



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 26, 2017

CLAYTON J & SHARON K BEFORT
1177 COMMERCE PKWY
HAYS KS 67601

RE: Change in Point of Diversion Water Right, File No 27188
(part 2; authorizing the well near the center pivot)

Dear Mr. & Mrs. Befort:

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, 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 "T. Makens".

Thomas P. Makens
Assistant Water Commissioner

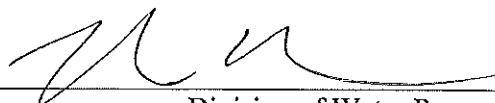
TPM:tpm
Enclosures
GMD#3

CERTIFICATE OF SERVICE

On this 27th day of July 2017, I hereby certify that the attached original Approval of Application to Change the Point of Diversion under Water Right, File No. 27188 dated July 26, 2017 was mailed postage prepaid, first class, US mail to the following:

CLAYTON J & SHARON K BEFORT
1177 COMMERCE PKWY
HAYS KS 67601

Copy provided to GMD#3

A handwritten signature in black ink, appearing to be 'M. A.', written over a horizontal line.

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.

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. 27188

RECEIVED
 9:30AM
 JUL 14 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

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: JOHN D BORTH

PO BOX 754 MEADE KS 67864

Phone Number: ()

Email address: _____

Name and address of Water Use Correspondent: JOHN D BORTH

PO BOX 754 MEADE KS 67864

Phone Number: ()

Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: CLAYTON J & SHARON K BEFORT

ADDRESS: 1177 COMMERCE PKWY HAYS KS 67601

(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 acres irrigated

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 \$ <u>200</u>	TR # _____	Receipt Date <u>7/14/17</u>	Check # <u>6834</u>
---------------------------------	-------------------	------------	-----------------------------	---------------------

5. **Presently authorized point of diversion:**
 One in the se Quarter of the sw Quarter of the sw Quarter of Section 11, Township 32 South, Range 31 W, in Seward County, Kansas, 190 feet North 1830 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. 3 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 nw Quarter of the se Quarter of Section 11, Township 32 South, Range 31 W, in Seward County, Kansas, 2268 feet North 1688 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 se Quarter of the sw Quarter of the sw Quarter of Section 11, Township 32 South, Range 31 W, in Seward County, Kansas, 100 feet North 4420 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. 2 GPS 24 feet North 4382 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? se
well pumping poorly need water in a hurry switching wells
as we have done in the past

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

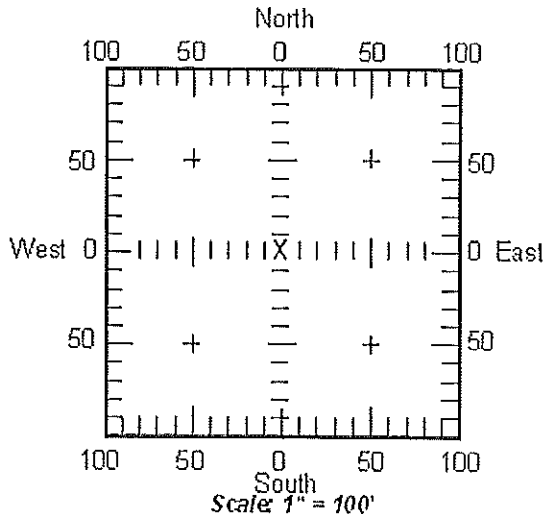
9. When do you propose to complete the new point of diversion?
well exists pump installed

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
Leave as is, may redrill in future to test #9.
 (b) When will this be done? currently

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 Stanfield Public Library, Kansas, this 18 day of July, 2017.

X Clayton Befort
 (Owner)

X _____
 (Spouse)

CLAYTON J BEFORT
 (Please Print)

SHARON K BEFORT
 (Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

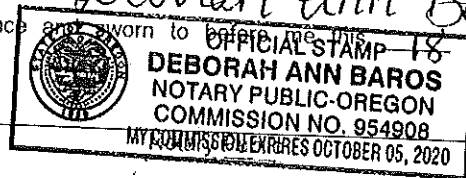
(Please Print)

(Please Print)

State of Oregon
 County of Umatilla Co. } SS

Deborah Ann Baros

I hereby certify that the foregoing application was signed in my presence and sworn to on the 18 day of July, 2017.



My Commission Expires 10-5-2020

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

RECEIVED

JUL 19 2017

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 Hays, Kansas, this 13 day of July, 2017.

~~X~~

 (Owner)
 CLAYTON J BEFORT
 (Please Print)

 (Owner)

 (Please Print)

 (Owner)

 (Please Print)

Sharon K Befort
 (Spouse)
 SHARON K BEFORT
 (Please Print)

 (Spouse)

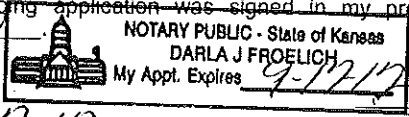
 (Please Print)

 (Spouse)

 (Please Print)

State of Kansas }
 County of Ellis } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 13th day of July, 2017.



Darla J Froelich
 Notary Public

My Commission Expires 9-17-17

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. 27188.

1. A change application was received on July 14, 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: 
Duly Authorized Designee of the Chief Engineer

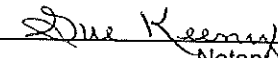
(Print Name): Thomas P Makens
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: July 26, 2017

State of Kansas

County of Fairfax } SS

Acknowledged before me on July 26, 2017
by Thomas P Makens

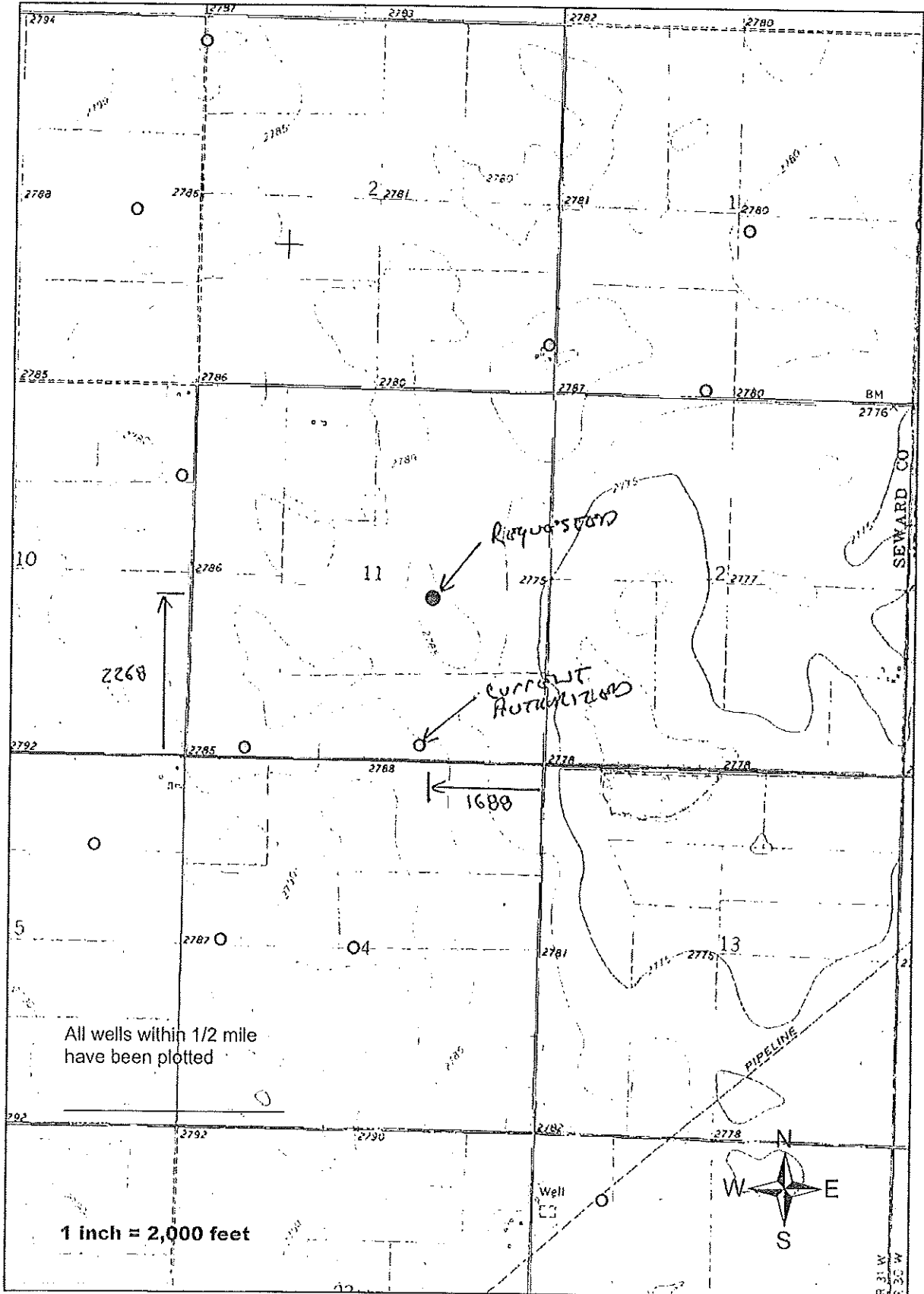
Signature: 
Notary Public

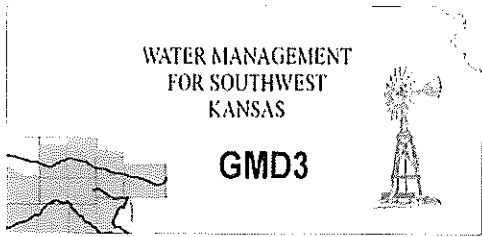


My commission expires:

(Notary Seal)

27188





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

July 26, 2017

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

RECEIVED

JUL 26 2017

Garden City Field Office
Division of Water Resources

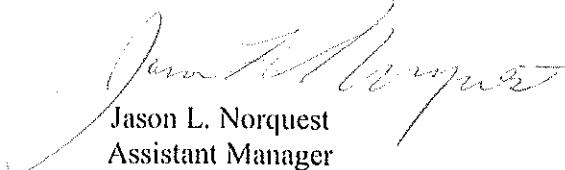
RE: Application for Change in Point of Diversion
Water Right, File No. 27188

Dear Thomas:

We have completed a review of the application for the above referenced water right. The proposal is 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. Approval of this application will move the authority to the location that was authorized prior to a change approval in 2016. The applicant has been using this proposed well for the 2017 season, so far. It is therefore recommended that the application 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

GMD3 Change Review

Change Application(s); PD
File No(s). 27188, Befort/Borth
SEE ATTACHED MAP

	ft. North	ft. West	
Authorized PD	190	1830	Sect. 11-32-31
Proposed PD	2268	1688	
Difference	-2078 N	142 E	
$a^2 + b^2 = c^2$	4318084	20164	2082.846 foot move NE

this is to authorize the well at the middle of the section that has been pumped in 2017 WITHOUT authority.

Neighboring wells: Spacing MET, see WRIS report

Domestic wells: None found in area of concern

Regulation(s) Reviewed: KAR 5-23-3

Board Review Date: NA

Board Recommendation: NA

Waiver Reason: NA

Final Recommendation: The current area rules are met. This application will correctly establish the one of two wells under this water right that has been pumped in this 2017 season that has not been authorized. Staff recommends approval of the application.

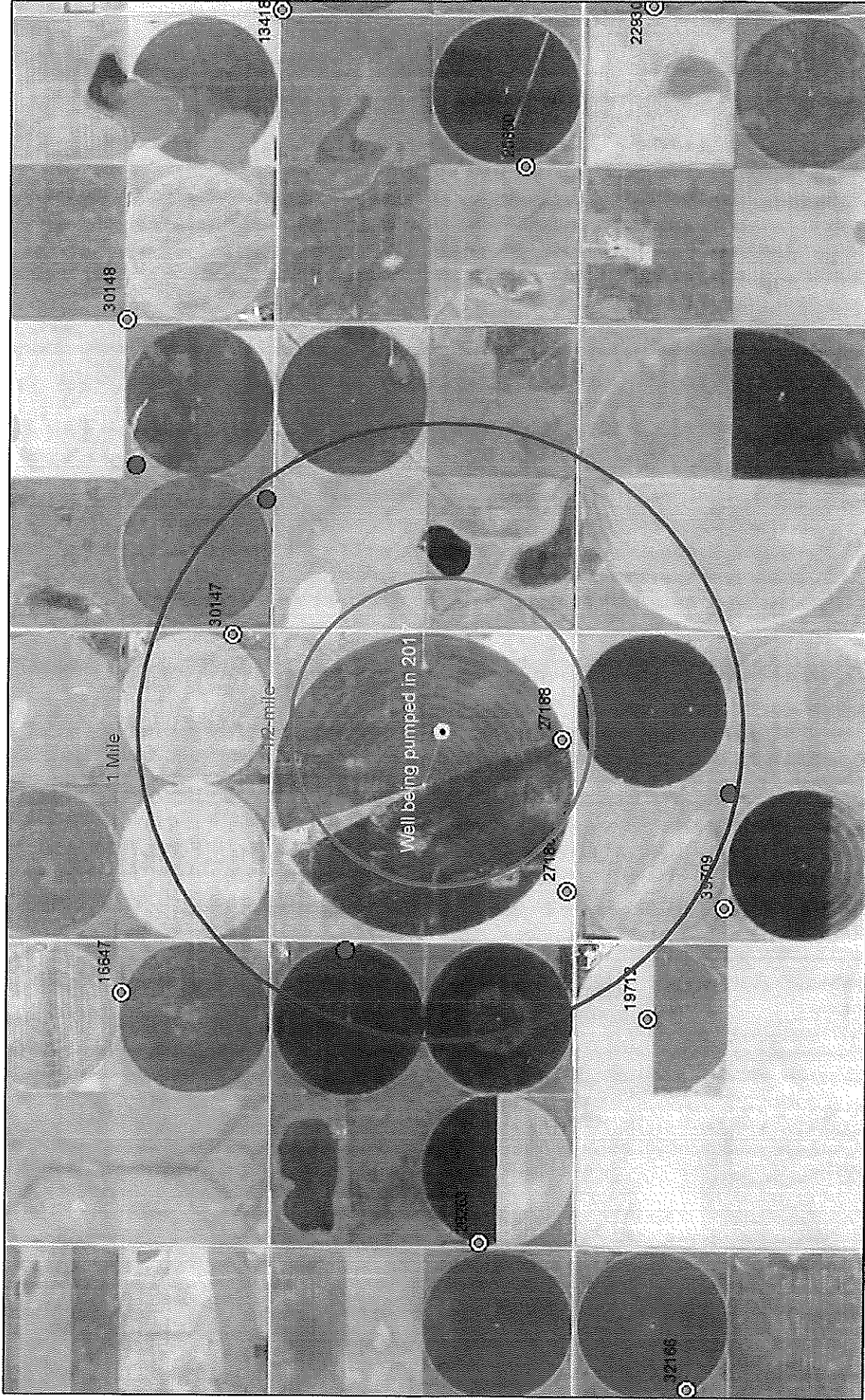
RECEIVED

JUL 26 2017

Garden City Field Office
Division of Water Resources



27188..Authorize current well



July 26, 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

JUL 26 2017

Garden City Field Office
Division of Water Resources

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

2268 ft N and 1688 ft W of the SE Corner of Section 11, T 32S, R 31W

Located at: 100.658740 West Longitude and 37.277912 North Latitude

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__ 11906 00	IRR	NK	G	5090	--	NE	NE	SW	2536	2735	14	32	31W	3	160	291.00	291.00	AF
A__ 24754 00	IRR	NK	G	4131	--	SE	NE	NE	3970	150	10	32	31W	5	2300	540.00	540.00	AF
A__ 27188 00	IRR	NK	G*	3488	--	SE	SW	SW	100	4420	11	32	31W	2	5300	536.00	536.00	AF
Same				2083	--	SE	SW	SE	190	1830	11	32	31W	3		171.00	171.00	AF
A__ 30147 00	IRR	NK	G	4015	--	CE	SE	SE	650	75	2	32	31W	2	1600	250.00	250.00	AF
A__ 30683 00	IRR	NK	G	5016	--	SE	SE	SW	80	2997	1	32	31W	2	2100	480.00	480.00	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	2268.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	2268.00	.00

Spring MET

An * after the source of supply indicates a pending application for change for the file number.

An * after the ID indicates a 15 AF exemption was granted for the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

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

100.658740 West Longitude and 37.277912 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 11906 00	IRR	NK	G
>	SCOTT & TRUDY K REISS		
>			
>	22958 HIGHWAY 160		
>	PLAINS KS 67869		

A__ 24754 00	IRR	NK	G
>	DARRELL D LANGHOFER		
>			
>	20960 ROAD W		
>	PLAINS KS 67869		

A__ 27188 00	IRR	NK	G
>	JOHN D BORTH		
>			
>	PO BOX 754		
>	MEADE KS 67864		

A__ 30147 00	IRR	NK	G
>	EAKES FARM INC		

RECEIVED

JUL 26 2017

Garden City Field Office
Division of Water Resources



Garden City Field Office
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Garden City, Kansas 67846-2804

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www.agriculture.ks.gov
Sam Brownback, Governor

July 19, 2017

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

Re: Water Right file number 27188

Dear Mr. Norquest;

Clay Befort has applied to relocate the well 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 "TPM", with a long horizontal flourish extending to the right.

Thomas P Makens

TPM:tpm
enc



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

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

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

July 12, 2017

CLAYTON J & SHARON K BEFORT
1177 COMMERCE PKWY
HAYS KS 67601

RE: Change in Point of Diversion Water Right, File No 27188

Dear Mr. Befort:

Enclosed please find the change applications we are sending based on conversations with water commissioner Mike Meyer, John Borth, and GMD staff Mark Rude and Jason Norquist. The application seeks to approve a relocation of a well for the above water right numbers. Since the GMD is not going to review your earlier application today, John would like to reauthorize the well near the center pivot to keep the pivot pressured up for the near term. This is similar to the change we did for last years growing season.

Please, you and Mrs. Befort sign the signature page and have the signatures notarized. Enclose a 200\$ check made out to KDA for the application fees. Then please return the application to:

KDA-DWR
2508 John St
Garden City KS 67846

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 "Thomas P. Makens".

Thomas P. Makens
Assistant Water Commissioner

TPM:tpm
Enclosures
pc

