or	Sora				None	
MOD 76698	SW NE SE	6	48	96	14	1	1532	1096		GEO CTR	CTR											None	
CHK 67246	SW NE SE	6	48	36	10		1649	1120		BATT	BATT 1 OF	2 WELLS	LLS						1	rec		None	
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15. 5YR Allocation:	ion: Allocation Type			Start Year	ear		5 YF	5 YR Amount	nt		Amoui	Amount Unit		Ba	Base Acres	es		Comment	nent				
16. Place of Use CHK	Φ				NE%			2	NW1/4			SW1/4	-4			SE1/4		F	Total O	Owner Ch	Chg? Ove	Overlap Files	
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Base Acres:	Year:	N 100 000	Minim	ım Re	Minimum Reasonable Quantity:	ole Que	antity:					R. Harris			UFF N				Page 183	22-			
Comments:															8	12							

DEPARTMENT OF AGRICULTURE DIVISION OF WATER RESOURCES TOPEKA FIELD OFFICE 6531 SE FORBES AVE., SUITE B TOPEKA, KS 66619

STATE OF KANSAS



PHONE: (785) 296-5733 Fax: (785) 296-8298 www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D. JACKIE McClaskey, Secretary of Agriculture

May 23, 2018

JERRY T STOWELL PO BOX 185 FRANKFORT KS 66427

Re: Water Right, File No. 42,956

Dear Sir:

Enclosed is the order executed by David W. Barfield, 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. A condition of this order requires the installation of water flow meter(s) before the first use of water in accordance with the Chief Engineer's specifications found in K.A.R. 5-1-4 through K.A.R. 5-1-12. A copy of these specifications and a list of acceptable meters can be obtained from our website at the following web address:

http://agriculture.ks.gov/meters

This order also requires that the diversion works should be completed, including installation of the flow meter(s), by December 31, 2018 and reported to the Division of Water Resources using the enclosed Notice of Completion of Diversion Works form. The form is also available on our website at: http://agriculture.ks.gov/waforms. If you do not have access to the internet, please contact this office and we will send you a paper copy of the referenced information.

Because this order modifies the original certificate issued under your water right file, it should be recorded with the Register of Deeds as other instruments affecting real estate.

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.

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,

Katherine A. Tietsort

Water Commissioner

KAT:lhh Enclosures 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 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.

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7	in Marshall												
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	in Marshall	Cou	inty, Kansas,	1532	_feet North	10	96	_ feet	West	of Sou	theast o	orner o	of section.
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		he deno? After	now well is see	malatad	100) <u> </u>	+	1 +		_	+ 1	+ 1	-∃100
	(b) When will this	be done? Alter	new well is co	mpieteu.						-	3000000		
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11.	Groundwater Man		recommendat	tion attached	1? 200			1 +		= 1		-	200
	□Y	es No					_			=	-	-	
10	Assisted by Lloyd	Homabill DWD	TEO			Einle	mlin	uluuli	mlm	F inite	udand	mban	iii.
12.	Assisted by Lloyd	nemphili- Dvvk	-170		3	100	200	100		0 outh	100	200	300
13a	a. If the proposed poi	nt of diversion w	vill be relocated	more than	300				3	outn	Scale: 1	l hashmark	*10 Jr
	feet but within 2,64	10 feet of the exi	sting point of d	iversion, att	ach 13b.Ifth	e prop	osed	point o	fdiver	sion w	Il be relo	cated w	vithin 300 fee
	a topographic ma sources, show all	ap or aeriai pri wells (including	otograpn. Fo	or groundwa in one-half r	of t	the ex	isting	point	of div	ersion.	indicate	its loc	cation on the
	of the proposed p	oint of diversion	and the nam	es and mai	ling dive	gram	snow!	n abov	e in	relation	n to the "X" in	e exist	ing point of of diagram
	addresses of the conames and addresses	owners. For sur	face water sou	irces, show	the abo	ove r	epres	ents	the	preser	ntly au	thorize	d point of
	downstream and	one-half mile	ipstream from	your prope	erty div	ersior	1.)						
	lines			, p p.									

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

FILE NO. 42,956

Presently author	zed point of	diversion:	NORTH WELL	Markey was a series	n Kalend Market	
One in the	SW	Quarter of the	NE	Quarter of the	SE	Quarter
of Section	9	, Township	4	South, Range	4	EAST,
in Marshall	Cou	unty, Kansas, 1649	e feet North	1120 feet West of S	Southeast corn	er of section.
Authorized Rate _		Authorized Quant	ity	Depth of well	(fe	eet)
(DWR use only:	Computer ID	No. <u>10</u>	GPS	feet North	feet W	lest)
☑This point will no	be changed	☐This point will be cha	inged as follows:	No change, point better d	escribed with G	PS as follows:
Proposed point of	f diversion: (Complete only if cha	ange is requested	d or if existing point is	better describ	ped by GPS)
				Quarter of the		
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This point is:	dditional Well	☐ Geo Center Lis	st other water right	ts that will use this point		•
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Presently authori				Overden of the		Overden
				Quarter of the		
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This point is:	dditional Well	☐ Geo Center Lis	st other water right	ts that will use this point		-
Presently authori	zed point of	diversion:				and the second second
One in the		Quarter of the		Quarter of the	1	Quarter
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in	Cou	inty Kansas	feet North	feet West of S	outheast corn	er of section.
Authorized Rate	Transfer and	Authorized Quanti	ty	Depth of well	(fe	eet)
(DWR use only:	Computer ID	No	GPS	Depth of well feet North	feet W	(est)
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Proposed point of	f diversion: (Complete only if cha	ange is requested	or if existing point is	better describ	ped by GPS)
One in the		Quarter of the		Quarter of the	to the believe the	Quarter
of Section		, Township		Quarter of the South, Range		(E/W),
in	Cou	inty, Kansas,	feet North	feet West of S	Southeast corn	er of section.
Proposed Rate	No. of the St.	Proposed Quantity	/	Proposed well depth (feet)	
This point is: A	dditional Well	☐ Geo Center Lis	st other water right	s that will use this point	Bipter Mail	
Presently authori	and maint of	diversion				
One in the	zea point or t	Ouerter of the		Quarter of the		Quarter
of Section		Quarter of the		Quarter of the South, Range		Quarter
in Section	Cou	, TOWNSHIP	foot North	feet West of S	outhoast corn	or of section
Authorized Rate _	Commuter ID	Authorized Quanti	CDC	Depth of well feet North	foot W	(ect)
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		, Township				
	Cou	inty, Kansas,	feet North	feet West of S	outheast corn	er of section.
Proposed Rate	Cou	inty, Kansas, Proposed Quantity	feet North /		feet)	er of section.

p.5

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point	nt of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently authorized place(s) of unity 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 us affected if this application is approved as requested? Yes Yes Yes 	se identified in this application be adversely
(c) If this application is not approved expeditiously, will there be substantial damage to Yes No (If no, all owners must sign this application.)	property, public health or safety?
If the application proposes a surface water change in point of diversion, a groundwater chan or a change in place of use, the application must be signed by all owners of the currently au agent (attach notarized statement authorizing representation).	ige in point of diversion greater than 300 feet, thorized place of use, or their duly authorized
I hereby verify, being first duly swom upon my oath or affirmation and under age and the owner, the spouse of the owner, or a duly authorized agent of the their behalf, in regards to the water right(s) to which this application pertain contained in this application are true, correct and complete.	e owner(s) to make this application on
Dated at Frankfort, Kansas, this 7 day of	May 20 18
Jeury T. Stowell Joyce (Please Print)	(Spouse) Stowe U (Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print) State of Kansas County of Alyce Dressman Notary Public - State of Kansas My Appt. Expires (2-7-201)	(Please Print)
hereby certify that the foregoing application was signed in my presence and 20 My Commission Expires 12-8-2018	sworn to before me this day Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable port accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be paid.	tions of the application form must be completed will ust be affixed to the application and notarized; and
FEE SCHEDULE	
Each application to change the place of use or the point of diversion under this section shall 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 (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use	\$100 \$200

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. 42,956 A change application was received on May 17, 2018 requesting that the place of us diversion authorized under the above-referenced file number be changed as described in the application. requesting that the place of use and / or point of 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 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. 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 \(\mathbb{N} \) 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 M Applicable ☐ Not Applicable K.A.R. 5-6-13. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20 16, 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 **Applicable** 8. Installation of the works for diversion of water shall be completed on or before December 31, 2018, or within any authorized extension of time. By March 1, 2019 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 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 \(\sigma\) 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. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order 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 review must state a basis for review pursuant to K.S.A. 77-527. Tietsout Division of Water Resources - Kansas Department of Agriculture File any request with Kansas Department of Agriculture, Date of Issuance: 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. State of Kansas SS For Use by Register of Deeds County of Acknowledged before me on Signature: Notary Public My commission ANN M. MURPHY My Appointmensionalies

April 28, 2021

File No. 42,956

CERTIFICATE OF SERVICE

On this 23rd day of May, 2018, I hereby certify that the attached <u>APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION</u>, Water Right, File No. 42,956, dated May 22, 2018 was mailed postage prepaid, first class, US mail to the following:

JERRY T STOWELL PO BOX 185 FRANKFORT KS 66427

Staff My Ally Phy

Log for well being replaced.

Summing Summ	Number
WATER WELL OWNER: Jerry Stowell Well W	9 60
RRS, SLA, ACKTERS, BOX # 185 State JUP Code Frankfort, Ks. 68427 Application Number: 1/2 / 5 / 5 / 4 / 4	
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