



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
Sam Brownback, Governor

August 2, 2017

KEARNY COUNTY FEEDERS LLC
PO BOX 109
LAKIN KS 67860

RE: Change in Point of Diversion Water Right, File No 33544

Dear Mr. Stabel:

Enclosed you will find a *Summary Order Approving Application for Change in Points 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#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.

File No. 33544

RECEIVED
 4:00 PM
 JUL 05 2017

Garden City 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: Kearny County Feeders, LLC

PO Box 109 Lakin 67860

Phone Number: (620) 355-6630 Email address: kcf1@pld.com

Name and address of Water Use Correspondent: Stewart Stabel KE County Feeders

PO Box 109 Lakin 67860

Phone Number: (620) 355-6630 Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: Kearny County Feeders, LLC

ADDRESS: P.O. Box 109, Lakin, KS 67860

(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	24	36																	
9	24	36																	

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	
All 4,	N/2 9,	SE 5-24-36																	

For Office Use Only: Code _____ Fee \$ 200.00 TR # _____ Receipt Date 7-5-17 Check # 12410

5. **Presently authorized point of diversion:**
 One in the SW Quarter of the NW Quarter of the SW Quarter of Section 4, Township 24 South, Range 36 in Kearny County, Kansas, 1770 feet North 4890 feet West of Southeast corner of section. Authorized Rate 160 gpm Authorized Quantity 115.083 AF Depth of well 232 (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 SW Quarter of the NW Quarter of the SW Quarter of Section 4, Township 24 South, Range 36 in Kearny County, Kansas, 2380 feet North 4914 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? _____
Well drilled in the 1970's, no longer pumping permitted amount.

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

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

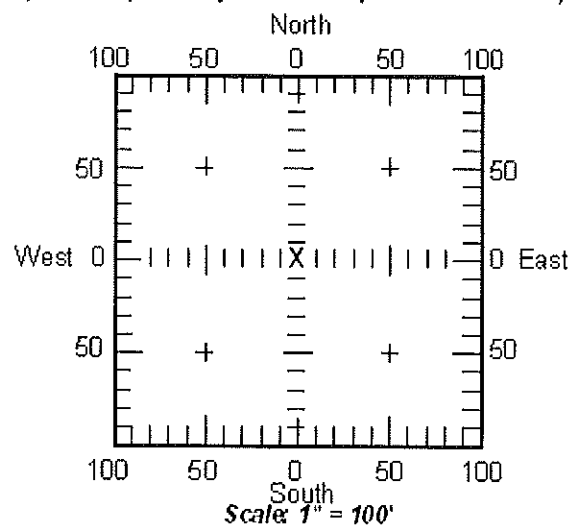
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
plug

(b) When will this be done? 2017

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by SUSAN FRANKS

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 Lakin, Kansas, this 12th day of June, 2017.

Stuart Stabel

 (Owner)

NA

 (Spouse)

Stuart Stabel

 (Please Print)

 (Please Print)

 (Owner)

 (Spouse)

 (Please Print)

 (Please Print)

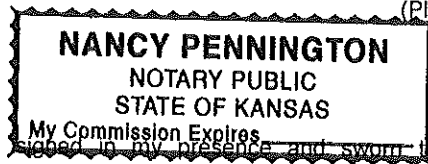
 (Owner)

 (Spouse)

 (Please Print)

 (Please Print)

State of Kansas }
 County of Hearny } SS



I hereby certify that the foregoing application was ~~signed in my presence and sworn to~~ before me this 12 day of June, 2017.

Nancy Pennington

 Notary Public

My Commission Expires 8/8/17.

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. 33544.

1. A change application was received on July 5, 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 300 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: 
Duly Authorized Designee of the Chief Engineer

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

Date of Issuance: AUGUST 2, 2017

State of Kansas)
County of Jiminy) SS

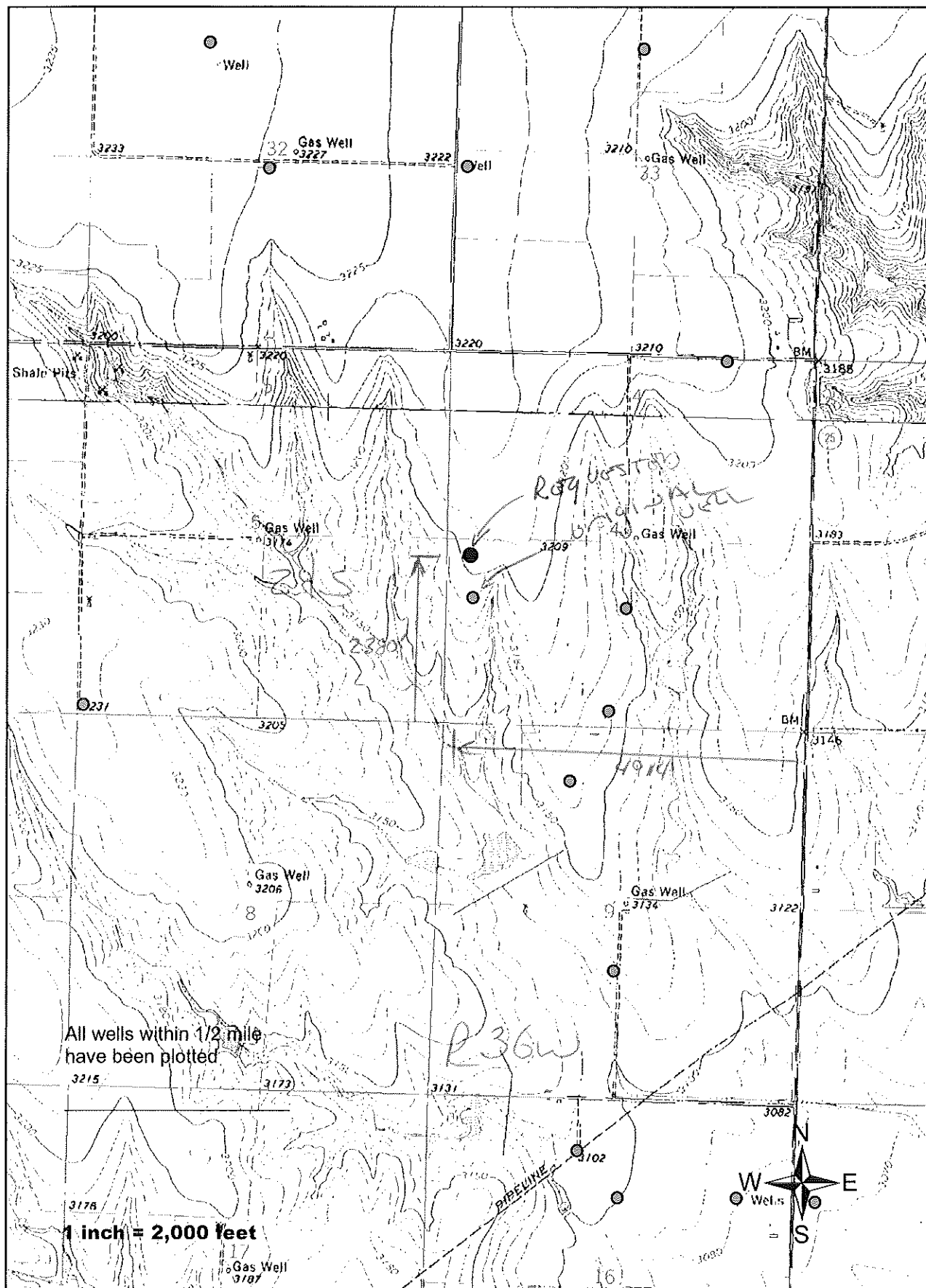
Acknowledged before me on August 2, 2017
by Thomas P. Makens

Signature: 
Notary Public



My commission expires: _____
(Notary Seal)

33544





Google Earth

feet 3000
km 1

Kearny County Feeders, LLC - Division of Water Resources - Change of Point of Diversion Map
Legal Description: SWNWSW Section 4-T24-R36
Date: 6/2017



Google Earth

Form	WWC5
Contractor	Nash Water Well Service, LLC
Well Owner	
Doc ID	1355988

Litholgy

From	To	LithologicLog
0	10	TOP SOIL, FINE MED SAND
10	19	TAN BROWN CLAY
19	30	FINE COARSE SAND, SMALL LARGE GRAVEL W/ STREAKS OF TAN CLAY/ ROCK LAYERS
30	35	CEMENTED SAND
35	38	TAN CLAY, WHITE CALICHE
38	46	FINE COARSE SAND WITH CEMENTED SAND LAYERS
46	64	TAN BROWN CLAY
65	80	FINE COARSE SAND WITH BROWN CLAY LAYERS
80	87	FINE COARSE SAND WITH BROWN CLAY LAYERS
87	97	TAN/ BROWN CLAY
97	112	FINE MED SAND WITH TAN CLAY STREAKS
112	115	TAN CLAY, WHITE CALICHE
115	118	FINE COARSE SAND
118	120	ROCK
120	150	FINE COARSE SAND WITH THIN ROCK LAYERS
150	160	FINE MED SAND, BROWN CLAY LAYERS
160	170	BROWN CLAY
170	175	FINE MED SAND

Form	WWC5
Contractor	Nash Water Well Service, LLC
Well Owner	
Doc ID	1355988

Litholgy

From	To	Lithologic Log
175	179	BROWN CLAY
179	191	FINE COARSE SAND WITH SMALL GRAVEL STREAKS
191	192	BROWN CLAY
192	196	FINE COARSE SAND
196	206	CLAY BROWN
206	229	FINE COARSE SAND WITH SMALL GRAVEL STREAKS
229	235	TAN BROWN CLAY
235	249	FINE COARSE SAND WITH STREAK OF SMALL GRAVEL
251	252	TAN CLAY
252	265	FINE COARSE SAND WITH SMALL GRAVEL STREAKS
265	269	CEMENTED SAND ROCK
269	285	YELLOW / BROWN CLAY/ GRAY CLAY
285	287	ROCK, YELLOW-GRAY- BLUE CLAY
287	291	BLUE CLAY, SHALE
291	293	LIMESTONE
293	300	BLUE SHALE



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 6, 2017

Southwest Kansas Groundwater
Management District No 3
409 Campus Drive, Suite 106
Garden City KS 67846

Re: Water Right file number 33544

Dear Mr. Norquest;

Kearny County Feeders has applied to relocate the well authorized by the above water right number. There is one other well 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.

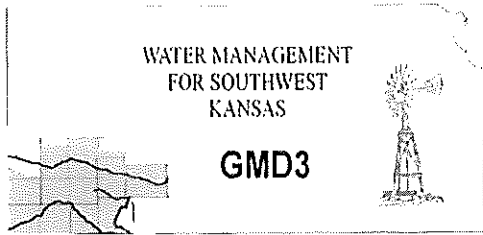
Thank you and as always feel free to call or write us at any time.

Sincerely;

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

Thomas P Makens

TPM:tpm
enc



**Southwest Kansas
Groundwater Management District No. 3**
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

July 14, 2017

Thomas P. Makens
Division of Water Resources
2508 N Johns Street
Garden City, Kansas 67846

RECEIVED

JUL 14 2017

RE: Application for Change in Point of Diversion
Water Right, File No. 33544

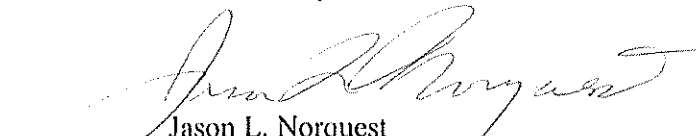
Garden City Field Office
Division of Water Resources

Dear Thomas:

We have completed a review of the application for the above referenced water right. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed distance moved and spacing to neighboring wells is met in accordance with K.A.R. 5-23-3. It is therefore recommended that the application be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,



Jason L. Norquest
Assistant Manager

Water Rights and Points of Diversion Within 1.00 miles of point defined as:

2380 ft N and 4914 ft W of the SE Corner of Section 4, T 24S, R 36W

Located at: 101.284171 West Longitude and 37.994329 North Latitude

GROUNDWATER ONLY

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=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 22092 00 IRR NK G      4607 -- -- -- -- 5230 1293 4 24 36W 1 1600 240.00 240.00 AF
A__ 33308 00 STK NK G      2988 -- SE SE SW 200 2875 4 24 36W 4 1400 146.08 146.08 AF
A__ 33543 00 STK NK G      2365 -- SE NE SW 1670 2660 4 24 36W 5 119.99 119.99 AF
A__ 33544 00 STK NK G* 612 -- SW NW SW 1770 4890 4 24 36W 2 115.08 115.08 AF
A__ 33545 00 STK NK G      3529 -- SW NE NW 4475 3390 9 24 36W 3 98.08 .00 AF
=====
    
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Total Net Quantities Authorized:   Direct           Storage
Total Requested Amount (AF) =       .00             .00
Total Permitted Amount (AF) =       .00             .00
Total Inspected Amount (AF) =       .00             .00
Total Pro_Cert Amount (AF) =       .00             .00
Total Certified Amount (AF) =      621.16          .00
Total Vested Amount (AF) =         .00             .00
TOTAL AMOUNT (AF) =      621.16          .00
=====
    
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Spring MET

An * after the source of supply indicates a pending application for change for the file number.

An * after the ID indicates a 15 AF exemption was granted for the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.00 miles of point defined as:

101.284171 West Longitude and 37.994329 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

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=====
File Number   Use ST SR
A__ 22092 00 IRR NK G
> TRIPLE B LAND
> ROBERT K BEYMER
> PO BOX 363
> LAKIN KS 67860
-----
A__ 33308 00 STK NK G
> KEARNY COUNTY FEEDERS LLC
>
> PO BOX 109
> LAKIN KS 67860
-----
A__ 33543 00 STK NK G
> KEARNY COUNTY FEEDERS LLC
>
> PO BOX 109
> LAKIN KS 67860
-----
A__ 33544 00 STK NK G
> KEARNY COUNTY FEEDERS LLC
>
    
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RECEIVED

JUL 14 2017

Garden City Field Office
Division of Water Resources