

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

10/4/2022

Water Resources
Received
2:50

KS Dept Of Agriculture

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

*Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)*

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

RECEIVED

OCT 04 2022

Garden City Field Office
Division of Water Resources

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

File No. 11742

2. Name of applicant: GARY & BETH WILBUR

Address: 426 W COUNTY ROAD E Box 579

City, State and Zip: LEOTI KS 67861-6270

Phone Number: () _____ E-mail address: _____

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

Name of water use correspondent: SAME AS ABOVE

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): _____

CREATE A COMPLETE OVERLAP IN PLACE OF USE WITH THE IRRIGATION AND STOCKWATERING PORTION OF
WR FILE NO. 22281. BOTH FILES WILL BECOME DUAL USE IRR / STK

The change(s) (was) (will be) completed by UPON APPROVAL (Date)

10/17/2022
LMoody

For Office Use Only:															
F.O.	4	GMD	1	Meets K.A.R. 5-5-1	(YES / NO)	Use	IND/IRR	Source	G / S	County	WH	By	ALB	Date	10/10/22
Code							C-2	Fee \$	500.00	TR #		Receipt Date	10-4-22	Check #	14989

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File No. 11742

4. The presently authorized place of use is:

KS Dept Of Agriculture

Owner of Land — NAME: GARY & BETH WILBUR

ADDRESS: 426 W COUNTY ROAD L LEOTI KS 67861-6270

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	
7	17S	36W					40	40	40	40									160

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

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: GARY & BETH WILBUR

ADDRESS: 426 W COUNTY ROAD L LEOTI KS 67861-6270

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	
7	17S	36W					30	30	30	30					30	30	30	30	240
18	17S	36W	30	30	30	30													120

List any other water rights that cover this place of use. 22281 * PROPOSED

Owner of Land — NAME: GREEN PLAINS CATTLE CO LLC Attn: COBALT CATTLE COMPANY LLC

ADDRESS: 921 LAREU ROAD SUITE A GARDEN CITY, KS 67846

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11	17S	37W					FEEDLOT (SW) & (E2)												
12	17S	37W					FEEDLOT 640 AC												

List any other water rights that cover this place of use. 1027; 19838; 22281; 25026; 36522; 36523; 36524; 36525; 36526; 44367

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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File No. 11742

- 6. The presently authorized point(s) of diversion (is) (are) TWO WELLS; PUMPS; MOTORS
KS Dept Of Agriculture (Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) TWO WELLS; PUMPS; MOTORS
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the LOT 4 Quarter of the SW Quarter of the SW Quarter of Section 7, Township 17 South, Range 36 (W), in WICHITA County, Kansas, 1053 feet North 4013 feet West of Southeast corner of section. Authorized Rate 1000 GPM Authorized Quantity 264.96 AF (STK) 320 AF (IRR LIMITED SEE ITEM 13 & 17)
 (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 _____

9. **Presently authorized point of diversion:**
 One in the LOT 1 Quarter of the NW Quarter of the NW Quarter of Section 7, Township 17 South, Range 36 (W), in WICHITA County, Kansas, 4887 feet North 5216 feet West of Southeast corner of section. Authorized Rate 1000 GPM Authorized Quantity 264.96 AF (STK) 320 AF (IRR LIMITED SEE ITEM 13 & 17)
 (DWR use only: Computer ID No. 02 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. _____
N/A

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

**Water Resources
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File No. 11742**KS Dept Of Agriculture**

12. The presently authorized use of water is for IRR purposes.
It is proposed that the use be changed to IRR / STK purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
THIS REQUEST PROPOSED TO CONVERT THE WATER RIGHT INTO BOTH IRRIGATION AND STOCKWATERING
USE FOR A DUAL USE PERMIT. THE PROPOSED STOCKWATERING AUTHORIZED QUANTITY IS BASED ON A
CONSUMPTIVE USE CONVERSION OF 82.8% IN HASKELL COUNTY (K.A.R. 5-5-9)
CURRENT AUTHORIZED = 320 AF * 82.8% = 264.96 AF
THIS WILL ALSO OVERLAP IRRIGATION WITH PROPOSED 22281 DUAL USE
(Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to N / A (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to N / A gallons per minute (c.f.s.).
16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). 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 ½ 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 ½ 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) ½ mile downstream and ½ mile upstream from your property lines must be shown.
 - b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.
17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.
THE APPLICANT REQUESTS THAT THEY RETAIN THE ORIGINAL 320 AF FOR IRRIGATION, BUT WILL LIMIT THE
TOTAL ANNUAL USE TO 264.96 AF IN ANY YEAR WHEN WATER IS USED FOR STOCKWATERING DURING THE
DURATION OF THE DUAL USE IRRIGATION/STOCKWATERING PERMIT. SHOULD THE STOCKWATERING USE
EVER CEASE, THE APPLICANT WILL REQUEST TO REVERT BACK TO IRRIGATION FOR THE ORIGINAL QUANTITY.
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.
TO INCREASE IRRIGATION EFFICIENCY / USE OF EFFLUENT FROM THE STK FACILITY, THE APPLICANT
REQUESTS TO ENTER A 5-5-11 MONITORING AGREEMENT WITH GMD1. SEE ATTACHED.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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KS Dept Of Agriculture

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Garden City, Kansas, this 4th day of October, 20 22.

Gary Wilbur
(Owner)

Beth Wilbur
(Spouse)

Gary Wilbur
(Please Print)

Beth Wilbur
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Ginney } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 4th day of October, 20 22.



Julie Jones
Notary Public

My Commission Expires

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:

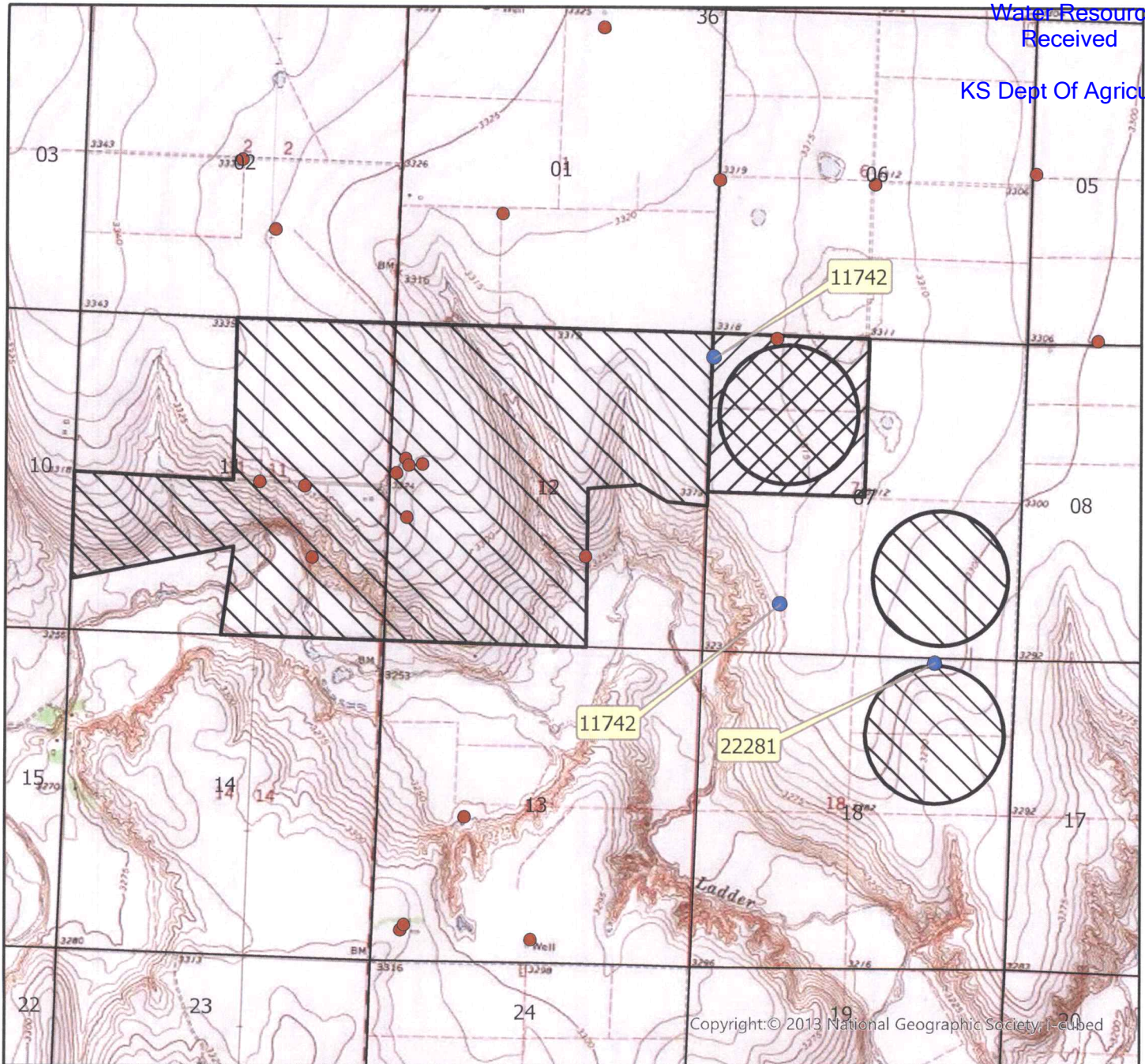
- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture**.

CHANGE IN PLACE OF USE WATER RIGHT, FILE NO. 11742

10/4/2022

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KS Dept Of Agriculture



	Authorized Point of Diversion
	Permitted Water Right
	Domestic Well within 1/2 mile
	Authorized Place of Use
	Proposed Place of Use

List of owner name and addresses within 1/2 mile:



By signing below I agree that all wells, including domestic, and owners names and addresses within 1/2 mile of the proposed point of diversion have been shown on the map

(Signature) _____ Date _____

Date AM/GCFO
1:24,000 Scale

10/4/2022

Water Resources
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KS Dept Of Agriculture

KANSAS DEPARTMENT OF REVENUE
DIVISION OF VEHICLES
Box 12021 Topeka, Kansas 66612-2021
DL No. # _____

Today's
Date 9-26-22

If changing Voter Registration last 4 digits of SS# _____ (Required by Law)

Date of Birth 5-25-51 Daytime Phone 620-874-5706

Name Gary G. Willbur

Residence Address (not P.O. Box) 349 W. HWY 96

City Leoti County Wichita State Ks Zip 67861

Mailing Address (if different) P.O. Box 579

City Leoti County Wichita State Ks Zip 67861

Name used at last voting residence (if different) _____

Last voting residence address 426 W. County Rd L

County of last voting residence (if different) Wichita

NOT VALID UNLESS SIGNED

Gary G. Willbur
Signature as it appears on your driver's license

FORM DC-1
(Rev. 2/02)

This form will result in a change of address
for voter registration *unless* you check here.

See K.S.A. 25-2351

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer
10/4/2022

File Number 11,742 & 22,281

K.A.R. 5-5-11

Water Resources
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The items listed below have been reviewed with me by the Western Kansas Groundwater Management District No.1 pertaining to the approval of my application to change the place of use authorized under my water right. KS Dept Of Agriculture

1) **Flow Meter Requirement.** I understand that flow meters will have to be installed and maintained on each well covered by this application and that I will have to report these meter readings annually to the Division of Water Resources on the annual water use report forms.

2) **Monitoring requirements.** The District, under the monitoring requirement with the Division of Water Resources, will make three visits annually to this farm. Reports of verification of compliance and status reports will be completed by the District and submitted to the Division.

3) **Base acres.** The proposed increase in authorized acres for a crop rotation shall be limited to not exceed 290 acres. Under this condition, I understand that I am limited to the approved or certified annual quantity of water under my water right and that the number of acres irrigated any one calendar year, cannot be more than my base acres.

4) **Understanding.** Pursuant to K.A.R. 5-5-11 section 3 (D) ii and 4 (D) ii, the approval of the above stated application shall be conditioned so that the use of water in excess of the five(5) year allocation, or, on more than the maximum number of acres authorized to be irrigated in any one calendar year, shall result in a two-year suspension of all water use under this water right, and a subsequent restriction of the authorized place of use to the base acreage at the following location.

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7 17S 36W					30	30	30	30					30	30	30	30	230
18 17S 36W	25	25															50

As shown on the map accompany the application for change.

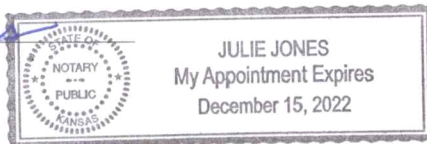
Gary Wilkins
Signature

10-4-22
Date

State of Kansas
County of Finney

I hereby certify that the foregoing was signed in my presence and sworn before me this 4th day of October, 2022.

Julie Jones
Notary Public



RECEIVED
OCT 04 2022
Garden City Field Office
Division of Water Resources