

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

1. File Number: <b>22560-D2</b>	2. Status Change Date: <b>9-8-2020</b>	3. Change Num: <b>C4</b>	4. Field Office: <b>04</b>	5. GMD: <b>03</b>
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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: <b>9/3/2020</b>
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8a. LANDOWNER, WUC, applicant    Person ID <b>34535</b> New to system <input type="checkbox"/> Add Seq# <b>1</b>  <b>DUANE E &amp; KATHLEEN A KOSTER TRUSTS</b> <b>PO BOX 897</b> <b>GARDEN CITY, KS 67846-0897</b>	8c. Correspondent    Person ID _____ New to system <input checked="" type="checkbox"/> Add Seq# _____
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8b. Landowner(s),    Person ID _____ New to system <input type="checkbox"/> Add Seq# _____	8d. correspondent    Person ID _____ New to system <input type="checkbox"/> Add Seq# _____
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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: **9/3/20**    By: **MAM**  
 Date Entered: \_\_\_\_\_    By: \_\_\_\_\_

File No. **22560-D2**      11. County: KE      Basin: ARKANSAS RIVER      Stream:      Formation Code: 211/331      Special Use:

12. Points of Diversion										Rate and Quantity				
CHK MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files
										Rate gpm	Quantity af	Rate gpm	Quantity af	
CHK		NESESW	35	25	35W		1394	3485		925	272	925	272	NONE

DEL 70900

ENT		SWNENW	35	25	35W		4146	3759		875	272	875	272	NONE
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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						
		CHK	18486																				

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

September 8, 2020

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

RE: Water Right, File No. 22560-D2

Dear Sir or Madam:

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 black ink, appearing to read "Michael A. Meyer".

Michael A. Meyer  
Water Commissioner

MAM:am  
enclosures

pc: GROUNDWATER MANAGEMENT DISTRICT NO. 3

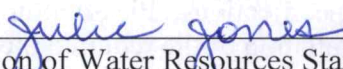
**CERTIFICATE OF SERVICE**

On this 8<sup>th</sup> day of September 2020, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 22,560-D2 dated 8<sup>th</sup> day of September 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. 22560 D2

RECEIVED  
 3:10 pm  
 SEP 03 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 TRUST  
PO BOX 897 GARDEN CITY, KS. 67846

Phone Number: (620)271-4493                      Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: DUANE E & KATHLEEN A KOSTER TRUST  
PO BOX 897 GARDEN CITY, KS. 67846

Phone Number: (620)271-4493                      Email address: \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land ---- NAME: NO CHANGE

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: NO CHANGE

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** 9-3-20 **Check #** 000108



5. **Presently authorized point of diversion:**  
 One in the NE Quarter of the SE NO Quarter of the SW Quarter of Section 35, Township 25 South, Range 35 (W), in KEARNY County, Kansas, 1394 feet North 3985 feet West of Southeast corner of section. Authorized Rate 925 GPM Authorized Quantity 272 AF Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. 3/09 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 \_\_\_\_\_ (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 \_\_\_\_\_

6. **Presently authorized point of diversion:**  
 One in the SW Quarter of the NE Quarter of the NW Quarter of Section 35, Township 25 South, Range 35 (W), in KEARNY County, Kansas, 4372 feet North 3945 feet West of Southeast corner of section. Authorized Rate 875GPM Authorized Quantity 272AF Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. 7 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 SW Quarter of the NE Quarter of the NW Quarter of Section 35, Township 25 South, Range 35 (W), in KEARNY County, Kansas, 4146 feet North 3759 feet West of Southeast corner of section. Proposed Rate 875GPM Proposed Quantity 272AF Proposed well depth (feet) 700  
 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) lack of production on current PD

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

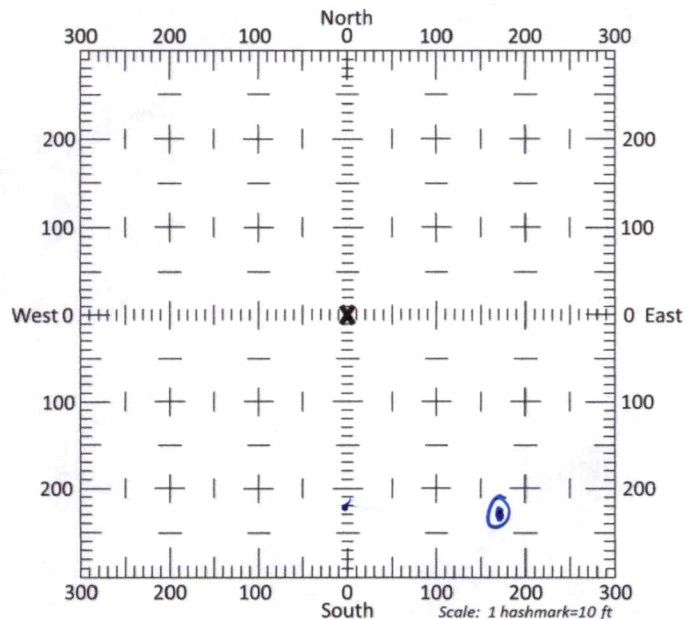
9. The change(s) (was)(will be) completed by?  
 \_\_\_\_\_

10. If the point of diversion is a well:  
 (a) What are you going to do with the old well?  
To be plugged  
 (b) When will this be done? \_\_\_\_\_

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by CAC

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 Gardon City, Kansas, this 27 day of August, 2020.

Duane E. Koster  
 (Owner)

Kathleen A. Koster  
 (Spouse)

Duane E. Koster  
 (Please Print)

Kathleen A. 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 27 day of August, 2020.

Lisa A. Chester  
 Notary Public

My Commission Expires 4-7-2021



**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. 22,560-02.

1. A change application was received on September 3, 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: Michael A. Meyer  
Duly Authorized Designee of the Chief Engineer

(Print Name): MICHAEL A. MEYER  
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: September 8, 2020

State of Kansas )

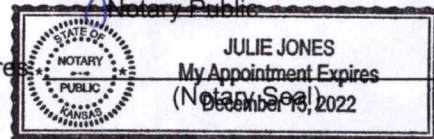
County of Jinney ) SS

Acknowledged before me on September 8, 2020

by Michael A. Meyer

Signature: Julie Jones  
Notary Public

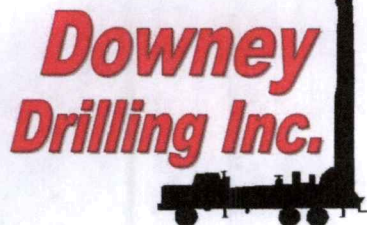
My commission expires December 31, 2022





# WELL LOG

DATE: 8/19/2020



CUSTOMER NAME: SOUTHWEST AG (G-36) TH#1

LEGAL: NW 35-25S-35W

COUNTY: KEARNY CO

GPS: 37.840143

-101.136143

LOGGER:

DRILLER: ROGELIO

WO: 19-1094

TW	FROM	TO	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	OTHER / DRILLING ACTION
0	28		SURFACE SAND	SOFT	BROWN	FAST		SMOOTH
28	41		SANDY CLAY	SOFT	TAN	FAST		SMOOTH
41	70		FINE-MED-COARSE SAND	FIRM		FAST		FAST CHATTER
70	95		FINE-MED-COARSE SAND W/ SMALL-MED-BIG GRAVEL	STIFF		FAST		FAST CHATTER
95	107		FINE-MED-COARSE SAND	FIRM		FAST		FAST CHATTER
107	172		SANDY CLAY W/ FINE-MED SAND LAYERS	SOFT, FIRM	TAN	FAST		SMOOTH & VIBRATION AT TIMES
172	175		BLACK CLAY	SOFT	BLACK	FAST		SMOOTH
175	213		SANDY CLAY W/ FINE-MED SAND LAYERS	SOFT & FIRM		FAST		SMOOTH & VIBRATION AT TIMES
213	218		BLUE CLAY	SOFT	BLUE	FAST		SMOOTH
218	229		FINE-MED-COARSE SAND	FIRM		FAST		CHATTER
229	245		SANDY CLAY	SOFT	TAN	FAST		SMOOTH
245	250		FINE-MED-COARSE SAND	FIRM		FAST		CHATTER
250	270		SAND CLAY W/ LIMEROCK	SOFT & STIFF	TAN & WHITE	FAST		SMOOTH & A LITTLE VIBRATION AT TIMES
270	277		LIMEROCK	LITTLE HARD	WHITE	FAST		CHATTER
277	278		CLAY LAYERS	SOFT	TAN	FAST		SMOOTH
278	280		CEMENTED SAND W/ LIMEROCK	HARD	WHITE	FAST		CHATTER
280	296		FINE-MED SAND	FIRM		FAST		VIBRATION & CHOPPY AT TIMES
296	304		SANDY CLAY W/ WHITE CLAY STRINGERS	SOFT	TAN & WHITE	FAST		SMOOTH
304	309		FINE-MED SAND	FIRM		FAST		FAST CHATTER
309	318		WHITE CLAY	SOFT	WHITE	FAST		SMOOTH
318	321		FINE-MED SAND	FIRM		FAST		CHATTER
321	332		STICKY BROWN CLAY W/ SANDY CLAY	SOFT	BROWN & TAN	FAST		SMOOTH
332	336		LIMEROCK W/ FINE-MED SAND	STIFF	WHITE	FAST		FAST CHATTER
336	387		SANDY CLAY W/ LIMEROCK & STICKY	SOFT & FIRM	TAN & WHITE	FAST		SMOOTH
387	390		BROWN STICKY CLAY	STICKY	BROWN	FAST		SMOOTH
390	408		FINE-MED SAND	STIFF		FAST		CHATTER
408	425		SANDY CLAY W/ LIMEROCK & BROWN, STICKY CLAY LAYERS	STICKY	TAN & WHITE	FAST		SMOOTH & A LITTLE CHOPPY
425	436		FINE-MED-COARSE SAND	STIFF		FAST		CHATTER
436	448		SANDY CLAY W/ LIMEROCK, BROWN, STICKY CLAY & BROWN ROCK LAYERS	STICKY & HARD	TAN, WHITE, BROWN	FAST		SMOOTH & SOME CHATTER
448	455		FINE-MED SAND	FIRM		FAST		FAST CHATTER
455	461		BROWN STICKY CLAY	STICKY	BROWN	FAST		SMOOTH
461	485		SANDY CLAY W/ LIMEROCK & BROWN ROCK LAYERS	SOFT & FIRM	TAN & BROWN	FAST		SMOOTH & CHOPPY AT TIMES
485	488		BROWN ROCK	HARD	BROWN	FAST		FAST CHATTER
488	505		WEATHERED CLAY W/ BROWN ROCK	SOFT & FIRM	YELLOW, GRAY, BROWN	SEMI-SLOW		SMOOTH & FAST CHATTER
505	519		SHALE	SOFT	GRAY	SEMI-SLOW		SMOOTH

