

File No. **38417** 11. County: **FORD** Basin: **ARKANSAS RIVER** Stream: **N/A** Formation Code: **210**
Ogallala Aquifer Special Use: **ARK**
RIVER IGUCA (016)

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 mgy	Rate gpm	Quantity mgy			
DEL		22116		SE NW NE	29	27S	23W	04	4469	1541	STANDBY WELL	50	7.8	50	standby	7.8	standby	NONE
ENT		89111		SE NW NE	29	27S	23W		4443	1538	re-drilled standby well	no change		no change		NONE		
CHK		51523		SW SW NE	29	27S	23W	03	2791	2617	PRIMARY WELL	50	7.8	50	7.8	23732 & 38008		

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																		Total	Owner	Chg?	Overlap Files								
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼					SE¼							
									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					
CHK		5130		29	27S	23W	03																					See 8b. NO 23732, 38008, 38417	

Base Acres: -- Year: -- Minimum Reasonable Quantity: --

Comments: **Please note the rate and quantity is not combined, since this is a standby well, it is authorized the same as the primary well.**

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.

File No. 38417

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9:33
OCT 15 2021
 Stafford Field Office
 DIVISION OF WATER RESOURCES

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

2. Name and address of Applicant: Rodney Derstein

11995 Quaker RD, Dodge City, KS 67801

Phone Number: (620)227-3308

Email address: rderstein@winnercirclefeedyard.com

Name and address of Water Use Correspondent: Winner Circle Feedyard Dodge LLC

Attn: Rodney Derstein, 11995 Quaker RD, Dodge City, KS 67801

Phone Number: (620)227-3308

Email address: rderstein@winnercirclefeedyard.com

3. The presently authorized place of use is:

Owner of Land --- NAME: Winner Circle Feedyard Dodge LLC

ADDRESS: Attn: Rodney Derstein, 11995 Quaker RD, Dodge City, KS 67801

(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	
29	27S	23W																	

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: NO CHANGE

ADDRESS: --

(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	

For Office Use Only: Code CLT **Fee \$** 100- **TR #** _____ **Receipt Date** _____ **Check #** 006106

5. **Presently authorized point of diversion:** (standby well)

One in the SE Quarter of the NW Quarter of the NE Quarter of Section 29, Township 27 South, Range 23 (W), in Ford County, Kansas, 4469 feet North 1541 feet West of Southeast corner of section. Authorized Rate 50 GPM Authorized Quantity 7.8 MGY Depth of well ~96 (feet)

(DWR use only: Computer ID No. 4 GPS 4473 feet North 1538 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 SE Quarter of the NW Quarter of the NE Quarter of Section 29, Township 27 South, Range 23 (W), in Ford County, Kansas, 4443 feet North 1538 feet West of Southeast corner of section. Proposed Rate no change Proposed Quantity no change Proposed well depth (feet) ~280

This point is: Additional Well Geo Center List other water rights that will use this point none

6. **Presently authorized point of diversion:** (primary well)

One in the SW Quarter of the SW Quarter of the NE Quarter of Section 29, Township 27 South, Range 23 (W), in Ford County, Kansas, 2791 feet North 2617 feet West of Southeast corner of section. Authorized Rate no change Authorized Quantity no change Depth of well ~160 (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 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 23732 & 38008

7. The changes herein are desired for the following reasons? (please be specific) old well lost production and is not pumping water.

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

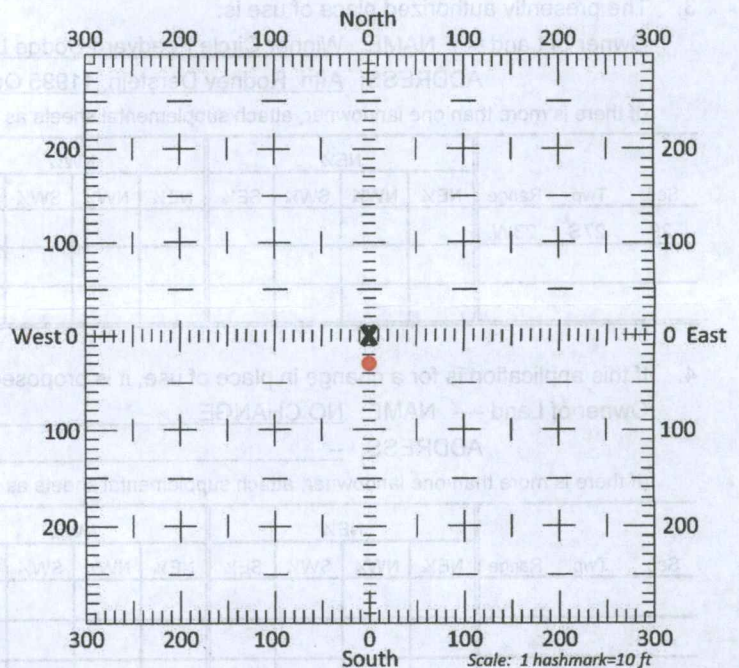
9. The change(s) (was)(will be) completed by? as soon as possible

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

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by CRC-SFFO

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.)

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 Syracuse, Kansas, this 12th day of October, 2021.

Rodney DS
(Owner)

Rodney Derstein
(Please Print)

(Owner)
(Please Print)

(Spouse)
(Please Print)

(Spouse)
(Please Print)

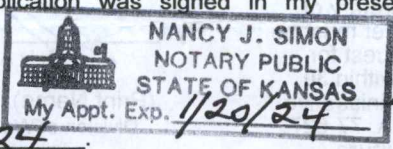
(Owner)
(Please Print)

(Spouse)
(Please Print)

State of Kansas }
County of Hamilton }

SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 12th day of October, 2021.



Nancy J. Simon
Notary Public

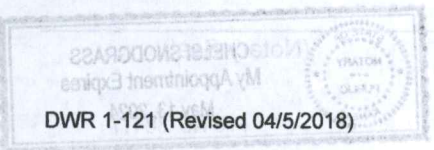
My Commission Expires 01/20/2024

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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OCT 15 2021

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. 38417.

1. A change application was received on October 15, 2021 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 50 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 80 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, 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, 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, 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. 5-8-4e. 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
**APPLICATION APPROVED AND
SUMMARY ORDER ISSUED**

By: Jeff Lanterman
Duly Authorized Designee of the Chief Engineer
(Print Name): Jeff Lanterman
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: 10/21/2021
State of Kansas)
County of Stafford) SS
Acknowledged before me on 10/21/2021
by Jeff Lanterman
Signature: Chelsi Snodgrass
Notary Public

My commission expires:



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OCT 15 2021

Stafford Field Office

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



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

Mike Beam, Secretary

Laura Kelly, Governor

October 21, 2021

Rodney Derstein
19955 Quaker RD
Dodge City, KS 67801

Re: Water Right, File No(s). 38417

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.

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,

A handwritten signature in black ink, appearing to read "Jeff Lanterman".

Jeff Lanterman
Water Commissioner

Enclosures

pc: Water Rights Section
Groundwater Management District No.

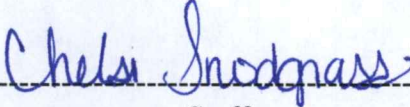
CERTIFICATE OF SERVICE

On this **21st** day of **October, 2021**, I hereby certify that the attached Change in Point of Diversion for Water Right, File No. **38417**, dated **October 21st, 2021** was mailed via First Class U.S. mail to the following:

Rodney Derstein
19955 Quaker RD
Dodge City, KS 67801

A copy of the letter was sent via electronic mail to the following:

GMD 3



Staff