

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: P/D WORKSHEET**

Document Signature \_\_\_\_\_

1. File Number: <b>20460.01</b>	2. Status Change Date: <b>1/4/2018</b>	3. Change Num: <b>C1</b>	4. Field Office: <b>04</b>	5. GMD: <b>01</b>
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: <b>02-OCT-2017</b>
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8a. Applicant(s) <span style="float: right;">Person ID <b>58166</b></span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# <b>1</b></span>  <b>IRVIN L &amp; ROSE A YEAGER</b> <b>PO BOX 130 115 W HWY 96</b> <b>DIGHTON KS 67839</b>	8c. Landowner(s) <span style="float: right;">Person ID _____</span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# _____</span>
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8b. Landowner(s) <span style="float: right;">Person ID <b>58166</b></span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# <b>1</b></span>  <b>IRVIN L &amp; ROSE A YEAGER</b> <b>PO BOX 130 115 W HWY 96</b> <b>DIGHTON KS 67839</b>	8d. WUC <span style="float: right;">Person ID <b>58166</b></span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# <b>1</b></span>  <b>NO CHANGE 8A</b>
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9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/18**  N & P Date to Comply: **12/31/18**

Anti-Reverse Meter  
  Meter Seal  
  Check Valve  
  N & P Form  
  Water Tube  
  Driller Copy  
  H & E Letter

Conservation Plan  
 Date Required: \_\_\_\_\_  
 Date Approved: \_\_\_\_\_  
 Date to Comply: \_\_\_\_\_

10. Use Made of Water    From: \_\_\_\_\_    To: \_\_\_\_\_

Date Prepared: **12/21/17**    By: **RAK**  
 Date Entered: **1/8/2018**    By: **UH**

File No. <b>20460.01</b>	11. County: LE	Basin: <b>WALNUT CREEK</b> Please change	Stream:	Formation Code: 211	Special Use:																
12. Points of Diversion																					
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate and Quantity		Additional		Overlap PD Files							
										Rate gpm	Quantity mgy	Rate gpm	Quantity mgy								
MOD	20231	SWNWSE	18	18	30W	5	1650	2635	STANDBY WELL SW WELL					NO							
ENT	13985	NWNWSE	18	18	30W	4	2376	2088	PRIMARY WELL CENTRAL WELL	22.5 g.p.m.	5.59 AF	22.5gpm	5.59AF	39547.01							
13. Storage: Rate _____ NF    Quantity _____ ac/ft    Additional Rate _____ NF    Additional Quantity _____ ac/ft																					
14 ADD Limitation: <b>STANDBY WELL</b> af/yr at _____ gpm ( _____ cfs) when combined with file number(s) _____ Limitation: _____ af/yr at _____ gpm ( _____ cfs) when combined with file number(s) _____																					
15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____																					
16. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
MOD DEL ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
<b>NO CHANGES TO PU</b>																					
Comments:																					

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**M E M O R A N D U M**

**TO:** Files

**DATE:** December 21, 2017

**FROM:** Richelle A. Krueger

**RE:** Water Right  
File No. 20,460.01

Irvin L. and Rose Yeager, water right owners, filed an application for approval to change the point of diversion for the referenced file number, authorized groundwater for stockwatering use. The referenced file number does not appear to be abandoned as per K.S.A. 82a-718. The drainage basin for File No. 20,460.01 will be corrected from the Smoky Hill River to Walnut Creek.

The referenced file number is authorized 1.821 million gallons (5.59 acre-feet) from one well for stockwatering use in a feedlot located in the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 18, Township 18 South, Range 30 West, Lane County, Kansas. The authorized well has no overlaps but the place of use overlaps Water Right, File Nos. 18,322.01 and 39,547.01. The water right owners propose to move the entire rate and quantity of File No. 20,460.01 to an existing well authorized by File No. 39,547.01 approximately 906 feet northeast of the currently authorized location, at a point 2,376 feet North and 2,088 feet West of the Southeast corner of the aforementioned Section 18. The currently authorized well will be retained as a standby well.

A condition will be placed on the approval document limiting the standby well for use exclusively at such time the well identified as the primary well is inoperable due to mechanical, maintenance or power failure. Use of the standby well under these limiting conditions does not allow the authorized quantity of water or rate of diversion under this right to be exceeded.

WRIS indicates there are two irrigation wells authorized by Water Right File No. 10,698 within one-half mile of the proposed well, and one stockwatering well authorized by Water Right, File No. 18,322.01 all under common ownership. No domestic wells were indicated on the application map.

In a letter dated December 12, 2017, received December 15, 2017 Kyle Spencer, Manager of Western Kansas Groundwater Management District No. 1, indicated that the Board of Directors recommended approval of the referenced application with a waiver of K.A.R. 5-21-3.

In an e-mail dated December 18, 2017 Michael Meyer, Water Commissioner of the Garden City Field Office, recommended approval of the referenced application.

Water flow meters are required. Check valves are required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur, and if the Chief Engineer waives K.A.R. 5-21-3 it has been recommended the referenced application be approved.

  
Richelle A. Krueger  
Environmental Scientist

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

January 9, 2018

IRVIN L & ROSE A YEAGER  
PO BOX 130 115 W HWY 96  
DIGHTON KS 67839

**FILE COPY**

RE: Water Right, File No. 20,460.01

Dear Mr. and Mrs. Yeager:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that acceptable water flow meters must be installed on the diversion works authorized under the referenced file number. Please return the required notification of completion of the diversion works and installation of the required meters as soon as these actions are completed.

Please note that the well described in the approval document as the standby well shall be used exclusively at such time the well described in the approval document as the primary well is inoperable due to mechanical, maintenance or power failure. Use of the standby well under these limiting conditions does not allow the authorized quantity of water or rate of diversion under this file to be exceeded.

Since the order for the referenced file number modifies the original document referred to above it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Brent A. Turney, P.G.  
Change Application Unit Supervisor  
Water Appropriation Program

Enclosures

pc: Garden City Field Office  
Groundwater Management District No. 1



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN  
POINT OF DIVERSION AND  
ORDER CORRECTING THE DRAINAGE BASIN  
WATER RIGHT  
FILE NO. 20,460.01**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Irvin L. and Rose Yeager, P.O. Box 130, 115 West Highway 96, Dighton, Kansas 67839, received in this office on October 2, 2017, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated December 10, 1991, approving the application to change the use made of water, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized locations of the points of diversion shall be:

one (1) well located in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 18, more particularly described as being near a point 2,376 feet North and 2,088 feet West of the Southeast corner of said section (primary well), and

one (1) well located in the Southwest Quarter of the Northwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 18, more particularly described as being near a point 1,650 feet North and 2,635 feet West of the Southeast corner of said section (standby well),

both in Township 18 South, Range 30 West, Lane County, Kansas,

located substantially as shown on the map accompanying the application to change the point of diversion, and corrects the drainage basin for Water Right, File No. 20,460.01 to Walnut Creek.

The well described herein as the standby well shall be used exclusively at such time the well herein described as the primary well is inoperable due to mechanical, maintenance or power failure. Use of the standby well under these limiting conditions does not allow the authorized quantity of water or rate of diversion under this file to be exceeded.

Installation of the works for diversion of water shall be completed on or before December 31, 2018, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 20,460.01, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated October 23, 1991, as modified and amended by the aforementioned order.

#### **RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW**

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

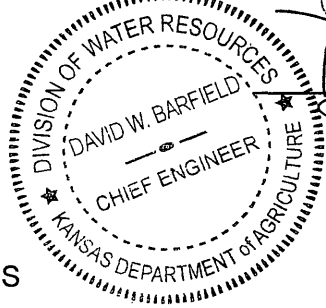
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this 4<sup>th</sup> day of January 2018, in Topeka, Shawnee County, Kansas.



*David W. Barfield*

David W. Barfield P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                                  ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of January 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



*Karen Hunter*  
Notary Public

**CERTIFICATE OF SERVICE**

On this 9<sup>th</sup> day of January 2018, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 20,460.01, dated January 4<sup>th</sup>, 2018 was mailed postage prepaid, first class, US mail to the following:

IRVIN L & ROSE YEAGER  
PO BOX 130 115 W HWY 96  
DIGHTON KS 67839

With photocopies to:

Garden City Field Office  
Groundwater Management District No. 1

*Danielle Wilson*  
Division of Water Resources

Kansas Department of Agriculture  
 Division of Water Resources  
**WAIVER REQUEST & WAIVER RULE WORKSHEET**

File Number: 20,460.01

FO: 4

GMD: 1

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
STK	10/02/17	10	GMD 1	Well Spacing	Ogallala Formation
Rule Number	Date Granted	Date Denied	Justification:	GMD No. 1 recommends a waiver of K.A.R. 5-21-3(a) and approval of the applications.	
K.A.R. 5-21-3(a)	1/4/2018				

**WAIVER RULE:**

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared 12/21/17 By RAK

Date Entered 1/8/2018 By UM



THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

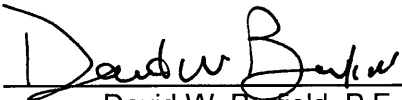
**WAIVER OF REGULATION**  
**K.A.R. 5-21-3(a)**  
**Well spacing requirements**

Date: 1/4/18

Re: Water Right, File No. 20,460.01

1. That K.A.R. 5-21-3(a) states in part that the minimum well spacing requirement for non-domestic wells which propose the withdrawal of water from the Ogallala Formation shall be a minimum of 2,640 feet from all other non-domestic wells in the Ogallala aquifer.
2. That the application to change the point of diversion for Water Right, File No. 20,460.01 was received in the office of the Chief Engineer on October 2, 2017. The referenced file number, authorized for stockwatering use, has no overlap in the authorized point of diversion but overlaps in the place of use of Water Right, File Nos. 18,322.01 and 39,547.01. The referenced application proposes to add an existing well authorized by File No. 39,547.01 located 2,376 feet North and 2,088 feet West of the Southeast corner of Section 18, Township 18 South, Range 30 West, Lane County, Kansas, approximately 906 feet northeast of the presently authorized location. The water right owners propose to retain the presently authorized well as a standby well.
3. That the proposed primary well for File No. 20,460.01 does not meet well spacing requirements of K.A.R. 5-21-3(a) since it is located closer than 2,640 feet to the proposed existing standby well, two irrigation wells authorized by Water Right File No. 10,698 or to the stockwatering well authorized by Water Right, File No. 18,223.01. All wells in question are under common ownership.
4. That the Board of Directors of Western Kansas Groundwater Management District No. 1 has recommended approval of the application in a letter dated December 12, 2017 and a waiver of K.A.R. 5-21-3.
5. That the referenced application for File Nos. 20,460.01 should be approved with a waiver of the well spacing requirement of K.A.R. 5-21-3(a).
6. That a waiver of K.A.R. 5-21-3(a) will not prejudicially or unreasonably affect the public interest and should not impair any existing water rights.

Comments:

  
David W. Barfield, P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

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**



State of Kansas

**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

OCT 02 2017  
1:30  
KS DEPT OF AGRICULTURE

File No. 20460-01

2. Name of applicant: IRVIN L & ROSE A YEAGER

Address: PO BOX 130 \* 115 W HWY 96

City, State and Zip: DIGHTON KS 67839

Phone Number: (620)397-2788 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

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): Move rate and quantity to file number 39547-01. This point of diversion will become a standby well for file number 39547-01. 20460.01 \*\*

The change(s) (will be) completed by As soon as possible (Date)

<b>For Office Use Only:</b>							
F.O. <u>4</u>	GMD <u>1</u>	Meets K.A.R. 5-5-1 <u>(YES/NO)</u>	Use <u>STK</u>	Source <u>(G/S)</u>	County <u>LE</u>	By <u>ATW</u>	Date <u>12/17</u>
Code <u>CGT</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>10/2/17</u>	Check # <u>2141</u>			

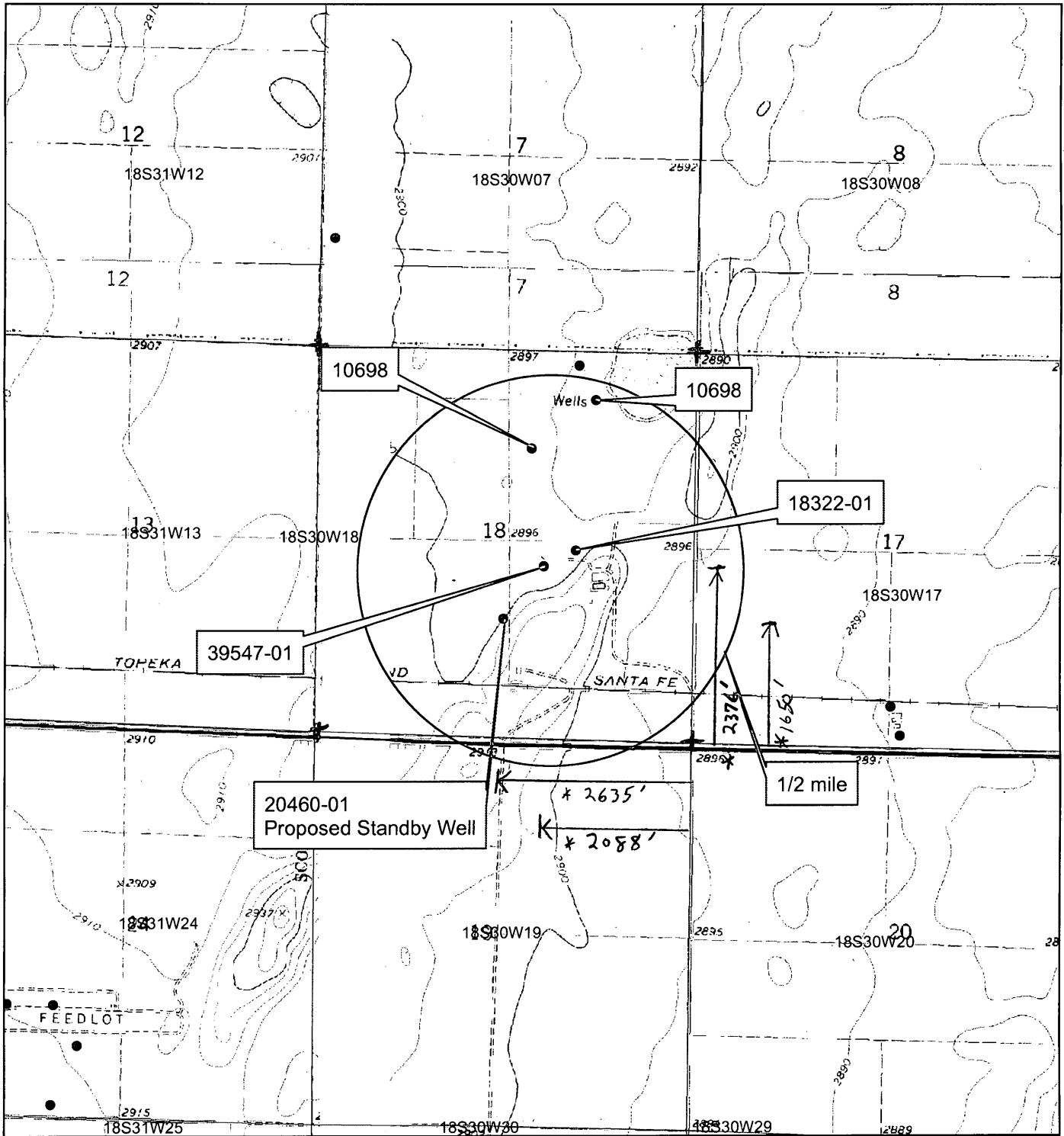
\*\* per 11/29/17 email Mike Myer GCFO  
\*\* RAK/one 12/1/17  
\* per W/LZS  
\* RAK/one 12/21/17

APPLICATION COMPLETE  
12/15/17  
Reviewer RAK

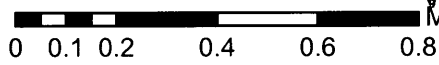
Assisted by: \_\_\_\_\_

SCANNED 10/3/2017 UM

# Change in Point of Diversion for Water Right 39547-01 and Water Right 20460-01

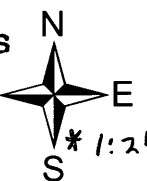


\* per WRIS  
\* RAL/OWN  
11/30/17



WATER RESOURCES  
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OCT 02 2017



\* 1:24000

4. The presently authorized place of use is:

Owner of Land — NAME: Same

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. 18322-01, 39547-01

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: \_\_\_\_\_

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. \_\_\_\_\_

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. \_\_\_\_\_

WATER RESOURCES RECEIVED

OCT 02 2017

KS DEPT OF AGRICULTURE SCANNEL

6. The presently authorized point(s) of diversion is One well  
(Provide description and number of points)

7. The proposed point(s) of diversion are Two wells, one primary and standby  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**  
 One in the SW Quarter of the NW Quarter of the SE Quarter of Section 18, Township 18 South, Range 30 (W), in LE County, Kansas, 1650 feet North 2635 feet West of Southeast corner of section. Authorized Rate 22.5 fcpm Authorized Quantity 5.59 acre feet  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the NW Quarter of the NW Quarter of the SE Quarter of Section 18, Township 18 South, Range 30 (W), in LE County, Kansas, 2376 feet North 2088 feet West of Southeast corner of section.  
 Proposed Rate 22.5 ~~51~~ GPM Proposed Quantity 12.61 ~~5.59~~ acre feet 5.59 AF **PRIMARY WELL**  
 This point is:  Additional Well  Geo Center List other water rights that will use this point 39547-01

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 SW Quarter of the NW Quarter of the SE Quarter of Section 18, Township 18 South, Range 30 (W), in LE County, Kansas, 1650 feet North 2635 feet West of Southeast corner of section.  
 Proposed Rate 22.5 ~~51~~ GPM Proposed Quantity 12.61 ~~5.59~~ acre feet 5.59 AF **STANDBY WELL**  
 This point is:  Additional Well  Geo Center List other water rights that will use this point 39547-01

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. This point of diversion will be used as a standby well for file number ~~39547-01~~ \* 20460.01

\* Modified per 11/29/17 e-mail Mike Meyer GCFD  
\* RAK/DWR 11/30/17

12. The presently authorized use of water is for Stockwater use for a feedlot purposes.  
It is proposed that the use be changed to No Change purposes.

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

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to N/A (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to N/A gallons per minute (\_\_\_\_ c.f.s.).

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](http://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.

The currently authorized points of diversion withdraw water from the same source of supply.

This change should not impact other water rights.

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.

Waiver of K.A.R 5-21-3

WATER RESOURCES  
RECEIVED

OCT 02 2017

KS DEPT OF AGRICULTURE

SCANNED

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 County, Kansas, this 21 day of Sept, 2017.

Irvin J. Yeager  
(Owner)

(Spouse)

Irvin J. Yeager  
(Please Print)

Rose Yeager  
(Please Print)

Rose Yeager  
(Owner)

Rose Yeager  
(Please Print)

Rose Yeager  
(Please Print)

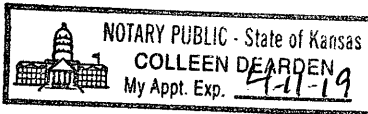
(Owner)

(Spouse)

(Please Print)

(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 31 day of September, 2017.

Colleen Dearden  
Notary Public

My Commission Expires 4-11-19

**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.**

**Krueger, Richelle [KDA]**

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**From:** Meyer, Mike [KDA]  
**Sent:** Monday, December 18, 2017 4:57 PM  
**To:** Krueger, Richelle [KDA]  
**Subject:** RE: Request for Recommendation Change in PD File No. 20460.01 Irvin and Rose Yeager

I recommend approval thanks

*Mike*

---

**From:** Krueger, Richelle [KDA]  
**Sent:** Monday, December 18, 2017 4:55 PM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Cc:** Makens, Thom [KDA] <Thom.Makens@ks.gov>  
**Subject:** Request for Recommendation Change in PD File No. 20460.01 Irvin and Rose Yeager

Hi Mike,  
Attached is a draft memo for the referenced pd change, do you recommend approval?

Thanks,

Richelle





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WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

December 12, 2017

Richelle A. Krueger, Environmental Scientist  
Water Appropriation Program  
1320 Research Park Drive  
Manhattan, Kansas 66502

WATER RESOURCES  
RECEIVED

DEC 15 2017

KS DEPT OF AGRICULTURE

Ref: Water Right, File No. 20460.01 (Yeager)

Dear Ms. Krueger:

After reviewing the referenced application, the GMD No. 1 Board of Directors voted unanimously to waive K.A.R. 5-21-3 well spacing requirement, & recommends approval of the application.

As usual, if you have any questions or need further information, don't hesitate to contact us.

Sincerely,

Kyle Spencer  
District Manager

ks/vr

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

November 30, 2017

WESTERN KANSAS GROUNDWATER  
MANAGEMENT DISTRICT NO 1  
ATTN KYLE SPENCER  
PO BOX 604  
SCOTT CITY KS 67871

**FILE COPY**

Re: Water Right, File No. 20,460.01

Dear Mr. Spencer:

We are enclosing a copy of the application to change the point of diversion for File No. 20,460.01.

We are delaying further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning this application.

Please submit your recommendations within the allowed time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Richelle A. Krueger".

Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

Enclosures

pc: Garden City Field Office

## Krueger, Richelle

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**From:** Krueger, Richelle  
**Sent:** Wednesday, November 29, 2017 2:27 PM  
**To:** Meyer, Mike; Makens, Thom  
**Subject:** RE: Change in PD File No. 20460.01 Irvin and Rose Yeager

Okay thanks for taking a look, I will proceed!

---

**From:** Meyer, Mike  
**Sent:** Wednesday, November 29, 2017 1:18 PM  
**To:** Krueger, Richelle <Richelle.Krueger@ks.gov>; Makens, Thom <Thom.Makens@ks.gov>  
**Subject:** RE: Change in PD File No. 20460.01 Irvin and Rose Yeager

Just the wrong wording

This water right is to be stacked on top of 39547 and then use the vacated hole as a standby under File No. 20460.01

*Mike*

---

**From:** Krueger, Richelle  
**Sent:** Wednesday, November 29, 2017 11:08 AM  
**To:** Meyer, Mike <Mike.Meyer@ks.gov>; Makens, Thom <Thom.Makens@ks.gov>  
**Subject:** Change in PD File No. 20460.01 Irvin and Rose Yeager

Good Morning Mike and Thom,

Hope things are well in GC today! Hey I picked up this file to work and am wondering, are they proposing only a change in pd for File No. 20460.01 or are they also proposing a change in pd for File No. 39547.01? They only sent a change in for File No. 20460.01 and it seems to indicate a second application for File No. 39547.01 in Paragraph 11 and in the quantities and rates listed. Looks like maybe they've had overpumping issues on File No. 39547.01.

Thanks in advance for any info you might have on this one.

Richelle

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

IRVIN L & ROSE A YEAGER  
PO BOX 130  
DIGHTON, KS 67839

10/3/2017

**FILE COPY**

RE: File No 204601

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 PD
- 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,

A handwritten signature in cursive script that reads "Brent A. Tourney".

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

BAT: DLW  
pc: GARDEN CITY Field Office GMD1