

17190 Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: P/D WORKSHEET**

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

1. File Number: <b>21389</b>	2. Status Change Date: <b>8/14/2018</b>	3. Change Num: <b>C3</b>	4. Field Office: <b>04</b>	5. GMD: <b>03</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>26-JAN-2018</b>
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8a. Applicant(s) <span style="float:right">Person ID <b>36997</b></span> New to system <input type="checkbox"/> <span style="float:right">Add Seq# _____</span>  <b>DALE &amp; CYNTHIA G YOST</b> <b>DALE YOST</b> <b>1142 ROAD AA</b> <b>LAKIN KS 67860-6220</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>19316</b></span> New to system <input type="checkbox"/> <span style="float:right">Add Seq# _____</span>  <b>WHEATLAND ELECTRIC COOPERATIVE INC</b> <b>PERRY SMITH</b> <b>PO BOX 953</b> <b>GARDEN CITY KS 67846</b>	8d. WUC <span style="float:right">Person ID _____</span> New to system <input type="checkbox"/> <span style="float:right">Add Seq# _____</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: **7/18/18** By: **CCP**  
 Date Entered: **8/13/2018** By: **UM**

File No. **21389**      11. County: **KE**      Basin: **ARKANSAS RIVER**      Stream:      Formation Code:      Special Use:

12. Points of Diversion										Rate and Quantity				
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files
										Rate gpm	Quantity af	Rate gpm	Quantity af	
MOD	10899	NC NW	12	25	35W	2	3960	3960		870	272	870	272	N
MOD	11466	NC NE	12	25	35W	1	3960	1320		875	272	875	272	N
MOD	72542	SE SE SW	12	25	35W	5	510	3235		825	272	825	272	N
MOD	72902	NE NE SE	12	25	35W	6	2150	515		820	272	820	272	N

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14 Limitation: \_\_\_\_\_ 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	NE¼		NW¼		SW¼		SE¼		NE¼		NW¼		SW¼		SE¼		NE¼		NW¼		SW¼		SE¼					
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	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  
**WAIVER REQUEST & WAIVER RULE WORKSHEET**

File Number: 21,389

FO: 04 GMD: 03

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	7/26/2018	28	GMD 3	Well Spacing	Exceeds Move Distance
Rule Number	Date Granted	Date Denied	Justification:	GMD No. 3 recommends a waiver of K.A.R. 5-23-3(b) and approval of the application. The proposed change requires reallocation of 5 acre-feet of quantity, two of which will be moving to a well located more than a half-mile away, hence the waiver. The same local source of supply will not change.	
K.A.R. 5-23-3(b)	8/10/2018				

**WAIVER RULE (complete only if a new rule needs to be created):**

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared 7/26/2018 By CCP

Date Entered 8/13/2018 By UM

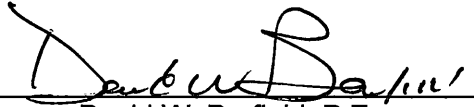
**WAIVER OF REGULATION 5-23-3(b)**

Date: 8/16/18, 2018

RE: Water Right, File No. 21,389

1. That **K.A.R. 5-23-3(b)** state in part that the location of a well or wells on an application for approval to change the point of diversion under an existing water right shall be no more than 2,640 feet from the currently authorized and completed point of diversion.
2. The referenced file number is authorized four wells with assigned limited diversion rates and quantities for irrigation use on 544 acres in Section 12, Township 25 South, Range 35 West, Kearny County, Kansas. The water right owners propose to reallocate 5 acre-feet of water between the four wells; however, the well located in the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 12, is further away than any of the other three wells, so the allocation being moved to this well is further than a half-mile.
3. That the proposal does not meet the requirements of K.A.R. 5-23-3(b) since the well located in the Southwest Quarter (SW $\frac{1}{4}$ ) is approximately 3,062 feet from the next nearest authorized point of diversion.
4. That the Board of Directors of Southwest Kansas Groundwater Management District No. 3 have recommended approval of the application in a letter dated July 12, 2018, and approval of a waiver of K.A.R. 5-23-3(b).
5. A waiver appears reasonable because the presently authorized wells and reallocation of 5 acre-feet under the same file number, remain in the same local source of supply.
6. That a waiver of K.A.R. 5-23-3(b) will not prejudicially or unreasonably affect the public interest and should not impair any existing water rights.

Comments:

  
David W. Barfield, P.E.

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

FILE COPY

August 14, 2018

WHEATLAND ELECTRIC COOPERATIVE INC  
PERRY SMITH  
PO BOX 953  
GARDEN CITY KS 67846

Re: Water Right,  
File No. 21,389

Dear Mr. Smith:

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 an acceptable water flow meter 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 meter as soon as these actions are completed.

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,

A handwritten signature in black ink, appearing to read "Brent A. Turney".

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

BAT:ccp

Enclosure(s)

pc: Garden City Field Office  
Dale & Cynthia Yost  
Groundwater Management District No. 3

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**To:** Files

**Date:** July 26, 2018

**From:** Charlotte C. Philip *ccp*

**Re:** Appropriation of Water,  
File No. 21,389

Wheatland Electric Cooperative, Inc., and Dale & Cynthia Yost, owners of the above referenced file number, have filed an application for approval to change the authorized point of diversion, authorized for irrigation use in the Arkansas River drainage basin.

The referenced water right does not appear abandoned as per K.S.A. 82a-718.

The referenced file number is authorized four (4) wells with assigned diversion rates and quantities for irrigation use on 544 acres in Section 12, Township 25 South, Range 35 West, Kearny County, Kansas. The change application proposes to reallocate 5 acre-feet of water, so that each of the four wells authorize 272 acre-feet.

Three of the four wells are located within a half-mile of each other; however, the well located in the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 12, is located approximately 3,062 feet from the nearest well authorized by the same file number, which is greater than one-half mile. In a letter dated July 12, 2018, received on July 16, 2018, Jason Norquest, Assistant Manager of Southwest Groundwater Management District No. 3 indicated that the referenced application should be approved at this time with a waiver of K.A.R. 5-23-3(b) since the proposed move is over 2,640 feet.

WRIS and the application map indicate that there are two points of diversion within one-half mile of the proposed existing wells not under common ownership authorized by File No. 21,389. These wells, identified as Water Right, File Nos. 20,941 & 20,942, are owned by Christopher Dale & Laress Yost. A nearby letter was mailed on July 19, 2018, notifying them of the proposed change in point of diversion. No response was received.

The same local source of supply does not appear to change, which was previously determined to be Ogallala Formation (211).

In an e-mail dated July 27, 2018, Michael Meyer, Water Commissioner, Garden City Field Office, indicated that he recommends approval of the referenced change application.

A water flowmeter is required. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the change is 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. 5-23-3(b), it is recommended that the referenced application be approved.



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  
WATER RIGHT  
FILE NO. 21,389**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Luke West, on behalf of Wheatland Electric Cooperative, Inc., P.O. Box 953, Garden City, Kansas, 67846, and Dale & Cynthia G. Yost, 1142 Road AA, Lakin, Kansas, 67860-6220, received in this office on January 26, 2018, 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 Orders of the Chief Engineer dated March 24, 2006 and June 23, 2006, approving applications to change the point of diversion, 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 points of diversion shall be:

one (1) well located near the center of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 12, more particularly described as being near a point 3,960 feet North and 3,960 feet West of the Southeast corner of said section, at a diversion rate not in excess of 870 gallons per minute (1.94 c.f.s.) and in a quantity not to exceed 272 acre-feet of water per calendar year;

one (1) well located near the center of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 12, more particularly described as being near a point 3,960 feet North and 1,320 feet West of the Southeast corner of said section, at a diversion rate not in excess of 875 gallons per minute (1.95 c.f.s.) and in a quantity not to exceed 272 acre-feet of water per calendar year;

one (1) well located in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 12, more particularly described as being near a point 510 feet North and 3,235 feet West of the Southeast corner of said section, at a diversion rate not in excess of 825 gallons per minute (1.84 c.f.s.) and in a quantity not to exceed 272 acre-feet of water per calendar year; and

one (1) well located in the Northeast Quarter of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 12, more particularly described as being near a point 2,150 feet North and 515 feet West of the Southeast corner of said section, at a diversion rate not in excess of 820 gallons per minute (1.83 c.f.s.) and in a quantity not to exceed 272 acre-feet of water per calendar year,

all in Township 25 South, Range 35 West, Kearny County, Kansas,

located substantially as shown on the map accompanying the application to change the point of diversion.

(over)

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. 21,389, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 17, 1982, as modified and amended by the aforementioned orders.

#### **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.

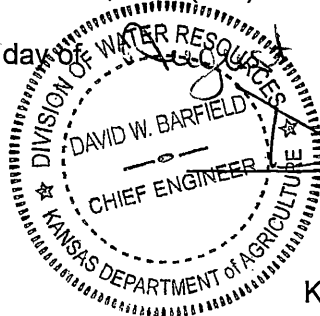
If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be 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 6<sup>th</sup> day of August, 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 6<sup>th</sup> day of August, 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 14<sup>th</sup> day of August, 2018, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 21,389, dated August 6<sup>th</sup>, 2018, was mailed postage prepaid, first class, US mail to the following:

WHEATLAND ELECTRIC COOPERATIVE INC  
PERRY SMITH  
PO BOX 953  
GARDEN CITY KS 67846

With photocopies to:  
DALE & CYNTHIA G YOST  
DALE YOST  
1142 ROAD AA  
LAKIN KS 67860-6220

Garden City Field Office

GMD No. 3

*Danielle Wilson*  
Division of Water Resources

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

FILE COPY

CHRISTOPHER DALE & LARESS YOST  
1106 ROAD AA  
LAKIN KS 67860-6220

July 19, 2018

Re: Water Right,  
File No. 21,389

Dear Mr. Yost:

This is to advise you that Wheatland Electric Cooperative Inc., and Dale & Cynthia Yost, have filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion for Water Right, File No. 21,389. Based upon K.S.A. 82a-1906, you are being notified of the above referenced application for change. You can find the application posted by water right file number as referenced above at [www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices](http://www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices).

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

If you have any questions, please contact me at 785-564-6642 or the Change Application Unit Supervisor, Brent Turney at 785-564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Charlotte C. Philip  
Environmental Scientist  
Water Appropriation Program

CCP  
Enclosure(s)

pc: Garden City Field Office  
Dale & Cynthia Yost  
Groundwater Management District No. 3

SCANNED

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

June 20, 2018

FILE COPY

SOUTHWEST KANSAS GROUNDWATER  
MANAGEMENT DISTRICT NO 3  
2009 E SPRUCE STREET  
GARDEN CITY KS 67846

Re: Water Right  
File No. 21,389

Dear Sir or Madam:

We are enclosing a copy of the application referred to above, received in the office of the Chief Engineer January 26, 2018, which appear to be in proper form.

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

Please submit your recommendations within the allotted time, or any authorized extension of time thereof. 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,

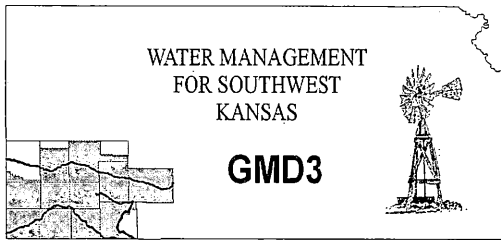
A handwritten signature in cursive script that reads "Brent A. Turney".

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

BAT:ccp  
Enclosures

pc: Garden City Field Office

SCANNED



**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 12, 2018

Brent A. Turney  
Kansas Department of Ag  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, Kansas 66502

Water Resources  
Received

**JUL 16 2018**

KS Dept Of Agriculture

RE: Applications for Reallocation  
Water Right, File No. 21389

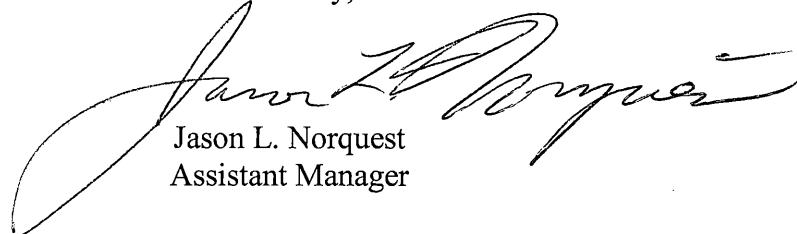
Dear Brent:

We have completed a review of the application for the above referenced water right. The proposal is in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). While the spacing to neighboring wells is still met, the proposed distance moved of part of the allocation, is not in accordance with K.A.R. 5-23-3. This application was reviewed with the Board at the July 11, 2018 meeting.

Representatives from Wheatland Electric were present for the discussion with the Board. This application is requesting a reallocation of authority between the four wells under the same water right. There is really only a reallocation of 5 AF between the wells, that are currently individually authority. The well in the SW quarter, however, is further than any of the other three wells, so the allocation being moved would be further than a half mile. The applicants are requesting this reallocation in order to equalize the authority on the wells before a division agree is applied for. If this change is approved, each well will be authorized 272AF/each. Spacing to neighboring wells is currently met and this change will not change the spacing requirement. The Board recognizes that we are only dealing with 2AF in this case and spacing is still maintained to all neighboring wells and voted that a waiver be granted for the distance moved. 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,

A handwritten signature in black ink, appearing to read "Jason L. Norquest", is written over a printed name and title.

Jason L. Norquest  
Assistant Manager

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  
 Point of Diversion  
 Use Made of Water

(Check one or more)

WATER RESOURCES  
RECEIVED  
JAN 26 2018  
11:10  
KS DEPT OF AGRICULTURE

File No. 21389

2. Name of applicant: WHEATLAND ELECTRIC COOPERATIVE INC DALE & CYNTHIA YOST

Address: PO BOX 953 1142 ROAD AA

City, State and Zip: GARDEN CITY KS 67846 LAKIN KS 67860-6220

Phone Number: ( ) \_\_\_\_\_ E-mail address: \_\_\_\_\_

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

Name of water use correspondent: DALE YOST

Address: 1142 ROAD AA

City, State and Zip: LAKIN KS 67860-6220

Phone Number: ( ) \_\_\_\_\_ E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific): \_\_\_\_\_

The four (4) authorized wells are assigned per well quantities and rates; however, in order to avoid any reduction in quantity when this water right is divided, this change application proposes to move water between the wells so that each point of diversion authorizes 272 acre-feet.

The change(s) (was) (will be) completed by upon approval of application \_\_\_\_\_  
(Date)

For Office Use Only:  
F.O. 4 GMD 3 Meets K.A.R. 5-5-1 (YES/NO) Use IRR Source G/S County KE By CCP Date 1/26/18  
Code CGT Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 1/26/18 Check # 150635

4. The presently authorized place of use is:

Owner of Land — NAME: WHEATLAND ELECTRIC COOPERATIVE INC

ADDRESS: PO BOX 953; GARDEN CITY KS 67846

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	
12	25	35W	34	34	34	34	34	34	34	34	34	34	34	34	34	34	34	34	408

List any other water rights that cover this place of use. NONE

Owner of Land — NAME: DALE & CYNTHIA YOST

ADDRESS: 1142 ROAD AA; LAKIN KS 67860-6220

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		
12	25	35W																		136

List any other water rights that cover this place of use. NONE

(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	
<b>NO CHANGE</b>																			

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

6. The presently authorized point(s) of diversion are FOUR (4) WELLS

(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) \_\_\_\_\_

(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 NW Quarter of the \_\_\_\_\_ Quarter of Section 12, Township 25 South, Range 35 W, in KE County, Kansas, 3960 feet North 3960 feet West of Southeast corner of section.

Authorized Rate 870 Authorized Quantity 273

(DWR use only: Computer ID No. 2 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)

This point will not be changed  This point will be changed as follows:

**Proposed point of diversion: (Complete only if change is requested)**

One in the NC Quarter of the NW Quarter of the \_\_\_\_\_ Quarter of Section 12, Township 25 South, Range 35 W, in KE County, Kansas, 3960 feet North 3960 feet West of Southeast corner of section.

Proposed Rate 870 Proposed Quantity 272

This point is:  Additional Well  Geo Center List other water rights WATER RESOURCES use this point \_\_\_\_\_

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9. **Presently authorized point of diversion:**  
 One in the NC Quarter of the NE Quarter of the \_\_\_\_\_ Quarter  
 of Section 12, Township 25 South, Range 35 W,  
 in KE County, Kansas, 3960 feet North 1320 feet West of Southeast corner of section.  
 Authorized Rate 875 Authorized Quantity 276  
**(DWR use only: Computer ID No. 1 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 NE Quarter of the \_\_\_\_\_ Quarter  
 of Section 12, Township 25 South, Range 35 W,  
 in KE County, Kansas, 3960 feet North 1320 feet West of Southeast corner of section.  
 Proposed Rate 875 Proposed Quantity 272 ✓  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

10. **Presently authorized point of diversion:**  
 One in the SE Quarter of the SE Quarter of the SW Quarter  
 of Section 12, Township 25 South, Range 35 W,  
 in KE County, Kansas, 510 feet North 3235 feet West of Southeast corner of section.  
 Authorized Rate 825 Authorized Quantity 270  
**(DWR use only: Computer ID No. 5 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the SE Quarter of the SE Quarter of the SW Quarter  
 of Section 12, Township 25 South, Range 35 W,  
 in KE County, Kansas, 510 feet North 3235 feet West of Southeast corner of section.  
 Proposed Rate 825 Proposed Quantity 272 ✓  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

10A. **Presently authorized point of diversion:**  
 One in the NE Quarter of the NE Quarter of the SE Quarter  
 of Section 12, Township 25 South, Range 35 W,  
 in KE County, Kansas, 2150 feet North 515 feet West of Southeast corner of section.  
 Authorized Rate 820 Authorized Quantity 269  
**(DWR use only: Computer ID No. 6 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 NE Quarter of the SE Quarter  
 of Section 12, Township 25 South, Range 35 W,  
 in KE County, Kansas, 2150 feet North 515 feet West of Southeast corner of section.  
 Proposed Rate 820 Proposed Quantity 272 ✓  
 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. All wells will be used in the future. Owners plan on dividing the water right into four divided portions.

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

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12. The presently authorized use of water is for irrigation purposes.

It is proposed that the use be changed to n/a purposes.

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

n/a

(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.

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.

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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 Garden City, Kansas, this 23 day of January, 20 18.

<u>Luke West</u> (Owner)	_____	(Spouse)
<u>Luke West</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Kansas }  
County of Finney } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of January, 20 18.

My Commission Expires 01-23-2018



Megan Jo Sneath  
Notary Public

**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.**

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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.

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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 \_\_\_\_\_, Kansas, this 18<sup>th</sup> day of January, 2018

[Signature]  
(Owner)  
\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Please Print)

[Signature]  
(Spouse)  
\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Spouse)

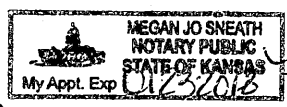
\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

State of Kansas }  
County of Finney } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 18<sup>th</sup> day of January, 2018



[Signature]  
Notary Public

My Commission Expires 01/23/2018

**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.**

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# Change in Point of Diversion, Water Right, File No. 21,389

## Nearby well owners:

20929

Wheatland Electric Cooperative Inc.  
Perry Smith  
P.O. Box 953  
Garden City, KS 67846

20941

Christopher Dale & Laress Yost  
1106 Road AA  
Lakin, KS 67860-6220

20942

Christopher Dale & Laress Yost  
1106 Road AA  
Lakin, KS 67860-6220

21387

Wheatland Electric Cooperative Inc.  
Perry Smith  
P.O. Box 953  
Garden City, KS 67846



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

WHEATLAND ELECTRIC COOPERATIVE, INC  
PO BOX 953  
GARDEN CITY, KS

January 30, 2018

RE: File No 21389

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,

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

BAT: DLW  
pc: GARDEN CITY Field Office GMD3

# Change in Point of Diversion, Water Right File No. 21,389

## Legend

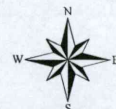
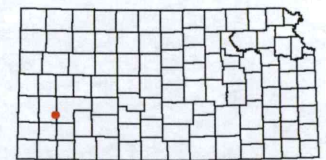
### S\_UMW

- G\_IRR
- USA Topo Maps
- ⊗ Authorized & proposed G\_IRR

All wells of any kind within 1/2 mile of the requested points of diversion have been plotted & owner listed.

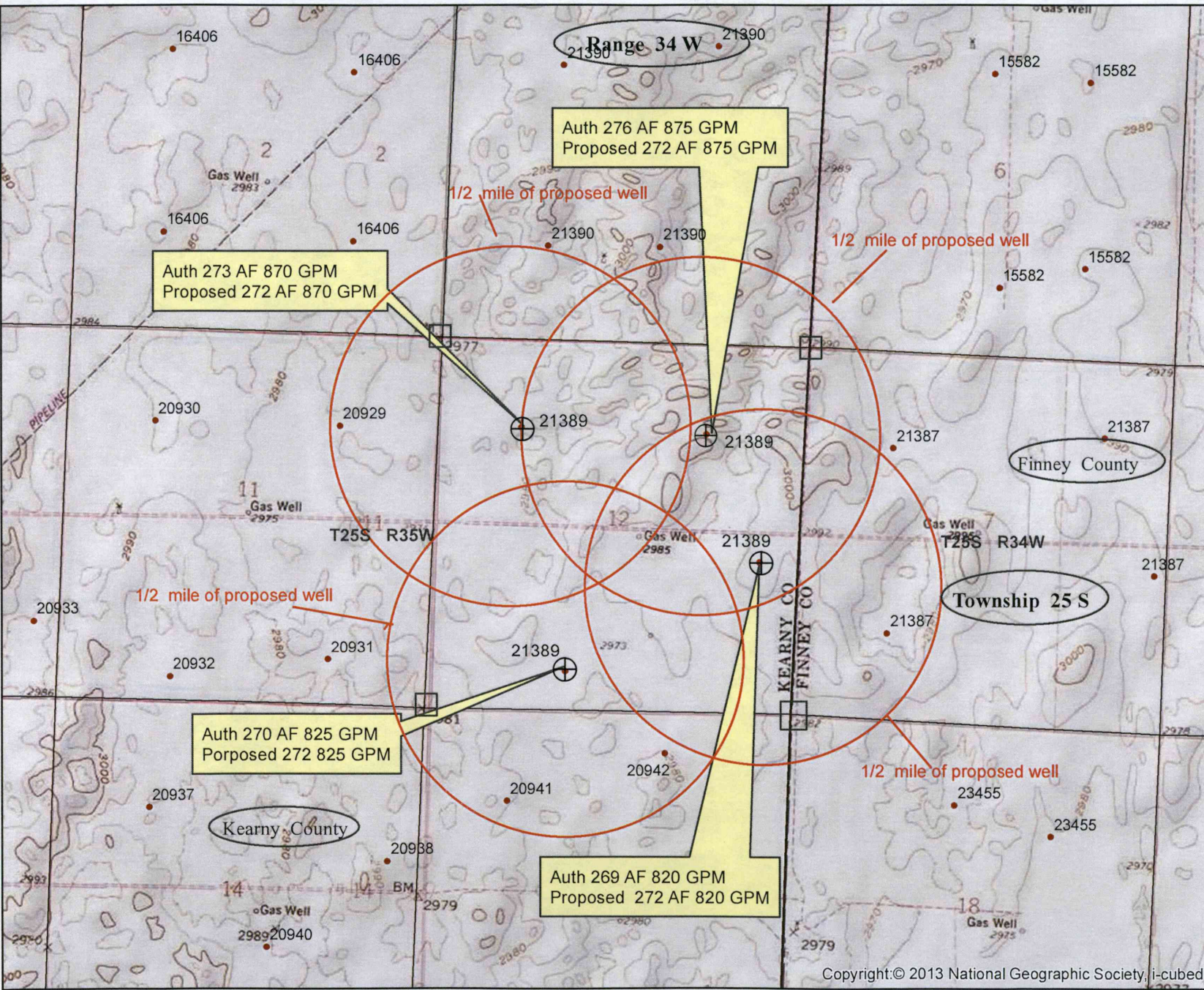
(Signature)

### Index Map



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# Change in Point of Diversion, Water Right File No. 21,389

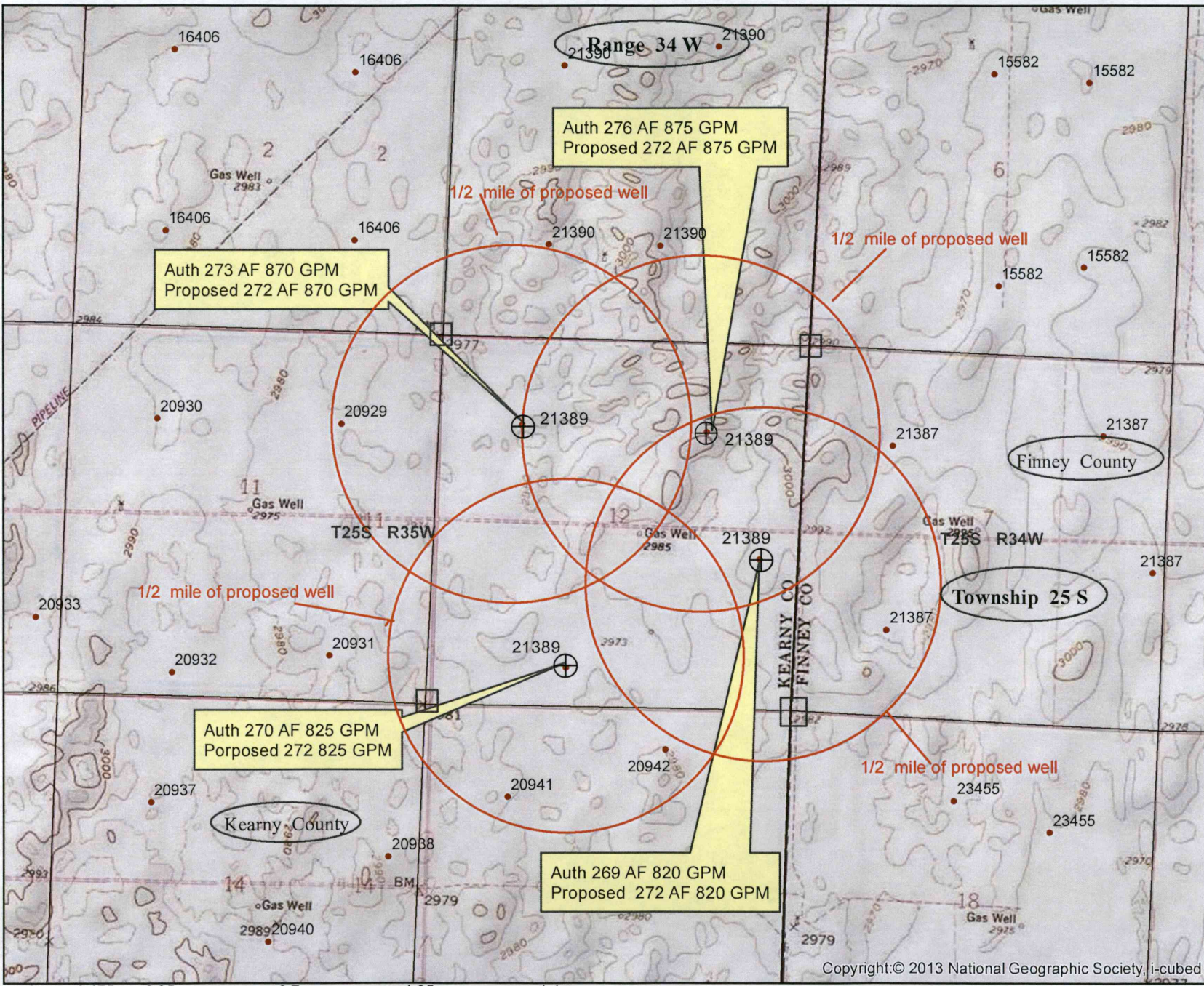
## Legend

### S\_UMW

- G\_IRR
- USA Topo Maps
- ⊗ Authorized & proposed G\_IRR

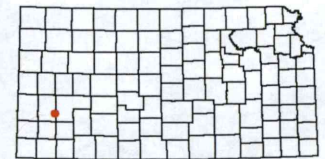
All wells of any kind within 1/2 mile of the requested points of diversion have been plotted & owner listed.

(Signature)



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