

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

1. File Number: <b>36805</b>	2. Status Change Date: <b>4/29/2019</b>	3. Change Num: <b>C2</b>	4. Field Office: <b>4</b>	5. GMD: <b>1</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:
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8a. Applicant(s) <span style="float: right;">Person ID _____</span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# _____</span>  <b>BROOKOVER CATTLE CO INC</b> <b>SAM BROOKOVER</b> <b>4000 E ROAD 200</b> <b>SCOTT CITY KS 67871-4061</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>1999</b></span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# _____</span>  <b>BROOKOVER CATTLE CO INC</b> <b>4000 E ROAD 200</b> <b>SCOTT CITY KS 67871-4061</b>	8d. WUC <span style="float: right;">Person ID <b>1999</b></span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# _____</span>  <b>8b</b>
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9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/2019**  N & P Date to Comply: **12/31/2019**

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: **4/24/2019**    By: **LI**  
 Date Entered: **4/30/2019**    By: **LLM**

File No. **36805**      11. County: **SC**      Basin: **SMOKY HILL**      Stream:      Formation Code:      Special Use:

12. Points of Diversion  
 Rate and Quantity  
 Authorized      Additional  
 Rate      Quantity      Rate      Quantity  
 gpm      mgy      gpm      mgy      Overlap PD Files

DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files
DEL	17525	CE SE	22	17	32W	5	1590	30	PLUG	85.0	12.963	85.0	0	NONE

ENT	87450	CN NW	26	17	32W		5195	4062		85.0	12.963	85.0	0	NONE
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Limitation - No change

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

14. Limitation: **164.25 MGY** af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **COM/W #SC 007, 8581, 19118 & 29266**  
 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 CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
						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 CHANGE</b>																										

Base Acres:      Year:      Minimum Reasonable Quantity:

Comments:

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

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

**TO:** Files

**DATE:** April 24, 2019

**FROM:** Leslie Ireland

**RE:** Water Right, File No. 36,805

Sam Brookover, Brookover Cattle Co., Inc., owner of the referenced file has completed an application for approval to change the point of diversion authorized for stockwatering use under the referenced file. The application to change was received on December 6, 2018.

The referenced file appears to be in good standing, as per K.S.A. 82a-718 and 82a-732. The application complies with K.A.R. 5-5-2a, including a requested waiver of K.A.R. 5-21-3(d).

Water Right, File No. 36,805, authorizes one (1) well to divert 12.963 million gallons per year (mgy) 39.8 acre-feet (AF) at a maximum rate of 85 gallons per minute (gpm) (0.19 c.f.s). The well is located in Section 22, Township 17 South, Range 32 West, Scott County. The right is limited to 164.25 mgy with File Nos. SC 007, 8,581; 19,118 and 29,266 at the feed lot located in the South Half of the Northwest Quarter (S $\frac{1}{2}$  NW $\frac{1}{4}$ ) and the Southwest Quarter all in Section 23, Township 17 South, Range 32 West, Scott County. The right is not located in a special use area but is located in the Western Kansas Groundwater Management District No. 1, (GMD 1). The source of supply for the right has been determined to be the Ogallala Formation (Code 211).

The change proposes to abandon the currently authorized well and drill a new well approximately 2,097 feet to the Southeast to complete a well in Section 26, Township 17 South, Range 32 West, Scott County. The owners requested a **waiver of part (d) of K.A.R. 5-21-3 Well spacing requirements**. Additionally, the proposed well is located less than the 2,640 feet from four nearby stockwatering wells as required by Part (d)(2) of the regulation as one well is located approximately 1,320 feet away the others are about 2,100 feet away. All of these wells are owned by the applicant.

The submitted well log by Midwest Well and Pump of Garden City listed a November static water level of 146 feet and completed to a depth of 191 feet to Black Shale. A May 1979 well log completed in the area where the existing well is authorized listed a static water level of 103 feet and a depth of 186 feet to shale.

There were no well owners other than the applicant located within one-half ( $\frac{1}{2}$  mile) of the proposed well. No nearby notifications were sent.

In a letter dated April 17, 2019, Kyle Spencer, District Manager, GMD No. 1, stated the application was **recommended for approval by the Board with a waiver of K.A.R. 5-21-3**.

Mike Meyer, Water Commissioner, Garden City Field Office was contacted for a comment on the proposed change. He recommended approval of the proposed change per his email dated April 24, 2019.

Conditions of the approval will require the installation of a water flowmeter and check valve if chemigating. A water level measurement tube and WWC-5 are not applicable, as the well log was submitted with the application and the authorized rate is less than 100 gpm. The owner has not indicated what will happen with the old well, but the transmittal letter will inform them the well must be plugged in accordance with KDHE requirements.

Based on the above discussion, that the waiver is granted, it appears the requested change is not unreasonable, impairment of existing rights is unlikely, and the source of supply will remain the same, it is recommended that the referenced application be approved.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

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

File Number: **36805**

FO: **4**

GMD: **1**

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
STK	4/10/2019	14	GMD 1	Well Spacing	CHG Exceeds Distance.....
Rule Number	Date Granted	Date Denied	Justification:	The proposed change moves the well more than 1,320 feet from the originally authorized point of diversion and is less than 2,640 feet from all other non-domestic wells in the Ogallala aquifer. All wells within the one-half mile area are owned by the applicant. The feed lot and structures in the area impact the availability of a suitable location. The well logs indicate the local source of supply is the same. The waiver was recommended by the Board of GMD 1.	
K.A.R. 5-21-3(d)	4/29/2019				

**WAIVER RULE:**

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
				K.A.R.		

Date Prepared **4/24/2019** By **LI**

Date Entered **4/30/2019** By **UM**

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

WAIVER OF REGULATION  
K.A.R. 5-21-3 (d)

Date: 4/29/2019

Re: File No. 36,805

1. That K.A.R. 5-21-3, *Well spacing requirements*, states in part (a), that each well location that withdraws water from the Ogallala shall be spaced a minimum of 2,640 feet from other non-domestic wells and in part (d) shall not be more than 1,320 feet from the originally authorize point of diversion and meet the well to well spacing.
2. That the change proposes to drill a replacement well resulting in the proposed well being approximately 2,097 feet from the authorized well and approximately 1,340 feet to one of four nearby wells, all less than 2,640 feet away.
3. The area of use is a feed lot operation impacting the location of the proposed point of diversion.
4. That all the wells within one-half ( $\frac{1}{2}$ ) mile of the proposed point are owned by the applicant.
5. That K.A.R. 5-21-3(f) states that exceptions to this regulation may be recommended by the Board to the Chief Engineer.
6. That the Board of Western Kansas Groundwater Management District No. 1 recommended that the application be approved.
7. Approval of the referenced change application will not impair existing water rights nor shall the change adversely affect the public interest.

Comments:

A handwritten signature in cursive script that reads "David W. Barfield".

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

*WATER RIGHTS PACKAGE*

**Data Entry Information:**

File Nos.	Rule & Regulation	Reason for Waiver Request (under 200 characters)	Date of Action	Waiver Approved or Denied
24,751	5-21-8	<p>The approval of a standby well is for a well that is operated only then the primary well is inoperable. The spacing between the primary well and nearby wells does not currently meet the required spacing and there has been not reported history of impairment. No replies were received from nearby well owners. The application was for commercial use. That the applicant has not met the exception requirements of the Engineering Department of the Western Groundwater Management District No. 1's recommendation that the application be approved with a waiver. That it is in the public interest for a stockwatering use to have a backup well or alternate source of water. The approval should not result in impairment of the wells in this area.</p>		

*Do Not Scan This Page Please*

*Do Not Scan This Page Please*

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  
**DEC 06 2018**  
**12:38**  
KS Dept Of Agriculture

File No. 36805

2. Name of applicant: BROOKOVER CATTLE CO INC

Address: 4000 E ROAD 200

City, State and Zip: SCOTT CITY KS 67871-4061

Phone Number: (620)872-5817

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): Existing well has lost production

The change(s) (will be) completed by ASAP

(Date)

**For Office Use Only:**

F.O. 4 GMD 1 Meets K.A.R. 5-5-1 (YES/NO) Use STK Source G/S County SC By KJN Date 12/6/18  
Code CAT Fee \$ 200.00 TR # \_\_\_\_\_ Receipt Date 11-28-18 Check # 59941

APPLICATION COMPLETE

4/27/19

Reviewer LT

DWR 1-120 (Revised 06/16/2014)

Water Resources  
Received

APR 22 2019

RECEIVED

NOV 28 2018

Assisted by: MF/CCFO

KS Dept Of Agriculture

Garden City Field Office  
Division of Water Resources

SCANNED

12/11/2018 UM

1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www.agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

April 30, 2019

BROOKOVER CATTLE CO INC  
SAM BROOKOVER  
4000 E ROAD 200  
SCOTT CITY KS 67871-4061

**FILE COPY**

RE: Water Right, File No. 36,805

Dear Mr. Brookover:

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

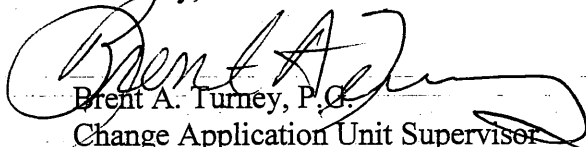
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approval is that a water flowmeter meeting the specifications of the Chief Engineer must be installed on the diversion works authorized. Please return the required and enclosed form, *Notification of Completion of the Diversion Works and Report of Flowmeter Installation* of the required meter as soon as these actions are complete. A listing of water flowmeters may be found at [www.agriculture.ks.gov](http://www.agriculture.ks.gov).

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

The abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

If you have any questions, concerning the enclosed documents please contact Leslie Ireland, (785) 564-6633, should you have questions concerning the meter requirements please contact your area field office in Garden City at (620) 276-2901. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

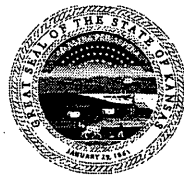
Sincerely,

  
Brent A. Turney, P.O.  
Change Application Unit Supervisor

BAT:LI:li  
Enclosures  
pc: Garden City Field Office  
Groundwater Management District No. 1



THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN POINT OF DIVERSION  
UNDER  
WATER RIGHT, FILE NO. 36,805**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Sam Brookover on behalf of Brookover Cattle Company Incorporated, 4000 East Road 200, Scott City, Kansas 67871-4061, received in the office of the Chief Engineer on December 6, 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 Order of the Chief Engineer dated April 19, 2007, approving the application to change the place of use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply 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 location of the point of diversion shall be:

one(1) well located in the near the center of the North side of the Northwest Quarter (CN NW¼) of Section 26, more particularly described as being near a point 5,195 feet North and 4,062 feet West of the Southeast corner of said section, in Township 17 South, Range 32 West, Scott County, Kansas,

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

Installation of the works for diversion of water shall be completed on or before December 31, 2019, or within any authorized extension of time. The applicant 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.

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.



**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.

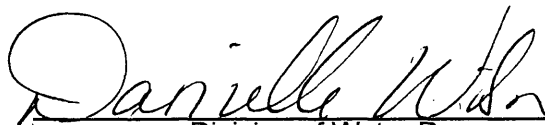
**CERTIFICATE OF SERVICE**

On this 30<sup>th</sup> day of April, 2019, I hereby certify that the attached Approval of Application for Change in Point of Diversion under Water Right, File No. 36,805, dated April 29<sup>th</sup>, 2019, was mailed postage prepaid, first class, US mail to the following:

BROOKOVER CATTLE CO INC  
SAM BROOKOVER  
4000 E ROAD 200  
SCOTT CITY KS 67871-4061

With photocopies sent to:

Garden City Field Office  
Groundwater Management District No. 1

  
Division of Water Resources

4 The presently authorized place of use is:

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. \_\_\_\_\_

(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

Water Resources  
Received

RECEIVED

APR 22 2019

DEC 06 2019

NOV 28 2018

6. The presently authorized point(s) of diversion is one well with the required plumbing  
(Provide description and number of points)

7. The proposed point(s) of diversion is one well with the required plumbing  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the CE Quarter of the SE Quarter  
 of Section 22, Township 17 South, Range 32 (W),  
 in SC \_\_\_\_\_ County, Kansas, 1590 feet North 30 feet West of Southeast corner of section.  
 Authorized Rate 85 gpm Authorized Quantity 12.963 mgd  
 (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 CN Quarter of the NW Quarter  
 of Section 26, Township 17 South, Range 32 (W),  
 in SC \_\_\_\_\_ County, Kansas, 5195 feet North 4062 feet West of Southeast corner of section.  
 Proposed Rate 85 gpm Proposed Quantity 12.963 mgd  
 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 \_\_\_\_\_ 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 \_\_\_\_\_~~

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. \_\_\_\_\_

APR 22 2019

DEC 06 2018

NOV 28 2018

12. The presently authorized use of water is for STK 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 \_\_\_\_\_ (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to \_\_\_\_\_ 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.

No change in local source of supply or source of supply.

MT. 4-10-19

Water Resources  
Received

APR 22 2019

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.

We request a waiver of KAR 5-21-3. The only wells one-half mile from the redrill are our own wells. There will be **RECEIVED**

no impact due to low flow rates. Water Resources

Received

NOV 28 2018

MT. 4-10-19

DEC 06 2018

Garden City Field Office  
Division of Water Resources

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~~ 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 21 day of NOVEMBER, 2018.

Sam Brookover  
(Owner) \_\_\_\_\_ (Spouse) \_\_\_\_\_

SAM BROOKOVER  
(Please Print) \_\_\_\_\_ (Please Print) \_\_\_\_\_

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

\_\_\_\_\_  
(Please Print) \_\_\_\_\_ (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 21st day of Nov., 2018.

NOTARY PUBLIC-State of Kansas

MICHAEL D. THOMPSON

Michael D. Thompson  
Notary Public

My Commission Expires 8-6-2021 My Appt Exp. 8-6-2021

FEE SCHEDULE

Water Resources

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:

Received

APR 22 2019

- (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

KS Dept Of Agriculture

Make check payable to Kansas Department of Agriculture.

Water Resources  
Received

RECEIVED

DEC 06 2018

NOV 28 2018

Garden City Field Office  
KS Dept Of Agriculture Division of Water Resources

SCANNED



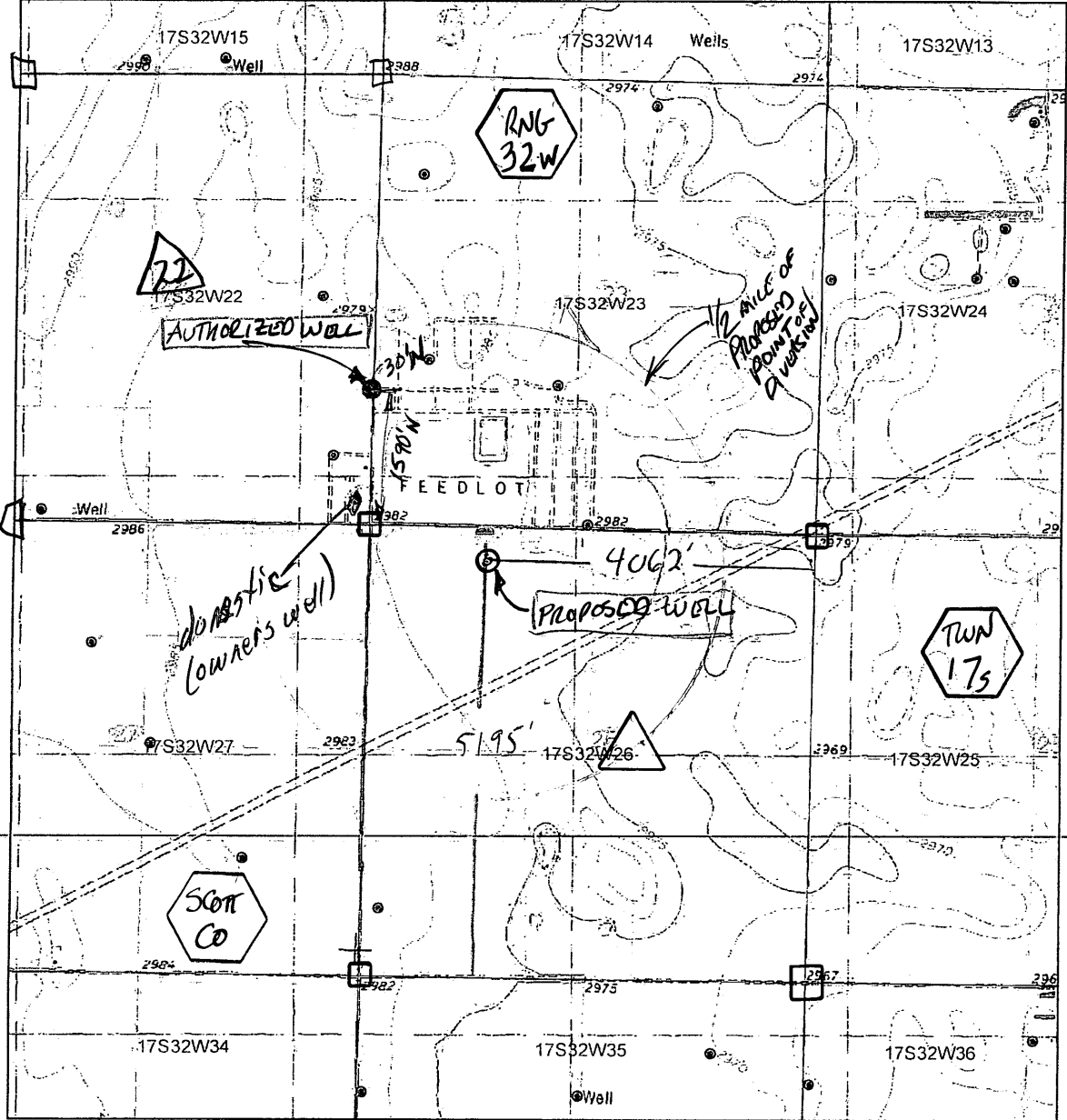
WGS  
84

old - 38° 33.539 100° 50.026

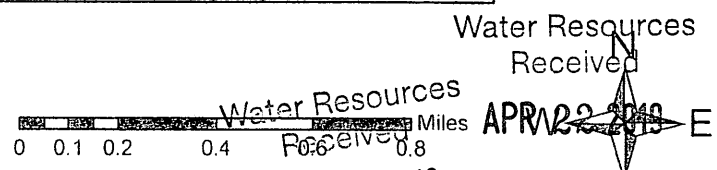
new - ~~100° 50.026~~

38° 33.315 100° 49.74

### Change in Point of Diversion for Water Right 36805 Section 26, Township 17 South, Range 32 West, Scott County



- Authorized Point of Diversion
- ⊙ Proposed Point of Diversion



DEC 06 2018 KS Dept Of Agriculture

All wells within 1/2 miles are on this map.

NOV 28 2018  
Garden City Field Office  
Division of Water Resources

*[Signature]*  
SCANNED



**Ireland, Leslie [KDA]**

---

**From:** Meyer, Mike [KDA]  
**Sent:** Wednesday, April 24, 2019 2:41 PM  
**To:** Ireland, Leslie [KDA]  
**Subject:** RE: Recommendation for PD Change, File No. 36805 Brookover

Approve  
thanks

*Mike*

---

**From:** Ireland, Leslie [KDA]  
**Sent:** Wednesday, April 24, 2019 12:50 PM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Subject:** Recommendation for PD Change, File No. 36805 Brookover

Mike,

Please let me know if you would support the waiver and recommend this change.

Attached is the summary memo and waiver.

As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist  
Kansas Department of Agriculture  
Division of Water Resources - Change Unit  
(785) 564-6633  
[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)



---

WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

April 17, 2019

Ms. Leslie Ireland  
Environmental Scientist  
Kansas Dept. of Agriculture  
Division of Water Resources - Change Unit  
1320 Research Park Drive  
Manhattan, KS. 66502

RE: Application: File no. 36805

Dear Ms. Ireland,

At the April 17, 2019 Western Kansas Groundwater Management District No. 1 board meeting, The Board voted to waive the District's K.A.R. 5-21-3 (d) (1) & (2) well spacing regulation for the above referenced application and recommends approval.

If you have any questions or need further information, please contact this office.

Sincerely,

Kyle Spencer  
District Manager

WATER RESOURCES  
RECEIVED

APR 22 2019

KS DEPT OF AGRICULTURE

1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www. agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Acting Secretary

Laura Kelly, Governor

April 2, 2019

BROOKOVER CATTLE CO INC  
SAM BROOKOVER  
4000 E ROAD 200  
SCOTT CITY KS 67871-4061

RE: Water Right, File No. 36,805

Dear Mr. Brookover:

Reference is made to your application for approval of the Chief Engineer to change the point of diversion under File No. 36,805, which was received on December 6, 2018. Upon review of the application, we find that additional information is needed.

As submitted the application proposes to change the authorized point of diversion to drill a new well described as being located near the center of the North Side of the Northwest Quarter (CN NW $\frac{1}{4}$ ) of Section 26, approximately 5,195 feet North and 4,062 feet West of the Southeast corner of said section, in Township 17, South, Range 32 West, Scott County. The proposed well location appears to be 2,097 feet from the original and currently authorized well described as being located near the center of the East Side of the Southeast Quarter (CE SE $\frac{1}{4}$ ) of Section 22, approximately 1,590 feet North and 30 Feet West of the Southeast corner of said section, in Township 17, South, Range 32 West, Scott County. It appears that the proposed change will require a waiver of K.A.R. 5-21-3, *Well spacing requirements*

It is advised that the Western Kansas Groundwater Management District No. 1, located at 906 West 5th, Scott City, Kansas, phone (620)872-5563, be contacted to provide you with assistance regarding the referenced application. Please take this letter, your application and attachments with you should you choose to meet with them for their assistance.

Should a waiver be needed, please provide the reason why it should be granted as required in paragraph No. 18 of the application. Any information showing that the granted request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest should be provided. This documentation is required to be provided by the applicant for the requested waiver as detailed in Part (b) of K.A.R. 5-5-2a, *Complete change application*. Rules and regulations of the Kansas Water Appropriation Act may be found on the Kansas Department of Agriculture web site, <http://www.agriculture.ks.gov/dwr>.

We are returning the application for the referenced file, so that should you may contact the groundwater management district. To further process the application as proposed please return the application and supporting documentation to this office. A return envelope has been enclosed.

Water Resources  
Received

APR 22 2019

KS Dept Of Agriculture

SCANNED

You have a **period of 15 days (until April 17, 2019)** to either (1) submit a request for a waiver with supporting information and return the application to our office, (2) modify the application to comply with K.A.R. 5-21-3, or (3) to request additional time beyond the 15 days. If you wish to request additional time, you must do so in writing, before the 15 day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office. You may send any needed extension request to my email, [leslie.ireland@ks.gov](mailto:leslie.ireland@ks.gov).

According to law, default in the returning of the application as outlined above within the time allowed or any authorized extension of time, shall cause dismissal of the application for change under the above referenced file.

Should you have any questions, or require my assistance with your application, please do not hesitate to contact me at (785) 564-6633, or via email.

Sincerely,



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

LI:li

Enclosure

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

1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www.agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

April 10, 2019

WESTERN KANSAS GROUNDWATER  
MANAGEMENT DISTRICT NO 1  
KYLE SPENCER  
PO BOX 604  
SCOTT CITY KS 67861

Re: Applications for Change,  
Water Right, File No.36,805

Dear Mr. Spencer:

We are enclosing a copy of the application referred to above which appears to be in proper form and has been requested to be reviewed by the Western Kansas Groundwater Management District No. 1 at your next meeting. It is my understanding that the original application will be brought to your office by the applicant for your review and return to our office.

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

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact our office.

Sincerely,

Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

LI:li  
Enclosures

pc: Garden City Field Office  
Sam Brookover, Brookover Cattle Co., Inc.

SCANNED

FILE COPY

1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www. agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

April 9, 2019

SCOTT MURRISON  
MURRISON ENVIRONMENTAL INC  
403 NORTH 5TH  
GARDEN CITY KS 67846

**FILE COPY**

RE: Water Right, File No. 36,805

Dear Mr. Murrison:

As requested by your email received April 9, 2019, the Chief Engineer has extended until May 2, 2019, as the time in which supply the requested information and return the application for change.

According to the law, default in supplying the requested information, within the time allowed, shall constitute forfeiture of the priority date and dismissal of this application. If the application is not returned by the deadline, of May 2, 2019, or any authorized extension of time thereof, it will be dismissed.

If you wish to request additional time beyond this first extension, please contact me before the period expires. Such a request should state what steps are being taken to supply the requested information and return the application.

If you have any questions, please contact our office, my desk phone number is (785) 564-6633, or email, Leslie.Ireland@ks.gov. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

LI:li

pc: Garden City Field Office  
Groundwater Management District No. 1  
Sam Brookover, Brookover Cattle Co.

**SCANNED**



**Ireland, Leslie [KDA]**

---

**From:** Scott Murrison <smurrison@cox.net>  
**Sent:** Monday, April 8, 2019 6:23 PM  
**To:** Ireland, Leslie [KDA]  
**Cc:** 'Mike Thompson'  
**Subject:** [Water Right Field No. 36,805 ]  
**Attachments:** Brookover Cattle SC\_20190408\_152634.pdf

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Leslie

I received the attached letter from my client today. I am officially requesting an additional 15 days to complete your request. I will try to get in touch with the GMD 1 on Tuesday to set up a time to meet with them. Hopefully we can meet early next week and get this finalized, but I wanted to request the extension just in case it takes longer.

If you have any questions, please do not hesitate to contact me.

Thanks

Scott Murrison  
Murrison Environmental, Inc  
403 North 5<sup>th</sup>  
Garden City, Kansas 67846  
Mobile 620 260 6682  
Home 620 275 9261  
Fax 620 276 7876

SCANNED

1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www.agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Acting Secretary

Laura Kelly, Governor

April 2, 2019

BROOKOVER CATTLE CO INC  
SAM BROOKOVER  
4000 E ROAD 200  
SCOTT CITY KS 67871-4061

**FILE COPY**

RE: Water Right, File No. 36,805

Dear Mr. Brookover:

Reference is made to your application for approval of the Chief Engineer to change the point of diversion under File No. 36,805, which was received on December 6, 2018. Upon review of the application, we find that additional information is needed.

As submitted the application proposes to change the authorized point of diversion to drill a new well described as being located near the center of the North Side of the Northwest Quarter (CN NW $\frac{1}{4}$ ) of Section 26, approximately 5,195 feet North and 4,062 feet West of the Southeast corner of said section, in Township 17, South, Range 32 West, Scott County. The proposed well location appears to be 2,097 feet from the original and currently authorized well described as being located near the center of the East Side of the Southeast Quarter (CE SE $\frac{1}{4}$ ) of Section 22, approximately 1,590 feet North and 30 Feet West of the Southeast corner of said section, in Township 17, South, Range 32 West, Scott County. It appears that the proposed change will require a waiver of K.A.R. 5-21-3, *Well spacing requirements*

It is advised that the Western Kansas Groundwater Management District No. 1, located at 906 West 5th, Scott City, Kansas, phone (620)872-5563, be contacted to provide you with assistance regarding the referenced application. Please take this letter, your application and attachments with you should you choose to meet with them for their assistance.

Should a waiver be needed, please provide the reason why it should be granted as required in paragraph No. 18 of the application. Any information showing that the granted request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest should be provided. This documentation is required to be provided by the applicant for the requested waiver as detailed in Part (b) of K.A.R. 5-5-2a, *Complete change application*. Rules and regulations of the Kansas Water Appropriation Act may be found on the Kansas Department of Agriculture web site, <http://www.agriculture.ks.gov/dwr>.

We are returning the application for the referenced file, so that should you may contact the groundwater management district. To further process the application as proposed please return the application and supporting documentation to this office. A return envelope has been enclosed.

You have a **period of 15 days (until April 17, 2019)** to either (1) submit a request for a waiver with supporting information and return the application to our office, (2) modify the application to comply with K.A.R. 5-21-3, or (3) to request additional time beyond the 15 days. If you wish to request additional time, you must do so in writing, before the 15 day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office. You may send any needed extension request to my email, [leslie.ireland@ks.gov](mailto:leslie.ireland@ks.gov).

According to law, default in the returning of the application as outlined above within the time allowed or any authorized extension of time, shall cause dismissal of the application for change under the above referenced file.

Should you have any questions, or require my assistance with your application, please do not hesitate to contact me at (785) 564-6633, or via email.

Sincerely,



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

LI:li

Enclosure

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

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A

36805 00

*Summation*

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A

36805 00 STK

Water Right and Points of Diversion Within 1.25 miles of point defined as:

1590 Feet North and 30 Feet West of the Southeast Corner of Section 22 T 17S R 32W

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A_ 51 00	IRR	NK	G		4904	--	SW	SW	NE	2680	2540	27	17	32W	1		480.00	480.00	AF
A_ 6789 00	IRR	NK	G		4436	--	CN	SE	NW	3854	3274	27	17	32W	3		269.00	269.00	AF
A_ 7972 00	IRR	NK	G		5741	--	--	NC	SE	1320	1370	27	17	32W	6		208.00	.00	AF
A_ 8581 00	STK	NK	G		5959	--	NW	SW	SW	912	5040	26	17	32W	1		121.99	121.99	AF
A_ 9652 00	IRR	NK	G		4757	--	SE	SE	SW	100	2800	15	17	32W	2		116.00	.00	AF
A_ 15298 00	IRR	NK	G		6350	--	NW	SE	SE	850	890	14	17	32W	1		327.00	327.00	AF
A_ 16523 00	IRR	NK	G		4145	--	SW	SE	SW	90	3900	22	17	32W	2		191.00	191.00	AF
A_ 16586 00	IRR	NK	G		5970	--	SE	NE	NE	4200	100	28	17	32W	1		156.00	156.00	AF
A_ 18123 00	STK	NK	G		4751	--	NW	NW	NE	5026	2030	23	17	32W	6		113.03	113.03	AF
A_ 18719 00	IRR	NK	G		4757	--	SE	SE	SW	100	2800	15	17	32W	2		138.00	138.00	AF
Same					4308	--	SE	SW	SE	140	1860	15	17	32W	3		320.00	.00	AF
A_ 19118 00	STK	NK	G		5959	--	NW	SW	SW	912	5040	26	17	32W	1		29.98	29.98	AF
A_ 20355 00	IRR	NK	G		5208	--	NW	NW	NW	5210	4980	27	17	32W	2		51.00	51.00	AF
A_ 22828 00	IRR	NK	G		5950	--	--	NW	NW	4765	5070	22	17	32W	3		275.00	275.00	AF
A_ 25076 00	IRR	NK	G		4757	--	SE	SE	SW	100	2800	15	17	32W	2		250.00	112.00	AF
Same					4308	--	SE	SW	SE	140	1860	15	17	32W	3		550.00	231.00	AF
A_ 28166 00	IRR	NK	G		4145	--	SW	SE	SW	90	3900	22	17	32W	2		107.00	107.00	AF
A_ 29266 00	STK	NK	G		2206	--	SE	NE	SW	1670	3105	23	17	32W	1		70.30	70.30	AF
Same					3028	--	SE	SE	SW	40	2705	23	17	32W	3		74.92	46.38	AF
A_ 32795 00	IRR	NK	G		6501	--	N2	N2	SE	2495	1230	21	17	32W	2		145.00	145.00	AF
A_ 36805 00	STK	NK	G*		0	--	--	CE	SE	1590	30	22	17	32W	5		39.78	.00	AF
A_ 38388 00	STK	NK	G		5595	--	SW	SW	NW	2940	5200	24	17	32W	6		33.00	.00	AF
A_ 40324 00	STK	NK	G		899	--	NE	SE	SE	800	460	22	17	32W	7		5.89	.00	AF
A_ 40325 00	STK	NK	G		2626	--	SW	NE	NW	4155	4771	23	17	32W	7		110.11	.00	AF
A_ 40326 00	STK	NK	G		755	--	SW	NW	SW	1945	4646	23	17	32W	9		6.00	.00	AF
T_ 20189077 00	STK	AY	G		755	--	SW	NW	SW	1945	4646	23	17	32W	9		8.00	.00	AF
VSC 7 00	STK	AA	G		1083	--	NE	NE	SE	2620	365	22	17	32W	8		31.00	31.00	AF

*SPACING CURRENTLY NOT MET  
LAW 4/2007  
BY 36805*

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	2863.68	.00
Total Vested Amount (AF) =	31.00	.00
TOTAL AMOUNT (AF) =	2894.67	.00

*WELLS ARE LIMITED -*

*OW WILL IMPROVE WZW SPACING*

An \* after the source of supply indicates a pending application for change under the file number.  
 An \* after the ID indicates a 15 AF exemption was granted under the file number.  
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.  
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.25 miles of point defined as:

1590 Feet North and 30 Feet West of the Southeast Corner of Section 22 T 17S R 32W

GROUNDWATER ONLY

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

DEC 06 2018  
12:38  
KS Dept Of Agriculture

File No. 36805

2. Name of applicant: BROOKOVER CATTLE CO INC

Address: 4000 E. ROAD 200

City, State and Zip: SCOTT CITY KS 67871-4061

Phone Number: (620)872-5817

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): Existing well has lost production

The change(s) (will be) completed by ASAP

(Date)

For Office Use Only:

F.O. 4 GMD 1 Meets K.A.R. 5-5-1 (YES/NO) Use STK Source GYS County SC By KJN Date 12/6/18  
Code CGT Fee \$ 200.00 TR # \_\_\_\_\_ Receipt Date 11-28-18 Check # 59941

RECEIVED

DWR 1-120 (Revised 06/16/2014)

NOV 28 2018

Assisted by: MF/KCFD

Garden City Field Office  
Division of Water Resources

SCANNED

12/11/2018 UM

4. The presently authorized place of use is:

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. \_\_\_\_\_

(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. \_\_\_\_\_

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6. The presently authorized point(s) of diversion is one well with the required plumbing  
(Provide description and number of points)

7. The proposed point(s) of diversion is one well with the required plumbing  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the CE Quarter of the SE Quarter  
 of Section 22, Township 17 South, Range 32 (W),  
 in SC County, Kansas, 1590 feet North 30 feet West of Southeast corner of section.  
 Authorized Rate 85 gpm Authorized Quantity 12.963 mgy  
 (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 CN Quarter of the NW Quarter  
 of Section 26, Township 17 South, Range 32 (W),  
 in SC County, Kansas, 5195 feet North 4062 feet West of Southeast corner of section.  
 Proposed Rate 85 gpm Proposed Quantity 12.963 mgy  
 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 \_\_\_\_\_ 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 \_\_\_\_\_

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. \_\_\_\_\_

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12. The presently authorized use of water is for STK 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 \_\_\_\_\_ (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to \_\_\_\_\_ 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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Division of Water Resources

KS Dept Of Agriculture **SCANNED**



WR 36805

# MIDWEST WELL & PUMP

PO BOX 692, Garden City, Kansas 67846

(620)275-1920

Owner Name: Brookover Cattle  
 Address: 4000 E. Rd. 200  
 City, St. Zip: Scott City, KS 67871  
 GPS: N.38.55519 W.100.82893  
 Contact #: Ken 620-874-1474  
 Location: NW ¼ 26-17-32 Scott County  
 From Old Well: About 1646' East 1704' South

Date: 11/7  
 Test Hole: 2-18  
 Driller: Soukup  
 Dig Safe#18498101  
 Static Water Level About:146'  
 Total Depth: 191' Black Shale

FROM:	TO:	STRATA:
0	2	Top Soil
2	33	Brown Clay
33	35	Brown Clay With Gypsum Streaks
35	42	Cemented Sand
42	45	Medium To Coarse Sand Small Gravel
45	58	Cemented Sand Few Loose Sand Streaks
58	62	Brown Clay With Few Small Fine Sand Streaks
62	72	Medium To Coarse Sand Small gravel With Few Cemented Sand Streaks
72	80	Medium To Coarse Sand Small Gravel With White Broken Rock
80	84	Brown Clay
84	97	Brown Clay With Fine Sand Streaks
97	102	Cemented Sand
102	106	Fine To Medium Sand
106	114	Brown Clay With Fine To Medium Sand Streaks
114	122	Fine To Medium Sand Some Small Gravel Few Small Brown Clay Streaks
122	128	Fine To Medium Sand Some Small Gravel
128	131	Brown Clay
131	160	Fine To Medium Sand Few Small Brown Clay Streaks
160	166	Fine To Medium Sand With Brown Clay Streaks 50/50
166	174	Fine To Medium Sand (Loose)
174	181	Brown Clay With Fine To Medium Sand 50/50
181	182	Brown Clay
182	191	Yellow Soap Stone
191	195	Black Shale

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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 Scott City, Kansas, this 21 day of November, 20 18

Sam Brookover  
(Owner) \_\_\_\_\_ (Spouse) \_\_\_\_\_

SAM BROOKOVER  
(Please Print) \_\_\_\_\_ (Please Print) \_\_\_\_\_

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

\_\_\_\_\_  
(Please Print) \_\_\_\_\_ (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 21st day of Nov, 20 18

NOTARY PUBLIC-State of Kansas

MICHAEL D. THOMPSON

Michael D. Thompson  
Notary Public

My Commission Expires 8-6-2021 / My Appt Exp. 8-6-2021

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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KS Dept Of Agriculture Division of Water Resources

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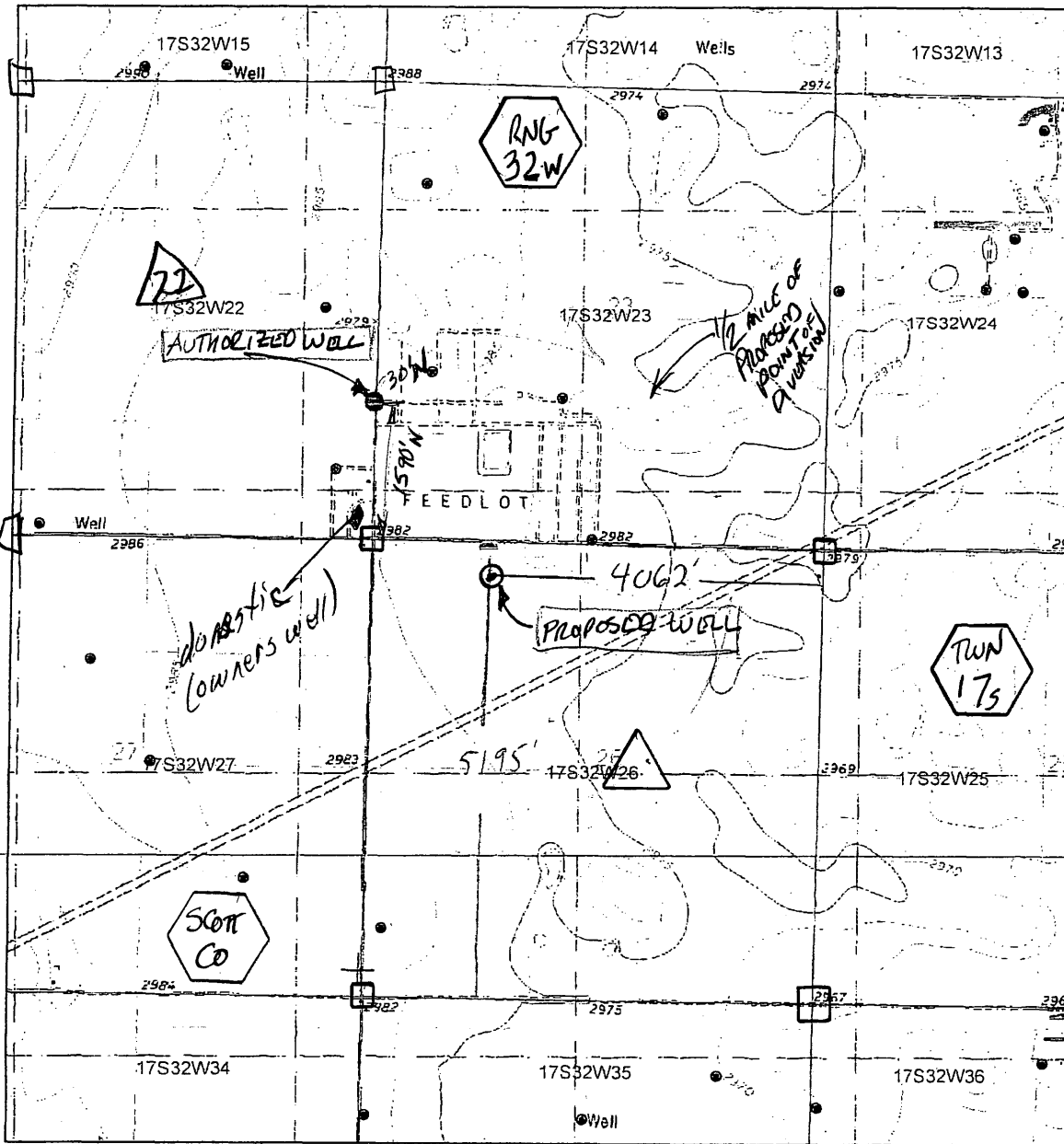
WGS  
84

old -  $38^{\circ} 33.539$   $100^{\circ} 50.026$

new -  ~~$100^{\circ} 50.026$~~

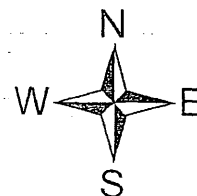
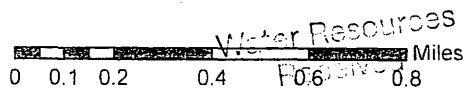
$38^{\circ} 33.315$   $100^{\circ} 49.74$

### Change in Point of Diversion for Water Right 36805 Section 26, Township 17 South, Range 32 West, Scott County



● Authorized Point of Diversion

⊙ Proposed Point of Diversion



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Garden City Field Office  
Division of Water Resources

All wells within 1/2 mile are on this map.

*[Signature]*  
 KS Dept Of Agriculture  
 SCANNED

Water Rights and Points of Diversion Within 1.25 miles of point defined as:  
 5195 ft N and 4062 ft W of the SE Corner of Section 26, T 17S, R 32W  
 Located at: 100.828930 West Longitude and 38.555189 North Latitude  
 GROUNDWATER ONLY

FILE NO. 36805  
 PROPOSED PD -

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Tw	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A_ 51 00	IRR	NK	G	4543	--	SW	SW	NE	2680	2540	27	17	32W	1		480.00	480.00	AF
A_ 6789 00	IRR	NK	G	4695	--	CN	SE	NW	3854	3274	27	17	32W	3		269.00	269.00	AF
A_ 7972 00	IRR	NK	G	4695	--	--	NC	SE	1320	1370	27	17	32W	6		208.00	.00	AF
A_ 8581 00	STK	NK	G	4393	--	NW	SW	SW	912	5040	26	17	32W	1		121.99	121.99	AF
A_ 16523 00	IRR	NK	G	5137	--	SW	SE	SW	90	3900	22	17	32W	2		191.00	191.00	AF
A_ 18123 00	STK	NK	G	5489	--	NW	NW	NE	5026	2030	23	17	32W	6		113.03	113.03	AF
A_ 18719 00	IRR	NK	G	6376	--	SE	SW	SE	140	1860	15	17	32W	3		320.00	.00	AF
A_ 19118 00	STK	NK	G	4393	--	NW	SW	SW	912	5040	26	17	32W	1		29.98	29.98	AF
A_ 20355 00	IRR	NK	G	6194	--	NW	NW	NW	5210	4980	27	17	32W	2		51.00	51.00	AF
A_ 25076 00	IRR	NK	G	6376	--	SE	SW	SE	140	1860	15	17	32W	3		550.00	231.00	AF
A_ 28166 00	IRR	NK	G	5137	--	SW	SE	SW	90	3900	22	17	32W	2		107.00	107.00	AF
A_ 29266 00	STK	NK	G	1988	--	SE	NE	SW	1670	3105	23	17	32W	1		70.30	70.30	AF
Same				1340	--	SE	SE	SW	40	2705	23	17	32W	3		74.92	46.38	AF
A_ 36805 00	STK	NK	G*	2097	--	--	CE	SE	1590	30	22	17	32W	5		39.78	.00	AF
A_ 38388 00	STK	NK	G	5166	--	SW	SW	NW	2940	5200	24	17	32W	6		33.00	.00	AF
A_ 40324 00	STK	NK	G	1914	--	NE	SE	SE	800	460	22	17	32W	7		5.89	.00	AF
A_ 40325 00	STK	NK	G	4302	--	SW	NE	NW	4155	4771	23	17	32W	7		110.11	.00	AF
A_ 40326 00	STK	NK	G	2118	--	SW	NW	SW	1945	4646	23	17	32W	9		6.00	.00	AF
T_ 20189077 00	STK	AY	G	2118	--	SW	NW	SW	1945	4646	23	17	32W	9		8.00	.00	AF
VSC 7 00	STK	AA	G	3140	--	NE	NE	SE	2620	365	22	17	32W	8		31.00	31.00	AF

APPLICANT  
 2206' ORIGINAL  
 3028' ORIGINAL

IMPROVES SPACING

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	1710.68	.00
Total Vested Amount (AF) =	31.00	.00
TOTAL AMOUNT (AF) =	1741.67	.00

MOVE 2,097' > 1320' MAX ALLOWED  
 2640 W2W  
 SPACING - NOT MET  
 TO FILE NO. 28,166  
 29266 +  
 40,324  
 40,326  
 EXCEED ALLOWED BY 777 FT.

ALL WELLS  
 ARE APPLICANTS.

An \* after the source of supply indicates a pending application for change for the file number.  
 An \* after the ID indicates a 15 AF exemption was granted for the file number.  
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.  
 The number in the Batt column is the number of wells in the battery.

AND IMPROVES SPACING  
 LIKE 40,326 755'  
 CURRENTLY - WILL GO  
 TO 2,118' W2W  
 SPACING

Water Rights and Points of Diversion Within 1.25 miles of point defined as:  
 100.828930 West Longitude and 38.555189 North Latitude  
 GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A_ 51 00	IRR	NK	G
>	SAM E BROOKOVER		
>			
>	5651 E ROAD 190		
>	SCOTT CITY KS 67871		

A\_\_ 6789 00 IRR NK G  
> K D FARMS  
> LONNY DEARDEN  
> PO BOX 166  
> SCOTT CITY KS 67871

-----  
A\_\_ 7972 00 IRR NK G  
> SAM E BROOKOVER  
>  
> 5651 E ROAD 190  
> SCOTT CITY KS 67871

-----  
A\_\_ 8581 00 STK NK G  
> SAM E BROOKOVER  
>  
> 5651 E ROAD 190  
> SCOTT CITY KS 67871

-----  
A\_\_ 16523 00 IRR NK G  
> ROBERT WINDERLIN  
>  
> 993 HIGHWAY 4  
> SCOTT CITY KS 67871

-----  
A\_\_ 18123 00 STK NK G  
> HEARTLAND FEEDERS INC  
> DBA STAMPEDE FEEDERS  
> 5503 E RD 210  
> SCOTT CITY KS 67871

-----  
A\_\_ 18719 00 IRR NK G  
> K D FARMS  
> LONNY DEARDEN  
> PO BOX 166  
> SCOTT CITY KS 67871

-----  
A\_\_ 19118 00 STK NK G  
> SAM E BROOKOVER  
>  
> 5651 E ROAD 190  
> SCOTT CITY KS 67871

-----  
A\_\_ 20355 00 IRR NK G  
> K D FARMS  
> LONNY DEARDEN  
> PO BOX 166  
> SCOTT CITY KS 67871

-----  
A\_\_ 25076 00 IRR NK G  
> K D FARMS  
> LONNY DEARDEN  
> PO BOX 166

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

BROOKOVER CATTLE CO, INC  
4000 E RD 200  
SCOTT CITY, KS 67871

December 10, 2018

RE: File No 36805

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 GMD1

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