


Kansas
Department of Agriculture
Division of Water Resources

Garden City Field Office
2508 Johns Street
Garden City, Kansas 67846-2804

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Michael A. Meyer, Water Commissioner

Phone: (620) 276-2901
Fax: (620) 276-9315
www.agriculture.ks.gov
Sam Brownback, Governor

July 13, 2016

TONY KOEHN
25206 16 RD
MONTEZUMA KS 67867

RE: Change in Point of Diversion Water Right, File No
35909 & 36541

Dear Mr. Koehn:

Enclosed you will find a *Summary Order Approving Application for Change in Points of Diversion* for the above referenced file. This order modifies the authorized well location under the referenced file. This order modifies the original document; it should be recorded at the County Register of Deeds.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this order. The diversion works should be completed and reported to the Division of Water Resources **by December 31, 2016**. Enclosed is a form for this purpose, along with other information for reference.

As authorized by K.S.A. 82a-736, the authorized point of diversion for a multi-year flex account term permit will change automatically upon approval of an application to change the point of diversion under the base water right. The referenced approval of application to change the authorized point of diversion under the referenced base water right shall amend the authorized point of diversion of the multi-year flex account Term Permit, File No. 20127606 to reflect the change.

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. The date of service is the date listed on the enclosed *Certificate of Service*.

Should you have any questions, please feel free to call this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,



Thomas P. Makens
Assistant Water Commissioner

TPM:tpm
Enclosures
GMD#3

CERTIFICATE OF SERVICE

On this 14th day of July 2016, I hereby certify that the attached original Approval of Application to Change the Point of Diversion under Water Right, File No. 35909, 36541 dated July 13, 2016 was mailed postage prepaid, first class, US mail to the following:

TONY KOEHN
25206 16 RD
MONTEZUMA KS 67867

Copy provided to GMD#3



Division of Water Resources

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.
 Call for address:
 Topeka -- (785) 862-6300
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
www.ksda.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.

File No. 35909

RECEIVED
 4:32 pm
 JUN 20 2016

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

Garden City Field Office
 Division of Water Resources

2. Name and address of Applicant: Tony Koehn
25206 16 RD, Montezuma, KS 67867
 Phone Number: (620)846-0053 Email address: tkmk@ucom.net
 Name and address of Water Use Correspondent: SAME
 Phone Number: () Email address: _____

3. The presently authorized place of use is:
 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															

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: _____
 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																

For Office Use Only: Code _____ Fee \$ <u>200</u> TR # _____ Receipt Date <u>6/20/16</u> Check # <u>8407</u>
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5. **Presently authorized point of diversion:**
 One in the SW Quarter of the NE Quarter of the NE Quarter of Section 3, Township 28 South, Range 28 W, in GRAY County, Kansas, 4410 feet North 1310 feet West of Southeast corner of section.
 Authorized Rate 865GPM Authorized Quantity 296AF Depth of well _____ (feet)
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NE Quarter of the NE Quarter of the NE Quarter of Section 3, Township 28 South, Range 28 W, in GRAY County, Kansas, 5014 feet North 58 feet West of Southeast corner of section.
 Proposed Rate 865GPM Proposed Quantity 296AF Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point 36541.

6. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 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. Why do you need a new point of diversion? _____
old well

8. If a well, is the test hole log attached? Yes No

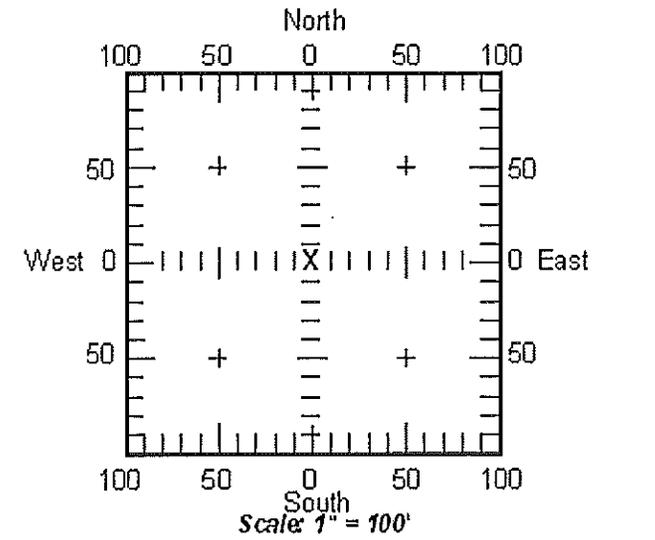
9. When do you propose to complete the new point of diversion?
AS SOON AS APPROVED

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
PLUG
 (b) When will this be done? After new well complete

11. Groundwater Management District recommendation attached?
 Yes No

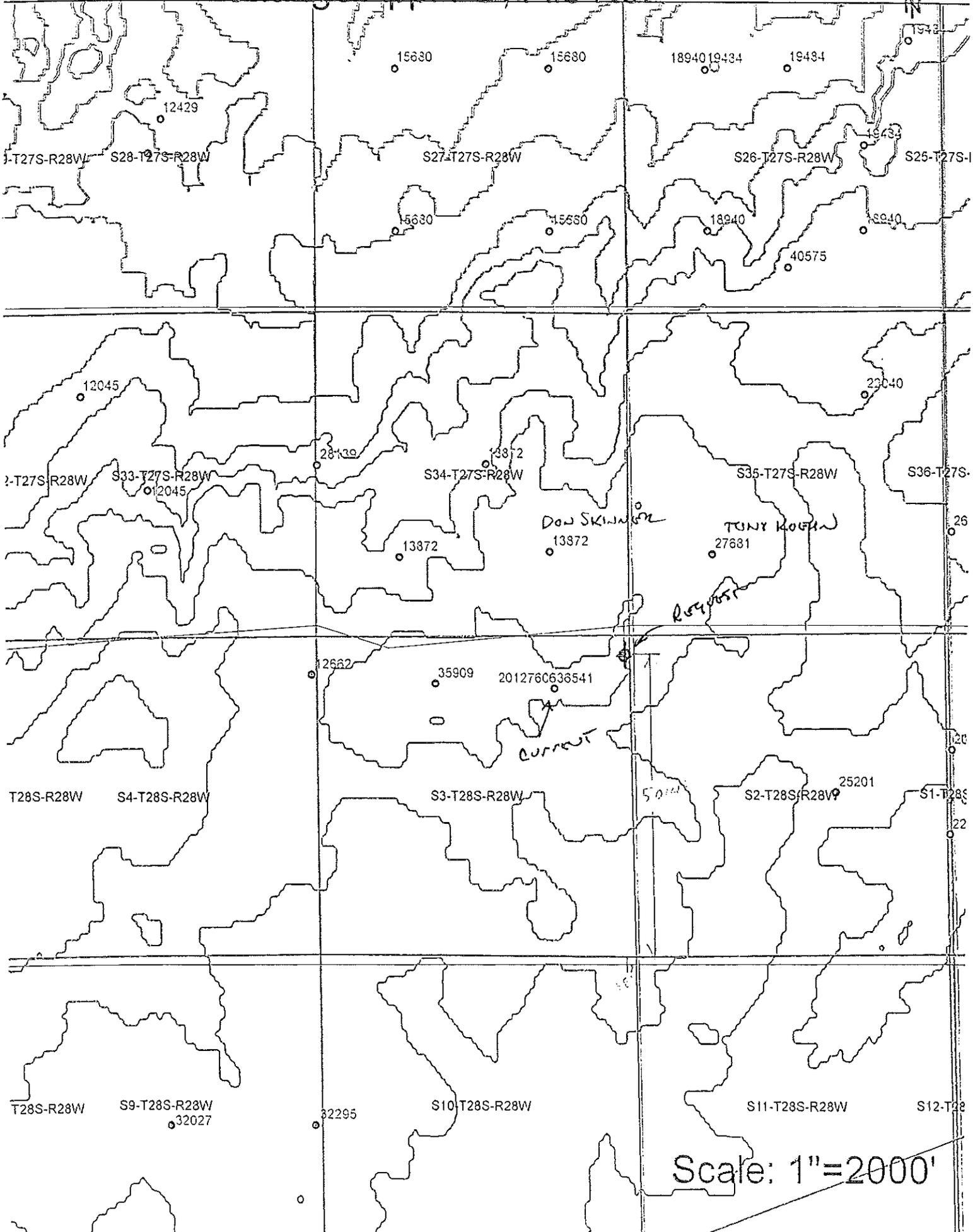
12. Assisted by GMD3/JLN

the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from 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.

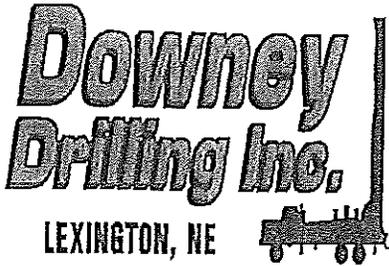
13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on



Scale: 1"=2000'

WELL LOG

DATE: 5/12/2016



CUSTOMER NAME: DAVID UNRUH

LEGAL: NE/NE 3-28S-28W

COUNTY: GRAY

GPS: 37 38' 56.9184" N

-100 21' 40.2264" W

FROM	TO	TYPE	HARDNESS	COLOR	OTHER / DRILLING ACTION
0	4	TOP SOIL AND SILT		BLACK	
4	11	CLAY		BROWN	
11	22	SAND		RUST	
22	34	SAND WITH A TRACE OF MAG AND SILT		BROWN	
34	37	SANDY SILTY CLAY		BROWN	
37	49	MEDIUM-TRACE OF COARSE SAND		BROWN	
49	62	SILTY SANDY CLAY AND SAND		BROWN	
62	77	MEDIUM-COARSE-VERY COARSE-VERY VERY COARSE SAND		RED	
77	102	MEDIUM-TRACE OF COARSE SAND			
102	110	FINE SAND WITH SILT LENSES			
110	123	SANDY CLAY			
123	154	SANDY CLAY WITH SAND LAYERS (MIX)			SOME CHATTER
154	163	SANDY CLAY			
163	188	SANDY CLAY AND MEDIUM SAND LAYERS (MIXED)			
188	197	COARSE-VERY COARSE-VERY VERY COARSE SAND AND FINE-SOME MEDIUM-TRACE OF COARSE GRAVEL			GOOD CHATTER
197	211	SANDY CLAY WITH SAND LENSES		BROWN	
211	220	VERY VERY COARSE SAND AND FINE-TRACE OF MEDIUM GRAVEL		RED	GOOD CHATTER
220	240	FINE-TRACE OF MEDIUM GRAVEL WITH A VERY THIN SILT LAYER @ 224		RED	CHATTER
240	260	FINE-MEDIUM-TRACE OF COARSE GRAVEL			CHATTER
260	280	FINE-MEDIUM-TRACE OF COARSE GRAVEL WITH A VERY THIN SILT LAYER @ 278			
280	285	FINE-MEDIUM-TRACE OF COARSE GRAVEL			CHATTER
285	288	COARSE GRAVEL WITH ROCKS			CHOPPY / ROUGH
288	290	SANDY CLAY			
290	308	SANDY CLAY WITH FINE-MEDIUM SAND LENSES			
308	311	MEDIUM-COARSE SAND WITH A TRACE OF CEMENTED SAND			CHATTER / CHOPPY
311	313	WEATHERED SHALE			SMOOTH
313	320	SHALE	DENSE	BLACK	PD - CHOPPY @ TIMES
USED 2 SACKS OF CASING SEAL AND 3 SACKS OF HOLE PLUG					
TEST HOLE IS PLUGGED					

14. If the proposed groundwater point of diversion is 300 or fewer feet from 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 regard 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 6-16-16 Montezuma, Kansas, this _____ day of _____, 2016.

<p><u>David R. Unruh</u> - <u>By David R. Unruh PRES</u> (Owner) _____ (Spouse) _____ <u>DAVID R UNRUH</u> (Please Print) _____ (Please Print) _____</p> <p><u>Tony Koehn</u> (Owner) _____ (Spouse) _____ <u>Tony Koehn</u> (Please Print) _____ (Please Print) _____</p> <p>_____ (Owner) _____ (Spouse) _____ _____ (Please Print) _____ (Please Print) _____</p>	<p>_____ (Spouse) _____</p> <p><u>Marsha Koehn</u> (Spouse) _____ <u>Marsha Koehn</u> (Please Print) _____</p> <p>_____ (Spouse) _____</p> <p>_____ (Please Print) _____</p>
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State of Kansas }
County of Gray } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 16 day of June, 2016.

My Commission Expires 5-18-17



Terence Smith
Notary Public

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

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. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, K.A.R. 5-1-1 et. seq. With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 35909.

1. A change application was received on JUNE 20, 2016 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 300 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. 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
5. 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
6. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2016, 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
7. Installation of the works for diversion of water shall be completed on or before December 31, 2016, or within any authorized extension of time. By March 1, 2017 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
8. The completed well log shall be submitted with the required notice. Applicable Not Applicable
9. 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
10. Additional Conditions are attached. Yes No
11. 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

You have the right to a hearing in accordance with K.A.R. 5-14-3 before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 109 SW 9th Street, Topeka, Kansas 66612, within 15 days after the date shown on the Certificate of Service attached hereto. If a hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15th day after the date shown on the Certificate of Service.

For Use by Register of Deeds

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

By: [Signature]
Duly Authorized Designee of the Chief Engineer
(Print Name): THOMAS P MAKENS
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: JULY 13, 2016
State of Kansas)
County of Jimney) SS
Acknowledged before me on July 13, 2016
by Thomas P. Makens
Signature: [Signature] Notary Public



My commission expires: _____

(Notary Seal)

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

12. A seal shall be placed on the water flowmeter by the Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. If the seal is broken without the permission of the chief engineer, this shall create a rebuttable presumption that the point of diversion had been unlawfully operated in violation of the order of the chief engineer and that the water right holder had been acting in violation of the conditions of his or her water right.

Above is additional condition to those shown on the attached FIELD OFFICE PROCESSED APPLICATION FOR APPROVAL TO CHANGE THE POINT OF DIVERSION.

Dated at Garden City, Kansas, this 13th day of July, 2016 by

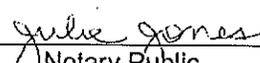


(Print Name): Thomas P Makens
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Finney)

The foregoing instrument was acknowledged before me on the 13th day of July 2016 by, Division of Water Resources, Kansas Department of Agriculture.




Notary Public

My Commission expires: _____
(Notary Seal)

