

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

1. File Number: 46119	2. Status Change Date:	3. Change Num: C5	4. Field Office: 02	5. GMD: 02
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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: 8/26/20
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8a. Applicant(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/>	Person ID 20149 Add Seq# 1
HAROLD D & PEARL L ZERGER 1674 CHEROKEE RD MOUNDRIDGE KS 67107			

8b. Landowner(s) New to system <input type="checkbox"/>	Person ID 66043 Add Seq# 1	8d. WUC New to system <input type="checkbox"/>	Person ID 17488 Add Seq# 1
CNS LAND LLC ATTN: LARRY L & CINDY STUCKY 1528 CIMARRON ROAD MCPHERSON KS 67460		LARRY L & CINDY LOU STUCKY 1528 CIMARRON RD MCPHERSON KS 67460-7037	

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/20** N & P Date to Comply: **12/31/20**

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: **10/6/20** Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **9/30/20** By: **EKF**

Date Entered: _____ By: _____

File No. **46119** 11. County: **MP** Basin: **LITTLE ARKANSAS RIVER** Stream: **N/A** Formation Code: **190** Special Use: **N/A**

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	
CHK	75459	NW SE SE			11	21	3W	04	1,111	1,167		470	99.5	470	99.5	46121

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						
MOD	31221	14	21	3W	03				38	1	40	32.5	35	37	27	40										250.5	8B	N	SEE COMMENT	
MOD	36455	14	21	3W	02					38																38	8C	N	SEE COMMENT	
MOD	56831	11	21	3W	02																		3	7.5	10.5	8C	N	SEE COMMENT		
MOD	56834	11	21	3W	04																		34	34	34	27.9	129.9	8B	N	SEE COMMENT

Base Acres: **109** Year: **2009** Minimum Reasonable Quantity:
 Comments: **P/U OVERLAP FILES: 40517, 41158, 42508, 46121, 47209, 47467 & 48341**

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



WATER METER REQUIRED

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. 46119

RECEIVED
 A. 10
 AUG 26 2020

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

Stafford Field Office
 Division of Water Resources

2. Name and address of Applicant: Larry L. Stucky
1528 Cimarron Road, McPherson, KS 67460

Phone Number: (620)504-4701 Email address: cstucky@mtelco.net

Name and address of Water Use Correspondent: Larry L. & Cindy Lou Stucky
1528 Cimarron Road, McPherson, KS 67460

Phone Number: (620)504-4701 Email address: cstucky@mtelco.net

3. The presently authorized place of use is:
 Owner of Land ---- NAME: CNS Land LLC, Attn: Larry & Cindy Stucky

ADDRESS: 1528 Cimarron Road, McPherson, KS 67460

(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					
11	21S	3W																	40.2	32.5	33	29	134.7
14	21S	3W	40	1	35.5	32.5	31	31	25	40													236

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: CNS Land LLC, Attn: Larry & Cindy Stucky

ADDRESS: 1528 Cimarron Road, McPherson, KS 67460

(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					
11	21S	3W																	34	34	34	27.9	129.9
14	21S	3W	38	1	40	32.5	35	37	27	40													250.5

For Office Use Only: Code <u> </u> Fee \$ <u> </u> TR # <u> </u> Receipt Date <u> </u> Check # <u> </u>

5. **Presently authorized point of diversion:**
 One in the NW Quarter of the SE Quarter of the SE Quarter of Section 11, Township 21 South, Range 3W (E/W), in McPherson County, Kansas, 1111 feet North 1167 feet West of Southeast corner of section. Authorized Rate 470 GPM Authorized Quantity 99.5 AF Depth of well _____ (feet) *2710w/2*
(DWR use only: Computer ID No. 04 GPS 1,111 feet North 1,167 feet West) 9/2/2020
 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 McPherson 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 _____ 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) Changing place of use to authorize land under a center pivot and allow for possible subsurface drip irrigation to be installed.

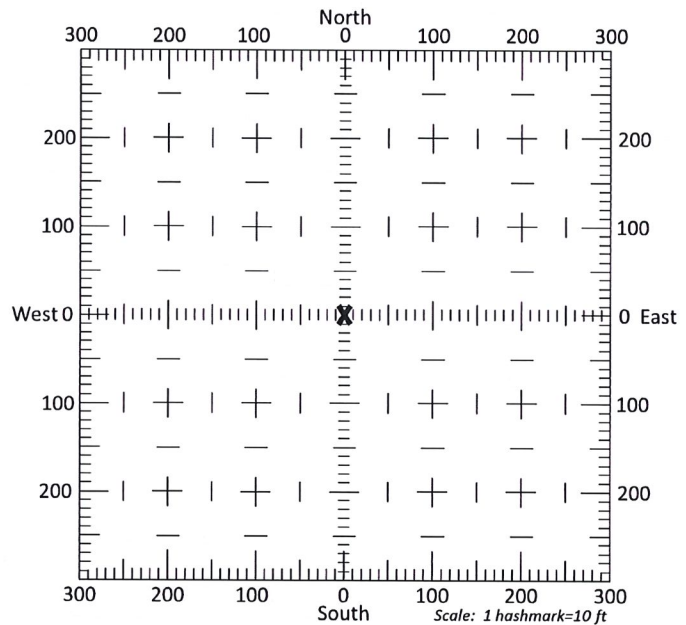
8. If a well, is the test hole log attached? Yes No

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

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

11. Groundwater Management District recommendation attached? Yes No
10/6/20 CRC

12. Assisted by T. Boese, GMD2



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.)

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APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 46119
MAKE ADDITIONAL COPIES AS NECESSARY

3. *Continued:* The presently authorized place of use is:

Owner of Land ---- NAME: Harold D. & Pearl L. Zerger

ADDRESS: 1674 Cherokee Road, Moundridge, KS 67107

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	21S	3W														5	8.7	13.7	
14	21S	3W		34.5														34.5	
																	<u>418.9</u>		

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	

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	

4. *Continued:* 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: Harold D. & Pearl L. Zerger

ADDRESS: 1674 Cherokee Road, Moundridge, KS 67107

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	21S	3W														3	7.5	10.5	
14	21S	3W		38														38	
																	<u>428.9</u>		

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	

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Owner of Land ---- NAME: _____

ADDRESS: _____

AUG 26 2020

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	

Stafford Field Office
Division of Water Resources

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 Moundridge, Kansas, this 19th day of August, 2020.

Harold D. Zerger
 (Owner)

Pearl L. Zerger
 (Spouse)

Harold D. Zerger
 (Please Print)

Pearl L. Zerger
 (Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)


(Spouse)

(Please Print)

(Please Print)

State of Kansas }
 County of McPherson } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 19 day of August, 2020.

 **GARY DUERKSEN**
 Notary Public - State of Kansas
 My Commission Expires 7/31/2024

[Signature]
 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 **RECEIVED** \$200

AUG 26 2020

Stafford Field Office
 Division of Water Resources
 File No. 46119

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.)

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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 Moundridge, Kansas, this 19th day of August, 2020.

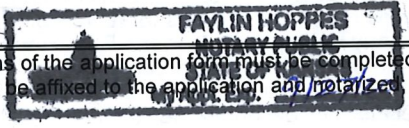
<u>Larry L. Stucky</u> (Owner)	_____ (Spouse)
<u>Larry L. Stucky for CNS Land LLC</u> (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)

State of Kansas }
 County of McPherson } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 19th day of August, 2020.

My Commission Expires 9/27/20.

Faylin Hoppes
 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

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AUG 26 2020

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. 46119.

1. A change application was received on August 26, 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 _____ 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 _____ 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, 20____**, or within any authorized extension of time. By March 1, 20____ 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 **AUG 26 2020**
APPLICATION APPROVED AND SUMMARY ORDER ISSUED
 Stafford Field Office
 Division of Water Resources

By: Cameron R. Conant
 Duly Authorized Designee of the Chief Engineer

(Print Name): Cameron R. Conant
 Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: October 6, 2020

State of Kansas)
) SS
 County of Stafford)

Acknowledged before me on 10/6/2020
 by Faith Curtis

Signature: Faith Curtis
 Notary Public

My commission expires: _____


Application Map - File No. 46119



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

Signature

Date

- New Application
- Application No. 46119 To Change:

- Point of Diversion
- Place of Use
- Use Made of Water
- Proposed Point of Diversion
- Existing Points of Diversion
- Proposed Place of Use
- Authorized Place of Use

Water wells within 1/2 mile of proposed point of diversion include: (type use, owner, address)

- 1) See Attached
- 2)
- 3) *Water right numbers added per file. 9/2/2020 [Signature]

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AUG 26 2020
Stafford Field Office
Division of Water Resources



Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521

phone: (620) 234-5311
fax: (620) 234-6900
www.ksda.gov/dwr

Dale A. Rodman, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

Sam Brownback, Governor

October 6, 2020

Larry L & Cindy Lou Stucky
1528 Cimarron Rd
McPherson, KS 67460-7037

Re: Water Right, File No(s). 46119

Dear Water Right Owner:

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

Your attention is directed to the enclosures and to the terms, conditions and limitations specified in this approval for change. An acceptable water flow meter must be installed on your well before any water is applied as authorized under this change approval. A copy of the approved list of Certified Water Flowmeters as well as the regulations regarding the installation of flowmeters, measurement tubes and check valves can be found at www.ksda.gov/includes/document_center/dwr/Forms/ApprovalPack.pdf. If you do not have access to the internet, please contact this office and we will send you a paper copy of the referenced information.

Since this 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 to contact this office. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

Jeff Lanterman
Water Commissioner

Enclosures

pc: Water Rights Section
Groundwater Management District No. 2

CERTIFICATE OF SERVICE

On this **6 October 2020**, I hereby certify that the attached Change in Place of Use, File No. 46119 dated 10/6/2020 was mailed to the following:

Larry L & Cindy Lou Stucky
1528 Cimarron Rd
Mcpherson, KS 67460-7037

pc: Water Rights Section
GMD #2

Faith Curtis

Staff

Wells Within ½ Mile – No. 46119

1. Domestic Well
Harold D. & Pearl L. Zerger
1674 Cherokee Road
Moundridge, KS 67107

2. Irrigation Well – No. 47209
CNS Land LLC
Attn: Larry & Cindy Stucky
1528 Cimarron Road
McPherson, KS 67460

3. Irrigation Well – Nos. 40517, 41185, 42508, 47467
CNS Land LLC
Attn: Larry & Cindy Stucky
1528 Cimarron Road
McPherson, KS 67460

4. Domestic Well
Roger L. & Barbara E. Messenger Family Trust
1720 Cherokee Road
Moundridge, KS 67107

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AUG 26 2020

Stafford Field Office
Division of Water Resources

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: September 30, 2020

FROM: Elizabeth K Fitch

RE: Water Right File Nos. 40517, 41185, 42508, 46119, 46121 & 47209 and Water Appropriation, File Nos. 47467 & 48341

Larry L Stucky, on behalf of CNS Land LLC and Harold D & Pearl L Zerger as owners of the referenced files authorized for irrigation use, has submitted eight (8) applications for approval to change the authorized place of use. All the owners of record signed all eight (8) applications.

The referenced files appear to be in compliance with 82a-732 (Annual water use report required). A review of the applications found that they comply with K.A.R. 5-5-1, *Filing an application for change*. The referenced files do not appear abandoned as per K.S.A. 82a-718. All the referenced applications are in McPherson County, Kansas.

All of the referenced files currently have an overlapped place of use on 148.4 acres authorized in the Southeast Quarter (SE $\frac{1}{4}$) of Section 11 and 270.5 acres authorized in the North Half (N $\frac{1}{2}$) of Section 14, all in Township 21 South, Range 3 West. This is a total of 418.9 acres. All legal descriptions from here on are located in Township 21 South, Range 3 West, McPherson County.

File Nos. 40517, 41185, 42508 & 47467

File No. 40517, 41185, 42508 and 47467 currently authorize the same well near the center of the Northeast Quarter (NE $\frac{1}{4}$) of Section 14, more specially described as 3,997 feet North and 1,506 feet West of the Southeast corner of said section. A compliance inspection on May 1, 2018, found the water rights to be out of compliance due to the irrigation of unauthorized acres. No modifications are being made to the point of diversion description.

- **File No. 40517** authorizes 64 acre-feet (AF) at 640 gallons per minute (gpm) and has 65 base acres. This file is certified.
- **File No. 41185** authorizes 46 AF at 940 gpm, limited to 940 gpm when combined with File No. 40517. File No. 41185 has 32.5 base acres, all additional. This file is certified.
- **File No. 42508** authorizes 167 AF at 1,200 gpm, limited to 1,200 gpm when combined with File No. 40517 and 41185. File No. 42508 has 112 base acres, all additional. This file is certified.
- **File No. 47467** authorizes 64 AF at 736 gpm, limited to 64 AF per year and 736 gpm when combined with File No. 40517. File No. 47467 is also limited to 1,296 gpm when combined with File Nos. 40517, 41185 and 42508. File No. 47467 is not certified, so the base acres are 418.9 acres (90.4 additional).

File No. 46119 & 46121

File No. 46119 and 46121 currently authorize the same well in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 11, more specially described as 1,111 feet North and 1,167 feet West of the Southeast corner of said section. A

compliance inspection on May 1, 2018, found the water rights to be out of compliance due to the irrigation of unauthorized acres. No modifications are being made to the point of diversion description.

- File No. 46119 authorizes 99.5 AF at 470 gpm and has 109 base acres. This file is certified.
- File No. 46121 authorizes 29.5 AF at 470 gpm, limited to 470 gpm when combined with File No. 46119. File No. 46121 has 109 base acres (zero additional). This file is certified.

File No. 47209

File No. 47209 authorizes a well in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 11, more specially described as 48 feet North and 2,554 feet West of the Southeast corner of said section. A compliance inspection on May 1, 2018, found the water right to be out of compliance due to the irrigation of unauthorized acres. No modifications are being made to the point of diversion description.

File No. 47209 authorizes 158 AF at 1,000 gpm, limited to 406 AF when combined with File No. 40517, 41185, 42508, 46119 and 46121 and has a base of 328.5 acres (10 additional). This file is certified.

File No. 48341

File No. 48341 authorizes a well in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 14, more specially described as 3,508 feet North and 4,561 feet West of the Southeast corner of said section. A compliance inspection on May 1, 2018, found the water right to be out of compliance due to the irrigation of unauthorized acres. The authorized point of diversion will be better described based on GPS coordinates.

File No. 48341 authorizes 94.9 AF at 1,000 gpm, limited to 512.55 AF and has a base of 418.9 acres (zero additional). This file is not certified.

The referenced change applications, received on August 26, 2020, propose to maintain the existing overlap under the associated water rights while modifying the acreage to cover the center pivot system that is currently irrigating unauthorized acres in the Northwest Quarter of Section 14, along with a few other minor adjustments. The combined acres for the eight (8) water appropriations will go from 418.9 acres to 428.9 acres located in Sections 11 and 14, Township 21 South, Range 3 West, McPherson County.

When combined, these files authorize a total 418.9 "Base Acres," as defined by K.A.R. 5-5-11. The proposed 428.9 acres complies with part (b) of K.A.R. 5-5-11 and the 10 acre increase above the *Base Acres* is allowed by the regulation.

The proposed changes will result in a maximum quantity of 512.55 AF irrigating 428.9 acres, resulting in an irrigation ratio of 1.20 AF per acre. It would appear this irrigation ratio is reasonable as the ratio is less than the 1.3 AF per acre maximum for McPherson County found in K.A.R. 5-3-24, *Reasonable quantity for irrigation use*, thus complying with K.A.R. 5-3-23, *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right*. The generally accepted minimum quantity per acre for McPherson County is 1.06 AF per acre, so the proposed quantity meets this threshold as well.

Since the referenced applications to change the place of use do not propose to add more than 10 acres or 10% of the base acres to the authorized place of use, water well owners within one-half mile of the authorized point of diversion were not notified of the proposed change in place of use (EKF Memo dated 09/29/2020).

The referenced water appropriations are not in a special use area.

The referenced water rights are in the Equus Beds Groundwater Management District No. 2 (GMD2), so a recommendation request was sent to the District on September 3, 2020. A response was received from GMD2 Manager, Tim Boese on September 29, 2020. In his response, Mr. Boese recommended approval for the change applications filed under each of the referenced file numbers.

There appears to have been a channel change associated with the west pivot in the Northwest Quarter of Section 14. The proper structures permit was approved under CMP-0134.

A water flow meter is required for each point of diversion. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it has been recommended that applications are approved.

Elizabeth K Fitch
Environmental Scientist - SFFO



KANSAS DEPARTMENT OF AGRICULTURE

Division of Water Resources

Stafford Field Office

MEMORANDUM

TO: File

DATE: 09/29/2020

FROM: Elizabeth Fitch

RE: File Nos. 40517, 41185, 42508, 46119,
46121, 47209, 47467 & 48341

This is a memorandum regarding surrounding well owner notification for applications to change the place of use for irrigation water rights and the decisions made during the Water Commissioner meeting which took place on 11/16/2016 with directive from Lane Letourneau, Program Manager.

This is applicable to field office changes to increase the place of use by 10 acres or 10% (whichever is less) or a change in place of use to create a complete overlap in which no new acres are being irrigated.

During that meeting it was determined that no surrounding well owner notification will be sent under this type of place of use change application. All well rates and quantities will remain unchanged and the referenced change should not cause impairment or impact surrounding well owners.

The application to change the place of use filed on 08/26/2020 for the above referenced files meets this criterion, therefore, well owners surrounding the authorized point of diversion will not be notified.