

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.

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
- (Check one or more) Point of Diversion
- Use Made of Water

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1:15
KS DEPT OF AGRICULTURE

File No. 17882

2. Name of applicant: DOUGLAS F & RENELL M BELL

Address: PO BOX 488

City, State and Zip: COLBY KS 67701

Phone Number: () _____ E-mail address: _____

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

Name of water use correspondent: DOUGLAS F & RENELL M BELL

Address: PO BOX 488

City, State and Zip: COLBY KS 67701

Phone Number: () _____ E-mail address: _____

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

to create an additional well

The change(s) (was) (will be) completed by spring 2018

(Date)

For Office Use Only:					
F.O.	<u>4</u>	GMD	<u>3</u>	Meets K.A.R. 5-5- <u>(YES/NO)</u>	Use <u>IRP</u>
Code	<u>CG1</u>	Fee \$	<u>200</u>	TR #	
Source	<u>(G) S</u>	County	<u>SV</u>	By	<u>AW</u>
Receipt Date	<u>10/2/17</u>	Check #	<u>5343</u>	Date	<u>10/2/17</u>

4. The presently authorized place of use is:

Owner of Land — NAME: DOUGLAS F & RENELL M BELL

ADDRESS: PO BOX 488 COLBY KS 67701

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	
22	32	35w									40	40	40	40	40	40	40	40	320

List any other water rights that cover this place of use. na

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: DOUGLAS F & RENELL M BELL

ADDRESS: PO BOX 488 COLBY KS 67701

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	
22	32	35w									40	40	40	40	40	40	40	40	320

List any other water rights that cover this place of use. na

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. _____

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6. The presently authorized point(s) of diversion is 1 well _____
(Provide description and number of points)

7. The proposed point(s) of diversion are 2 wells _____
(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 sw Quarter of the sw Quarter
 of Section 22, Township 32 South, Range 35 W,
 in Stevens County, Kansas, 175 feet North 5200 feet West of Southeast corner of section.
 Authorized Rate 870 Authorized Quantity 486
 (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:
Proposed point of diversion: (Complete only if change is requested)
 One in the se Quarter of the se Quarter of the sw Quarter
 of Section 22, Township 32 South, Range 35 W,
 in Stevens County, Kansas, 64 feet North 2796 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 _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (EW),
 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 _____ (EW),
 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 _____ (EW),
 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 _____ (EW),
 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 _____

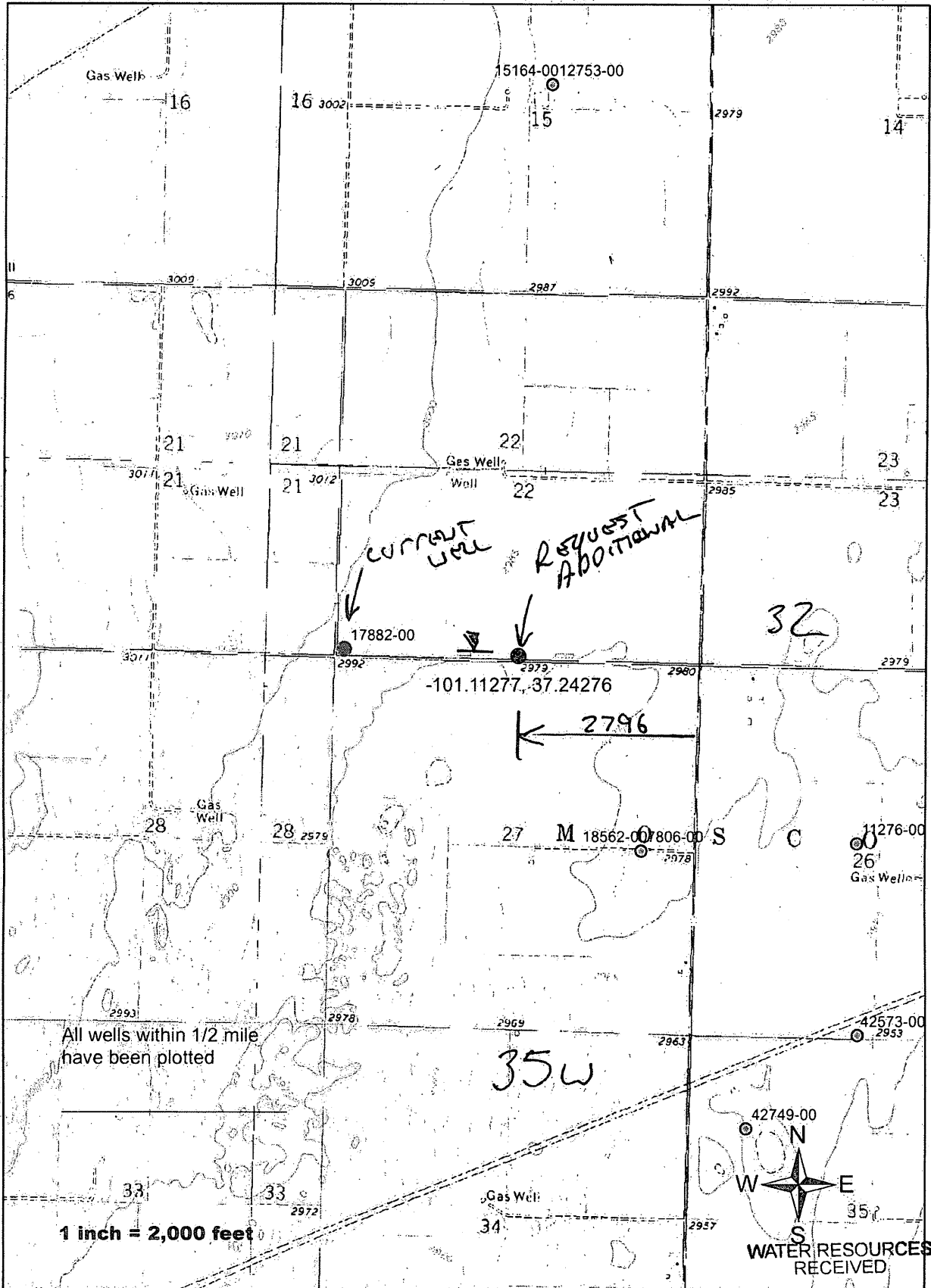
11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used as a source of water _____

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12. The presently authorized use of water is for Irrigation purposes.

It is proposed that the use be changed to Irrigation purposes.

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

na

300 acres X 1.40' / 0.85 = 494 af. (only 486 ac ft authorized)

so each well will have 243 ac ft and 435 gpm assuming flow rate can be tested at the authorized rate of 870 gpm.

(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to 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.

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.

same aquifer within 1/2 mile of the original well meets gmd#3 spacing to neighboring 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.

NA

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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 Colby, Kansas, this 26th day of September, 2017.

Dave Nell
(Owner)

Renell M Bell
(Spouse)

Douglas F. Bell
(Please Print)

RENELL M BELL
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

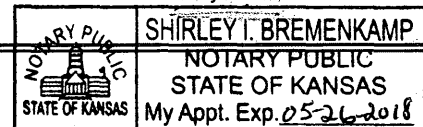
(Please Print)

State of Kansas }
County of Thomas } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 26th day of September, 2017.

Shirley I. Breckenkamp
Notary Public

My Commission Expires 05-26-2018



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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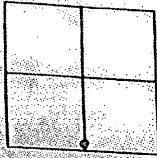
17882

Sec. 22 BKT T32
Survey R-35 Co. Stevens
N. 37.24276° W. 101.11277°



P.O. Box 784
Sunray, Texas 79086
(806) 948-4421

No. 23020



Max Bell

Test Waterwell

DATE 9-13-17

NO. 2-17

Drill

FROM	TO	DESCRIPTION	SAND
0	140	Surface top Soil fine sand w/ clay mix + sandy clay strips	
140	180	Brown sticky clay w/ sand strip	
180	280	Sand w/ minor clay strips	
280	300	Gray clay	
300	320	Gray and brown clay	
320	340	med size fairly loose sand w/ clay strip	12
340	360	med to coarse fairly loose sand w/ sandy clay strip	14
360	380	med to coarse fairly loose sand w/ sandy clay strips	15
380	400	med to coarse fairly loose sand w/ sandy clay strips	11
400	420	med fine fairly loose sand w/ clay strip	10
420	440	med to coarse fairly loose sand w/ sandy clay strips	18
440	460	med to coarse fairly loose sand w/ hard cemented sand strip	17
460	480	fine little tight to tight sand w/ sandstone	20
480	500	fine tight sand/sandstone w/ clay mix	20
500	520	Red shale	0
520	540	Red clay + shale	0

QUAS PRINTING CO
1211 W. 117

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Subject Property: 09510522000000200A

QuickRef ID :	R1695	Click here to locate on Map
Owner Name :	BELL, DOUGLAS F & RENELL M	No property photo available
Location :	00000 COUNTY, , KS.	
Legal Desc :	S22 , T32 , R35W , ACRES 153.0 , SW LESS ROW.	

The legal description displayed above is not adequate for use in legal documents

Owner Information

Owner :	Mailing Address :
BELL, DOUGLAS F & RENELL M	1 FORD DR COLBY, KS 67701-4402

Property Details

Property Type :	Property Status :	Taxing Unit :	Neighborhood Code :
Agricultural Use	Active	010 - MOSCOW TOWNSHIP #209	320.0

Market Land Details

Actual Width :	Eff Width :	Eff Depth :	Acres :	Square Feet :
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No Permit Details found.

No Value Details found.

Deed Book/Page

Book / Page List and Misc Legal Description Info :

Book/Page 0166/0069 0166/0467 0050/0543 0107/0449 0107/0532 0157/0698

Book :	Page :
277xxx	364
315xxx	508

No Sale Details found. (Please log in to view this data.)



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

DOUGLAS F & RENELL M BELL
PO BOX 488
COLBY, KS 67701

10/3/2017

RE: File No 17882

FILE COPY

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PD
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tourney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: GARDEN CITY Field Office GMD3