



Phone: 620-234-5311 Fax: 620-234-6900 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

August 1, 2022

William L Humphreys 610 Edison St Apt #4 Jetmore, KS 67854

Re: Water Right, File No(s). 26699

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 <a href="Certified Water Flowmeters">Certified Water Flowmeters</a> can be found at <a href="www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-flowmeters">www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-flowmeters</a>. Regulations regarding the installation of flowmeters, measurement tubes and check valves can be found at <a href="https://www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation">https://www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation</a> once the diversion works are completed, including a properly installed flowmeter. This form is available at <a href="www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/change-applications">www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/change-applications</a>. 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.

Any abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

Should you have any questions, please feel free 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

Water Rights Section

Groundwater Management District No.

## **CERTIFICATE OF SERVICE**

On this **1** August **2022**, I hereby certify that the attached Change in Point of Diversion, File No. 26699 dated 8/1/2022 was mailed to the following:

William L Humphreys 610 Edison St Apt #4 Jetmore, KS 67854

pc: Water Rights Section GMD #

Staff

# Kansas Department of Agriculture Division of Water Resources

# **CHANGE: P/D WORKSHEET**

#### ADDRESS CHANGE PER ORKA

1. File Number: <b>26699</b>	2. Status Chan		4. Field Office: <b>02</b>	5. GMD:			
6. Status: Approved	☐ Denied by DWR/GMI	D ☐ Dismiss by Reque	st/Failure to Return	7. Filing Date of Change: 7/28/22			
8a. Applicant(s) New to system □	Person ID _ Add Seq# _	8c. Landowi New to s	ner(s) ystem □	Person ID Add Seq#			
8b. Landowner(s) New to system □  WILLIAM L HUM 610 EDISON ST JETMORE KS 67	APT#4 <-UP		ystem □	Person ID Add Seq#			
9. Documents and Enclosu	re(s): 🛛 DWR Meter(s) Date	e to Comply: 12/31/22	N & P Date	e to Comply:12/31/22			
☐ Anti-Reverse Meter ☐ Conservation Plan	☐ Meter Seal   ☑ Chec			☑ Driller Copy ☑ H & E Letter e to Comply:			
10. Use Made of Water	From: <u></u>	To:					
			Date Prepared: <b>7/2</b> Date Entered:	<b>28/22</b> By: <b>TMA</b> By:			

-11

		***************************************	I																			*****			
File No	26699		11. Co	ounty: H	G	Ba	ısin: B	UCKN	NER C	REEK	10.		s	Stream	:				· · · · · · · · · · · · · · · · · · ·		F	ormation (	Code: <b>321</b>	Special Use:	:
12. Po CHK	ints of Dive	rsion															Rate	and Q	uantity						
MOD DEL	PDIV																,	Author	ized		Α	dditional			
ENT	FDIV	Qualifier		S T		R	ID		'N	'\	/	Con	nment	(AKA	Line)		Rat gpn		Quant af	ity	Rat gpn		uantity af	Overlap PD Files	
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13. Storage: RateNF Quantityac/ft						Α.	dditior	nal Ra	te				NF	Add	itional Qu	antity		_ ac/ft							
14. Lim	itation:		8	af/yr at _					gpm (				cfs) w	hen co	ombine	ed with	n file n	umber	(s)						
Lim	itation:		8	af/yr at _					gpm (				cfs) w	hen co	ombine	ed with	n file n	umber	(s)						
		Allocation																		_ c	omment.				
CHK	ice of Use				NE1⁄4				NW1/4			SW1/4				SE1/4				Total	Owner	Chg?	Overlap Files		
MOD DEL ENT	PUSE	STR	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 ¼	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4					
СНК		6 24S 24											30			30		40	40	5	145	8B	N	5933	
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			****																						
Base A	cres:	Year:	Minimur	n Reaso	onab	ile Qua	ıntity:	-																	
Comme	ents:																								

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

### **WATER METER REQUIRED**

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.

																			Drom	
						F	ile No	. <u>2669</u>	9									JH	RECEIVED 9:30	
1. <i>A</i>	Application	on is he	reby m	nade fo	or appr	oval o	f the C	hief E	nainee	er to ch	nange t	he (ch	eck or	e or b	oth):			-01	- 28 2022	
,	Application is hereby made for approval of the Chief Engineer to change the (check one or both):    Place of Use   Point of Diversion   Stafford Field Office																			
	ınder the		riaht u	hiah is	the o				otion i					dition	e desc	rihed k	elow	OIV OI	WATER RESOURC	
					S (116 S)				allon					idition.	3 0000	iibca k	CIOW.			
	The sour	ce of su	ibbly is	<b>S</b> :		KI G	iround	water		Ш	Surfac	e wate	er							
2. 1	Name an	nd addre	ess of A	Applica	ant: C	arv Tu	cker													
	23031 60					<u> </u>														
_	Phone N								Email	addre	ss: Wi	lliam L	Hump	hreys						
	Name ar		-			orresp	onden													
1	5569 S	W 213 I	RD, Je	tmore,	KS 67	854-5	558													
F	Phone N	umber:	(620)	393-55	551				Email	addre	ss: <u>bj</u>	32238	@gma	ail.com						
3. 1	The pres	ently a	uthorize	ed pla	ce of u	se is:														
(	Owner o	f Land -	NA	ME:	Willian	L Hu	mphre	ys												
		/	ADDRE	ESS:	15569	SW <sub>2</sub>	13 RD	Jetm	ore, K	S 6785	4-555	3								
(	If there is	more th	an one	landov	ner, at	tach su	ppleme	ental sh	eets as	neces	sary.)									
				NE	=1/4			NV	N1/4			sv	V1/4			SE	1/4		TOTAL	
Sec.	Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW¼	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	ACRES	
6	248	24W									30			30		40	40	5	145	
(	f this ap Owner o	f Land -	NA ADDRI	AME: ESS:	NO CH	HANGI HANGI	E					ace of	use be	chan	ged to	:				
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Sec.	Twp.	Range	NE1/4	NW¼	500%	SE%	NE%	INVV74	SVV/4	SE74	INE /4	199974	30074	SE/4	INE /4	1444/4	344/4	OL/4		
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	For Offi	ce Use	Only:	Code	بابا	Fe	e \$	W.	_ TR	#		Re	eceipt	Date _			Cnec	K #	0.54	

5.	Presently authorized point of diversion:	
- [	One in the Quarter of the	SE Quarter of the SW Quarter
	of Section6, Township2	4 South, Range 24 W,
	in <u>Hodgeman</u> County, Kansas, 700 fee	North 3,675 feet West of Southeast corner of section.
	Authorized Rate 115 gpm Authorized Quantity	14 AF Depth of well 88 (feet)
	(DWR use only: Computer ID No. 3 GPS	feet North feet West)
	☐ This point will not be changed ☐ This point will be changed as	ollows: No change, point better described with GPS as follows:
- 1	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	SE Quarter of the SW Quarter
- 1	of Section6, Township2	South, Range 24 W,
	in <u>Hodgeman</u> County, Kansas, <u>658</u> fee	t North 3,702 feet West of Southeast corner of section.
	Proposed Rate <u>no change</u> Proposed Quantity <u>no</u>	change Proposed well depth (feet) ~80-90 ft
L	This point is: Additional Well Geo Center List other	vater rights that will use this point inone
_		
6.	Presently authorized point of diversion:	
	One in the Quarter of the	Quarter of theQuarter
	of Section Township	South, Range (E/VV),
	in County, Kansas, fee	t North feet West of Southeast corner of section.
	Authorized Rate Authorized Quantity	Depth of well (reet)
- 1	(DWR use only: Computer ID No GPS	feet North reet west)
- 1	☐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 theQuarter
	of Section, Township	South, Range (E/W),
	in County, Kansas, fee	t North feet West of Southeast corner of section.
	Proposed Rate Proposed Quantity	Proposed well depth (feet)
L	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) Applicant would like a new well ~20ft to the southwest.	300 200 100 North 100 200 300
8.	If a well, is the test hole log attached? $\square$ Yes $\square$ No	200   +   +   =   +   +   =   200
9.	The change(s) (was)(will be) completed by?	
	As soon as possible	100
10.	If the point of diversion is a well:	F = = = = = = = = = = = = = = = = = = =
	(a) What are you going to do with the old well?	West 0 =
	Diversity and wall	
	Plug the old well.	100 + + + + = + + + + = 100
	(b) When will this be done? upon new well completion	
11.	Groundwater Management District recommendation attached?  Yes No	100
12.	Assisted by TMA SFFO	300 200 100 0 100 200 300
	o If the proposed point of diversion will be relocated more than 300	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.)  RECEIVED

14. If the proposed groundwater point of diversion is 300 or fewer feet fro	m the existing point of diversion, complete the following:
<ul> <li>(a) Does the undersigned represent all owners of the currently author</li> <li>☑ Yes</li> <li>☑ No</li> <li>(If no, all owners must sign this application)</li> </ul>	
<ul> <li>(b) Will the ownership interest of any owner of the currently authorisaffected 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 subs  ⊠ Yes □ No (If no, all owners must sign this applic	stantial damage to property, public health or safety? ation.)
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).	groundwater change in point of diversion greater than 300 feet, of the currently authorized place of use, or their duly authorized
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 appropriate in this application are true, correct and complete.	zed agent of the owner(s) to make this application on
Dated at, Kansas, this	26th day of July 2022
(Owner)	Phyllie M. Duch (Spouse)
(Please Print)	Phyllis N. Tucker (Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
County of Mutchell SS ELIZ	Y PUBLIC - State of Kansas ABETH M. PAULS of Expires 8/24/2024 ny presence and sworn to before me this 26th day
of	Elizabeth M. Sauls Notary Public
My Commission Expires	O Notary I abile
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
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

RECEIVED

Stafford Field Office
DIVISION OF WATER RESOURCES

# 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. 26699 change application was received on <u>July 28, 7027</u> 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. A change application was received on 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 2. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 50 foot radius of the authorized point(s) of diversion. Applicable 3. 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 The point(s) of diversion authorized herein shall not actually be located more than 70 authorized point(s) of diversion. 

☐ Applicable ☐ Not Applicable 5. feet from the previously 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. ☐ Not Applicable The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2022, 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, 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 | JUL 2 8 2022 Installation of the works for diversion of water shall be completed on or before December 31, 2022, or within any authorized extension of time. By March 1, 2023 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. 5-8-46. WATER RESOURCES ☐ Not Applicable The completed well log shall be submitted with the required notice. ☐ 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 FOR OFFICE USE ONLY APPLICATION APPROVED AND If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief SUMMARY ORDER ISSUED 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 be filed within 30 days pursuant to K.S.A. 77-531. Duly Authorized Designee of the Chief Engineer R. Conant (Print Name): Cameron 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 preclude review under the Kansas Judicial Review Act. State of Kansas SS For Use by Register of Deeds County of Acknowledged before me on Signature: Notary Public My commission expires: (Notary Soal)

**FAITH CURTIS** 

April 29, 2023

My Appointment Expire No. 26699

#### Conant, Cameron [KDA]

From:

Conant, Cameron [KDA]

Sent:

Monday, April 4, 2022 10:32 AM

To:

ctucker@ruraltel.net

Subject:

RE: Water Right, File Nos. 5933 & 26699 information

**Attachments:** 

5933 pd change application.pdf

Cary, I've attached the change application we talked about. This change is only proposing to move the well south of the pivot, 20' straight west of the current well (this well is authorized by File No. 5933). Once we receive the change back from you, it will be processed and approved in our office. Once approved, this gives Clarke Well, the "permission" they need to complete an irrigation well.

If everything looks good, please print the change application, sign page 3 in the presence of a notary public, include a check for \$100, and mail the application back to my office at the following address.

Kansas Department of Agriculture

300 S Main Street Stafford, KS 67578

Depending on how the new well turns out you have some options with the second well authorized by File No. 26699. You can re-drill it just like file no. 5933 or you can move it on paper to allow the new well to pump the additional rate and quantity authorized by 26699. If that doesn't make sense please tell me, I can explain more if needed. And, one last idea that might help you and the tenant out if the new well produces adequate water. You could enter a Multi-Year Flex Account (MYFA) which gives you a 5 year pool of water to use. You can "overpump" in any given year during the 5 year period but under no circumstances can you go over the total quantity at the end of the 5 year period. Might work pretty well for the milo/wheat rotation and allow you to dump extra water in some years knowing at the end of the 5 year period you might crop differently or pump less the final year to stay under the 5 year total.

#### Cameron

From: ctucker@ruraltel.net <ctucker@ruraltel.net>

Sent: Monday, April 4, 2022 9:46 AM

**To:** Conant, Cameron [KDA] < Cameron. Conant@ks.gov> **Subject:** Re: Water Right, File Nos. 5933 & 26699 information

**EXTERNAL**: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

In the mail

On Mon Apr 04 2022 09:08:48 GMT-0500 (Central Daylight Time) Conant, Cameron [KDA] < Cameron.Conant@ks.gov > wrote:

----- Original Message -----

Hello sir, please send me the information you have for the HG County land and I'll see what else we need to get the ownership tidied up.