

CHECK SHEET Short Change

(To be completed and attached to each application)

File No. 26577

Field Office No. 4

GMD No. 3

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).** 4 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	26200		12	33	33w	4273	418	Seward	SENE
DEL	35213								
NO CHG	25615								

- 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 |
|--------------|-----------------|-----------------|---------------------|---------------------|
| <u>26200</u> | <u>819</u> gpm | <u>819</u> gpm | <u>260</u> af | <u>233</u> af |
| <u>25615</u> | <u>765</u> gpm | <u>765</u> gpm | <u>260</u> af | <u>233</u> af |
| _____ | _____ gpm/cfs | _____ gpm/cfs | _____ af/mgy | _____ af/mgy |
- d. **Name of Drainage Basin** cimarron **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:** 927 ' S 1648 ' W

6. WATER RIGHT ACTION TRAIL COMMENTS

7/26/17 Change Application Received (date accepted for priority)
 _____/_____/17 Change Approved
 _____/_____/____ Notice and Proof by 12/31/17
 _____/_____/_____ Completion Requirement Removed (Change No. C _____)

7. METER ACTION TRAIL COMMENTS

_____/_____/17 DWR Meter Required by 12/31/17

8. Base Acres _____ Year _____ Minimum Reasonable Quantity _____

Date Created 8/16/17 by tpm
 Date Entered _____ by _____



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

August 16, 2017

CLINT L THOMASON
PO BOX 1068
ELKHART KS 67950-1068

RE: Change in Point of Diversion Water Right, File No 1389, 26577

Dear Ms. Thomason:

Enclosed you will find a *Summary Order Approving Application for Change in Points of Diversion* for the above referenced files. 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, 2017**. Enclosed is a form for this purpose, along with other information for reference.

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.

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,

A handwritten signature in black ink, appearing to read "Tom Makens", with a long horizontal flourish extending to the right.

Thomas P. Makens
Assistant Water Commissioner

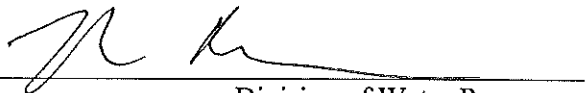
TPM:tpm
Enclosures
GMD#3

CERTIFICATE OF SERVICE

On this 18th day of August 2017, I hereby certify that the attached original Approval of Application to Change the Point of Diversion under Water Right, File No. 1389, 26577 dated August 16, 2017 was mailed postage prepaid, first class, US mail to the following:

CLINT L THOMASON
PO BOX 1068
ELKHART KS 67950-1068

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. 26577

RECEIVED
 3:34pm
 JUL 26 2017

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: CLINT L THOMASON
PO BOX 1068 ELKHART, KS. 67950
 Phone Number: (620)360 2182 Email address: _____
 Name and address of Water Use Correspondent: CLINT L THOMASON
PO BOX 1068 ELKHART, KS. 67950
 Phone Number: (620)360 2182 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	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
 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 7/26/17 Check # 8550

5. **Presently authorized point of diversion:**
 One in the SE Quarter of the NE Quarter of the SE Quarter
 of Section 12, Township 33 South, Range 33 (W),
 in SEWARD County, Kansas, 1350 feet North 60 feet West of Southeast corner of section.
 Authorized Rate 765 GPM Authorized Quantity 260 AF Depth of well _____ (feet)
 (DWR use only: Computer ID No. 2 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 _____ (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 _____

6. **Presently authorized point of diversion:**
 One in the NE Quarter of the NW Quarter of the NW Quarter
 of Section 7, Township 33 South, Range 32 (W),
 in SEWARD County, Kansas, 5200 feet North 4050 feet West of Southeast corner of section.
 Authorized Rate 870 GPM Authorized Quantity 248 Depth of well _____ (feet)
 (DWR use only: Computer ID No. 4 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 SE Quarter of the NE Quarter of the NE Quarter
 of Section 12, Township 33 South, Range 33 (W),
 in SEWARD County, Kansas, 4273 feet North 418 feet West of Southeast corner of section.
 Proposed Rate 819 Proposed Quantity 260 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? _____
TO REARRANGE THE QUANTITY
ON TWO WELLS.

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

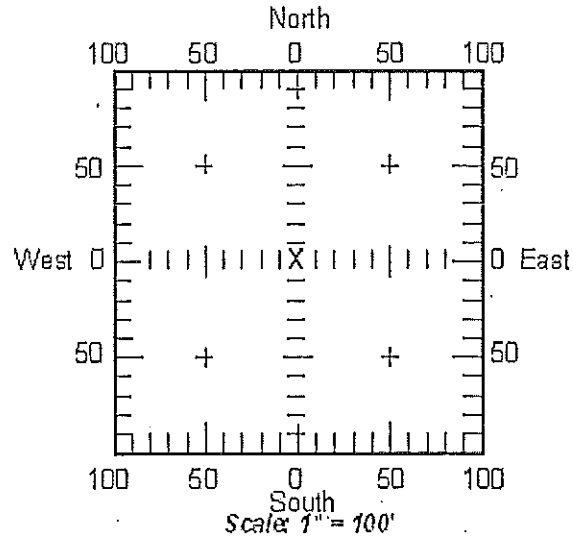
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
NA

(b) When will this be done? _____

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by CAC

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.

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. 26577.

1. A change application was received on July 26, 2017 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, 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. 5-3-5e, 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, 2017**, or within any authorized extension of time. By March 1, 2018 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 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

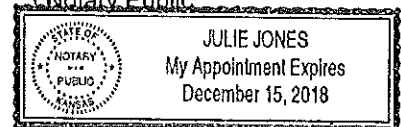
(Print Name): Thomas P Makens
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: August 16, 2017

State of Kansas }
County of Stimney } SS

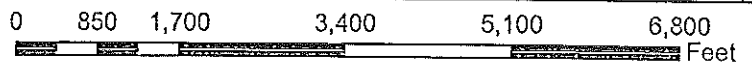
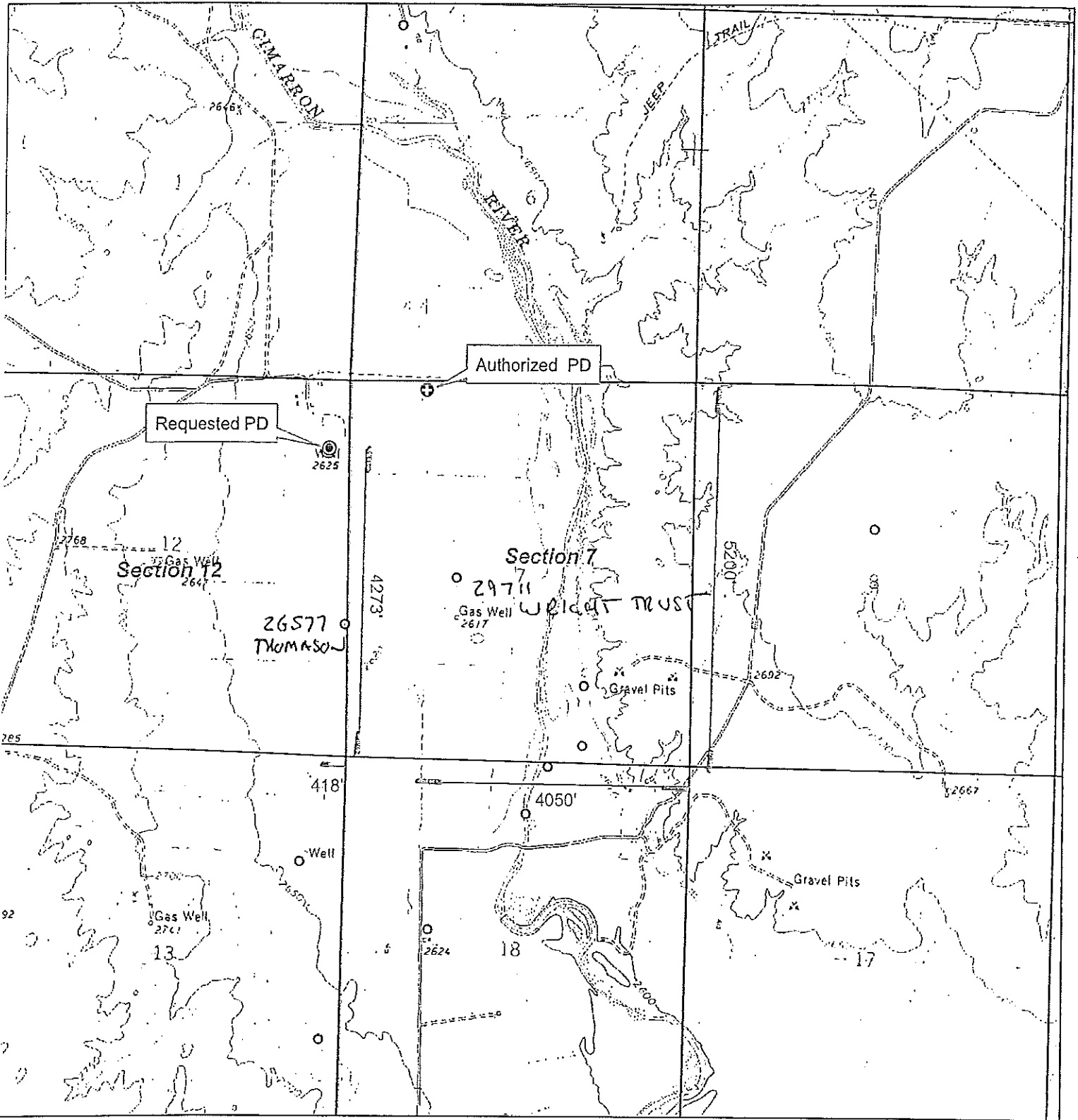
Acknowledged before me on August 16, 2017
by Thomas P. Makens

Signature: [Signature]
Notary Public

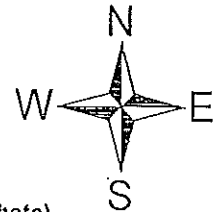


My commission expires: _____
(Notary Seal)

Point of Diversion change
 File Number 26577
 T33 R33W Seward Co.



- ⊕ Authorized PD
- ⊙ Requested PD
- Point of Diversion



(2006 Scaled air photo)

DURABLE POWER OF ATTORNEY

I, CLINTON THOMASON, of Morton County, Kansas, appoint my wife, KENDRA THOMASON, as my Attorney in Fact (hereinafter referred to as "Agent"). If my Agent resigns, dies or becomes incompetent, then I appoint my children, JUSTIN D. THOMASON, WAYNE A. THOMASON, REID D. THOMASON, and my daughter, KENZIE R. THOMASON, if she has reached age eighteen (18), acting jointly and together, or whoever of them remains able and willing to serve, as successor Co-Agents, with all the same powers as given to the original Agent, in accordance with the same conditions and provisions included in this instrument. All references in this instrument to my Agent shall be to such person and successors thereto.

THIS IS A DURABLE POWER OF ATTORNEY, CREATED PURSUANT TO THE KANSAS POWER OF ATTORNEY ACT, SECTIONS 58-650, ET. SEQ., KANSAS STATUTES ANNOTATED, AND THE AUTHORITY OF MY ATTORNEY IN FACT SHALL NOT TERMINATE IF I BECOME DISABLED OR IN THE EVENT OF LATER UNCERTAINTY AS TO WHETHER I AM DEAD OR ALIVE. I revoke all prior General Powers of Attorney (durable or otherwise) that I may have previously executed, but no such revocation shall affect any existing health care power of attorney unless specifically indicated in such revocation. I retain the right to amend or revoke this Durable Power of Attorney and to substitute other attorneys in place of the Attorney appointed in this instrument. Amendments to this Durable Power of Attorney shall be made in writing by me personally (not by my Agent), and shall be attached to the original of this Durable Power of Attorney.

A. General Powers. I give and grant to my Agent general powers to act on my behalf with respect to all lawful subjects and purposes (except as may be specifically provided otherwise in this instrument), such powers to be used for my benefit and on my behalf and to be exercised by my Agent only in a fiduciary capacity, including but not limited to the following:

(1) To exercise with respect to my assets all powers granted to Trustees with respect to trust assets by the Kansas Uniform Trust Code, Sections 58a-101, et seq., Kansas Statutes Annotated, as amended and/or modified, in addition to the other powers granted below.

(2) To enter into any contract, purchase, sale, lease, loan guaranty or other arrangement on my behalf which shall be binding on me or my estate as fully as though entered into by me when mentally and physically fully competent.

(3) To buy, sell, convey and transfer any stocks, bonds or other securities; and to receive, lease, accept or otherwise acquire, to sell, convey, mortgage, pledge, quit claim or otherwise encumber or dispose of, or to contract or otherwise arrange for the acquisition, disposition or encumbrance of any property wherever situated, whether real, personal or mixed, or any custody, possession, interest or right in or pertaining to such property, upon such terms and conditions as my Agent shall deem proper.

(4) To sell and convey any real estate now owned or hereafter acquired by me for such price and on such terms and conditions as my Agent in my Agent's sole discretion shall deem advisable, including the power to sell for other than all cash and the power to take and accept a promissory note secured by a deed of trust for part of the purchase money, and to



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

Jackie McCluskey, 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

August 11, 2017

Southwest Kansas Groundwater
Management District No 3
409 Campus Drive, Suite 106
Garden City KS 67846

Re: Water Right file number 1389, 26577

Dear Mr. Norquest;

Clint Thomason has applied to relocate the wells authorized by the above water right number. There are no neighboring wells within ½ mile of the requested.

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.

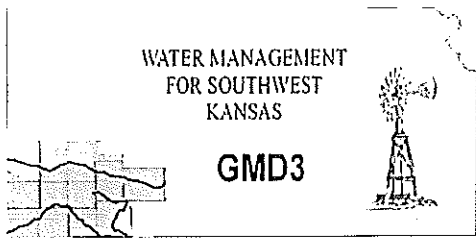
Thank you and as always feel free to call or write us at any time.

Sincerely;

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

Thomas P Makens

TPM:tpm
enc



Southwest Kansas
Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

August 14, 2017

Thomas P. Makens
Division of Water Resources
2508 N Johns Street
Garden City, Kansas 67846

RECEIVED

AUG 15 2017

Garden City Field Office
Division of Water Resources

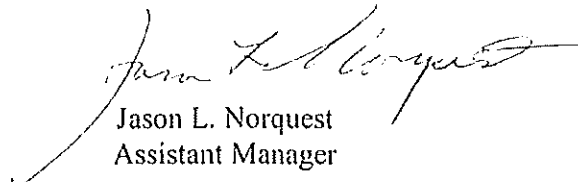
RE: Applications for Change in Point of Diversion
Water Right, File Nos. 1389 & 26577

Dear Thomas:

We have completed a review of the applications for the above referenced water rights. The proposals are not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed distance moved and spacing to neighboring wells is met in accordance with K.A.R. 5-23-3. It is therefore recommended that the applications be approved at this time.

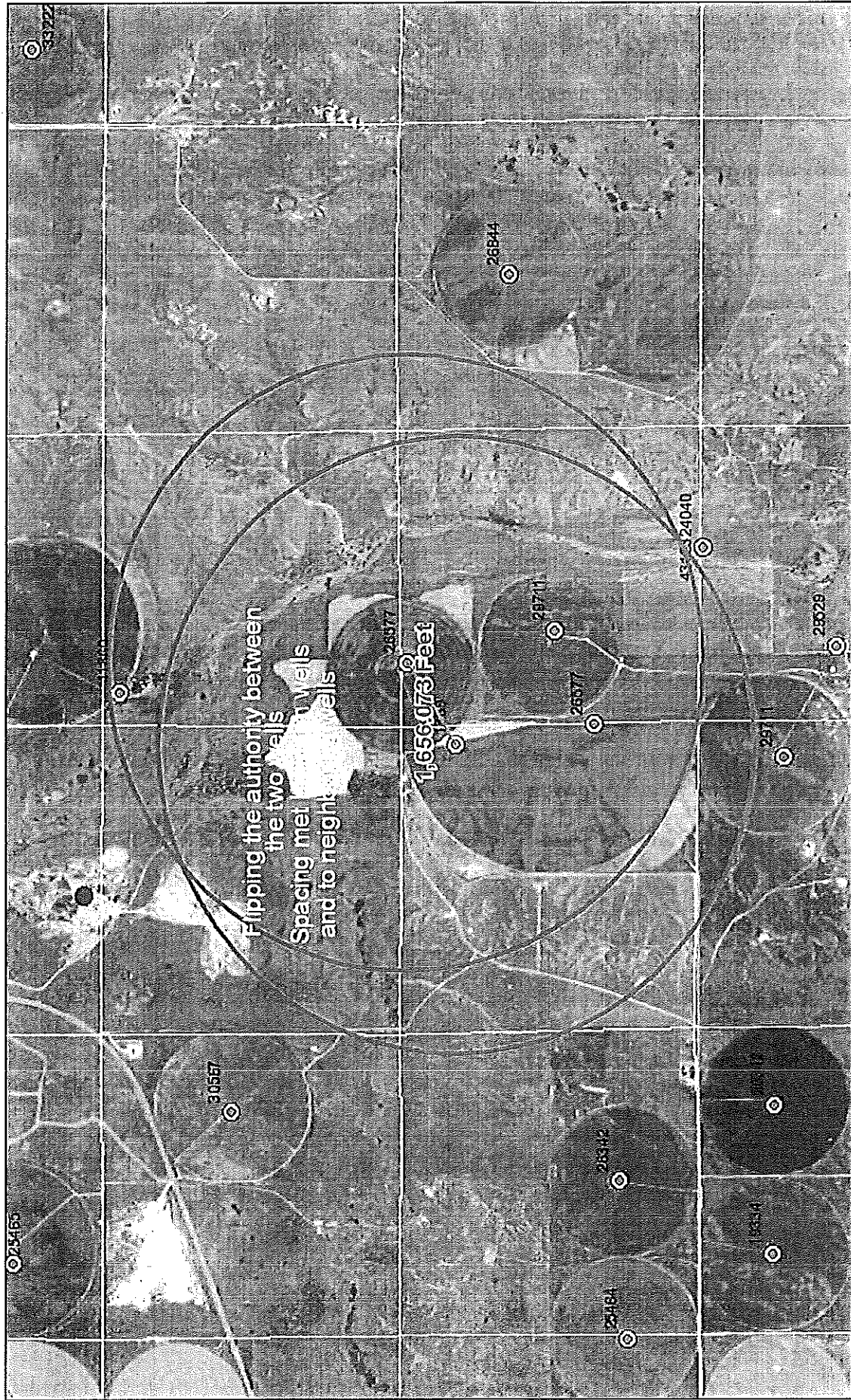
Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,



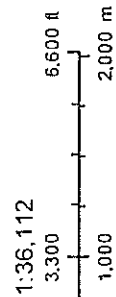
Jason L. Norquest
Assistant Manager

1389 & 26577 Change Review



August 14, 2017
 DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

- Meters
 - Wells
 - WIMAS WELLS GMD3
- Sections



RECEIVED
 AUG 15 2017

T__20177080 MF IRR AY G

> CLINT L THOMASON

>

> PO BOX 1068

> ELKHART KS 67950

T__20177081 MF IRR AY G

> CLINT L THOMASON

>

> PO BOX 1068

> ELKHART KS 67950

=====

#####

RECEIVED

AUG 15 2017

Garden City Field Office
Division of Motor Resources

10/15/17

>
 > PO BOX 1068
 > ELKHART KS 67950
 >-----
 A__ 29529 00 IRR NK G
 > JUNE HARVEY ESTATE
 >
 > 12015 ROAD M
 > LIBERAL KS 67901
 >-----

A__ 29711 00 IRR NK G
 > LINDSAY WRIGHT LIVING TRUST
 > LINDSAY WRIGHT TRUSTEE
 > PO BOX 356
 > SUBLETTE KS 67877
 >-----

A__ 43123 00 IRR NK G
 > CECIL MILHON
 >
 > PO BOX 279
 > LIBERAL KS 67905
 >-----

T_20177080 MF IRR AY G
 > CLINT L THOMASON
 >
 > PO BOX 1068
 > ELKHART KS 67950
 >-----

T_20177081 MF IRR AY G
 > CLINT L THOMASON
 >
 > PO BOX 1068
 > ELKHART KS 67950
 >-----

RECEIVED

AUG 15 2017

Garden City Field Office
Division of Water Resources

=====

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 26577 00 IRR

Water Right and Points of Diversion Within 1.00 miles of point defined as:

5200 Feet North and 4050 Feet West of the Southeast Corner of Section 7 T 33S R 32W

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 1389 00 IRR NK G*				1651	--	SE	NE	NE	-----	-----	12	33	33W	1		260.00	260.00	AF
A__ 26577 00 IRR NK G*				0	--	NE	NW	NW	5200	4050	7	33	32W	4		248.00	233.00	AF
Same				3932	--	SE	NE	SE	1350	60	12	33	33W	2		260.00	233.00	AF
A__ 29711 00 IRR NK G				2682	--	NW	NE	SW	2543	3508	7	33	32W	5		199.00	199.00	AF
A__ 41860 00 IRR NK G				5094	--	--	--	--	4870	4480	6	33	32W	2		430.00	430.00	AF
T_20177080 MF IRR AY G				3932	--	SE	NE	SE	1350	60	12	33	33W	2		1300.00	.00	AF
T_20177081 MF IRR AY G				3932	--	SE	NE	SE	1350	60	12	33	33W	2		1240.00	.00	AF

=====
Total Net Quantities Authorized: Direct Storage

Spring met !!



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

Department of Agriculture
Division of Water Resources

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

July 26, 2017

LINDSAY WRIGHT
PO BOX 356
SUBLETTE KS 67877

RE: Water Right 1389, 26577 (flipping the water rights)

Dear Mr. Wright;

This is to advise you that Clint Thomason has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced application.

You can find the complete application posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices

You are notified on this proposed change in point of diversion so that you may furnish this office with any comments or other information you may want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

Should you have any questions, please feel free to call this office. If you would prefer, an appointment could be arranged 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
Environmental Scientist III

pc: GMD#3

