

# CHECK SHEET Short Change

(To be completed and attached to each application)

File No. 34467

Field Office No. 4

GMD No. 1

1. **Plugging agreement obtained for GMD?** Yes  No  Non Applicable
2. **Is Landowner correct as currently shown in WRIS?** Yes  No  **Address Change?** NO  
If applicable, list Place of Use Overlap File Nos. \_\_\_\_\_
3. **Is Water Use Correspondent correct as currently shown in WRIS?** Yes  No  **Address Change?** NO  
Name of Former WUC \_\_\_\_\_ Name of New WUC \_\_\_\_\_
4. a. **Point of diversion computer ID No(s).** 6 **for point(s) being changed.**  
b. **Show feet distances from the** SE **corner of the section for the new point(s) of diversion:**

Action	PDIV ID	Geo Ctr?	Sec	Twp	Rng	'N	'W	County	Qualifiers
ENT			35	17	38w	2506	5268	Wichita	NW NW SW
	84279								

c. **If multiple points of diversion exist and rates and quantities are individually assigned, show:**

Old PDIV ID	Authorized Rate	Additional Rate	Authorized Quantity	Additional Quantity
_____	_____ gpm	_____ gpm	_____ af	_____ af
_____	_____ gpm/cfs	_____ gpm/cfs	_____ af/mgy	_____ af/mgy
_____	_____ gpm/cfs	_____ gpm/cfs	_____ af/mgy	_____ af/mgy

- d. **Name of Drainage Basin** white woman **Is this correctly shown in WRIS?**  Yes  No
- e. **Formation Name & No.** 211 oglala **Special Use Area** na

5. **Distances from the original p/d:** \_\_\_\_\_ 76 ' N \_\_\_\_\_ 368 ' W

**6. WATER RIGHT ACTION TRAIL COMMENTS**

11/21/16 Change Application Received (date accepted for priority)  
12/29/16 Change Approved  
 Notice and Proof by 12/31/16  
 \_\_\_\_\_ Completion Requirement Removed (Change No. C \_\_\_\_\_)

**7. METER ACTION TRAIL COMMENTS**

12/29/16 DWR Meter Required by 12/31/16

8. Base Acres \_\_\_\_\_ Year \_\_\_\_\_ Minimum Reasonable Quantity \_\_\_\_\_

*Laura - put KM Code to show already completed in database*

Date Created 12/8/16 by tpm MAM  
 Date Entered \_\_\_\_\_ by \_\_\_\_\_

*well currently completed in field & good.*

CHECK SHEET ATTACHMENT

9. Changes to the place of use will be:

File Number 34467

Action	Owner Person ID	Place Use ID #	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		
NO CHG						Acres Authorized																	
						New Acres																	
						Acres Authorized																	
						New Acres																	
						Acres Authorized																	
						New Acres																	
						Acres Authorized																	
						New Acres																	

Names and Address:

1. Person ID # _____	2. Person ID # _____	3. Person ID # _____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**GENERAL INSTRUCTIONS**

- |  |   |  |
|--|---|--|
| <p>1. Give to Applicant:</p> <ul style="list-style-type: none"> <li>a. <u>Original</u> application/approval</li> <li>b. Original receipt (one for <u>each</u> application)</li> <li>c. Information packet containing: <ul style="list-style-type: none"> <li>• Notice and Proof form</li> <li>• Water Meter Specifications</li> <li>• Acceptable Meter list</li> <li>• Water level measurement tube specifications</li> <li>• Check Valve specifications</li> <li>• Pink Sheet - K.S.A. 82a-728 letter</li> <li>• Form stating to record in Register of Deeds Office (OPTIONAL AS NEEDED)</li> </ul> </li> </ul> | <p>2. Send to headquarters:</p> <ul style="list-style-type: none"> <li>a. Good, <u>microfilmable</u> copy of application and/or approval and this check sheet</li> <li>b. Original check and copy of receipt</li> <li>c. Test hole log</li> <li>d. GMD recommendation, if any</li> <li>e. Map or aerial photograph, if any</li> </ul> <p>3. Send to KDHE: Letter (KDHE.LT) advising of location of abandoned well. <input type="checkbox"/></p> | <p>4. Date stamp received and approved.</p> <p>5. Complete ownership and WUC change information.</p> |
|--|---|--|

ADDITIONAL PHOTOCOPIES

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CONDITIONS

- 1. Insert notice and proof date.
- 2. Type or print applicant's/owner's name on line.
- 3. Complete notary statement.



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](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

December 29, 2016

JANIS R WHITHAM  
462 N COUNTY RD 5  
LEOTI KS 67861-6267

RE: Application to Change the Point of Diversion  
Water Right, File No. 34467

Dear Sir:

Enclosed is an order executed by the designee of the 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 enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number and meet current specifications. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

Since this order modifies the original documents referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate. Please also submit a copy of the current ownership deed to have our records changed.

The abandoned 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.

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,

A handwritten signature in black ink, appearing to read "Michael A. Meyer".

Michael A. Meyer  
Water Commissioner

MAM:

enclosures

pc: Groundwater Management District No. 1

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.

File No. 34467

**RECEIVED**  
*f: 28 pm*  
**NOV 21 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      Garden City Field Office  
 Division of Water Resources

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: ANDREA WHITHAM  
462 N COUNTY RD 5 LEOTI KS 67861-6267

Phone Number: (620)214-9543      Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: JANIS R WHITHAM

462 N COUNTY RD 5 LEOTI KS 67861-6267

Phone Number: ( )      Email address: \_\_\_\_\_

3. The presently authorized place of use is:  
 Owner of Land ---- NAME: JANIS R WHITHAM  
 ADDRESS: 462 N COUNTY RD 5 LEOTI KS 67861-6267

(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			

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 TO FEEDLOT  
 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 \$ 200 TR # \_\_\_\_\_ Receipt Date 11/24/16 Check # 0157

5. **Presently authorized point of diversion:**  
 One in the     nw     Quarter of the     nw     Quarter of the     sw     Quarter of Section     35    , Township     17     South, Range     38     W, in Wichita County, Kansas,     2430     feet North     4900     feet West of Southeast corner of section.  
 Authorized Rate     —     Authorized Quantity     —     Depth of well     —     (feet)  
 (DWR use only: Computer ID No.     6     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     nw     Quarter of the     nw     Quarter of the     sw     Quarter of Section     35    , Township     17     South, Range     38     W, in Wichita County, Kansas,     2506     feet North     5268     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     —    .

6. **Presently authorized point of diversion:**  
 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.  
 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?     —      
well redrill is over 300 feet from approved location  
need to correct.

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

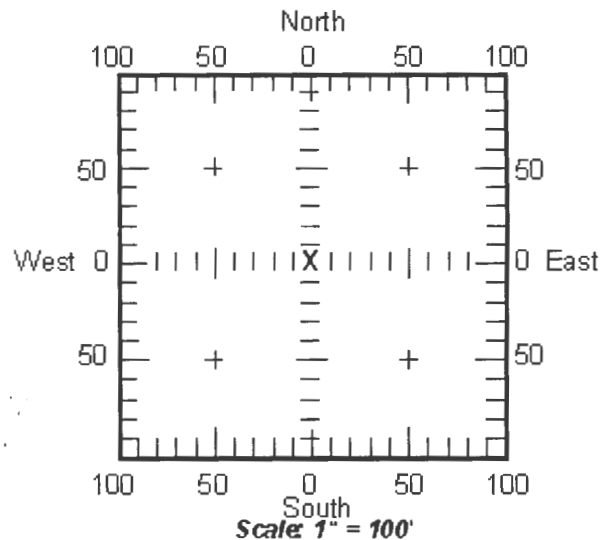
9. When do you propose to complete the new point of diversion?  
complete

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

11. Groundwater Management District recommendation attached?  Yes  No

12. Assisted by tpm

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

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 Leoti, Kansas, this 8 day of November, 2016.

\* Andrea Whitman P.O.A.  
\_\_\_\_\_  
(Owner) (Spouse)

Andrea Whitman  
\_\_\_\_\_  
(Please Print) (Please Print)

\_\_\_\_\_  
(Owner) (Spouse)

\_\_\_\_\_  
(Please Print) (Please Print)

\_\_\_\_\_  
(Owner) (Spouse)

\_\_\_\_\_  
(Please Print) (Please Print)

State of Kansas }  
County of Wichita } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 8th day of November, 2016.



Terri L Ridder  
\_\_\_\_\_  
Notary Public

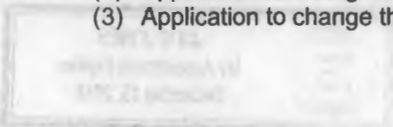
My Commission Expires

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. 34467.

1. A change application was received on November 21, 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 50 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 300 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, 1320 Research Park Drive, Topeka, Kansas 66502**, 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 15<sup>th</sup> 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: Michael A. Meyer  
Duly Authorized Designee of the Chief Engineer

(Print Name): MICHAEL A. MEYER  
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: December 29, 2016

State of Kansas )

) SS

County of Stimney )

Acknowledged before me on December 29, 2016

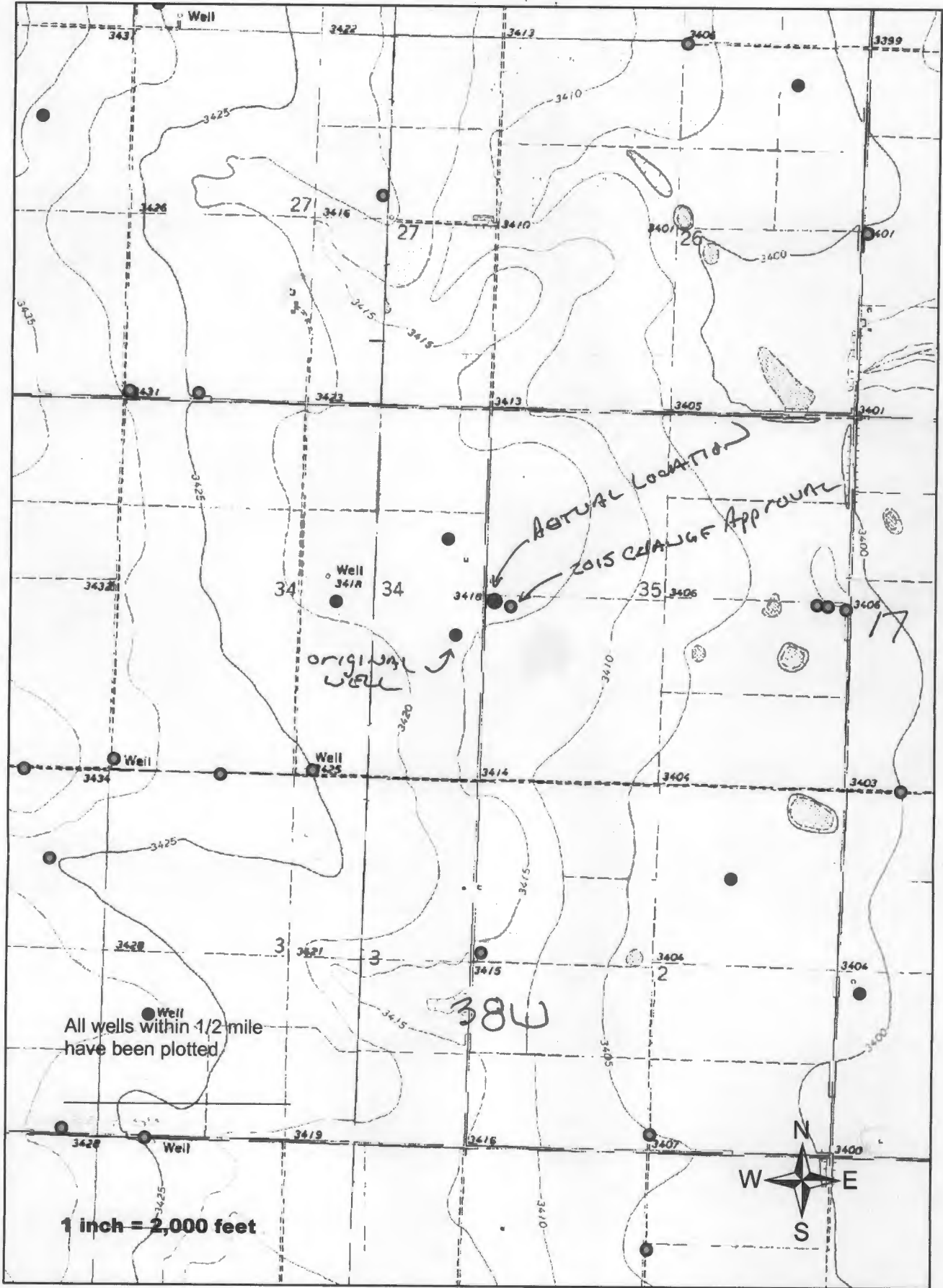
by Michael A. Meyer

Signature: Julie Jones



My commission expires: \_\_\_\_\_  
(Notary Seal)

34467





## Makens, Thom

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**From:** WKGMD <gmd1@wbsnet.org>  
**Sent:** Friday, December 2, 2016 7:25 PM  
**To:** Makens, Thom  
**Subject:** RE: 34467 recommendation

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Thom,

Since the Board had no objections or comments for the original 2015 application and the wells within ½ mile are their own, I will not add any additional recommendations.

Thanks for keeping us informed,  
Have a good weekend,

Kyle

---

**From:** Makens, Thom [mailto:Thom.Makens@ks.gov]  
**Sent:** Friday, December 02, 2016 1:13 PM  
**To:** gmd1 <gmd1@wbsnet.org>  
**Subject:** 34467 recommendation

good afternoon Kyle, Mitch found the whitham redrill from last year not quite in the location on the permit. So this attached application is to fix the location of the current well. I don't know if you wish to comment on this or not.

Thom Makens

KDA-DWR  
2508 John St  
Garden City KS 67846-2804



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

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Fax: (620) 276-9315  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

December 2, 2016

Western Kansas Groundwater  
Management District No 1  
PO Box 604  
Scott City KS 67861-0604

Re: Water Right file number 34467.

Dear Mr. Spencer;

Whitham Feedyard has applied to correct the point of diversion for the above referenced file. There are two neighboring wells within ½ mile of the requested location.

We are delaying action for 15 days on the change application to allow you time to review and provide a recommendation if you feel one is warranted. I assume you have a copy of the change so am not enclosing a copy.

Thank you and as always feel free to call or write us at any time.

Sincerely;

A handwritten signature in black ink, appearing to read "T. P. Makens".

Thomas P Makens