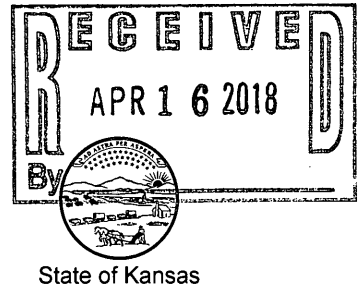


NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

WATER RESOURCES
RECEIVED

APR 20 2018

11:45

KS DEPT OF AGRICULTURE

File No. 11385

2. Name of applicant: George E. Cupp and Deva Cupp

Address: 1305 Antelope St.

City, State and Zip: Scott City, KS. 67871

Phone Number: (620) 874-1222 E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: Same as Applicant

Address: _____

City, State and Zip: _____

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): Convert 30 AF to STK Use & move/overlap the 30 AF Authority to File # 34127 ID 7 (STK) & increase the authorized Rate to accommodate the increase & quantity. File # 11385 will subsequently be divided.

The change(s) (was) (will be) completed by _____ (Date)

For Office Use Only:			
F.O. <u>4</u>	GMD <u>1</u>	Meets K.A.R. 5-5-1 (YES/NO) Use <u>RR</u>	Source <u>G/S</u> County <u>SC</u> By <u>AW</u> Date <u>4/20/18</u>
Code <u>C-8</u>	Fee \$ <u>100.00</u>	TR # _____	Receipt Date <u>4-17-18</u> Check # <u>3735</u>

RECEIVED

4. The presently authorized place of use is: IRR.

Owner of Land — NAME: Same as Applicant

ADDRESS: _____

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	
<u>35</u>	<u>18</u>	<u>33</u>					<u>40</u>	<u>7</u>	<u>40</u>	<u>40</u>								<u>127</u>	

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____

ADDRESS: _____

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	

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: Same as Applicant - No Change

IRR. Use

ADDRESS: _____

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	
<u>35</u>	<u>18</u>	<u>33</u>					<u>33.5</u>	<u>7</u>	<u>32.5</u>	<u>32.5</u>								<u>105.5</u>	

List any other water rights that cover this place of use. _____

Owner of Land — NAME: HRC Feed Yards LLC.

STK Use

ADDRESS: Box 224 Scott City, KS, 67871

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	
<u>35</u>	<u>18</u>	<u>33</u>																	

List any other water rights that cover this place of use. 34127

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

RECEIVED

WATER RESOURCES RECEIVED

APR 17 2018

APR 20 2018

Garden City Field Office
Division of Water Resources DEPT OF AGRICULTURE

6. The presently authorized point(s) of diversion (is) (are) 1 well
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) 2 wells
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NC Quarter of the S 2 Quarter of the NW Quarter of Section 35, Township 18 South, Range 33 (E/W) in Scott County, Kansas, 3250 feet North 3950 feet West of Southeast corner of section. Authorized Rate 705 Authorized Quantity 231
 (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 NC Quarter of the S 2 Quarter of the NW Quarter of Section 35, Township 18 South, Range 33 (E/W) in Scott County, Kansas, 3250 feet North 3950 feet West of Southeast corner of section. Proposed Rate 467 Proposed Quantity 194.326 AF
 This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **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 _____
 (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 NW Quarter of the NE Quarter of the NW Quarter of Section 35, Township 18 South, Range 33 (E/W) in Scott County, Kansas, 5200 feet North 3865 feet West of Southeast corner of section. Proposed Rate 23 Proposed Quantity 30 AF
 This point is: Additional Well Geo Center List other water rights that will use this point 34127 ID 7

Rate Combined with 34127 ID 7 - 35 GPM

10. **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 _____
 (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 _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. N/A

RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES RECEIVED

APR 17 2018

APR 20 2018

Garden City Field Office
Division of Water Resources

12. The presently authorized use of water is for IRR purposes.
 It is proposed that the use be changed to IRR + STK purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

Per. KAR. 5-5-9 + 5-5-10
 $231 \times 81.8\%$ (Scott County) = 188.96
 $30 \div 188.96 = 15.876\%$ STK Use
 $231 \times 84.124\% = 194.326$ IRR use

(Please show any calculations here.)

AF - 194,326 IRR USE + 30AF STK USE

14. It is requested that the maximum annual quantity of water be reduced to 224,326 (acre-feet) or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to 490 gallons per minute (____ c.f.s.).
IRR, Rate 467gpm STK, Rate 23gpm

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

No Change in local Source of Supply

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

Request Waiver of KAR. 5-21-3 + 5-21-7

RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES

APR 20 2018

APR 17 2018

Garden City Field Office
 Division of Water Resources
 KS DEPT OF AGRICULTURE

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Scott City, Kansas, this 16th day of April, 2018

[Signature]
(Owner)
GEORGE E. CUPP
(Please Print)

[Signature]
(Spouse)
DEVA E. CUPP
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Scott } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 16th day of April, 2018.

[Signature]
Notary Public

My Commission Expires 9/26/2018

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

WATER RESOURCES
RECEIVED

APR 20 2018

RECEIVED
APR 17 2018
Garden City Field Office
Division of Water Resources

KS DEPT OF AGRICULTURE

WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 1

WELL DISCHARGE MEASUREMENT

Well Location 1/4 1/4 NW 1/4 Sec 35 Twp 18 Range 33 W

3250 feet North and 3950 feet West of the Southeast Corner of Section

Lat. _____ Long. _____

File Number 11385 County SCOTT

Name of Operator ED COFF

Address _____ City _____ State _____ Zip _____

Make of Gearhead AMARILLO Ratio 1:1 Gearhead Serial Number 2BL9060925

Sprinkler YES NO _____ Photo Taken? YES _____ NO

Pump RPM 1780 Power Source ELECTRIC

Type of Meter Used in Test Fuji McCrometer _____ Other _____

Gallons Per Minute 490 Calculations: 2500G. 5/106

Hour Meter reading _____ (if installed)

Hour Meter Type _____ Hour Meter Location _____

Manufacturer of Flow Meter MCCROMETER Flow Meter Model Number MD 304750

Flow Meter Serial Number 14-08956

Seal? YES NO _____ Straightening Vanes? YES NO _____
Full Pipe Flow? YES NO _____ Blue Tube? -TEL YES NO _____

Straight Run (Inches) Upstream _____ Downstream _____ From Stem _____

End Reading _____ Gallons Per Minute _____ %Difference _____
Begin Reading _____
Difference _____ Difference Gals _____ Time _____

Installed Flow Meter Reading 3790212

Installed Flow Meter Multiplier Factor: Gal _____ 00 _____ 000 _____ Other _____
AF X .001 _____ X .0001 Other _____

Pipe Diameter (O.D.) 4.00 Wall Thickness .106

Where was test taken? Well site Surface line _____

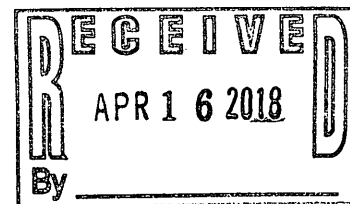
Test Conducted by WKGMD#1 Pat Date 4-11-2018

WATER RESOURCES RECEIVED
APR 20 2018 RECEIVED
Pivot
KS DEPT OF AGRICULTURE APR 17 2018

Garden City Field Office
Division of Water Resources

Comments _____

**George E. and Deva Cupp
1305 Antelope St.
Scott City, KS 67871**



April 16, 2018

David Barfield, P.E., Chief Engineer
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

Subject: Change Application Pertaining to File No. 11,385, Section 35 T18S R33W, Scott County

Dear Mr. Barfield:

The enclosed change application and associated documentation along with a check for the applications fees are submitted for your review and approval. I have entered into an agreement with HRC Feed Yards, L.L.C. to sell them 30 acre-feet of water associated with File No. 11,385, which is a water right owned by me. This water would be used for stockwatering purposes at a feed yard located adjacent to the place of use associated with File No. 11,385. We propose to use the additional well regulation to move a quantity of 30 acre-feet (AF) and rate of 23 gallons per minute (gpm) to an existing well associated with File No. 34,127 (ID 7). This well is located within the adjacent feed yard and is owned by HRC Feed Yards, L.L.C.

The provisions of K.A.R. 5-5-9 and 5-5-10 were used to determine the consumptive use quantity associated with File No. 11,385. We propose an authorization of 30 AF for stockwatering use and 224.326 AF for irrigation use. This results in a reduction of 6.67 AF from the currently authorized quantity of 231 AF. The proposed change will therefore not increase consumptive use. The irrigated acres were reduced in proportion with the quantity reduction, from 127 acres currently authorized for irrigation to 105.5 acres.

A flow rate test was conducted on the well associated with File No. 11,385 on April 11, 2018. The measured rate was 490 gpm. After the proposed rate for stockwatering use is deducted from the measured rate of 490 gpm, the remaining rate will be sufficient for irrigation purposes.

We searched for neighboring wells within ½ mile of the currently authorized and proposed additional wells associated with File No. 11,385. The closest wells are the two authorized under File No. 34,127, which are owned by HRC Feed Yards, L.L.C. An irrigation well associated with File No. 15,649 located in Section 34 T18S R33W was also identified. This well is more than ½ mile from the proposed additional well but less than ½ mile from the currently authorized well. A review of information on the WIMAS database indicated

that there has been no water use reported for this well from 2012 through 2016. There may be a domestic well in the NE ¼ of Section 34 T18S R33W. We could not determine if this well is in use. It appears that this well is more than 660 feet from any of the wells associated with this change application. Both of the wells in Section 34 are owned by the same person.

It appears that two waiver requests are needed for approval of this application. I request a waiver of K.A.R. 5-21-7. It is my understanding that Groundwater Management District No. 1 (GMD 1) has requested that this regulation be revoked so that the provisions of K.A.R. 5-5-9 and 5-5-10 can be used in its place. Since the revocation process has not yet been completed, a waiver of K.A.R. 5-21-7 is needed so that the consumptive use calculations can be approved.

I also request a waiver of K.A.R. 5-21-3, which relates to well spacing. The proposed additional well does not alter any of the existing well spacings, which were previously approved. The proposed changes reduce the rate and quantity in proximity to File No. 15,649, which is the closest neighboring well that is not a party to this change application. The proposed changes provide benefits to the owners of File No. 34,127, the closest neighboring wells. This application was presented at the March board meeting of GMD 1 and the board supported approval of this waiver. It appears that there is sufficient justification for this waiver.

Please contact me or Kyle Spencer, GMD 1, if you have any questions concerning this information. Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "George E. Cupp", written in a cursive style.

George E. Cupp

Enclosures

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

GEORGE E CUPP & DEVA CUPP
1305 ANTELOPE ST
SCOTT CITY, KS 67871

April 23, 2018

RE: File No 11385

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU/PD/UMW
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tourney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

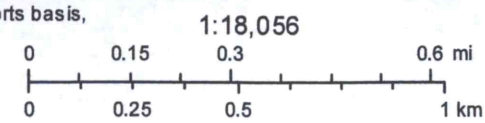
BAT: DLW
pc: GARDEN CITY Field Office GMD1



April 12, 2018
09:03 AM

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.

- Wells**
- | | | | | | | | | | |
|---|-------|---|-----|---|-----|---|-----|---|----------|
| + | CON | ● | FPR | ▲ | MUN | ⚡ | THX | | |
| ? | Other | ☒ | DEW | ⊕ | HYD | 🚩 | REC | ? | Empty |
| ● | IRR | ▲ | DOM | ★ | IND | ⊗ | STK | □ | Sections |



KS Dept of Geospatial Information



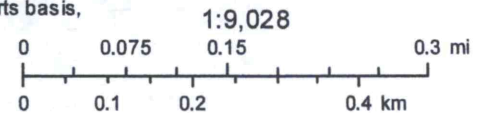
March 23, 2018
15:38 PM

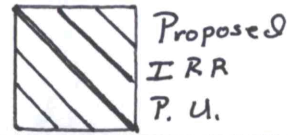
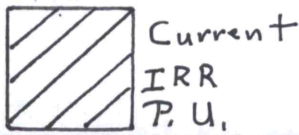
DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

Wells

- Other
- IRR
- CON
- DEW
- DOM
- FPR
- HYD
- IND
- MUN
- REC
- STK
- THX
- Empty
- WIMAS WELLS GMD1

Sections





March 29, 2018
14:35 PM

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.

1:9,028

Wells



Other



IRR



CON



DEW



DOM



FPR



HYD



IND



MUN



REC



STK



THX



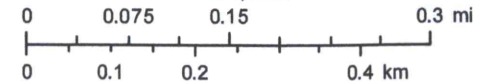
Empty



WIMAS WELLS GMD1



Sections



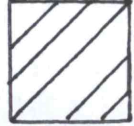
RECEIVED

APR 17 2018

Garden City Field Office
Division of Water Resources

WATER RESOURCES

APR 20 2018



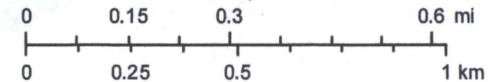
KS DEPT OF AGRICULTURE

April 12, 2018
09:32 AM

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.

Wells	+	CON	👤	FPR	▲	MUN	⚡	THX	
?	Other	☒	DEW	⊕	HYD	🚧	REC	?	Empty
•	IRR	▲	DOM	★	IND	⊗	STK	□	Sections

1:18,056



RECEIVED
APR 17 2018

Garden City Field Office
Division of Water Resources

WATER DEVELOPMENT RECEIVED
APR 20 2018