Kansas Department of Agriculture Division of Water Resources

CHANGE: P/D WORKSHEET

1. File Number: 49,014	2. Status Change Date:	3. Change Num:	4. Field Office:	5. GMD:
6. Status: Approved Deni	ed by DWR/GMD	Dismiss by Reques	t/Failure to Return	7. Filing Date of Change: 11/16/18
8a. Applicant(s) New to system GREGG SEXTON 1228 3400 AVE ABILENE KS 67410-6020	Person ID 63699 Add Seq# 1	8c. Landown		Person IDAdd Seq#
8b. Landowner(s) New to system 8A.	Person ID 63699 Add Seq# 1	8d. WUC New to sy 8a.	estem 🗆	Person ID 52346 Add Seq# 1
9. Documents and Enclosure(s): DV Anti-Reverse Meter	Seal	⊠ N & P Form		Driller Copy
10. Use Made of Water From:		To: _		
			Date Prepared: 11/2 0 Date Entered:	0/18 By: LHH/TFO By:

File No.	49,01	14	11. Coun	ty: ON	Е	asin: S	moky	Hill R	iver			S	tream	:		d			t	F	ormation	Code: 5	40 Special Use:	
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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

November 30, 2018

THREE G'S FAMILY TRUST GREGG SEXTON TRUSTEE 1228 3400 AVE ABILENE KS 67410-6020

Re: Appropriation of Water, File No. 49,014

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, 2019 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/wa-forms. 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.

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:Ihh 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 Topeka Field Off 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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 If the proposed groundwater point of diversion is 300 or fewer feet fr 	om the existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently auth ☐ Yes ☐ No (If no, all owners must sign this appl	
 (b) Will the ownership interest of any owner of the currently authoral affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this approved as requested) 	
(c) If this application is not approved expeditiously, will there be sul ✓ Yes ☐ No (If no, all owners must sign this appl	
If the application proposes a surface water change in point of diversion, or a change in place of use, the application must be signed by all owner agent (attach notarized statement authorizing representation).	
I hereby verify, being first duly sworn upon my oath or affirm age and the owner, the spouse of the owner, or a duly author their behalf, in regards to the water right(s) to which this appoint this application are true, correct and complete. Dated at Application Applic	rized agent of the owner(s) to make this application on
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hereby certify that the foregoing application was signed in	my presence and sworn to before me this day
of William 20 8 - A NOTARY PUBLIC - State of Ka	
THELMA GILLESP My Appt. Exp. 3—1 9—1	
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My Commission Expires $3 - 19 - 19$.	7
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all accurate information; maps, if necessary, must be included; signatures of all the at the appropriate fee must be paid.	of the applicable portions of the application form must be completed with ppropriate owners' must be affixed to the application and notarized; and
FEE SCHED	ULF.
Each application to change the place of use or the point of diversion und	
forth in the schedule below: Make checks payable to: Kansas Departm (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	nent of Agriculture \$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. 49,014 A change application was received on <u>November 16,2018</u> 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 on the topographic map accompanying the application to change the place of use. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as 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 9, 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 **X** Applicable Installation of the works for diversion of water shall be completed on or before December 31, 20_19__, or within any authorized extension of time. By March 1, 20_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. ☐ Not Applicable Applicable The completed well log shall be submitted with the required notice. ☐ 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. 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, 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 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. File any request with Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS wetsout (Print Name): atherino Division of Water Resources - Kansas Department of Agriculture 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 My commission expires ANN M. MURPHY Notary Seal) My Appointment Expires

April 28, 2021

File No. 49,014

CERTIFICATE OF SERVICE

On this 30th day of November, 2018, I hereby certify that the attached <u>APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION</u>, Appropriation of Water, File No. 49,014, dated November 29, 2018 was mailed postage prepaid, first class, US mail to the following:

THREE G'S FAMILY TRUST GREGG SEXTON TRUSTEE 1228 3400 AVE ABILENE KS 67410-6020

Staff Warphy