

Garden City Field Office 2508 Johns Street Garden City, Kansas 67846-2804

Jackie McClaskey, Secretary David W. Barfield, Chief Engineer Michael A. Meyer, Water Commissioner Phone: (620) 276-2901 Fax: (620) 276-9315 www.agriculture.ks.gov

Sam Brownback, Governor

December 20, 2016

TRACY J COX 295 WESKAN AVE WESKAN KS 67762

RE: Change in Point of Diversion Water Right, File No 20422

Dear Mr. Cox:

Enclosed you will find a *Summary Order Approving Application for Change in Point of Diversion* for the above referenced file. This order modifies the authorized well location under the referenced file. This order modifies the original document; it should be recorded at the County Register of Deeds.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this order. The diversion works should be completed and reported to the Division of Water Resources by December 31, 2017. Enclosed is a form for this purpose, along with other information for reference.

A condition of this order is that an acceptable flow meter must be properly installed on the diversion works authorized under the referenced file number in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12. This water flow meter shall be used to provide information required on the annual water use report.

This order shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order. The date of service is the date listed on the enclosed *Certificate of Service*.

Should you have any questions, please feel free to call this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely.

Thomas P. Makens

Assistant Water Commissioner

TPM:tpm Enclosures GMD#1

## CERTIFICATE OF SERVICE

On this day of December 2016, I hereby certify that the attached original Approval of Application to Change the Point of Diversion under Water Right, File No. 20422 dated December 20, 2016 was mailed postage prepaid, first class, US mail to the following:

TRACY J COX 295 WESKAN AVE WESKAN KS 67762

Copy provided to GMD#1

Division of Water Resources

Submit completed application to: Kansas Department of Agriculture Division of Water Resources Field Office for your area. Call for address:

Topeka -- (785) 862-6300 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787 Garden City -- (620) 276-2901 www.ksda.gov/dwr

# DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



#### STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended. Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use. RECEIVED 3:15p.m File No. 20422 NOV 2 8 2016 Application is hereby made for approval of the Chief Engineer to change the (check one or both): Garden City Field Office ☐ Place of Use Point of Diversion Division of Water Resources under the water right which is the subject of this application in accordance with the conditions described below. ☐ Surface water The source of supply is: Name and address of Applicant: TRACYJ. & SHELLY J. COX 295 WESKAN AVE., WESKAN, KS 67762 Phone Number: ( ) Email address: Name and address of Water Use Correspondent: SAME AS ABOVE Phone Number: (\_\_\_\_) Email address: \_\_\_\_\_ The presently authorized place of use is: Owner of Land --- NAME: \_\_\_\_\_\_ ADDRESS: (If there is more than one landowner, attach supplemental sheets as necessary.) TOTAL SW% SE¼ Twp. Range NE½ NW½ SW½ NW¼ SW¼ l SE14 NE1/4 NW14 SW14 SE% NE¼ NW1/4 SW1/4 SE1/4 NE¼ 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: \_\_\_\_\_ \langle C\_\_\_\_ ADDRESS: \_ (If there is more than one landowner, attach supplemental sheets as necessary.) SE¼ SW1/4 TOTAL. Sec. Twp. Range NE% NW% SW% SE% NE% NW% SW% SE% NE% NW% SW% SE% NW1/4 SW1/4 SE1/4 For Office Use Only: Code Fee \$ 100.00 TR # Receipt Date 11-28-112 Check # 1168

5.	Presently authorized point of diversion:						
	One in the Quarter						
	of Section, Towns						
	in <u>WALLACE</u> County, Kansas,						
	Authorized Rate <u>398 1으로</u> Authorize	d Quantity <sub>.</sub>	102	<u>0 395</u> Depth	of well	(	(feet)
	(DWR use only: Computer ID No. <u>3</u>					feet	West)
	🔲 This point will not be changed 🛮 🖾 Thi	-		_	s;		
	Proposed point of diversion: (Complete or	<u>nly if chanc</u>	qe is requ	<u>uested)</u>			
	One in the SW Quarter	of the	SE	Qua	arter of the	SE	Quarter
	of Section <u>12</u> , Towns	hip	14	Sou	ith, Range	42	W,
	in <u>WALLACE</u> County, Kansas,	399	_ feet No	rth <u>840</u>	_ feet West of	Southeast co	rner of section.
	Proposed Rate <u>395 (এই০</u> Proposed						
	This point is: 🗌 Additional Well 🔲 Geo Ce	nter List o	ther wate	r rights that wil	l use this point		made vite
i	7 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1						
6.	Presently authorized point of diversion:						
	One in the Quarter	of the		Qua	irter of the		Quarter
	One in the Quarter of Section , Towns	hip		Sou	th, Range		W,
	in County, Kansas,		_ feet No	rth	_ feet West of \$	Southeast co	rner of section.
	Authorized Rate Authorize	d Quantity <sub>-</sub>		Depth	of well	(	(feet)
	(DWR use only: Computer ID No					feet '	West)
İ		s point wil	l be chan	ged as follow:	s:		
	Proposed point of diversion: (Complete or	nly if chanc	<u>ie is requ</u>	<u>iested)</u>			
	One in the Quarter	of the		Qua	rter of the		Quarter
-	of Section, Towns						
	in County, Kansas,						
	Proposed Rate Proposed						
Į	This point is: Additional Well Geo Ce	nter List o	ther wate	r rights that will	use this point		,*
_			40-	If the second	d t t ¢ - th		
1.	Why do you need a new point of diversion?		138.	feet of the exis	stina point of di	version, indica	located within 100 ate its location on
	OLD WELL NEEDS REPLACED			the diagram be	low in relation t	o the existina	point of diversion.
				represents pr	ı E: Ine "X" esently author	in center of	f diagram below diversion.)
				, ,	Nor		<b>,</b>
8.	If a well, is the test hole log attached? X Yes	□ No		100	50 0		100
	in a mon, to and toot note tog attachout 23, 100				<del></del>	<del>                                     </del>	
9.	When do you propose to complete the r	new point	of	<u> </u>	Ė	•	
	diversion?			50 F	+ -	- +	
	ASAP			50 F		- T	<del>-</del>  50
40	If the model of the content to according			F	Ξ		$\exists$
10.	If the point of diversion is a well:			West D ☐ I	$\Box \Box \Box \Box \Box \overline{X}$	1111111	O East
	(a) What are you going to do with the old well?			<b>_</b>	' =	•	<u> </u>
	CAP OR PLUG				**************************************		<b>_</b>
				50 [	+ =	+	<b></b> ∃50
	(b) When will this be done?			F	<del>-</del>		
	(4)			- Fi	1:1:1:1:		
11.	Groundwater Management District rec	ommendatio	าก	100	50 0	. 50	100
	attached? Yes X No	ommondativ	J.1	100	Sou Scale: 1	ith	100
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12.	Assisted by BSC		130.	100 feet but	i point of divers within 1320 fe	ion will be rele et from the	ocated more than existing point of
				diversion, atta	ch a topograpi	nic map or a	erial photograph. cluding domestic)
				ror groundwate within one-half	er sources, sho mile of the pror	w all wells (in losed noint of	cluding domestic) diversion and the
				names and ma	alling addresse	s of the own	ers. For surface
				water sources	, show the none-half mile d	ames and a lownstream a	addresses of the and one-half mile
				upstream from	your property li	nes.	ing one-hall fille

14. If the proposed groundwater point of diversion is 300 or lewer feet from	n existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently autho  ✓ Yes ☐ No (If no, all owners must sign this application)	
<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 application)	tantial 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 affirma age and the owner, the spouse of the owner, or a duly authoriz their behalf, in regard to the water right(s) to which this appli contained in this application are true, correct and complete.	red agent of the owner(s) to make this application on ication pertains. I further verify that the statements
Dated at, Kansas, this _	a8th day of November, 20 16.
I race of lot	
Tracy J. (OX	(Spouse)
J(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas  County of SS  I hereby certify that the foregoing application was signed in my	presence and sworn to before me this $\frac{28^{th}}{day}$ day of
JULIE JONES  Notary  My Appointment Expires	a. a. a. a.
My Commission Expires December 15, 2018	Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of accurate information; maps, if necessary, must be included; signatures of all the app the appropriate fee must be paid.	
FEE SCHEDUL	E
Each application to change the place of use or the point of diversion under forth in the schedule below: Make checks payable to: Kansas Departmer  (1) Application to change a point of diversion 300 feet or less  (2) Application to change a point of diversion more than 300 feet	this section shall be accompanied by the application fee set at of Agriculture \$100 \$200

Page 3

Fife No. \_\_\_

DWR 1-121 (Revised 01/05/2010)

## 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. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, K.A.R. 5-1-1 *et.seq.* With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. ZOYZZ. A change application was received on November 28, 2016 requesting that the place of diversion authorized under the above-referenced file number be changed as described in the application. requesting that the place of use and / or point of 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 The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a \_\_\_\_\_\_\_ foot radius of the authorized point(s) of diversion. Applicable The point(s) of diversion authorized herein shall not actually be located more than \_ \_ feet from the previously ☑Not Applicable authorized point(s) of diversion. ☐ Applicable 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 ☐ Not Applicable with K.A.R. 5-6-13. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20\_1\_7, 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. ☐ Not Applicable Installation of the works for diversion of water shall be completed on or before December 31, 20 17, or within any authorized extension of time. By March 1, 20 18 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 The completed well log shall be submitted with the required notice. Applicable ☐ Not Applicable 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 ☐ Yes 174 No Additional Conditions are attached. 11. 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. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND You have the right to a hearing in accordance with K.A.R. 5-SUMMARY ORDER ISSUED

Page 4

You have the right to a hearing in accordance with K.A.R. 5-14-3 before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 109 SW 9th Street, Topeka, Kansas 66612, within 15 days after the date shown on the Certificate of Service attached hereto. If a hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15th day after the date shown on the Certificate of Service.

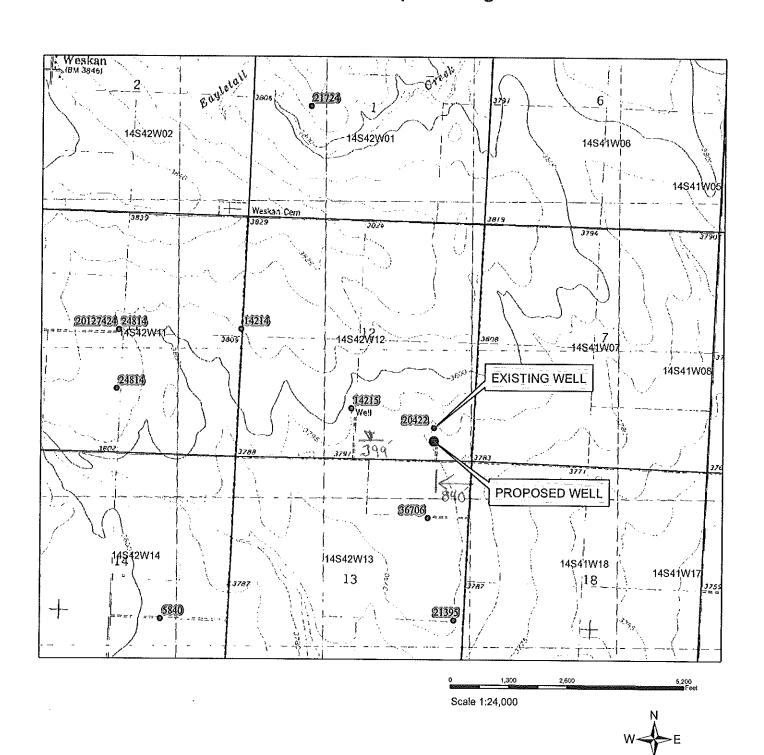
For Use by Register of Deeds

By: 7 ( R1
Duly Authorized Designee of the Chief Engineer
(Print Name): THOMAS P. MA-KOWS Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: DECEMBER 20, 2016
State of Kansas )
County of Finney ) SS
Acknowledged before the on December 20, 2016
by Thomas P. Makens
Signature: Sur Kremy
Notaty Public
SUE KEENY  My Appointment Expires  June 8, 2018

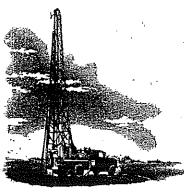
(Notary Seal)

# Change in the Place of Use File No. 20422 Wallace County

Section 12 Township 14 Range 42 W



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# DMW WELL & PUMP SERVICE

A DIVISION OF DUERST MACHINE WORKS

P.O. BOX 99 \* BURLINGTON, CO 80807 719-346-5348 \* FAX 719-346-7029

COLORADO LIC. #1136 & #1278

KANSAS LIC. #633

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# DMW WELL & PUMP SERVICE

A DIVISION OF DUERST MACHINE WORKS

PO BOX 99 463-13TH STREET

BURLINGTON CO 80807-0099

PHONE 719-346-5348 FAX 719-346-7029

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CO LICENSE #1136 & 1278 KS LICENSE #633

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## DMW WELL & PUMP SERVICE

A DIVISION OF DUERST MACHINE WORKS PO BOX 99 \* BURLINGTON, CO 80807 719-346-5348

	719-346-5348																												
,	SE14-12 ELECTRO LOG #																												
L	LOCATION: 97 5 OF EXISTING (EAST) OWNER: BO COX																												
	MEASURING POINT: 0 feet above/below ground level DATE: 4-13-14																												
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