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



Phone: (620) 276-2901 Fax: (620) 276-9315 www.agriculture.ks.gov

Sam Brownback, Governor

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

February 8, 2017

ROY YOST PO BOX 333 MONTEZUMA KS 67867-0333

RE: Application to Change the Place of Use File Nos. 11442, 20694, 25145, 25257

Dear Mr. Yost:

Enclosed you will find a Summary Order Approving Application for Change in Place of Use for the above referenced files. Since these orders modify the original documents, it should be recorded at the County Register of Deeds.

These orders modify the authorized acres that can be irrigated by these files. The authorized place of use is as shown on the plats within the change approvals.

A condition of this order is that an acceptable flow meter must be properly installed on the diversion works authorized under the referenced file number in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12. This water flow meter shall be used to provide information required on the annual water use report (including the meter reading at the beginning and end of the report year).

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 or arrange an appointment for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

Thomas P. Makens

Assistant Water Commissioner

TPM:tpm Enclosures GMD#1

CERTIFICATE OF SERVICE

On this day of February 2017, I hereby certify that the attached original Approval of Application to Change the Place of Use under Water Right, 11442, 20694, 25145, 25257 dated February 8, 2017, was mailed postage prepaid, first class, US mail to the following:

ROY YOST PO BOX 333 MONTEZUMA KS 67867-0333

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) 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.

than	100 fee	et, or if	place	of use	e will b	be cha	eted. inged,	Comp includ	olete a le a to	all othe pogra	∍ r app phic m	licable ap or	e porti detaile	ons. ed plat	f char show	ige in p ing the	point o	of diver orized	sion is greate and propose
pom	(s) of div	/ersion	ang/oi	: piace	OT USE		File No	o. <u>206</u>	94								ſ	CE1 36	pm
1 /	Application is hereby made for approval of the Chief Engineer to change the (check one or both):													. , ,					
1. /	✓ Place of Use ☐ Point of Diversion												Garden City Field Office Division of Water Resources						
	<u> </u>																Resources		
	under the water right which is the subject of this application in accordance with the conditions described below.												•						
1	The source of supply is: Groundwater Surface water												-						
2. 1	Vame ar	ame and address of Applicant: ROY & CONNIE YOST																	
	O BOX								<u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>				******				~~~		
	Phone N								Email	l addre	 988:								
	Name ar																		
	<u> 20 BOX</u>																		
F	Phone N	lumber:	(_)					Email	addre	ss: _								
	The pres	•		,															
C	Owner o	Owner of Land NAME: PAUL & VERBENA YOST																	
									NTEZUMA KS 67867										
(If there is	more th	ian one	; landov	wner, at	ttach su	ıppleme	ental sh	neets as	s neces	sary.)				·				,
		ļ	 	i	E¼	1	NW%				SW1/4			SE¼			TOTAL		
Sec.	Twp.	Range	NE¼	NW14	SW1/4	SE¼	NE1/4	NW¼	SW1/4	SE1/4	NE¼	NW%	SW1/4	SE¼	NEW	NW1/4	SW1/4	SE¼	ACRES
31	27	29w	<u> </u>		 			<u> </u>	<u> </u>		28	37.5	37.7	40	40	40	40	40	303.2
32	27	29w			ļ			ļ	ļ	ļ	40	40	40	40	40	40	40	40	320
			<u> </u>		<u> </u>			<u> </u>		<u> </u>	<u> </u>				<u> </u>				
	f this app Dwner of	f Land -	NA	AME: J	<u>PAUL</u>	& VEF	RBENA	YOS	T				use be	e chan	ged to	:			
				ESS:								67							
	If there is	more to	an one	landov	vner, at	tach su	ıppleme	entai sn	ieets as	s neces	sary.)				ı ———	****		2	
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Sec.	Twp.	Range	NE½	NW%	SW1/4	SE¼	NE¼	NW%	SW1/4	SE¼	NE¼	_		SE¼	NE¼	NW¼	SW14	SE¼	ACKEO
	4/4 5/4				 						ļ	L0T3	· · · · · ·						
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32	27	29w	<u></u>	لـــــا						<u></u>	32	32	30	30	32	32	32	32	252
F	or Offic	e Use	Only:	Code		Fe	e \$ _2	00	TR	#		Re	eceipt .	Date _	(2/21,	/16_	Chec	k# <u>Z</u>	<u> 2122</u>

5.	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, f	eet No	rth feet West of Sou	theast 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												
	One in the Quarter of the		Quarter of the	Quarter									
	of Section, Township												
	in County, Kansas, f	eet No	rth feet West of Sou	theast corner of section.									
	Proposed Rate Proposed Quantity												
	This point is: Additional Well Geo Center List other water rights that will use this point												
L													
6.	Presently authorized point of diversion:		01-1-1-2-11-2-2000										
١.	One in the Quarter of the		Quarter of the	Quarter									
	of Section, Township		South, Range	(EW).									
	in County, Kansas, f	eet No	rth feet West of Sou	theast corner of section.									
l	Authorized Rate Authorized Quantity												
	(DWR use only: Computer ID No GPS												
1	☐ This point will not be changed ☐ This point will be												
1	Proposed point of diversion: (Complete only if change												
	One in the Quarter of the			Ouarter									
	of Section, Township		South Range	(FAM)									
	in County Kansas f	eet Nor	rth feet West of Sou	theast corner of section									
	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												
L	This point is	, mato	Tigito that the dead the point	, , , , , , , , , , , , , , , , , , ,									
7.	Why do you need a new point of diversion?	13a.	If the proposed point of diversion										
•			feet of the existing point of divers the diagram below in relation to the	sion, indicate its location on									
	no change to wells		(PLEASE NOTE: The "X" in	center of diagram below									
	•		represents presently authorized	point of diversion.)									
			North										
8.	If a well, is the test hole log attached? Yes No		10 <u>0 50 0</u>										
9.	When do you propose to complete the new point of		F	=									
	diversion?		50 - + -	+ = 50									
	p.m		= =	300									
40	If the maint of divorsion is a well-		<u> </u>	<u>-</u>									
10.	If the point of diversion is a well:		West D - III IIII X II										
	(a) What are you going to do with the old well?												
				= = = = = = = = = = = = = = = = = = =									
			50 - + -	+ = 50									
	(b) When will this be done?			-									
	(b) Which was this be done:		F , , , l , , , , , , , ,	141111 									
44	Groundwater Management District recommendation	•	100 50 _0°.	50 100									
11.	attached? Yes No		Snuth										
	attached:		Scale 1" =										
12.	Assisted by tpm	13b.	If the proposed point of diversion 100 feet but within 1320 feet	will be relocated more than from the existing point of									
			diversion, attach a topographic	map or aerial photograph,									
			For groundwater sources, show a	II wells (including domestic)									
			within one-half mile of the propose names and mailing addresses o	f the owners. For surface									
			water sources, show the name	es and addresses of the									
			landowner(s) one-half mile down upstream from your property lines	isiream and one-hair mile									
			the state of the s										

14. If the proposed groundwater point of diversion is 500 of 1646	si feet from existing point of diversion, complete the following:
 (a) Does the undersigned represent all owners of the currer ☐ Yes ☐ No (If no, all owners must sign the current of the	ntly authorized place(s) of use identified in this application?
_	ly authorized place(s) of use identified in this application be adversely
(c) If this application is not approved expeditiously, will ther ☐ Yes ☐ No (If no, all owners must sign the	e be substantial damage to property, public health or safety?
If the application proposes a surface water change in point of divor a change in place of use, the application must be signed by all agent (attach notarized statement authorizing representation).	ersion, a groundwater change in point of diversion greater than 300 feet I owners of the currently authorized place of use, or their duly authorized
their behalf, in regard to the water right(s) to which the contained in this application are true, correct and com-	r affirmation and under penalty of perjury, that I am of lawfu authorized agent of the owner(s) to make this application on his application pertains. I further verify that the statements plete.
Dated at, Kans	as, this 2i day of December, 20 16.
× Froy yout POA	
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas) SS	
County of	in my processes and awarn to before me the all the
Wacenther, 20 16	
JULIE JONES Works My Appointment Expires	Quillion Some and
My Commission Expires December 15, 2018	() Notary, Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be comp accurate information; maps, if necessary, must be included; signatures of a the appropriate fee must be paid.	lete, all of the applicable portions of the application form must be completed with all the appropriate owners' must be affixed to the application and notarized; and
FEE SO	CHEDULE
Each application to change the place of use or the point of diversion forth in the schedule below: Make checks payable to: Kansas De (1) Application to change a point of diversion 300 feet or to the schedule application to change a point of diversion more than 3 to the schedule application to change a point of diversion more than 3 to the schedule application to change a point of diversion more than 3 to the schedule application to change a point of diversion more than 3 to the schedule application to change application to the schedule application to the	on under this section shall be accompanied by the application fee set

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

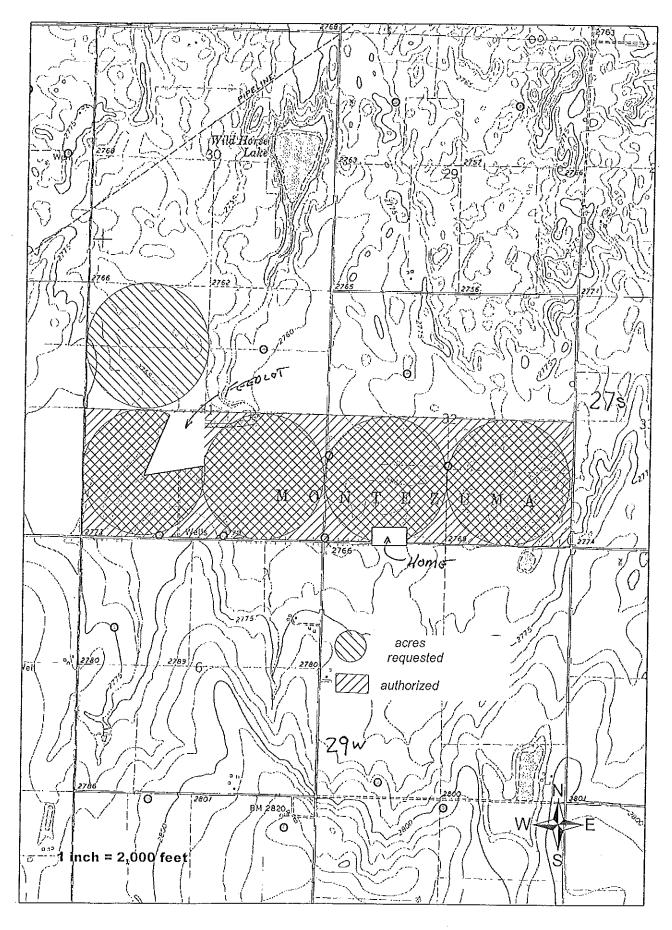
This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, K.A.R. 5-1-1 *et.seq.* With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 20694 A change application was received on 126 tem 842 21, 2016 requesting that the place of diversion authorized under the above-referenced file number be changed as described in the application. 21, 2016 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. ☐ Not 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 radius of the authorized point(s) of diversion. The point(s) of diversion authorized herein shall not actually be located more than feet from the previously ☐ Applicable Not Applicable authorized point(s) of diversion. 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, 2017, 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. 5-5, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted applicable to the Chief Engineer by March 1 following the end of each calendar year. annually to the Chief Engineer by March 1 following the end of each calendar year. Not Applicable Installation of the works for diversion of water shall be completed on or before December 31, 2017, or within any authorized extension of time. By March 1, 20<u>18</u> 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 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 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. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND You have the right to a hearing in accordance with K.A.R. 5-14-3 SUMMARY ORDER ISSUED 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 Duly Authorized Designee of the Chief Engineer shown on the Certificate of Service attached hereto. If a hearing MAKENS (Print Name): TYON/48 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 Division of Water Resources - Kansas Department of Agriculture on the Certificate of Service. Date of Issuance: FERRUARY 2017 For Use by Register of Deeds State of Kansas SS Acknowledged before me on <u>Q</u> Signature: Notary Public ૡૢૹૡ૽ૼઌ૽૽ JULIE JONES My Appointment Expires PUBLIC A December 15, 2018 My commission expires: (Notary Seal)

11442, 20694, 25145, 25257



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