

NOTICE

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

4/16/2020

8:54

Water Resources
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KS Dept Of Agriculture



State of Kansas

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
www.ksda.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

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APR 13 2020
1.31
KS Dept Of Agriculture

File No. 39,938

2. Name of applicant: Decatur County Beef

Address: 2361 HWY 83,

City, State and Zip: Oberlin, KS. 67749

Phone Number: (785)475-2212

E-mail address: _____

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

Name of water use correspondent: Decatur County Beef

Address: 2361 HWY 83

City, State and Zip: Oberlin, KS. 67749

Phone Number: (785) 475-2212

E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

To move this water right to a well that is more productive while leaving the original point of diversion as a standby well

We understand that the standby well cannot be operated unless the primary well is unoperable.

The change(s) (was) (will be) completed by Upon approval 2020

(Date)

For Office Use Only:

F.O. 3 GMD - Meets K.A.R. 5-5-1 (YES/NO) Use STK Source G/S County DC By KJN Date 4/16/2020
Code CGT Fee \$ 800.00 TR # _____ Receipt Date 4/15/2020 Check # 24701

SCANNED

4/22/2020
LMoody

12. The presently authorized use of water is for Stockwatering 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.
No additional consumptive use will occur.

(Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to No reduction (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to No reduction gallons per minute (____ c.f.s.).
16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.
- If a change in the location of the point(s) of diversion is proposed, show:
 - 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.
 - If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within $\frac{1}{2}$ 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 $\frac{1}{2}$ mile, please indicate so on the map.
 - If the source of supply is surface water, the names and mailing addresses of all landowner(s) $\frac{1}{2}$ mile downstream and $\frac{1}{2}$ mile upstream from your property lines must be shown.
 - 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.
No other wells are located within 2640 feet of the proposed point of diversion other than the applicants wells.

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.
The owners requests a waiver of spacing as the only wells are their own.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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 Hoxie, Kansas, this 3rd day of April, 2020.

[Signature] - Decatur County Beet
(Owner) (Spouse)

Scott Fate
(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

State of Kansas }
County of Sheridan } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3 day of April, 2020.



Karla J. Olson
Notary Public

My Commission Expires 5-30-2022

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.**

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KS Dept Of Agriculture

Application to Change the PID under Water Right 39,938

RECEIVED

MAR 13 2020

Stockton Field Office
Division of Water Resources

Ward Votopka
1960 Hwy 83
Oberlin, KS 67749
Domestic

R29W

7
2
5

Proposed PID
FEEDLOT

Authorized PID

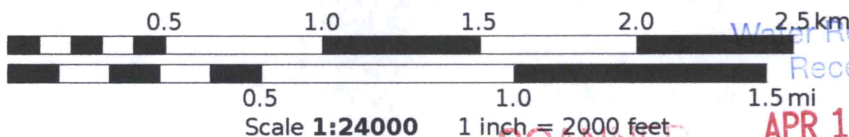
Proposed PID

All wells within 1/2 mile except Ward Votopka
are the applicants

Spizlundman 4/16/20

Signature

Decatur County Beef
WGS84
USNG Zone 14SLK
CalTopo



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6. The presently authorized point(s) of diversion is one well, pump and motor with distribution system
(Provide description and number of points)

7. The proposed point(s) of diversion are two wells both with pumps, motors and distribution system
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SE _____ Quarter of the SW _____ Quarter of the SW _____ Quarter
 of Section 1, Township 2 South, Range 29W W,
 in Decatur County, Kansas, 587 feet North 4445 feet West of Southeast corner of section.
 Authorized Rate 40 GPM Authorized Quantity 24.33 AF
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: Standby well

Proposed point of diversion: (Complete only if change is requested)
 One in the SW Quarter of the SW Quarter of the NW Quarter
 of Section 1, Township 2 South, Range 29W W,
 in Decatur County, Kansas, 3160 feet North 4720 feet West of Southeast corner of section.
 Proposed Rate 40 GPM Proposed Quantity 24.33 AF
 This point is: Additional Well Geo Center List other water rights that will use this point 18,528 ID 3 & 49,170

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ 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 _____ W,
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ 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 _____ 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. _____
Standby pd 4/16/2020

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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