



Garden City Field Office  
2508 Johns Street  
Garden City, Kansas 67846-2804  
Jackie McCluskey, Secretary  
David W. Barfield, Chief Engineer  
Michael A. Meyer, Water Commissioner

Phone: (620) 276-2901  
Fax: (620) 276-9315  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

November 16, 2016

RAY P SMITH  
695 KANSAS 27  
SHARON SPRINGS KS 67758-6029

RE: Change in Point of Diversion Water Right, File No 28295

Dear Mr. Smith:

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,

A handwritten signature in black ink, appearing to read "T. P. Makens".

Thomas P. Makens  
Assistant Water Commissioner

TPM:tpm  
Enclosures  
GMD#1

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**

**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. 28295

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: RAY P SMITH

695 KANSAS 27 SHARON SPRINGS KS 67758-6029

Phone Number: (    )                      Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: RAY P SMITH

695 KANSAS 27 SHARON SPRINGS KS 67758-6029

Phone Number: (    )                      Email address: \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land ---- NAME: RAY P SMITH

ADDRESS: 695 KANSAS 27 SHARON SPRINGS KS 67758-6029

(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		

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: \_\_\_\_\_

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		

<b>For Office Use Only: Code _____ Fee \$ _____ TR # _____ Receipt Date _____ Check # _____</b>
---

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**



State of Kansas

*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  
 Point of Diversion  
 Use Made of Water

(Check one or more)

RECEIVED  
4:03 pm  
NOV 10 2016  
Garden City Field Office  
Division of Water Resources

File No. 28295

2. Name of applicant: Ray Smith

Address: 695 Kansas 27 Sharon Springs KS 67758

City, State and Zip: \_\_\_\_\_

Phone Number: (785) 852-4653 E-mail address: rsfarm@cubsnet.org

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

Name of water use correspondent: Above

Address: \_\_\_\_\_

City, State and Zip: \_\_\_\_\_

Phone Number: ( ) \_\_\_\_\_ E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific): Well caved in July 2009, installed sleeve. I have been planning to redrill and now have found a suitable site.

The change(s) (was) (will be) completed by 6/1/2016 (Date)

For Office Use Only:		GL	
F.O. <u>4</u>	GMD <u>1</u>	Meets K.A.R. 5-5-1 (YES / NO) Use <u>1cc</u>	Source <u>WATER</u> By <u>TPM</u> Date <u>11/10/16</u>
Code _____	Fee \$ <u>700</u>	TR # _____	Receipt Date _____ Check # <u>5507 5506</u>

6. The presently authorized point(s) of diversion (is) (are) SWNW NE 13-16S-41W and SUSE NE 14-16S-41W  
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) SWNW NE 13-16S-41W and SUSE NE 14-16S-41W  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**  
 One in the SW Quarter of the NW Quarter of the NE Quarter of Section 13, Township 16S South, Range 41W (E/W), in Goedey County, Kansas, 413 feet North 2287 feet West of Southeast corner of section. Authorized Rate 795 Authorized Quantity 1671160  
 (DWR use only: Computer ID No. 1 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 \_\_\_\_\_

9. **Presently authorized point of diversion:**  
 One in the SW Quarter of the SE Quarter of the NE Quarter of Section 14, Township 16S South, Range 41W (E/W), in Goedey County, Kansas, 2750 feet North 959 feet West of Southeast corner of section. Authorized Rate 865 Authorized Quantity 2231213  
 (DWR use only: Computer ID No. 2 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 SW Quarter of the SW Quarter of the NE Quarter of Section 14, Township 16S South, Range 41W (E/W), in Goedey County, Kansas, 2720 feet North 2250 feet West of Southeast corner of section. Proposed Rate 865 Proposed Quantity 2231213  
 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 \_\_\_\_\_ (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. well will be plugged.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

4. The presently authorized place of use is:

Owner of Land — NAME: Ray P. Smith  
 ADDRESS: 695 Kansas 27 Sharon Springs KS 67758

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	
13	16S	41W	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
14	16S	41W	35	35	38	40	-	-	-	-	-	-	-	-	-	38	40	-	226

List any other water rights that cover this place of use. None

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: NC  
 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. \_\_\_\_\_

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**

12. The presently authorized use of water is for Irrigation purposes.  
It is proposed that the use be changed to NA purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  
NA

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to NA (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to NA 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](http://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 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 1/2 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) 1/2 mile downstream and 1/2 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.

There will be no wells within 1/2 mile of proposed location.

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.

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 Wallace County, Kansas, this 1 day of November, 2016.

Ray Smith  
(Owner)

Deceased  
(Spouse)

Ray P. Smith  
(Please Print)

Lewis Sue Smith  
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }  
County of Wallace } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 1<sup>st</sup> day of November, 2016.

Lindsay Hartman  
Notary Public

My Commission Expires 2-6-19

**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.





# Grosch Irrigation

101 N. Hwy. 61; PO Box 940  
 Imperial, NE 69033  
 Phone: 800-944-4209 Fax: 308-882-4872  
 sales@groschirrigation.com

Name:	Ray Smith
Address:	
City, State, Zip:	

Project:	Test well
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GPS:	Lat. 38.6619667
	Lon. -101.817333

Legal Description:	Section	SWNE S14	Township	16S	Range	41W
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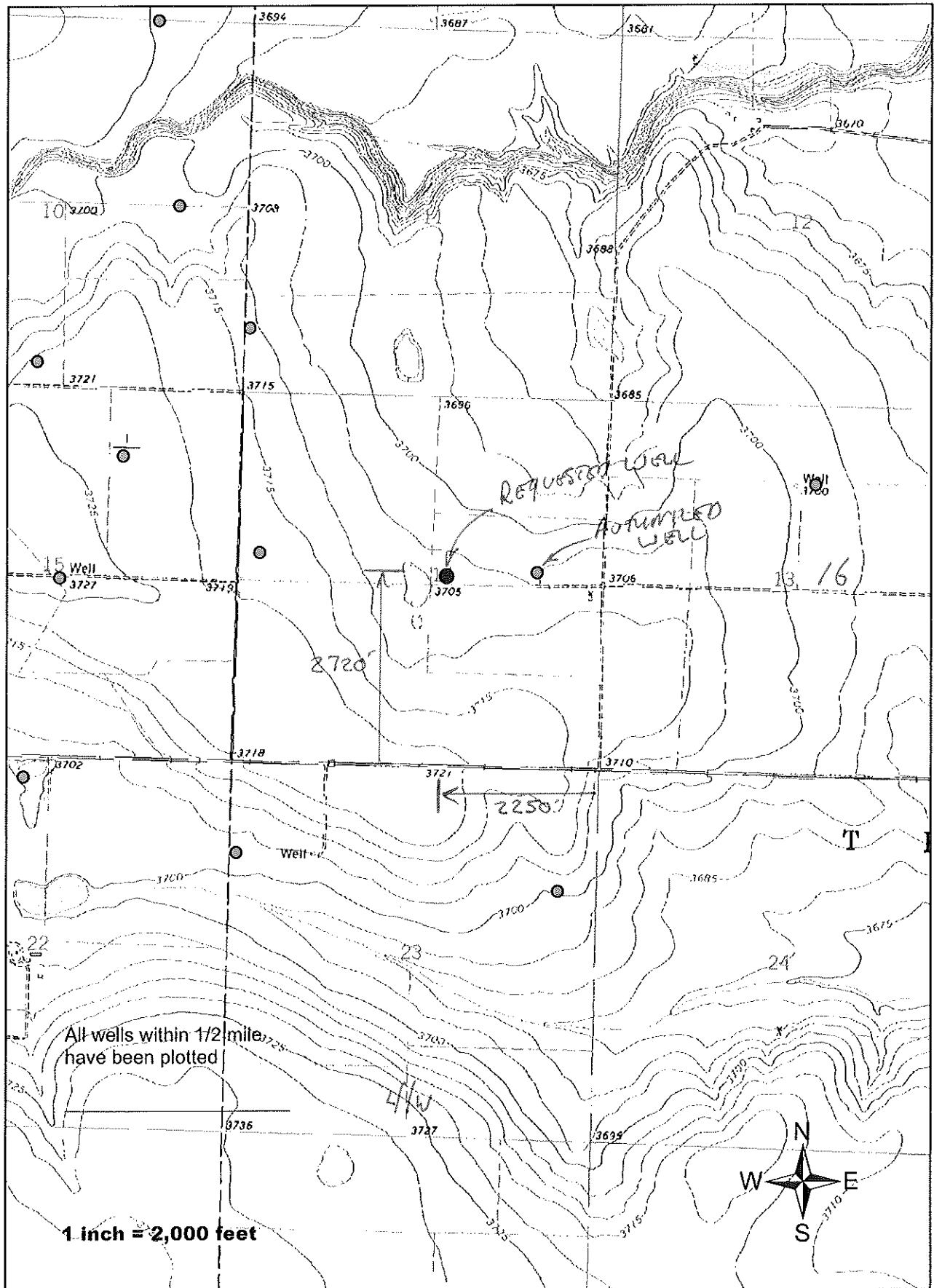
Static water level:	200'	Well #:	1	Date:	10/26/2016
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From	To	Type	Hardness	Color	Drilling Action
0	5	Topsoil	Soft	Brown	
5	15	Sandy clay	Soft	Tan	
15	22	Limestone	Hard	White	pull down
22	31	Sandy clay	Soft	Tan	
31	47	Gravel	Loose	Red	
47	54	Sandy clay	Soft	Tan	with limestone
54	64	Sandstone	Dense	Tan	
64	76	Clay	Soft	Tan	sandstone and gravel
76	83	Sandstone	Dense	Tan	
83	95	Gravel	Loose	Red	took water
95	111	Clay	Soft	Brown	limestone strip
111	114	Gravel	Loose	Red	
114	115	Limestone	Hard	White	
115	117	Clay	Soft	Brown	
117	121	Gravel	Loose	Red	
121	126	Sand - fine to medium	Loose	Tan	
126	153	Gravel	Loose	Red	
153	158	Limestone	Hard	White	strips of sand
158	166	Gravel	Loose	Red	
166	173	Clay	Soft	Brown	
173	187	Gravel	Loose	Red	took water
187	199	Clay	Soft	Tan	
199	236	Gravel	Loose	Red	took water
236	246	Ochre	Soft	Orange	
246	250	Shale	Dense	Black	

Comments: 1300 feet West of existing well

Well driller:	Kevin
---------------	-------

28295



CORD-13

DG

Proposed Point  
of Discharge  
505-11-15  
Current Point  
of Discharge  
505-11-15

3700

Current Point  
of Discharge  
505-11-15  
will not be



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

Jackie McClaskey, Secretary  
David W. Bartfield, Chief Engineer  
Michael A. Meyer, Water Commissioner

Phone: (620) 276-2901  
Fax: (620) 276-9315  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

November 15, 2016

Western Kansas Groundwater  
Management District No 1  
PO Box 604  
Scott City KS 67861-0604

Re: Water Right file number 28295.

Dear Mr. Spencer;

Ray Smith has applied to redrill the point of diversion for the above referenced files. There are no neighboring wells within ½ mile of the requested location.

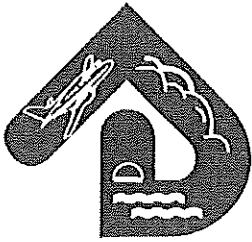
We are delaying action for 15 days on the change application to allow you time to review and provide a recommendation if you feel one is warranted.

Thank you and as always feel free to call or write us at any time.

Sincerely;

A handwritten signature in black ink, appearing to read "T. Makens", followed by a long horizontal line extending to the right.

Thomas P Makens



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WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

November 16, 2016

Mr. Thom Makens  
Assistant Water Commissioner  
Division of Water Resources  
Garden City Field Office  
2508 Johns Street  
Garden City, KS. 67846

RECEIVED

NOV 16 2016

Garden City Field Office  
Division of Water Resources

Re: Water Right File Number: 28295

Dear Mr. Makens:

After reviewing the change application for the above file, the request meets the District's current management plan and K.A.R. 5-21-3 regulation. Therefore the Western KS. Groundwater Management District would recommend approval.

If you have any concerns or questions, please feel free to contact me.

Sincerely,

Kyle Spencer  
Manager