

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

1. File Number: 20756	2. Status Change Date: <i>8-19-2020</i>	3. Change Num: C1	4. Field Office: 04	5. GMD: 03
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 8/18/2020
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8a. Landowner, applicant Person ID **34535**
 New to system Add Seq# _____

DUANE E & KATHLEEN A KOSTER TRUSTS
PO BOX 897
GARDEN CITY, KS 67846-0897

8c. Landowner Person ID _____
 New to system Add Seq# _____

8b. Landowner(s), Person ID _____
 New to system Add Seq# _____

8d. correspondent Person ID _____
 New to system Add Seq# _____

8e. Landowner(s), Person ID _____
 New to system Add Seq# _____

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/2020** N & P Date to Comply: **3/1/2021**

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: **8/18/2020** By: **MAM**
 Date Entered: _____ By: _____

File No. **20756** 11. County: KE Basin: ARKANSAS RIVER Stream: Formation Code: 211/331 Special Use:

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files
ENT												Rate gpm	Quantity af	Rate gpm	Quantity af	
ENT				SWNESW	36	24	35W		1499	3908		865	272	865	272	NONE

DEL 19453

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	
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID		NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼									
CHK	17730																																	

Base Acres: Year: Minimum Reasonable Quantity:

Comments:

Garden City Field Office
4532 W. Jones, Suite B
Garden City, KS 67846



Phone: 620-276-2901
Fax: 620-276-9315
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

August 19, 2020

DUANE E & KATHLEEN A KOSTER TRUSTS
PO BOX 897
GARDEN CITY, KS 67846-0897

RE: Water Right, File No. 20756

Dear Sir:

Enclosed is the order executed by the designee of 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 and meet current specifications. 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 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.

Should you have any questions, please feel free contact this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

A handwritten signature in blue ink that reads "Michael A. Meyer".

Michael A. Meyer
Water Commissioner

MAM
enclosures

pc: GMD3

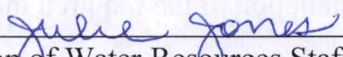
CERTIFICATE OF SERVICE

On this 19th day of August 2020, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 20,756 dated 19th day of August 2020 was mailed postage prepaid, first class, US mail to the following:

DUANE E & KATHLEEN A KOSTER TRUSTS
PO BOX 897
GARDEN CITY, KS 67846-0897

Pc:

GROUNDWATER MANAGEMENT DISTRICT NO. 3



Division of Water Resources Staff

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.
 Call for address:
 Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.
 Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

 File No. 20756

RECEIVED
 12:35 AM
AUG 18 2020
 Garden City Field Office
 DIVISION OF WATER RESOURCES

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: DUANE E & KATHLEEN A KOSTER TRUSTS

PO BOX 897 GARDEN CITY KS 67846-0897

Phone Number: () Email address: _____

Name and address of Water Use Correspondent: SAME AS ABOVE

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: SAME AS ABOVE

ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES		
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼			

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: _____

ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				

For Office Use Only: Code _____ Fee \$ 100.00 TR # _____ Receipt Date 8-18-20 Check # 000102

5. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ NC Quarter of the _____ SW Quarter of Section _____ 36 _____, Township _____ 24 _____ South, Range _____ 35 _____ (W), in KEARNY County, Kansas, _____ 1320 _____ feet North _____ 3960 _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. 2 _____ GPS _____ 1555 _____ feet North _____ 3635 _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the _____ SW Quarter of the _____ NE Quarter of the _____ SW Quarter of Section _____ 36 _____, Township _____ 24 _____ South, Range _____ 35 _____ (W), in KEARNY County, Kansas, _____ 1499 _____ feet North _____ 3908 _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

6. **Presently authorized point of diversion:**
 One in the _____ 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 _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

7. The changes herein are desired for the following reasons?
 (please be specific) _____

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

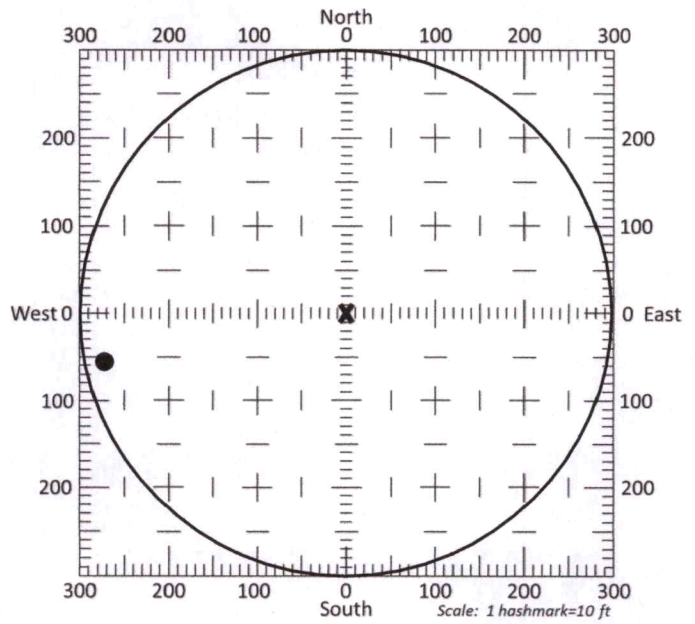
9. The change(s) (was)(will be) completed by?
UPON APPROVAL

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
PLUG / CAP
 (b) When will this be done? UPON COMPLETION

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by AM/GCFO

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines



13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. **(PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)**

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:

(a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)

(b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)

(c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Garden City, Kansas, this 14 day of August, 2020.

[Signature]
(Owner)

[Signature]
(Spouse)

Duane Koster
(Please Print)

Rathleen Koster
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(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 14 day of August, 2020.

My Commission Expires 4-7-2021

[Signature]
LISA A. CHESTER
Notary Public - State of Kansas
My Appt. Expires 4-7-2021
Notary Public

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 20756

1. A change application was received on August 18, 2020 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 50 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than 300 feet from the previously authorized point(s) of diversion. Applicable Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2020**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.
 Applicable Not Applicable
8. **Installation of the works for diversion of water shall be completed on or before December 31, 2020**, or within any authorized extension of time. By March 1, 2021 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e.
 Applicable Not Applicable
9. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
11. Additional Conditions are attached. Yes No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

FOR OFFICE USE ONLY
APPLICATION APPROVED AND SUMMARY ORDER ISSUED

By: [Signature]
Duly Authorized Designee of the Chief Engineer
(Print Name): MICHAEL A. MEYER
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: August 19, 2020

State of Kansas)
County of Finney) SS

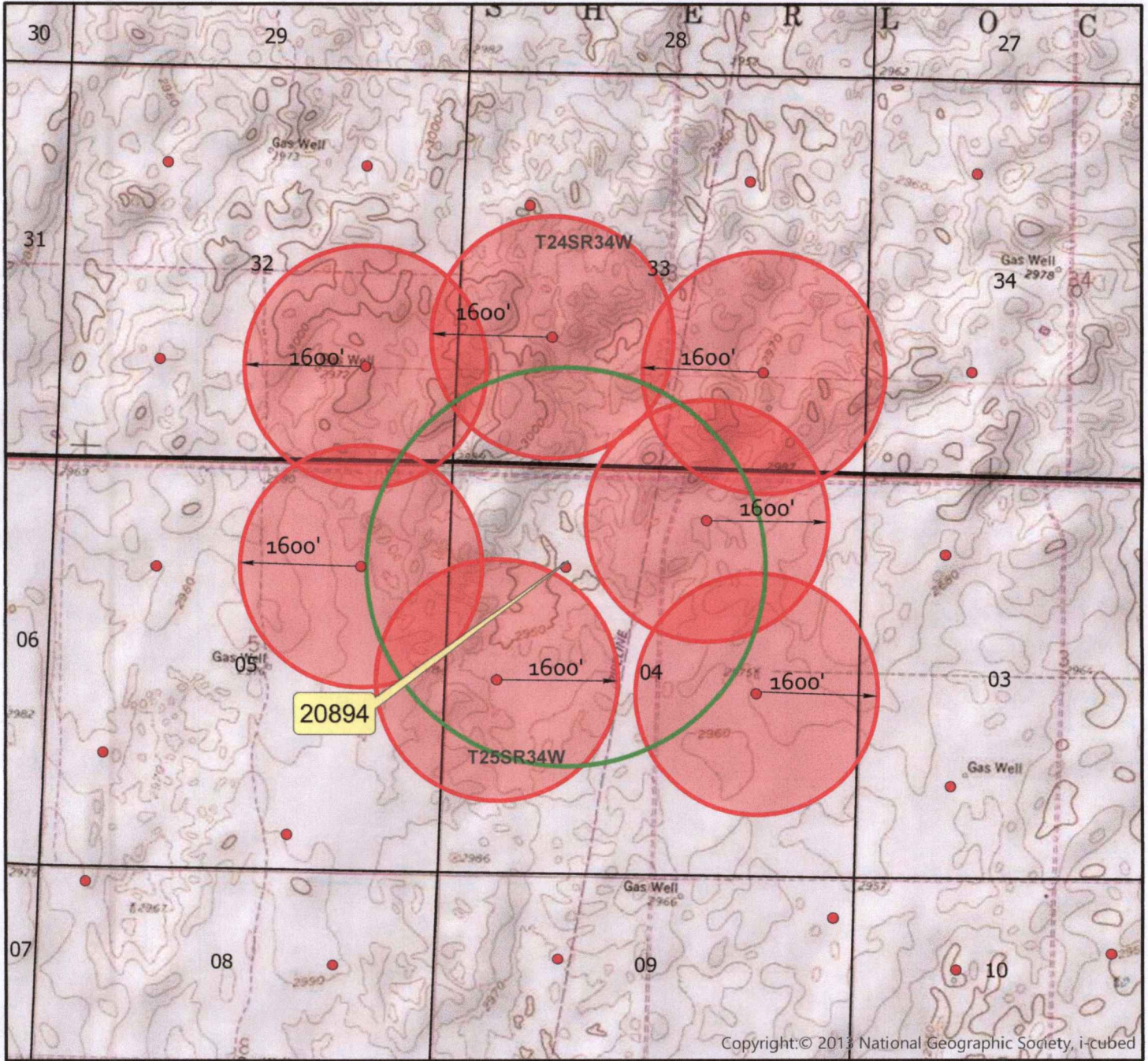
Acknowledged before me on August 19, 2020
by Michael A. Meyer

Signature: [Signature]
Notary Public

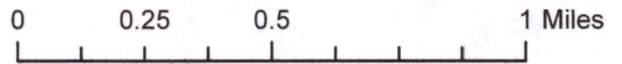
My commission expires: _____
JULIE JONES
My Appointment Expires
(Notary Seal) December 15, 2022

WR 20894

Preliminary Map as of 8/13/2020. Using data given to the DWR by the customer.
Based on the best information that was received and in the DWR files as of the above date.



Township 25 South Range 34 West
Finney County



1/2 mile radius, maximum distance



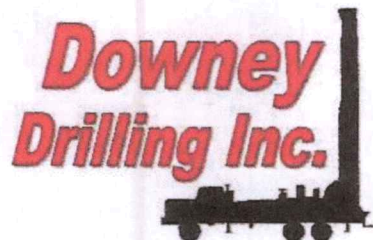
Minimum well spacing of neighboring wells



Created by: SZ/GCFO

WELL LOG

DATE: 8/6/2020



CUSTOMER NAME: SOUTHWEST AG (A-15) TH#2

LEGAL: SW 36-24S-35W

COUNTY: KEARNY CO, KS

GPS: 37.920199

-101.116501

LOGGER:

DRILLER: ROGELIO

WO: 20-627

TW	FROM	TO	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	OTHER / DRILLING ACTION
	0	22	SURFACE SAND	SOFT	LIGHT BROWN	FAST		SMOOTH
	22	45	COARSE SAND, FINE - MED GRAVEL	SOFT	RED	FAST		CHATTER
	45	68	SANDY CLAY W/ FINE-MED-COARSE SAND LENSES	SOFT	TAN	FAST		CHATTER
	68	103	COARSE SAND, FINE - MED GRAVEL	SOFT	RED	FAST		FAST CHATTER
	103	115	BROWN STICKY CLAY	STICKY	BROWN	FAST		SMOOTH
	115	189	BLUE CLAY	STICKY	BLUE	FAST		SMOOTH
	189	203	MED - COARSE SAND, FINE, TR. MED GRAVEL	SOFT	RED / TAN	FAST		CHATTER
	203	241	BLUE CLAY W/ SAND LAYERS	STICKY SOFT	BLUE	FAST		SMOOTH & SOME VIBRATION
	241	265	MED-COARSE SAND, TR. FINE GRAVEL	SOFT	TAN	FAST		FAST CHATTER
X	265	291	MED-COARSE SAND, TR. FINE GRAVEL W/ CEMENTED SAND LENSES	SOFT /FIRM	TAN	NOT AS FAST		CHATTER / CHOPPY
X	291	305	CLAY, SILTY CLAY	SOFT	BLUE	SLOWER		SMOOTH
X	305	330	MED - COARSE SAND, FINE, TR. MED GRAVEL	SOFT	TAN	FASTER		CHATTER
	330	336	CLAY	STIFF	TAN / BROWN	SLOW		SMOOTH
X	336	342	MED SAND	SOFTER	TAN	FASTER		LT. CHATTER
	342	348	CLAY	STIFF	BROWN	SLOW		SMOOTH
X	348	362	MED TR. COARSE SAND	SOFTER	TAN	FASTER		LT. CHATTER
	362	364	CLAY	STIFF	GRAY, YELLOW	SLOW		SMOOTH
X	364	368	MED. SAND	SOFTER	TAN	FASTER		LT. CHATTER
	368	372	CLAY / SHALE	STIFF	GRAY, YELLOW	SLOW		SMOOTH
X	372	390	MED SAND	SOFTER	TAN	FAST		CHATTER
X	390	413	MED - COARSE SAND, TR. FINE GRAVEL	SOFT	TAN	FAST		CHATTER
	413	417	CLAY / SHALE	STIFF	GRAY	SLOW		SMOOTHER
X	417	477	MED SAND, TR. COARSE	SOFT	TAN	FAST		CHATTER
X	477	490	FINE TR. MED SAND	SOFT	TAN	SEMI FAST		LT. CHATTER
	490	503	SHALE W/FINE SAND LENSES	STIFF	GRAY	SLOWER		SMOOTHER
X	503	513	MED SAND, TR. COARSE	SOFT	TAN/GRAY	FASTER		LT. CHATTER
	513	518	SHALE	STIFF	GRAY	SLOW		SMOOTH
X	518	536	FINE-MED. SAND TR. COARSE	SOFT	GRAY	FASTER		CHATTER
X	536	562	FINE SAND W/ SHALE LENSES	SEMI FIRM	GRAY	SLOWER		SMOOTH & SOME VIBRATION
	562	567	SHALE	STIFF	GRAY	SLOW		SMOOTH
X	567	605	FINE SAND W/ SHALE LENSES	SEMI FIRM	GRAY	NOT AS SLOW		SLIGHT VIBRATION
	605	610	FINE TR. MED SAND	SOFTER	GRAY	FASTER		SOME CHATTER
X	610	620	SHALE	FIRM	GRAY	SLOW		SMOOTH
			QUIKGEL - 24					
			WATER LOADS - 4					

SOUTHWEST AG

SW 36-24S-35W KEARNY CO.

Legend

TH #3 ELEV=2976'

TH #4 ELEV=2969'

TH #1 ELEV=2975'

EXISTING WELL ELEV=2975'

TH #2 ELEV=2977'



300 ft