

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: P/D WORKSHEET**

1. File Number: <b>30093</b>	2. Status Change Date: <b>8/17/18</b>	3. Change Num: <b>C2</b>	4. Field Office: <b>04</b>	5. GMD: <b>03</b>
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: <b>8/8/18</b>

*(Remove COMPETITION Requirement (C1))*

8a. Applicant(s) New to system <input type="checkbox"/>  <b>FRANK P DEVINE</b> <b>PO BOX 489</b> <b>MEADE KS 67864-0489</b>	8c. Landowner(s) New to system <input type="checkbox"/>  Person ID <u>3990</u> Add Seq# <u>1</u>
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8b. Landowner(s) New to system <input type="checkbox"/>  <b>DDD FARMS LLC</b> <b>301 W CARTHAGE</b> <b>PO BOX 489</b> <b>MEADE KS 67864</b>	8d. WUC New to system <input type="checkbox"/>  <b>FRANK P DEVINE</b> <b>PO BOX 489</b> <b>MEADE KS 67864-0489</b>
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9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: 12/31/18     N & P Date to Comply: 12/31/18

Anti-Reverse Meter   
  Meter Seal   
  Check Valve   
  N & P Form   
  Water Tube   
  Driller Copy   
  H & E Letter

Conservation Plan   
 Date Required: \_\_\_\_\_   
 Date Approved: \_\_\_\_\_   
 Date to Comply: \_\_\_\_\_

10. Use Made of Water    From: \_\_\_\_\_    To: \_\_\_\_\_

Date Prepared: **8/9/18**    By: **TPM**  
 Date Entered: \_\_\_\_\_    By: \_\_\_\_\_



STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
GARDEN CITY FIELD OFFICE  
2508 JOHNS STREET  
GARDEN CITY, KS 67846-2804



PHONE: (620) 276-2901  
FAX: (620) 276-9315  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

August 16, 2018

FRANK P DEVINE  
PO BOX 489  
MEADE KS 67864-0489

RE: Change in Point of Diversion Water Right, File No 30093

Dear Mr. Devine;

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, 2018**. 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

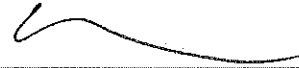
TPM:tpm  
Enclosures  
GMD#3

**CERTIFICATE OF SERVICE**

On this 18<sup>th</sup> day of August 2018, I hereby certify that the attached original Approval of Application to Change the Point of Diversion under Water Right, File No. 30093 dated August 17, 2018 was mailed postage prepaid, first class, US mail to the following:

FRANK P DEVINE  
PO BOX 489  
MEADE KS 67864-0489

Copy provided to GMD#3



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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) 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. 30093

RECEIVED  
 4:03 pm  
 AUG 8 2018

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use       Point of Diversion

Garden City Field Office  
 Division of Water Resources

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: FRANK P DEVINE

PO BOX 489 MEADE KS 67864-0489

Phone Number: (620)873-2765      Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: FRANK P DEVINE

PO BOX 489 MEADE KS 67864-0489

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

3. The presently authorized place of use is:

Owner of Land ---- NAME: DDD FARMS LLC

ADDRESS: PO BOX 489 MEADE KS 67864-0489

(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 \$ 100 TR # \_\_\_\_\_ Receipt Date 8/8/18 Check # 2179

5. **Presently authorized point of diversion:**  
 One in the se Quarter of the se Quarter of the nw Quarter of Section 4, Township 31 South, Range 27 W, in Meade County, Kansas, 2645 feet North 2681 feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
 (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:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
 One in the nw Quarter of the nw Quarter of the se Quarter of Section 4, Township 31 South, Range 27 W, in Meade County, Kansas, 2427 feet North 2494 feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) 320  
 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:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
 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. The changes herein are desired for the following reasons?  
 (please be specific) \_\_\_\_\_  
 old well needs to be replaced

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

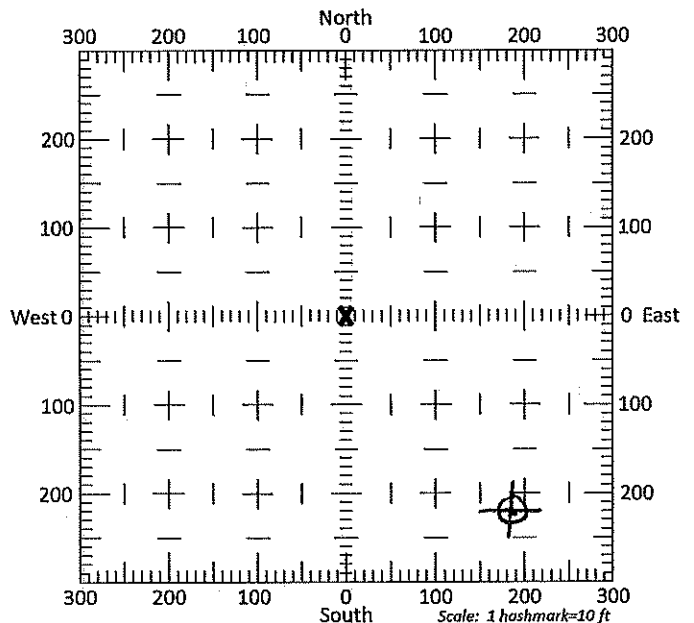
9. The change(s) (was)(will be) completed by?  
august 15, 2018

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? 2018

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by tpm

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of 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



13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

14. If the proposed groundwater point of diversion is 300 or fewer feet from the 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 regards 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 GARDEN CITY, Kansas, this 7<sup>th</sup> day of AUGUST, 20 18.

X Francis P. Dorend  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

State of Kansas }  
County of FINNEY } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 7<sup>th</sup> day of AUGUST, 20 18.



Catherine Reinert  
Notary Public

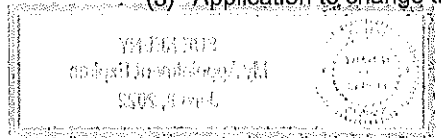
My Commission Expires 9-14-18

**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. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law*, K.S.A. 82a-701 *et seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 30093

1. A change application was received on August 8, 2018 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 described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application.  Applicable  Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than 300 feet from the previously authorized point(s) of diversion.  Applicable  Not Applicable
6. 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
7. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2018, 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
8. Installation of the works for diversion of water shall be completed on or before December 31, 2018, or within any authorized extension of time. By March 1, 2019 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
9. The completed well log shall be submitted with the required notice.  Applicable  Not Applicable
10. 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
11. Additional Conditions are attached.  Yes  No
12. 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.

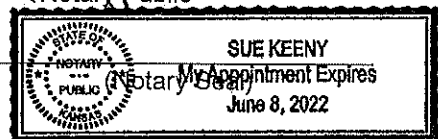
**Administrative Appeal and Effective Date of Order**

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

*For Use by Register of Deeds*

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

By: JL P. [Signature]  
Duly Authorized Designee of the Chief Engineer  
(Print Name): THOMAS P. MAKENS  
Division of Water Resources - Kansas Department of Agriculture  
Date of Issuance: August 17, 2018  
State of Kansas )  
County of Finney ) SS  
Acknowledged before me on August 17, 2018  
by Thomas P. Makens  
Signature: [Signature]  
Notary Public  
My commission expires: \_\_\_\_\_





3795 W. Jones Ave.  
 Garden City, KS 67846  
 PH: 620-277-2389



# Hydro

resources

PO Box 639  
 Garden City, KS 67846  
 Fax: 620-277-0224

FRANK DEVINE 620-873-2765 CELL 620-338-0468

620-873-2765

Customer Name: Frank Devine WO#: 13938 Date: 7-24-18  
 Street Address: P.O. Box 489 Test #: 1 E LOG: \_\_\_\_\_  
 City, State: MEADE KS 67864 Driller: Dale Guinn  
 County: Meade Quarter: SE Section: 4 Township: 31 Range: 27  
 Location: 173' East + 207' South of Existing Well GPS: N37.37930 W100.26258  
 Rig #: 10002 Elevation: 2482' Static WL: 136' w/ well Estimated? RECEIVED  
 Proposed Well Depth: 320

WELL LOCATION

JUL 27 2018

%	Footage			Description of Strata	Garden City Field Office Division of Water Resources
	From	Pay	To		
	0		2	Top Soil	
	2		9	Brown Sandy Clay	
	9		17	Gray Sandy Clay	
	17		42	Gray Clay - sticky -	
	42		61	Blue Clay	
	61		68	Brown Clay w/ little Caliche Mixed	
	68		74	Light Green Clay w/ little Caliche Mixed - sticky -	
	74		85	Light Blue Clay - sticky -	
	85		94	Blue Clay - sticky -	
	94		145	Brown Clay	
35	145	18	163	Sand fine to med course small gravel - Drilled Loose & Used water -	
15	163	7	170	Sand fine to med course small gravel w/ some clay Mixed	
35	170	7	177	Sand fine to med course small gravel - Drilled Loose & Used water -	
	177		189	Brown Sandy Clay	
5	189	22	211	Fine Sand w/ some clay stringers	
15	211	6	217	Sand fine few med	
5	217	38	255	Fine sand w/ many clay stringers & few lime rock strips	
20	255	26	281	Fine Sand - Drilled Loose -	
35	281	19	300	Sand fine to med course w/ brown & tan rock - Drilled Loose & Used Water -	
	300		306	Sandstone	
	306		360	Blue Shale	
				Super Gel X	-2
				Grout	-3
				Benti Plus 3/4	-3
				Perma Plug	-1

TOPO! map printed on 07/26/18 from "Untitled.tpo"

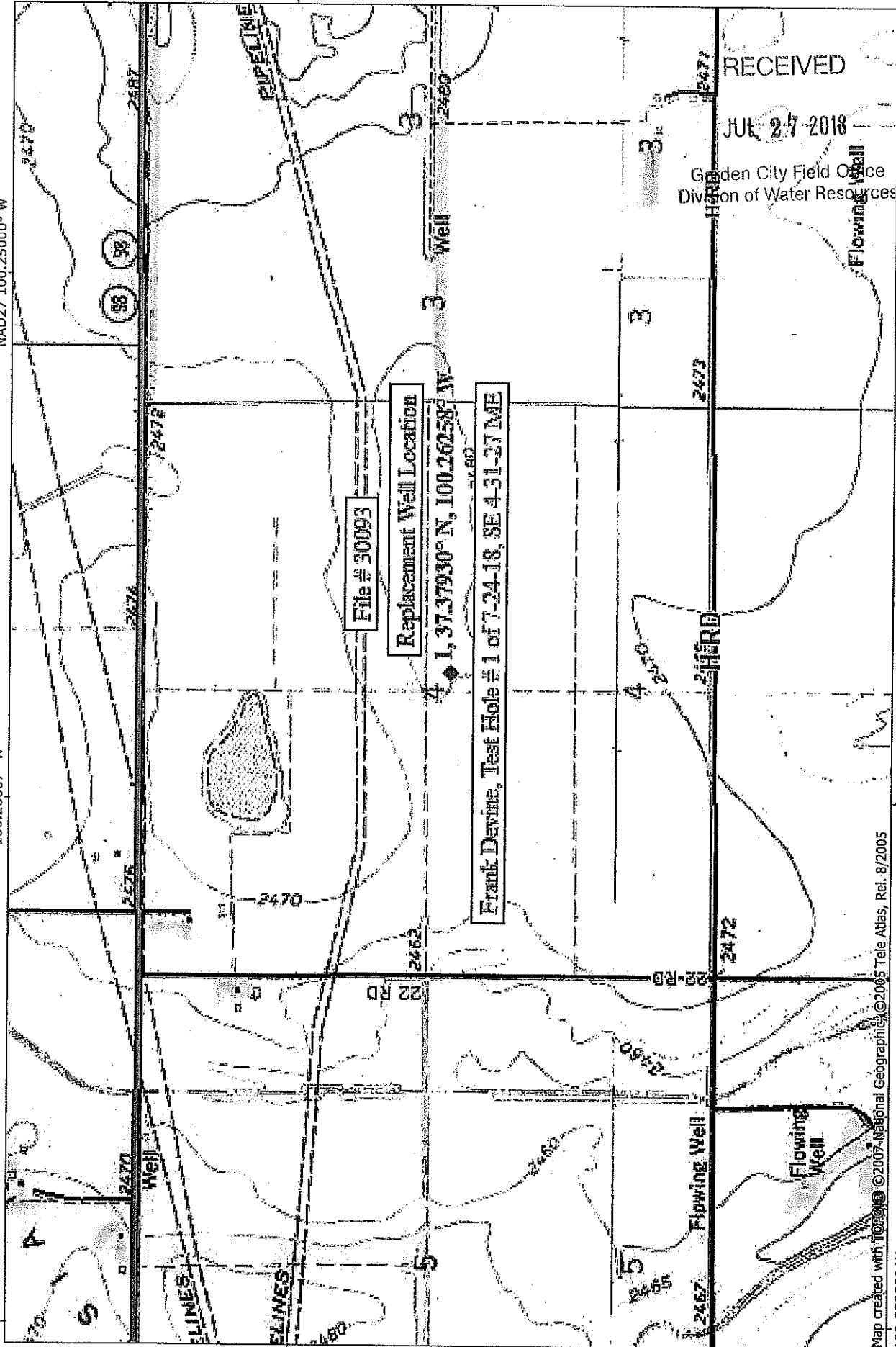
100.28333° W

100.26667° W

NAD27 100.25000° W

37.38333° N

37.38333° N



Map created with TOPO! © 2007 National Geographic © 2005 Tele Atlas, Rel. 8/2005

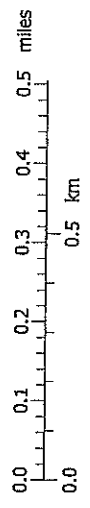
100.28333° W

100.26667° W

NAD27 100.25000° W

**NATIONAL GEOGRAPHIC**

RECEIVED  
JUL 27 2018  
Golden City Field Office  
Division of Water Resources



5°  
07/26/18