

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

July 14, 2017

MARCUS HOWE
2373 ROAD 27
MOSCOW KS 67952-5211

RE: Change in Point of Diversion Water Right, File No 27561

Dear Mr. Howe;

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 "Thomas P. Makens".

Thomas P. Makens
Assistant Water Commissioner

TPM:tpm
Enclosures
GMD#3

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.

RECEIVED
 4:01 pm
 JUL 10 2017

File No. 27561

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both): Garden City Field Office
Division of Water Resources
- 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: MARCUS & STACEY HOWE
- 2373 ROAD 27 MOSCOW KS 67952-5211
- Phone Number: () Email address: mwh9425@yahoo.com
- Name and address of Water Use Correspondent: MARCUS & STACEY HOWE
- 2373 ROAD 27 MOSCOW KS 67952-5211
- Phone Number: () Email address: _____

3. The presently authorized place of use is:
- Owner of Land ---- NAME: MARCUS & STACEY HOWE and THOMAS L LAHEY
- 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	

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 to acres irrigated
- 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 _____ Fee \$ <u>100</u> TR # _____ Receipt Date <u>7/10/17</u> Check # <u>001034</u>

5. **Presently authorized point of diversion:**
 One in the sw Quarter of the sw Quarter of the se Quarter
 of Section 26, Township 31 South, Range 35 W,
 in Stevens County, Kansas, 56 feet North 2030 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. 2 GPS 71 feet North 2076 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 se Quarter
 of Section 26, Township 31 South, Range 35 W,
 in Stevens County, Kansas, 143 feet North 2202 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 _____

6. **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 _____ Depth of well _____ (feet)
 (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 _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

7. Why do you need a new point of diversion? _____
old well needs to be replaced

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

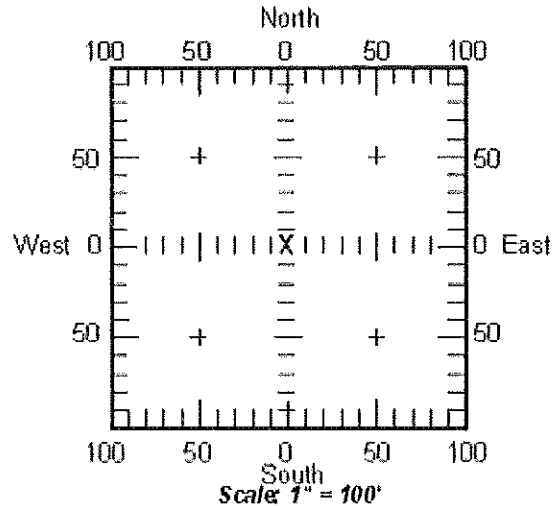
9. When do you propose to complete the new point of diversion?
July 5, 2017

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
plug
 (b) When will this be done? 2017

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by tpm _____

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from 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.


14. If the proposed groundwater point of diversion is 300 or fewer feet from 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 regard 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 Moscow, Kansas, this 5th day of July, 2017.

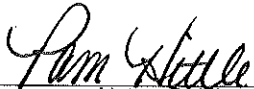
 _____ (Owner)	_____ (Spouse)
Marcus Howe (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)

State of Kansas }
County of Stevens } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 5th day of July, 2017.

My Commission Expires 7-8-19





 Notary Public

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

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. 27561.

- 1. A change application was received on July 10, 2017 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 authorized herein shall not actually be located more than _____ feet from the previously authorized point(s) of diversion. Applicable Not Applicable
- 5. 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
- 6. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2017**, 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
- 7. **Installation of the works for diversion of water shall be completed on or before December 31, 2017**, or within any authorized extension of time. By March 1, 2018 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
- 8. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
- 9. 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
- 10. Additional Conditions are attached. Yes No
- 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.

Administrative Appeal and Effective Date of Order

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, 1320 Research Park Drive, Topeka, Kansas 66502**, 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

FOR OFFICE USE ONLY
**APPLICATION APPROVED AND
SUMMARY ORDER ISSUED**

By: [Signature]
Duly Authorized Designee of the Chief Engineer

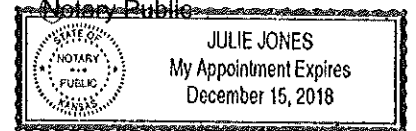
(Print Name): Thomas P Makens
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: JULY 14, 2017

State of Kansas)
County of Finney) SS

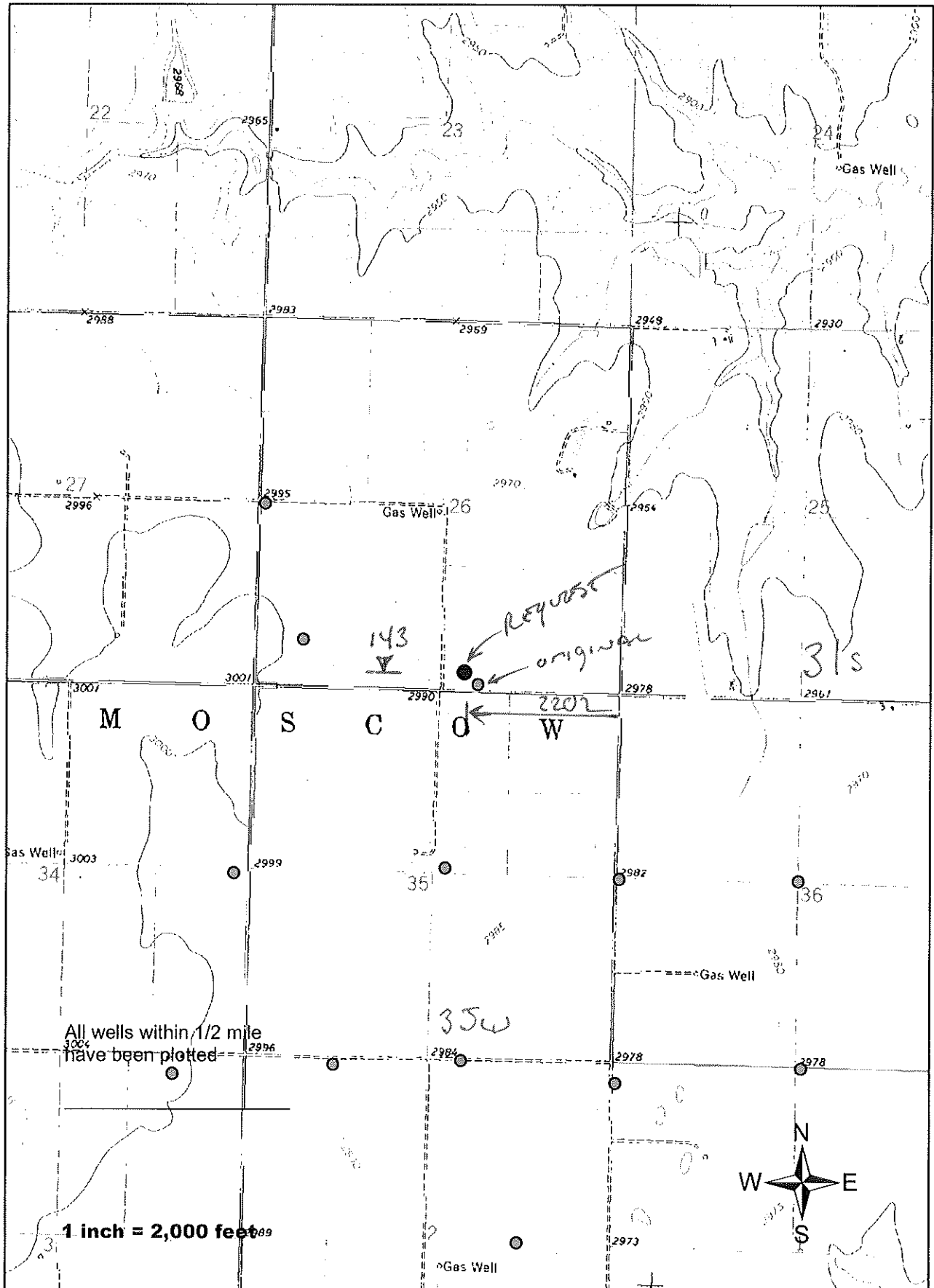
Acknowledged before me on July 14, 2017
by Thomas P. Makens

Signature: [Signature]
Notary Public



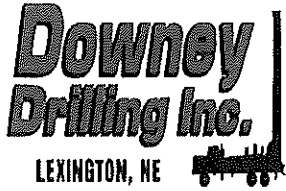
My commission expires: _____
(Notary Seal)

27561



WELL LOG

DATE: 6/27/2017



CUSTOMER NAME: MARCUS HOWE

LEGAL: NE 26-31S-36W 356

COUNTY: STEVENS

GPS: 37 18' 54.8" N 37.3152

-101 05' 36.8" E -101.0935

#27561

#2 - WEST OF EXISTING WELL

DRILLER: TRAVIS YOUNG

WO#: 17-420

TW	FROM	TO	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	OTHER / DRILLING ACTION
	0	40	CLAY AND SANDY CLAY	SOFT	TAN			SMOOTH
	40	80	SANDY CLAY AND MEDIUM SAND	SOFT	BROWN			SMOOTH
	80	100	SANDY CLAY AND STICKY CLAY	SOFT	BROWN			SMOOTH
	100	120	STICKY CLAY	SOFT	BROWN			SMOOTH
	120	126	SANDY CLAY	SOFT	BROWN			SMOOTH
	126	140	FINE-MEDIUM GRAVEL	SOFT				CHATTER
	140	155	COARSE SAND AND FINE GRAVEL WITH A CLAY LAYER @ 150-151	SOFT				CHATTER
	155	165	SANDY CLAY	SOFT	GRAY			SMOOTH
	165	192	COARSE SAND AND FINE GRAVEL	SOFT				CHATTER
	192	194	LIMESTONE	HARD				
	194	210	FINE-MEDIUM GRAVEL	SOFT				CHATTER
	210	214	SANDY CLAY	SOFT	BROWN			
	214	269	FINE GRAVEL	SOFT				CHATTER
	269	273	SANDY CLAY	FIRM				
	273	275	COARSE SAND					CHATTER
	275	300	SANDY CLAY LAYERS, COARSE SAND, AND FINE GRAVEL					CHATTER
	300	304	CLAY					
	304	306	LIMESTONE LAYER	FIRM		SLOW		
	306	320	CLAY					
	320	330	COARSE SAND AND CEMENTED SAND LENSES					
	330	339	COARSE-VERY VERY COARSE SAND, FINE GRAVEL, AND A FEW CEMENTED SAND STRS					
	339	360	COARSE SAND, FINE GRAVEL, AND CEMENTED SAND STRS					
	360	375	COARSE SAND					
	375	383	SOAPSTONE AND CLAY					
	383	400	FINE GRAVEL, COARSE SAND, AND THIN LIMESTONE LAYERS					CHATTER
	400	420	COARSE SAND, FINE GRAVEL, CLAY LAYERS, AND A TRACE OF SANDSTONE					CHATTER
	420	440	MEDIUM SAND, SANDSTONE, CLAY LAYERS, AND SOAPSTONE					
	440	460	BROWN ROCK, SANDSTONE, AND SANDY CLAY					
	460	463	LIMESTONE	HARD			X	
	463	480	FINE SAND, SANDSTONE, SILTSTONE, AND BROWN ROCK	FIRM		SLOW	X	
	480	500	CEMENTED SAND AND SANDSTONE	FIRM		SLOW	X	
	500	520	CEMENTED SAND, SANDSTONE, OCHRE, AND SHALE	HARD		SLOW	X	
	520	529	SOAPSTONE AND SHALE	HARD		SLOW	X	
	529	540	RED BED					