

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: PD ~~PU~~ UMW WORKSHEET
P/D ONLY

| | | | | |
|---|---|--|-------------------------------|---|
| 1. File Number: 50166 | 2. Status Change Date: 10/13/2021 | 3. Change Num: C1 | 4. Field Office: 02 | 5. GMD: |
| 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: 7/26/2021 |
| 8a. Applicant(s) New to system <input type="checkbox"/> KEVIN N & KIM C KOHLS 76 27TH AVE MOUNDRIDGE KS 67107 | | 8c. Landowner(s) New to system <input type="checkbox"/> <div style="text-align: right;">65698</div> | | |
| 8b. Landowner(s) New to system <input type="checkbox"/> <div style="text-align: right;">51074</div> | | 8d. WUC New to system <input type="checkbox"/> <div style="text-align: right;">51074</div> 2b 8A | | |
| 9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/21 <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/21 | | | | |
| <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____ | | | | |
| 10. Use Made of Water From: _____ To: _____ | | | | |
| Date Prepared: 9/30/2021 By: li Date Entered: 10/14/2021 By: LMoody | | | | |

File No. **50166** 11. County: **MP** Basin: **LITTLE ARKANSAS RIVER** Stream: **NA** Formation Code: **113** Special Use:

| 12. Points of Diversion | | | | | | | | | | Rate and Quantity | | | | | | |
|-------------------------|-----|-----|------|-----------|----|----|----|----|------|-------------------|----------------------------|----------|-------------|----------|-------------|------------------|
| CHK | MOD | DEL | PDIV | Qualifier | S | T | R | ID | 'N | 'W | Comment (AKA Line) | Rate gpm | Quantity af | Rate gpm | Quantity af | Overlap PD Files |
| DEL | | | | NW SE NW | 34 | 21 | 1W | 3 | 3834 | 3790 | GEO BATT ID 2182 | 800 | 200 | 800 | 135.860 | NONE |
| DEL | | | | SE NW NW | 34 | 21 | 1W | 4 | 3981 | 3980 | BATT WELL 1-4 BATT ID 2182 | | | | | NONE |
| DEL | | | | NW SE NW | 34 | 21 | 1W | 5 | 3881 | 3902 | BATT WELL 1-4 BATT ID 2182 | | | | | NONE |
| DEL | | | | NW SE NW | 34 | 21 | 1W | 6 | 3774 | 3676 | BATT WELL 1-4 BATT ID 2182 | | | | | NONE |
| DEL | | | | NW SE NW | 34 | 21 | 1W | 7 | 3700 | 3603 | BATT WELL 1-4 BATT ID 2182 | | | | | NONE |
| ENT | | | | SE NW NW | 34 | 21 | 1W | | 4098 | 4445 | GEO BATT ID 2264 | | | | | NONE |
| ENT | | | | NW SE NW | 34 | 21 | 1W | | 4000 | 4445 | BATT WELL 1-4 BATT ID | | | | | NONE |
| ENT | | | | NW SE NW | 34 | 21 | 1W | | 4198 | 4445 | BATT WELL 1-4 BATT ID | | | | | NONE |
| ENT | | | | NW SE NW | 34 | 21 | 1W | | 4098 | 4545 | BATT WELL 1-4 BATT ID | | | | | NONE |
| ENT | | | | NW SE NW | 34 | 21 | 1W | | 4098 | 4345 | BATT WELL 1-4 BATT ID | | | | | NONE |

X

ALL IN SE NW NW

WAIVER INCLUDED

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) **200 AF/YR COM/W #s 13560, 29889 & 32154 NO CHANGE**
 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 | | | | | | | | | | | | | | | | | | Total | Owner | Chg? | Overlap Files | | | | | | | | |
|------------------|-----|-----|-----|------|---|---|---|----|--|--|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------------|--------|--------|--|--|--|--|--|--|
| CHK | MOD | DEL | ENT | PUSE | S | T | R | ID | | | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | | | |
| | | | | | | | | | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | | | | | | | |
| NO CHANGE | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Base Acres: Year: Minimum Reasonable Quantity:

Comments:

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: 50,166

FO: 2

GMD: 0

WAIVER REQUEST:

| UMW | Date Requested | Rule ID | Applies | Rule Type | Rule Subtype |
|-----------------------|----------------|-------------|----------------|---|----------------------|
| IRR | 7/26/2021 | 3 | Statewide | Well Spacing Change Apps | Well to Well Spacing |
| Rule Number | Date Granted | Date Denied | Justification: | The file is moving closer to senior files that serve the same place of use with a quantity limited to the senior files with all of the 154 acres authorized under the same ownership. | |
| K.A.R. 5-4-4(c)(1)(C) | 10/13/2021 | | | | |

WAIVER RULE (complete only if a new rule needs to be created):

| Rule ID | Applicability | Type | Subtype | Rule Number | Date Active | Date Inactive |
|---------|---------------|------|---------|-------------|-------------|---------------|
| | | | | K.A.R. | | |

Date Prepared 10/1/2021 By LI

Date Entered 10/14/2021 By LMoody

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files
DATE: October 6, 2021

FROM: Leslie Ireland
RE: Appropriation of Water
File No. 50,166

Kevin and Kim Kolhs filed an application on July 26, 2021 for approval to change the point of diversion, for a recently approved battery of four wells authorized for irrigation use in the Little Arkansas River Basin.

After the recent permitting of the referenced file, additional test holes at the authorized location of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, approximately 3,834 feet North and 3,790 feet West from the Southeast corner of Section 34 Township 21, Range 1 West, McPherson County it has been decided that there may be better water approximately 706 feet to the West. All wells of the battery will be relocated, and the geo-center updated to authorize the new location of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, approximately 4,098 feet North and 4,445 feet West of the Southeast corner of Section 34 Township 21, Range 1 West, McPherson County. After discussion with the owner and Cameron Conant, Assistant Water Commissioner of the Stafford Field Office the owner is aware that the wells comprising the battery must comply with the definition of a battery as detailed in K.A.R. 5-1-1(n). The wells comprising the battery should be updated to show 100 feet N-S and 100 E-W variances.

The proposed locations and the geographical center of the battery are:

One (1) Well SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ 4,000'N & 4,445'W Sec 34-21S-1W
One (1) Well SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ 4,198'N & 4,445'W Sec 34-21S-1W
One (1) Well SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ 4,098'N & 4,545'W Sec 34-21S-1W
One (1) Well SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ 4,098'N & 4,345'W Sec 34-21S-1W
Geocenter SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ 4,098'N & 4,445'W Sec 34-21S-1W

The authorized limited quantity of 200 acre-feet (AF) at a total rate of 800 gallons per minute supplying an additional 135,860 AF when combined with File Nos. 13,560; 29,889 & 32,154 will remain as authorized.

The applicant has indicated there are two irrigation wells and three domestic wells located within one-half ($\frac{1}{2}$) mile of the proposed geographic center. The irrigation wells are those limited with the referenced file and the closest domestic well is also owned by the applicant. The other domestic well owners approximately 1320 feet Northwest and Southwest of the proposed geocenter were notified by letter dated September 15, 2021 as required by K.S.A. 82a-1906. As of today, no comments of any kind were received.

The location at the original application did not meet spacing to the water rights that share the place of use and limitations with the referenced file. The proposed change will move the requested geographic center more than 300 feet and will not improve the well to well spacing. A waiver was granted for the original permit due to common ownership and unlikely the water rights will be split from one another in the future. Also based on the rate and quantity associated with the senior rights and that proposed impairment for the functionality of the pivot is unlikely. The proposed location will move closer to two domestic wells, but the proposed location meets spacing to the nearby domestic wells by a wide margin. The change will reduce the spacing to the nearby irrigation wells to approximately 550 feet. A **waiver K.A.R. 5-4-4 (c)**

(1) (C) **Well Spacing** to the nearby irrigation wells has been requested based on the same reasoning which allowed the original permitting of the referenced file.

The local source of supply does not appear to change as it remains in the Equus Beds Formation (Code 113) based on available information. A well log(s) will be a condition of the approval. Additionally, the transmittal letter will advise the owner to plug any test holes from the previously authorized location. It will also remind him the field inspection fee is still required.

Jeff Lanterman, Water Commissioner of the Stockton Field Office reviewed the proposed change and new application. He recommended their approval per his e-mail dated xxxx x, 2021.

A waterflow meter(s) and a water level measurement tubes are required. 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 waiver is approved, the change appears to be reasonable, that impairment to existing water rights may not occur, and that no change in the local source of supply will occur, it has been recommended that the referenced application be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

From: Lanterman, Jeff [KDA]
Sent: Fri 10/8/2021 3:00 PM
To: Ireland, Leslie [KDA]
Cc: Conant, Cameron [KDA]
Subject: FW: Review and Recommendation , File No. 50,166 Kolhs
Attachments: 50166 MEMO PD_battery_approp_2_0.doc, 50166 map update.pdf, 50166_5-4-4 Well Battery Spacing Waiver to owners files.wpd.docx

Leslie;

I think this one can be approved. I guess will let him try this since there really isn't anything around but his own wells, but I bet this will eventually go away because we don't think the water is available.

Go ahead and approve it.

Thank You

Jeff

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Friday, October 8, 2021 1:57 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Review and Recommendation , File No. 50,166 Kolhs

Jeff, can you make time to look this over or do you want to just discuss it? This was a new app approved not long ago, it was a little complicated as it was requesting a new battery of wells tucked in some permitted wells that had very small rate and quantity. The new owner/applicant is trying to squeeze a little bit of water out of the area to make a small scaled, low pressure system work for some irrigation. He is the only wells within a 2 mile circle. He does not meet spacing to his own domestic well and to his own, old permitted wells so a spacing waiver is needed (same as on the new app that was recently approved).

This is a change to move the geo center 700' to a spot that the drillers believe will be more productive than the original location. As said before, there are no permitted wells within the 2 mile circle and the nearest domestic not owned by the applicant is well over a ¼ mile away and has had no comments with either application. The owner understands this is a rough area, he isn't expecting much and I think the drillers are being honest with him too. There is a reason nothing else is developed here. That said, we approved the new app just a year ago, I see no reason why we don't move forward with approval of this change app to let him see if he can make a go of some limited irrigation here.

He has drillers lined up and ready to go, are you comfortable with recommending approval here and moving it on with the hopes that he can take advantage of the drillers sudden readiness to complete the job? If so, pass on to Leslie. Thanks,

Cameron

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Wednesday, October 6, 2021 4:23 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Review and Recommendation , File No. 50,166 Kolhs

Jeff,

Please let me know if you could recommend this change in PD for this new appropriation that didn't work the first time. There is still a spacer waving to his files and he is moving closer to the domestics. The notification of the

nearbys did not result in any comments of any kind. Along with the summary memo, an updated map and the waiver have been attached for your review.

As always comments and concerns are welcome.

Thank you for yours and Cameron's review and comments.

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



WATER RESOURCES
RECEIVED

JUL 26 2021

8:20 AM

KS DEPT. OF AGRICULTURE



State of Kansas

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**

*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.

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. 50166

2. Name of applicant: Kevin Kohls

Address: 76 27th Avenue

City, State and Zip: Moundridge, KS 67107-7467

Phone Number: (316)680-2186 E-mail address: KohlsKevinN@outlook.com

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

Name of water use correspondent: Kevin N & Kim C Kohls

Address: 76 27th Avenue

City, State and Zip: Moundridge, KS 67107-7467

Phone Number: (316-680-2186) E-mail address: KohlsKevinN@outlook.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): After the completion of additional test holes it has been decided that there may be better water at this new location, so all 4 battery wells will be relocated and the geo-center must be moved accordingly.

The change(s) (was) (will be) completed by as soon as app is approved and we can get scheduled with the well drillers.
(Date)

| | | | | | | | | | | | | | | | |
|----------------------|------------|--------|------------|--------------------|------------|--------------|----------------|---------|--------------|--------|-----------|----|------------|------|----------------|
| For Office Use Only: | | | | | | | | | | | | | | | |
| F.O. | <u>2</u> | GMD | <u>CGT</u> | Meets K.A.R. 5-5-1 | (YES / NO) | Use | <u>IRR</u> | Source | <u>G / S</u> | County | <u>MP</u> | By | <u>BMM</u> | Date | <u>7/26/21</u> |
| Code | <u>CGT</u> | Fee \$ | <u>200</u> | TR # | | Receipt Date | <u>7/26/21</u> | Check # | <u>1047</u> | | | | | | |

Application complete: 10/11/2021
Reviewer: L'Ireland

7/26/2021
LMoody

4. The presently authorized place of use is:

Owner of Land — NAME: Kevin N & Kim C Kohls

ADDRESS: 76 27th Avenue, Moundridge, KS 67107-7467

KS DEPT OF AGRICULTURE

| 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 | |
| 34 | 21S | 1W | | | | | 40 | 34 | 40 | 40 | | | | | | | | | 154 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use. 13560, 29889, 32154 (complete p/u overlap with all files)

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: NO CHANGE

ADDRESS: NO CHANGE

| 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. --

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 MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

6. The presently authorized point(s) of diversion is 1 geo-center comprised of 4 pumps, 4 wells, and 4 motors

(Provide description and number of points) USE FOR AGRICULTURE

7. The proposed point(s) of diversion is 1 geo-center comprised of 4 pumps, 4 wells, and 4 motors

(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion: (GEOCENTER)**
 One in the NW Quarter of the SE Quarter of the NW Quarter of Section 34, Township 21 South, Range 1 (W), in McPherson County, Kansas, 3834 feet North 3790 feet West of Southeast corner of section. Authorized Rate 200 acre-feet (limited) Authorized Quantity 800 GPM
 (DWR use only: Computer ID No. 3 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) (GEOCENTER)
 One in the SE Quarter of the NW Quarter of the NW Quarter of Section 34, Township 21 South, Range 1 (W), in McPherson County, Kansas, ~~4048~~ 4098' feet North ~~4395~~ 4445' feet West of Southeast corner of section. Proposed Rate no change Proposed Quantity no change
 This point is: Additional Well Geo Center List other water rights that will use this point none

Per email of 8/11/2021 Cameron Conant the exact wells of the battery will be drilled to comply with 5-1-1(n)

9. **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: *I'd say you can put one 100' N, 100' S, 100' E, and 100' W cause they won't matter in the end.*
Proposed point of diversion: (Complete only if change is requested) *Cameron 8/11/2021 email L/DWR 10/1/2021*
 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 NONE L/DWR

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. There have not been any wells fully completed at the currently authorized location, so nothing needs done. Test holes will be plugged.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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12. The presently authorized use of water is for Irrigation purposes.
It is proposed that the use be changed to No change purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
N/A-The place of use and the use made of water will not change with this application.

(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 (n/a 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 proposed change is moving the geo-center 642' NW, so this is considered same local source. Also, the new test holes show shale at ~60-70 feet deep which is the same as the original log sent with the new app. See additional spacing comments on #18.
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.
K.A.R. 5-4-4 (c) (1) (C) Well Spacing. The location at the original application did not meet spacing to other water rights that share this same place of use. A waiver was granted as this is common ownership and unlikely the water rights will be split from one another in the future based on the low rate and quantity associated with the senior rights. The proposed location is moving closer to two domestic wells, but the proposed location meets spacing to the nearby domestic wells by a wide margin. We request a waiver of the above req based on the same reasoning which allowed approval of the original file.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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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 Newton, Kansas, this 19 day of July, 2021.

Kevin N. Kohls (Owner) _____ (Spouse)

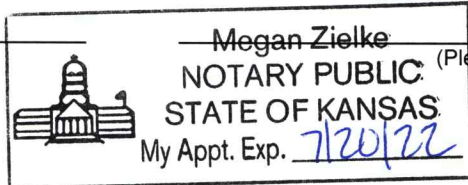
Kevin N. Kohls (Please Print) _____ (Please Print)

Kim C Kohls (Owner) _____ (Spouse)

Kim C Kohls (Please Print) _____ (Please Print)

_____ (Owner) _____ (Spouse)

_____ (Please Print) _____ (Please Print)



State of Kansas }
County of Harvey } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 19 day of July, 2021.

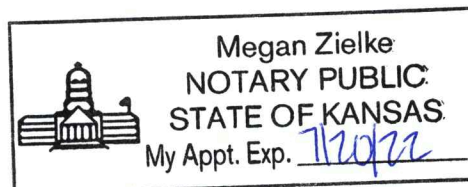
My Commission Expires 7/20/22 _____
Notary Public

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:

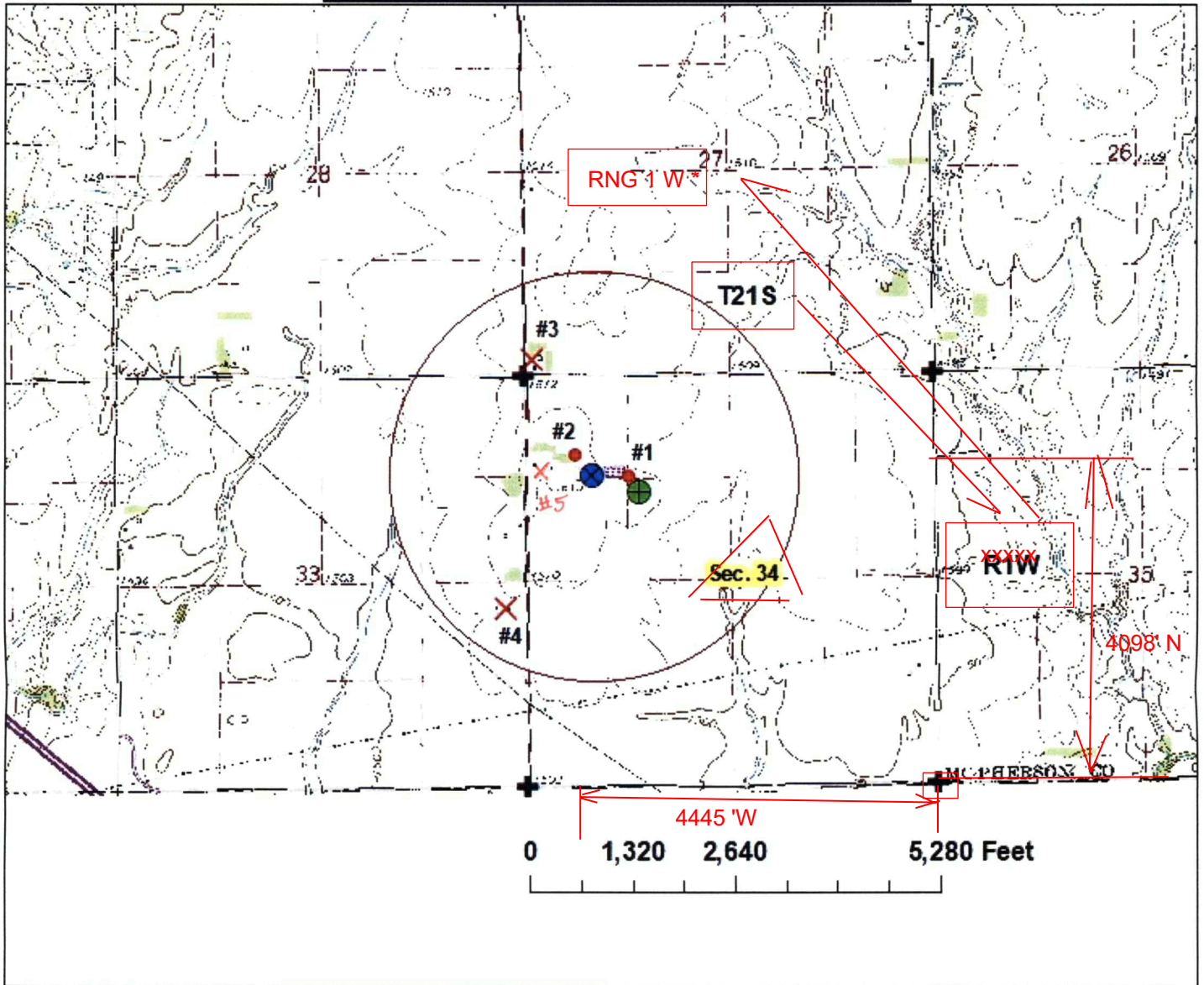
- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

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



JUL 26 2021

Point of Diversion Change Application Map
Appropriation of Water, File No. 50166
Section 34-21S-1W in McPherson County



- current geo-center for 50166 (3834'N & 3790'W)
 - proposed geo-center for 50166 (4048'N & 4395'W)
 - × domestic wells
 - permitted water rights
 - + section corners
 - 1/2 mile circle around proposed p/d
- Feet distances updated per BMM to 4098' N & 4445' W li/DWR 9/15/2021

- nearby wells w/in 1/2 mile of existing well:
- #1: Water Right, File No. 13560-owned by applicant
 - #2: Water Right, File No. 29889 & 32154-owned by applicant
 - #3: Domestic well
Ron Schmitt
102 27th Avenue, Moundridge, KS 67107
 - #4: Domestic well
Leon Cockrum
45 27th Avenue, Moundridge, KS 67107
 - #5: Domestic well
Owned by applicant



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

Notification complete
10/11/2021 LI/DWR

signature *Kevin N. Kohlb* date 19-JUL-2021

1 inch = 2,000 feet
map created on 7/12/21 scale 1:24,000

JUL 26 2021

Point of Diversion Change Application Map
Appropriation of Water, File No. 50166
Section 34-21S-1W in McPherson County



- current geo-center for 50166 (3834'N & 3790'W)
- ⊗ proposed geo-center for 50166 (4048'N & 4395'W)
- × domestic wells
- permitted water rights
- + section corners
- 1/2 mile circle around proposed p/d

nearby wells w/in 1/2 mile of existing well:

- #1: Water Right, File No. 13560-owned by applicant**
- #2: Water Right, File No. 29889 & 32154-owned by applicant**
- #3: Domestic well**
Ron Schmitt
102 27th Avenue, Moundridge, KS 67107
- #4: Domestic well**
Leon Cockrum
45 27th Avenue, Moundridge, KS 67107
- #5: Domestic well*
owned by applicant



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

Kevin N. Kohls
19-JUL-2021
 signature date

1 inch = 1,167 feet
map created on 7/12/21 scale 1:14,000

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

July 29, 2021

KEVIN KOHLS
76 27TH AVENUE
MOUNDRIDGE KS 67107

RE: File No(s). **50166**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) to change the place of use, point of diversion or use made of water for the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation(s) Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen Baum". The signature is written in a cursive style.

Kristen Baum
New Applications and Changes Supervisor
Water Appropriation Program

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN POINT OF DIVERSION
APPROPRIATION OF WATER
FILE NO. 50,166**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Kevin N. & Kim C. Kohls, 76 27th Avenue, Moundridge Kansas 67107, received in this office on July 26, 2021, for approval of a change in the location of the point of diversion under Approval of Application, File No. 50,166, for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the point of diversion shall be:

a battery of four (4) wells with a geographic center located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 34, more particularly described as being near a point 4,098 feet North and 4,445 feet West of the Southeast corner of said section, in Township 21 South, Range 1 West, McPherson County, Kansas,

located substantially as shown on the map accompanying the application to change the point of diversion.

The point of diversion described herein as a battery of four (4) wells is further limited such that the wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply.

Installation of the works for diversion of water shall be completed on or before December 31, 2021, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The appropriation right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Approval of Application, File No. 50,166 for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated November 15, 2018.

Ordered this 13th day of October, 2021, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.

Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
)
County of Riley) SS

The foregoing instrument was acknowledged before me this 13 day of October, 2021, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings

Notary Public



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

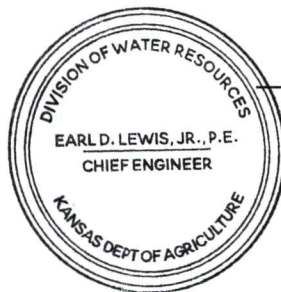
WAIVER OF REGULATION
K.A.R. 5-4-4(c)(1)(C)

Date: *October 13, 2021*

Re: File No. 50,166

1. That K.A.R. 5-4-4(c)(1)(C) states in part an application to change the point of diversion shall meet the spacing requirements established by K.A.R. 5-4-4 or not decrease the distance to other wells by more than 300 feet, and that well spacing shall be sufficient to prevent direct impairment in this case 1,320 feet to non-domestic wells in the Equus Beds aquifer.
2. The owner has requested a waiver of the stated 1,320 feet of well to well spacing due to File No. 50,166 requesting to move approximately 706 feet to a more productive location placing the battery of four wells closer to senior files that serve the same place of use with a quantity limited to the senior files with all of the 154 acres authorized under the same ownership.
3. That a waiver of K.A.R. 5-4-4(c)(1)(C) will not prejudicially or unreasonably affect the public interest and should not impair any existing water rights.

Comments:



Earl D. Lewis Jr.
Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

October 18, 2021

KEVIN N & KIM C KOHLS
76 27TH AVE
MOUNDRIDGE KS 67107

RE: Appropriation of Water, File No. 50,166

Dear Mr. and Mrs. Kohls:

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.

Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this approval. Please note that all wells drilled under the authority of this approval must have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. An acceptable water flowmeter must be installed on the diversion works authorized by this approval prior to using water.

Please return the required and enclosed form *Notification of Completion of the Diversion Works and/or Installation of the Required Meters* as soon as these actions are completed. This form will need to be accompanied with the statutory completion fee, currently \$400.00, once the diversion works have been completed. Failure to complete the diversion works within the time allowed, currently December 31, 2021, or within any authorized extension of time thereof, will result in dismissal of the permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

Any abandoned water wells 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 (KDHE).

If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications and Changes Supervisor
Division of Water Resources

KAB:LI:
Enclosure(s)

pc: Stafford Field Office

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then 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. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Division, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX 785-564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX 785-564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

CERTIFICATE OF SERVICE

On this 18 day of October, 2021, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 50,166, dated 13 October, 2021 was mailed postage prepaid, first class, US mail to the following:

KEVIN N & KIM C KOHLS
76 27TH AVE
MOUNDRIDGE KS 67107

With photocopies to:

Stafford Field Office



Division of Water Resources