### Kansas Department of Agriculture Division of Water Resources

#### APPROVAL OF CHANGE APPLICATION WORKSHEET

1. File No.: <b>4977</b>	4. Field Office: 04 - Garden City GMD: 03 - Southwest Structures File No.:				
3. Package File No(s):			Filing/Pri	ority Date: <b>2/8/20</b> 2 on Complete Date:	
5a. ⊠ Applicant ⊠ Owner ⊠ WUG  ☐ Address Change  KP LAND COMPANY LLC 263 RD 140 SATANTA, KS 67870	C Person ID <b>69269</b> Add Seq#	5b. ☐ Owner ☐ Addres			son ID Seq#
5c. ☐ Owner ☐ WUC ☐ Address Change	Person ID Add Seq#	5d. ☐ Owner ☐ Addres			son ID Seq#
6. Change No.: C2 PD PU Base Acres: 480 ac Year: Min Previous UMW: MDS Gauge: Active Admin? Completion/Start Date: 3/1/2025 Perfect	Reasonable Q:		7. Use of Wate Groundwa UMW: IRR UMW: UMW:		Water
8. Action Trail					
9. Special Conditions					
10. 5YR Allocation Type: Star Comment:	rt Year: 5YR Quar	ntity: Base A	Acres:		
11. Sand & Gravel Proj ID:	☐ Active ☐ Dredge	☐ IND Evap ☐	] Jr Evap □	Other Diversion	☐ Rpt on Sr
12. Waiver Rule ID: New D Applies: Rule No.: Rule Type: Rule SubType:	ate Requested:	Justification:		P.	
Comments REMOVE K4 CLAWSON IRREVOCABL	E TRUST FROM OWNERS	HIP	-0-	Processed 2/16/2024 AM	Entered
			-	Reviewed	,

	4977			13. C	ounty: H	IS Bas	sin: CIN	MARRO	ON RIV	ER S	Stream	:											
Structu	res File N	No:		Aquife	er Code	211 / 3	331								Spec	ial Use	Area:						
14. Poin	ts of Diver	sion, Rates &	Quan	tities										Oty			Rate		S	torage Qt	v	Storage Rat	۵
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15. Lin	imitations Type: Quantity: Rate: combined with file no(s): Type: Quantity: Rate: combined with file no(s):												1										
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17. Plac	ce of Use																			l	Owne	or(a) Ch	g? Overlaps
PI	DIV S	T R	ID	NE		NE1/4 sw	SE	NE	NW	V <sup>1</sup> / <sub>4</sub> sw	SE	NE	NW	V <sup>1</sup> / <sub>4</sub> sw	SE	NE	SE NW	sw	SE	Total	Owne	ir(s) Ch	g? Overlaps
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18. Po	int of Dive	ersion and P	lace	of Use	Overla	ps						**									37		
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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

February 16, 2024

KP LAND COMPANY LLC 263 RD 140 SATANTA, KS 67870

RE:

Filed Office Application for Change

Water Right, File No. 4977

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 numbers.

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/or 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.

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

Sincerely,

Austin J. McColloch

Assistant Water Commissioner

AM:

enclosures

pc:

GMD 3

#### **CERTIFICATE OF SERVICE**

On this 16<sup>th</sup> day of February, 2024, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Water Right, File No. 4,977 dated 16<sup>th</sup> day of February, 2024 was mailed postage prepaid, first class, US mail to the following:

KP LAND COMPANY LLC 263 RD 140 SATANTA, KS 67870

Pc:

GMD 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

	n 100 feet iversion a				ll be ch	nange	d, inclu	de a to	pogra	phic m	ap or	detaile	d plat	showin	ig the a	authori	ized ar	nd prop	osed point(s)
						F	ile No	. <u>4977</u>		zić				c		1.00	10:	EIV 120	m
1.	Applicati	on is he	reby r	nade fo	or appi	roval o	f the C	hief E	nginee	er to ch	ange t	he (ch	eck or	ne or b	oth):				ld Office
						⊠ P	lace o	f Use			Point	of Dive	ersion			Divi	son of	Water I	Resources
	under the	e water	right v	vhich is	s the s	ubject	of this	applic	ation i	n acco	rdance	with t	he cor	ndition	s desc	ribed b	oelow.		
	The soul	rce of su	ipply i	s:		⊠G	round	water			Surfac	ce wate	er						
2.	Name ar	nd addre	ess of	Applica	ant: <u>K</u>	enby (	Clawso	n											
	146 Roa	d 140, S	Satanta	a, KS 6	37870														
	Phone N								Email	addres	ss:								
	Name ar	nd addre	ess of	Water	Use C	orresp	onden	t: <u>Pai</u>	ge Cla	wson									
	263 Roa																,		
	Phone N								Email	addres	ss:								
3.	The pres	sently au	ıthoriz	ed pla	ce of u	se is:													
	Owner o	f Land -	NA	AME:	De	6	lange		-		700	W. A.	900		<u></u>				
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For Office Use Only: Code Fee \$ 200.00 TR # Receipt Date 2-8-24 Check # 1314

#### APPLICATION FOR APPROVAL TO CHANGE

#### THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. 4977

MAKE ADDITIONAL COPIES AS NECESSARY

Co Ov	wner of	Land -	ADDRI	ESS: 2	263 R	oad 14	0, Sat	anta, k	(S 678	70									
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17	29	34W	40	40	40	40	70	70	40	-10	10	10							160
1		3400	40	40	40	40													100
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	point of diversion:			
One in the	Quarter of the	e	Quarter of the _	Quai
of Section	, Township _		South, Range _	(
in	County, Kansas,	feet North _	feet West	Quan(\) of Southeast corner of section
Authorized Rate	Authorized Qua	antity	Depth of well	(feet)
(DWR use only: Con	nputer ID No	GPS	feet North	feet West)
☐This point will not be	changed ☐This point will be	changed as follows:	☐ No change, point bette	er described with GPS as follows
				is better described by GPS
				Qua
of Section	, Township _		South, Range _	(1
in	County, Kansas,	feet North _	feet West	of Southeast corner of section
Proposed Rate	Proposed Qua	ntity	Proposed well dep	oth (feet)
This point is:  Addit	ional Well	List other water righ	its that will use this po	int
Presently authorized				
One in the	Quarter of the	e	Quarter of the _	Qua(\) of Southeast corner of sectio
of Section	, Township _		South, Range _	(
in	County, Kansas,	feet North _	feet West	of Southeast corner of sectio
Authorized Rate	Authorized Qua	antity	Depth of well	(feet)
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	1 <del>2</del>			er described with GPS as follows
				is better described by GPS
One in the	Quarter of the	e	Quarter of the _	Qua
of Section	Township			
	, Township _		South, Range _	(
in	County, Kansas,	feet North _	feet West	of Southeast corner of sectio
in Proposed Rate	County, Kansas, Proposed Qua	feet North _ ntity	feet West	of Southeast corner of section of the corner of
in Proposed Rate	County, Kansas,	feet North _ ntity	feet West	of Southeast corner of section of the corner of
in Proposed Rate This point is:	County, Kansas, Proposed Qua ional Well	feet North _ ntity List other water righ	feet West	of Southeast corner of section of the corner of
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in Proposed Rate This point is: ☐ Addit  The changes herein a (please be specific) ☐  If a well, is the test hole  The change(s) (was)(w  If the point of diversion  (a) What are you going	County, Kansas, Proposed Qualional Well Geo Center re desired for the following relationship of the second s	reasons? No 200 West 0		of Southeast corner of section of the (feet)
in	County, Kansas, Proposed Qualional Well Geo Center re desired for the following relationship of the second s	reasons? No 200 West 0		of Southeast corner of section of the (feet)

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 a 300 foot radius of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

0 South

200

300

100

աևաևա

100 200 36 Scale: 1 hashmark=10 ft

12. Assisted by CI, GCFO

14. If the proposed groundwater point of diversion is 300 or fewer feet fro	m the existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently author ☐ Yes ☐ No (If no, all owners must sign this applic	
<ul> <li>(b) Will the ownership interest of any owner of the currently author affected if this application is approved as requested?</li> <li>☐ Yes</li> <li>☐ No</li> <li>(If yes, all owners must sign this application)</li> </ul>	
(c) If this application is not approved expeditiously, will there be suble ☐ Yes ☐ No (If no, all owners must sign this application)	
If the application proposes a surface water change in point of diversion, a or a change in place of use, the application must be signed by all owners agent (attach notarized statement authorizing representation).	
I hereby verify, being first duly sworn upon my oath or affirmage and the owner, the spouse of the owner, or a duly authoritheir behalf, in regards to the water right(s) to which this appropriation are true, correct and complete.	zed agent of the owner(s) to make this application on
Dated at Charden City, Kansas, this	8th day of February, 2024.
	<del></del>
Jana M. Clausn	(Cn avea)
(Owner)	(Spouse)
— Lana IV. Claw Son (Please Print)	(Please Print)
120 Qu	,
(Owner)	(Spouse)
Rige Clausen for KP Land Co UC	
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas )	
County of finney SS	
I hereby certify that the foregoing application was signed in n	ny presence and sworn to before me this 8th day
of February 2024	
AARON T. HOLSTED My Appointment Expires	Navon holsled
My Commission Expires May 18, 2027	Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all accurate information; maps, if necessary, must be included; signatures of all the apthe appropriate fee must be paid.	of the applicable portions of the application form must be completed with propriate owners' must be affixed to the application and notarized; and
FEE SCHEDU	LE
Each application to change the place of use or the point of diversion unde forth in the schedule below: Make checks payable to: Kansas Departme (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use	r this section shall be accompanied by the application fee set ent of Agriculture \$100 \$200

#### SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

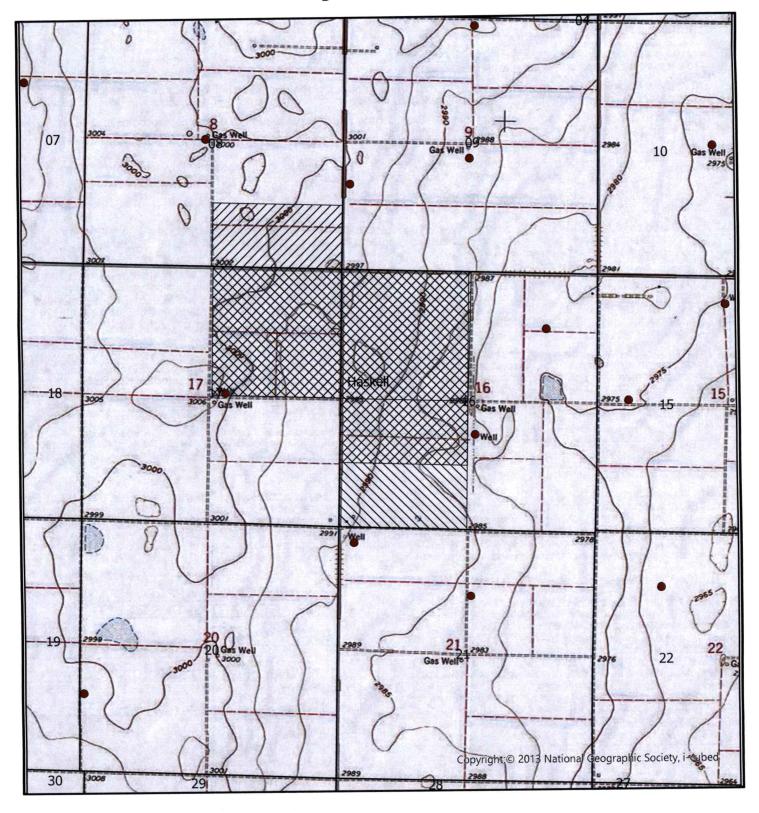
This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, et seq. and other applicable provisions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 4977 A change application was received on 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 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 radius of the authorized point(s) of diversion. 

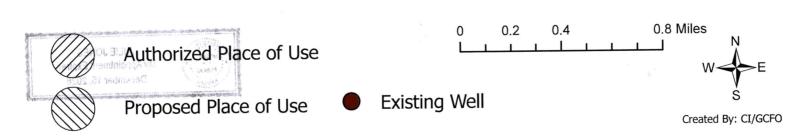
Applicable Not Applicable The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. 

Applicable The point(s) of diversion authorized herein shall not actually be located more than feet from the previously ☐ Applicable Not Applicable authorized point(s) of diversion. 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 Applicable Applicable ☐ Not Applicable The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20 , 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. ☐ Not Applicable Applicable Installation of the works for diversion of water shall be completed on or before December 31, 20 24, or within any authorized extension of time. By March 1, 20 5 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 The completed well log shall be submitted with the required notice. ☐ Applicable Mot 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. Xapplicable D Not Applicable ☐ Yes Additional Conditions are attached. 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. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, SUMMARY ORDER ISSUED 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 Duly Authorized Designee of the Chief Engineer administrative review by the Secretary must be filed within 30 days pursuant to K.S.A. 77-531. Any request for administrative (Print Name): Hostin review must state a basis for review pursuant to K.S.A. 77-527. Division of Water Resources - Kansas Department of Agriculture File any request with Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS Date of Issuance: 66502. Failure to timely request a hearing or review may State of Kansas preclude review under the Kansas Judicial Review Act. SS For Use by Register of Deeds County of Acknowledged before me on Signature: MOM Notary Public **JULIE JONES** My commission expires: NOTARY (No My Appointment Expires December 15, 2026

File No. 4977

WR 4977 Change in Place of Use







#### Southwest Kansas Groundwater Management District No. 3 2009 E. Spruce Street Garden City, Kansas 67846

(620) 275-7147 phone www.gmd3.org

February 16, 2024

Austin McColloch Division of Water Resources 4532 W Jones Ave., Suite B Garden City, Kansas 67846

RECEIVED
FEB 16 2024

RE: Application for Change in Place of Use

Garden City Field Office

**Divison of Water Resources** 

Water Right, File No. 4977

Dear Austin:

We have reviewed the application for the above referenced water right. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). In accordance with K.A.R. 5-5-11(b), the proposed acres are within the allowance of the base acres for the water right. It is therefore recommended that the application be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,

Jason L. Norquest Assistant Manager

## GMD3 Change Review

File No(s).: <u>4977</u> .	DWR office: <u>GC</u> .	
App filed to change: <u>PU</u> .		
Is Landowner(s) correct in WRIS: KP I	Land Co LLC (Kenby Claws	on).
If NO, is documentation included	?	
Is Water Use Correspondent correct in W	RIS?	
If NO, is documentation included	?	
Regulation(s) Reviewed: KAR 5-5-11		
Point of diversion ID No(s) being cha	anged.	
ft. North ft. West	t	
Authorized PD		
Proposed PD	_	
Difference 0	0	
a2+b2=c2 0	0 0	
	ig:	
Is proposed PD stacking on existing WRs		
Is Proposed PU overlapping existing WR		
Neighboring certified well(s) notified:	··	
Name		
Address		
Zip		
Email: Phone:		
Domestic well(s) notified:		
Name		
Address		
Zip		
Base Acres: 480		
Perfected Acres:	. •	
Irr. Return-Flow%		
Haskell County		
Authorized 1000AF @ 1149gpm		
Current PU: Combined 480acres total	<b>1</b>	
8-29-34: 80acres, S2 of SE		
16-29-34: 240acres		
16-29-34: 240acres 160 in NW		
80 in N2 of SW		
17-29-34: 160acres in NE		
Proposed PU: 480acres total 16-29-34: 320acres W2 of section	o <b>n</b>	
17-29-34: 160acres NE	VII	

## **GMD3** Change Review

Is a waiver needed: No, rearranging the acres and staying within the base acres.

Application better suits the operation.

Recommendation: <u>After review of all available information, it appears current area rules are met.</u> Staff recommends approval of the application.

J.M

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

Laura Kelly, Governor

Mike Beam, Secretary

February 15, 2024

GROUNDWATER MANAGEMENT DISTRICT #3 2009 E SPRUCE ST GARDEN CITY KS 67846

Re:

Request for Recommendation,

File No. 4977

Dear Sir or Madam:

We are enclosing a copy of the referenced application, which was submitted by Kenby Clawson and appears to be in proper form, for your review.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendation concerning this application. Please submit your recommendation within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (620) 276-2901. If you wish to discuss a specific file, please have the file number ready to that I may help you more efficiently.

Sincerely,

Austin McColloch

Assistant Water Commissioner

Enclosure

pc: