

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

| | | | | |
|---------------------------------|------------------------|-----------------------------|-------------------------------|----------------------|
| 1. File Number: 26082 | 2. Status Change Date: | 3. Change Num: C2 | 4. Field Office: 04 | 5. GMD: 03 |
|---------------------------------|------------------------|-----------------------------|-------------------------------|----------------------|

| | |
|--|---|
| 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: 3/11/2019 |
|--|---|

| | |
|---|--|
| 8a. Applicant, Landowner New to system <input type="checkbox"/> Person ID 34535 Add Seq# 1 DUANE E & KATHLEEN A KOSTER TRUSTS PO BOX 897 GARDEN CITY KS 67846-0897 | 8c. WUC New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ <p style="text-align: center;">8a</p> |
|---|--|

| | |
|---|--|
| 8b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ <p style="text-align: center;">8a</p> | 8d. WUC New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ |
|---|--|

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/19** N & P Date to Comply: **12/31/2019**

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: **3/20/2019** By: **AM**

Date Entered: _____ By: _____

File No. **26082** 11. County: FI Basin: ARKANSAS RIVER Stream: Formation Code: *211/321* Special Use:

| 12. Points of Diversion | | | | | | | | | | Rate and Quantity | | | | |
|--------------------------|--------------------|-----------|----|-----|-----|----|------|------|--------------------|-------------------|----------------|-------------|----------------|------------------|
| CHK MOD DEL ENT | PDIV | Qualifier | S | T | R | ID | 'N | 'W | Comment (AKA Line) | Authorized | | Additional | | |
| | | | | | | | | | | Rate gpm | Quantity af | Rate gpm | Quantity af | Overlap PD Files |
| CHK | 42099 | | | | | | | | | | | | | |
| CHK | 51923 | | | | | | | | | | | | | |
| CHK | 78849 | | | | | | | | | | | | | |
| ENT | <i>SW</i> SE NE SW | | 30 | 25S | 34W | | 1707 | 3816 | | 800 | 266 | 800 | 266 | |
| DEL | 19131 | | | | | | | | | | | | | |

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

| CHK MOD DEL ENT | PUSE | S | T | R | ID | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Total | Owner | Chg? | Overlap Files |
|--------------------------|-------|---|---|---|----|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|-------|-------|------|---------------|
| | | | | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | | | | |
| CHK | 12607 | | | | | | | | | | | | | | | | | | | | | 8a | N | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | |
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Base Acres: Year: Minimum Reasonable Quantity:

Comments:

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



Phone: 620-276-2901
Fax: 620-276-9315
www.agriculture.ks.gov

Mike Beam, Interim Secretary

Laura Kelly, Governor

March 21, 2019

DUANE E & KATHLEEN A KOSTER TRUSTS
PO BOX 897
GARDEN CITY KS 67846-0897

RE: Water Right, File No. 26082

Dear Sir and Madam:

Enclosed is an order executed by the designee of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that acceptable water flowmeter must be installed on the diversion works authorized under the referenced file number and meet current specifications. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

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 blue ink that reads "Michael A. Meyer". The signature is fluid and cursive, with a long, sweeping underline.

Michael A. Meyer
Water Commissioner

MAM:
enclosures
pc:

GROUNDWATER MANAGEMENT DISTRICT NO. 3

CERTIFICATE OF SERVICE

On this 21st day of March, 2019, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 26,082, dated 21st day of March, 2019 was mailed postage prepaid, first class, US mail to the following:

DUANE E & KATHLEEN A KOSTER TRUSTS
PO BOX 897
GARDEN CITY KS 67846-0897

With photocopies to:

GROUNDWATER MANAGEMENT DISTRICT NO. 3



Division of Water Resources Staff

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. 26082

RECEIVED
 11:47 Am
 MAR 07 2019
 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: DUANE E & KATHLEEN A KOSTER TRUSTS
PO BOX 897 GARDEN CITY KS 67846-0897

Phone Number: (620)271-4493 Email address: _____

Name and address of Water Use Correspondent: _____

Phone Number: () _____ Email address: _____

3. The presently authorized place of use is:

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 | | | |
| | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | |

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 | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |

For Office Use Only: Code _____ Fee \$ 200.00 TR # _____ Receipt Date 3-7-19 Check # 2516

4. The presently authorized place of use is:

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. _____

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: _____

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 | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | | | | | |

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. _____

6. The presently authorized point(s) of diversion are 4 wells
(Provide description and number of points)

7. The proposed point(s) of diversion are 4 wells
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the _____ Quarter of the NC Quarter of the SW Quarter
 of Section 30, Township 25 South, Range 34 (W),
 in FI County, Kansas, 1320 feet North 3960 feet West of Southeast corner of section.
 Authorized Rate 800 gpm Authorized Quantity 266 af
 (DWR use only: Computer ID No. 4 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 SW Quarter of the NE Quarter of the SW Quarter
 of Section 30, Township 25 South, Range 34 (W),
 in FI County, Kansas, 1707 feet North 3816 feet West of Southeast corner of section.
 Proposed Rate 800 gpm Proposed Quantity 266 af
 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 NC Quarter of the NE Quarter
 of Section 30, Township 25 South, Range 34 W,
 in FI County, Kansas, 3960 feet North 1605 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. 01 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 _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the NC Quarter of the SE Quarter
 of Section 30, Township 25 South, Range 34 W,
 in FI County, Kansas, 1320 feet North 1360 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. 03 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.
Existing well will be capped

6. The presently authorized point(s) of diversion are 4 wells (Provide description and number of points)

7. The proposed point(s) of diversion are 4 wells (Provide description and number of points)

List all presently authorized point(s) of diversion:

8. Presently authorized point of diversion: One in the NW Quarter of the NE Quarter of the NW Quarter of Section 30, Township 25 South, Range 34 (W), in FI County, Kansas, 5215 feet North 3585 feet West of Southeast corner of section. Authorized Rate Authorized Quantity (DWR use only: Computer ID No. 05 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)

9. 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)

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)

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

12. The presently authorized use of water is for IRR _____ purposes.

It is proposed that the use be changed to IRR _____ purposes.

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

(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.

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 Garden City, Kansas, this 6 day of March, 2019.

[Signature]
(Owner)
Dwene Koster
(Please Print)

[Signature]
(Spouse)
Kathleen Koster
(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 6th day of MARCH, 2019.



[Signature]
Notary Public

My Commission Expires 4-7-21

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.**

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. 24082.

1. A change application was received on March 7, 2019 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 _____ 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, 2019**, 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, 2019**, or within any authorized extension of time. By March 1, 2020 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: Michael A. Meyer
Duly Authorized Designee of the Chief Engineer

(Print Name): MICHAEL A. MEYER
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: March 21, 2019

State of Kansas)

) SS

County of Ginney)

Acknowledged before me on March 21, 2019

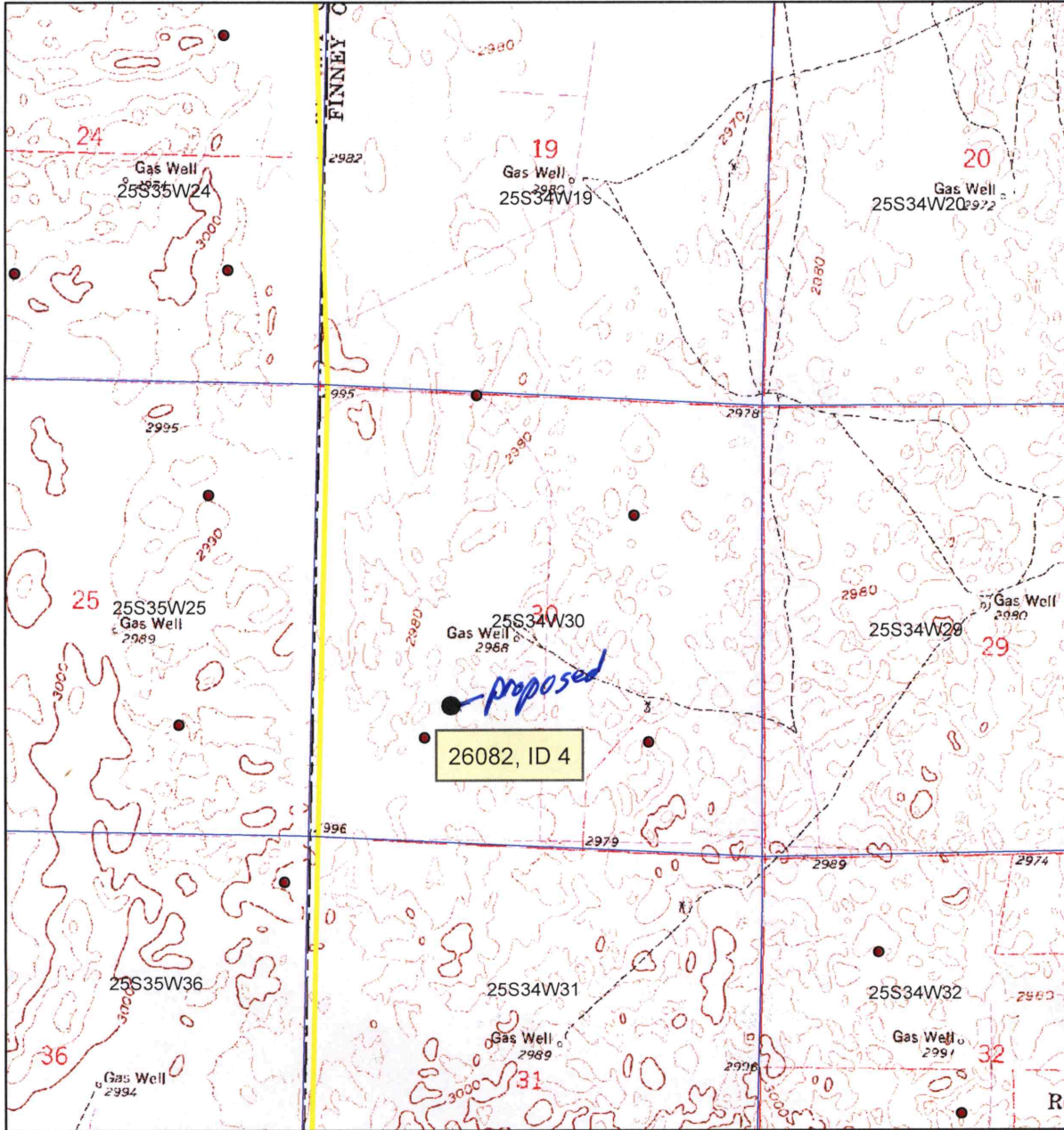
by Michael A. Meyer

Signature: Julie Jones
Notary Public

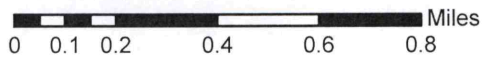
My commission expires



Change in Point of Diversion for Water Right 26082



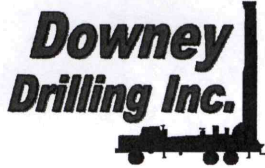
● Authorized Point of Diversion



● Proposed Point of Diversion

All wells within 1/2 miles are on this map.

[Handwritten Signature]



Well Design & Construction

Perry Hanson
620 271-4493
275-5957

G-28

Customer Name: SOUTHWEST AG

Legal: SW 30-25S-34W County: FINNEY

GPS: 37.84772 Date: _____
-101.09819

DRILLER: _____ WO #: 19-130

HELPER(S): _____ WATER SUPPLY: NEARBY IRRIGATION WELL

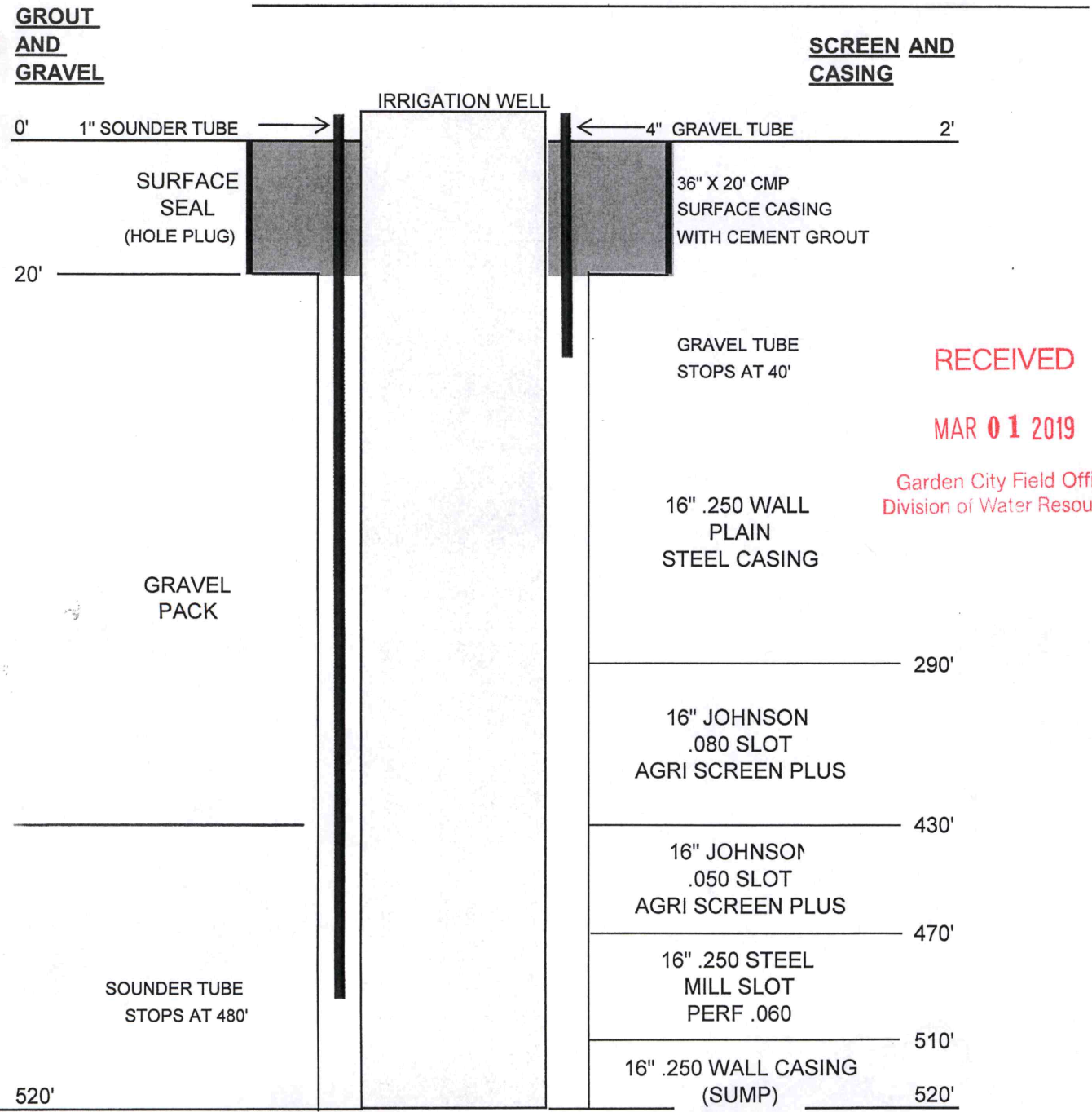
BOREHOLE DIAMETER: 30" DRILLING RIG: TBD

CASING DIAMETER: 16" DRILLING METHOD: REVERSE CIRCULATION

TOTAL WELL DEPTH: 520' QUIKGEL: TBD HOLE PLUG: 20'

DRILLING FLUID: TBD GRAVEL SUPPLIER: TBD

ADDITIONAL INFO: _____

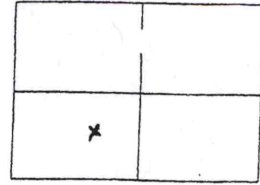


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MAR 01 2019

Garden City Field Office
Division of Water Resources

GSPF IRRIGATION SERVICE

710 W Taylor Jones Rd
 Holcomb, KS 67851
 Phone: 620-277-2503
 Fax: 620-277-2581



Customer Name: Southwest AG G28 Date: 12-13-18

Address: _____ Test # 2 E Log _____

City & state _____ Driller: Dana Vogts

County Finney Quarter SW Section: 30 Township: 25 Range: 34

Location: GPS N 37.84772 W 101.09819 Elev: 2983

Rig# _____ WO# _____

| % | From | Pay | To | Description of Strata | Static Water Level <u>290</u> Proposed Well Depth _____ |
|---|------|-----|-----|----------------------------------|--|
| | 0 | | 1 | Sandy top soil | |
| | 1 | | 12 | Fine sand | |
| | 12 | | 80 | FMC gravel few sandy clay strips | |
| | 80 | | 158 | Sandy clay | |
| | 158 | | 183 | Sandy clay some sand strips | |
| | 183 | | 203 | FMC | |
| | 203 | | 223 | Sandy clay few sand strips | |
| | 223 | | 236 | FMC small gravel | |
| | 236 | | 243 | Limestone | |
| | 243 | | 258 | FMC small gravel | 21 Bentonite |
| | 258 | | 282 | Sandy clay | 3 Seta Ash |
| | 282 | 16 | 306 | FMC | 8 Hole plug |
| | 306 | | 333 | Tan clay + caliche .000 | 1# Quick tool |
| | 333 | 17 | 350 | F-m sand | 1/2# EZ Mud |
| | 350 | | 354 | Sandy clay | 1 6 1/4 Drag Blades |
| | 354 | 6 | 360 | F-m sand .000 | 1 Perma Plug |
| | 360 | | 367 | Sandy clay | |
| | 367 | 11 | 378 | F-m sand 400 | |
| | 378 | | 387 | Sandy clay | |
| | 387 | 43 | 430 | FMC some sandy clay strips .050 | |
| | | | | Cont. | |

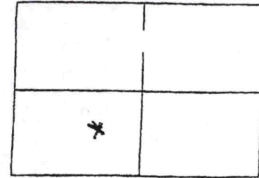
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Garden City Field Office
 Division of Water Resources

GSPF IRRIGATION SERVICE

710 W Taylor Jones Rd
 Holcomb, KS 67851
 Phone: 620-277-2503
 Fax: 620-277-2581



Customer Name: Southwest AG 628 Date: 12-13-18

Address: _____ Test # 2 E Log _____

City & state _____ Driller: Dana Vogts

County Finney Quarter SW Section: 30 Township: 25 Range: 34

Location: GPS N 37.84772 W 101.09819 Elev: 2983

Rig# _____ WO# _____

| % | From | Pay | To | Description of Strata | Static Water Level <u>290</u> | Proposed Well Depth _____ |
|-----------------------|------|-----|-----|-----------------------------------|--------------------------------------|---------------------------|
| | 430 | | 445 | Clay Brown, grey | | |
| | 445 | 12 | 457 | FMC | .050 | |
| | 457 | 15 | 472 | Small Brown-Tan rock sand FMC | .050 | |
| | 472 | | 489 | Sandstone tight | | |
| | 489 | | 492 | Clay | | |
| | 492 | | 507 | Sandstone loose | .050 | |
| | 507 | | 540 | Grey oily clay | | |
| | | | 120 | | | |
| SURFACE CASING | | | | | | |
| | | | | 330' + 2 - 330 | PLAIN | |
| | | | | 100' 330 - 430 | .000 SCREEN | |
| | | | | 80' 430 - 510 | .050 SCREEN | |
| | | | | 10' 510 - 520 | SUMP | |
| | | | | BOUNDER TUBE TO 480' | | |
| | | | | | 400' SCREEN PLUS 1000' CASING | |
| | | | | DRILLING FLUID @ \$2000.00 | | |

105 - #1 COARSE GRAVEL PACK HUBER TON

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MAR 01 2019

Garden City Field Office
 Division of Water Resources



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

March 19, 2019

Michael A. Meyer
Division of Water Resources
2508 N Johns Street
Garden City, Kansas 67846

RE: Application for Change in Point of Diversion
Water Right, File No. 26082

Dear Mike:

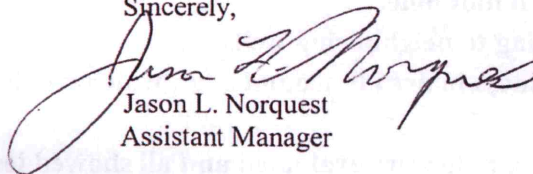
We have completed a review of the application for the above referenced water right. The proposed change in point of diversion is in accordance with current area rules, K.A.R. 5-23-3, as it pertains to distance moved and minimum spacing to neighboring wells.

Well evaluations were conducted to estimate possible effects of the proposal on the supply of other wells with water rights prior to the proposal per K.S.A. 82a-708b, and the draft revised management program. Under K.S.A. 82a-708b, an applicant requesting a change in point of diversion must demonstrate to the chief engineer that any proposed change is reasonable and will not impair. The enclosed report is an analysis performed by the GMD on behalf of the applicant. Under this analysis, the proposed change is considered to be reasonable and unlikely to impair if either the net in-season well-to-well effect of the proposed change is less than a strict maximum allowable threshold (4 ft in cases where saturated thickness is greater than 200 ft), or if no well with a net well-to-well effect exceeding the threshold is identified as critical. Critical wells are identified as wells that are expected to either lose or greatly diminish water supply over the next 25 years. The attached review information is based on a Theis analysis using inputs from the GMD3 aquifer model, which is considered to be the best information on well and aquifer data readily and easily available to the public. If either the applicant or the neighbors believe they have better data that might change the result of the analysis, they should contact GMD3. Conclusions of the well analysis may change if better information on well and aquifer data can be made available.

Every neighboring well within 1 mile of the proposed move was evaluated. Evaluations showed that in no case did the net effect on neighboring wells exceed the 4.0 ft maximum allowable threshold, in fact were far below. Therefore, GMD3 sees this move as reasonable and unlikely to impair neighboring wells. It is therefore recommended that the applications be approved.

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

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MAR 19 2019

GMD3 Change Review

File No(s): 26082.

DWR office: GC.

App filed to change: PD.

Is Landowner(s) correct in WRIS: Duane & Kathleen Koster.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? YES.

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-23-3

Point of diversion ID No(s) 04 being changed.

| | ft. North | ft. West | |
|---------------|-----------|----------|-----------------------|
| Authorized PD | 1320 | 3960 | Sect 30-25-34 |
| Proposed PD | 1707 | 3816 | |
| Difference | -387 n | 144 e | |
| a2 + b2 = c2 | 149769 | 20736 | 412.9225 foot move NE |

GPS for proposed PD: Lat: 37.84772 Long: -101.09819.

Is proposed PD stacking on existing WRs? NO.

Is Proposed PU overlapping existing WRs? No Change.

Land Owner(s) notified: Only wells within half mile is applicant for DWR notices.

Name ___.

Name ___.

Address ___.

Address ___.

Zip ___.

Zip ___.

Neighboring certified well(s) notified: ___.

Name ___.

Name ___.

Address ___.

Address ___.

Zip ___.

Zip ___.

Domestic well(s) notified: ___.

Name ___.

Name ___.

Address ___.

Address ___.

Zip ___.

Zip ___.

Base Acres: ___.

Perfected Acres: ___.

Irr. Return-Flow ___%

1600' spacing required on all neighboring permitted wells.

Move is less than half mile.

Minimum spacing to neighboring wells met.

Saturated thickness in area is around 220', which would allow for 4' deminimus effect.

All wells within a mile were evaluated and all showed less than a foot effect.

Move is just over 400'.

Is a waiver needed: Move is less than half mile and minimum spacing to neighboring wells is met.

GMD3 Change Review

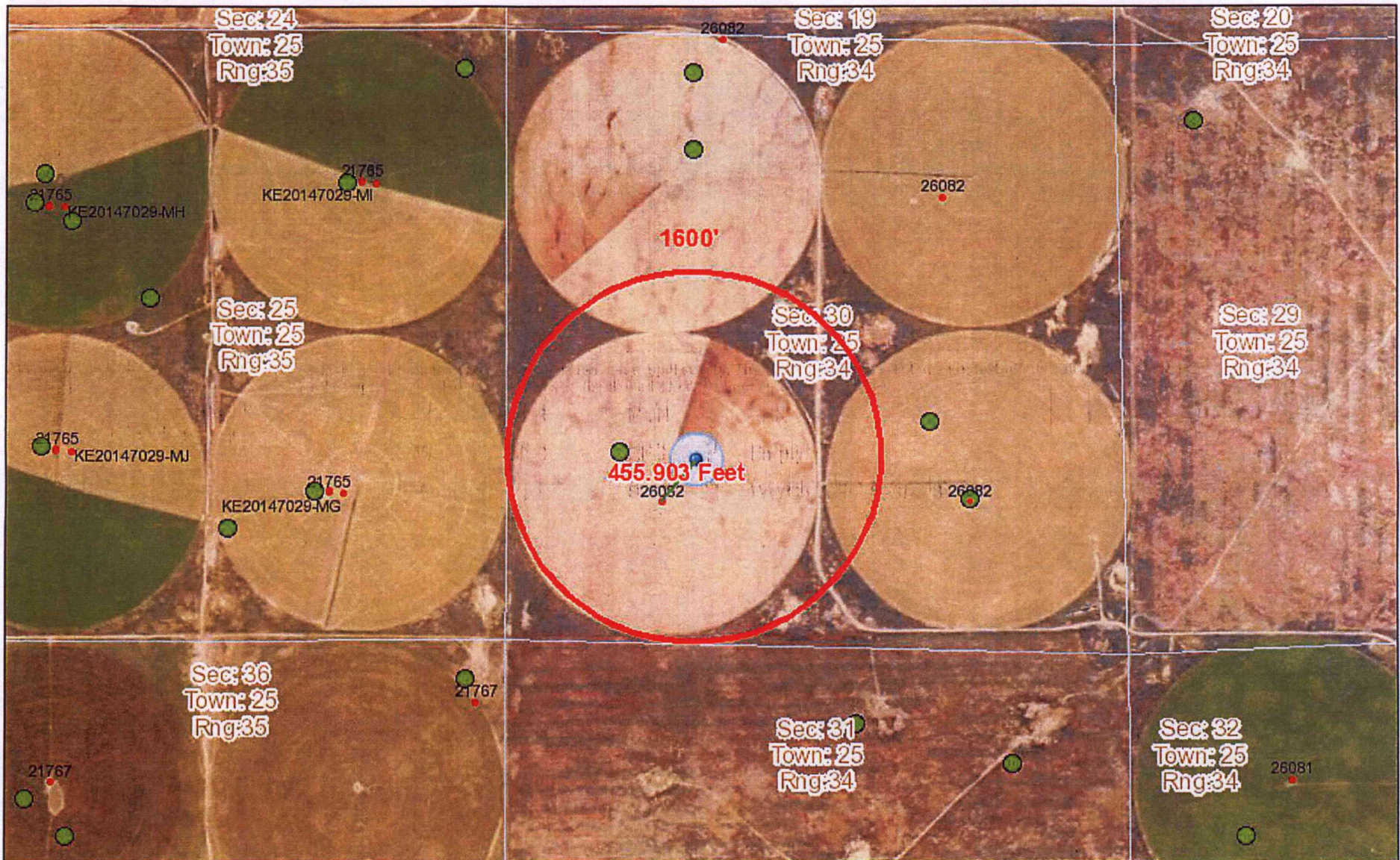
Recommendation: After review of all available information, it appears all current area rules are met. Well evaluations show a minimal effect to neighboring wells evaluated. If no new information is presented, staff recommends approval of the application.



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Garden City Field Office
Division of Water Resources



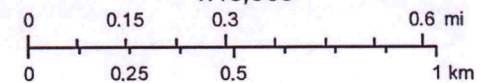
March 11, 2019
14:39 PM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:18,056

GPS Position

| | | | | |
|--------------|-----|-----|-----|-----------------|
| Wells | CON | FPR | MUN | THX |
| Other | DEW | HYD | REC | Empty |
| IRR | DOM | IND | STK | WWC5 WELLS GMD3 |



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

1707 ft N and 3816 ft W of the SE Corner of Section 30, T 25S, R 34W

Located at: 101.098191 West Longitude and 37.847721 North Latitude

GROUNDWATER ONLY

1600' on a 11

| File Number | Use | ST | SR | Dist (ft) | Q4 | Q3 | Q2 | Q1 | FeetN | FeetW | Sec | Twp | Rng | ID | Batt | Auth_Quan | Add_Quan | Unit | |
|--------------|-----|-----|----|-----------|------|----|----|----|-------|-------|------|-----|-----|-----|------|-----------|----------|------|----|
| A__ 21765 00 | IRR | NK | G | 3671 | -- | -- | NC | NE | 3895 | 1320 | 25 | 25 | 35W | 6 | | 272.00 | 272.00 | AF | |
| Same | | | | 3055 | -- | -- | NE | SW | 1264 | 1525 | 25 | 25 | 35W | 10 | | 272.00 | 272.00 | AF | |
| A__ 21767 00 | IRR | NK | G | 2753 | -- | -- | NE | NE | 4745 | 274 | 36 | 25 | 35W | 7 | | 272.00 | 272.00 | AF | |
| A__ 26082 00 | IRR | NK | G* | 3164 | -- | -- | NC | NE | 3960 | 1605 | 30 | 25 | 34W | 1 | | 270.00 | 270.00 | AF | |
| Same | | | | 2478 | -- | -- | NC | SE | 1320 | 1360 | 30 | 25 | 34W | 3 | | 270.00 | 270.00 | AF | |
| Same | | | | 422 | -- | -- | NC | SW | 1320 | 3960 | 30 | 25 | 34W | 4 | | 266.00 | 266.00 | AF | |
| Same | | | | 3516 | -- | -- | NW | NE | 5215 | 3585 | 30 | 25 | 34W | 5 | | 272.00 | 272.00 | AF | |
| T_20147029 | MG | IRR | GY | G | 3055 | -- | -- | NE | SW | 1264 | 1525 | 25 | 25 | 35W | 10 | | 1167.77 | .00 | AF |
| T_20147029 | MI | IRR | GY | G | 3671 | -- | -- | NC | NE | 3895 | 1320 | 25 | 25 | 35W | 6 | | 1042.13 | .00 | AF |

| 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) = | 1894.00 | .00 |
| Total Vested Amount (AF) = | .00 | .00 |
| TOTAL AMOUNT (AF) = | 1894.00 | .00 |

Minimum spacing is 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:

101.098191 West Longitude and 37.847721 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

| File Number | Use | ST | SR |
|--------------|------------------------------------|----|----|
| A__ 21765 00 | IRR | NK | G |
| > | WHEATLAND ELECTRIC COOPERATIVE INC | | |
| > | PERRY SMITH | | |
| > | PO BOX 953 | | |
| > | GARDEN CITY KS 67846 | | |
| ----- | | | |
| A__ 21767 00 | IRR | NK | G |
| > | PREMIER 4 FARMS | | |
| > | | | |
| > | PO BOX 518 | | |
| > | HUGOTON KS 67951 | | |
| ----- | | | |
| A__ 26082 00 | IRR | NK | G |
| > | DUANE E & KATHLEEN A KOSTER TRUSTS | | |
| > | | | |
| > | PO BOX 897 | | |
| > | GARDEN CITY KS 67846 | | |

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Garden City Field Office
Division of Water Resources

T_20147029 MG IRR GY G
> WHEATLAND ELECTRIC COOPERATIVE INC
> PERRY SMITH
> PO BOX 953
> GARDEN CITY KS 67846

> 2018 was last year
for these MYFAs

T_20147029 MI IRR GY G
> WHEATLAND ELECTRIC COOPERATIVE INC
> PERRY SMITH
> PO BOX 953
> GARDEN CITY KS 67846

=====

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Division of Stock Services
Kansas City Field Office

| INPUTS | |
|---|-------------|
| Target Section Definition | |
| Section | 30 |
| Township | 25 |
| Range | 34 |
| Range Direction | w |
| Target Point Coordinates (NAD27 or NAD83) | |
| Target Longitude | -101.098190 |
| Target Latitude | 37.847720 |

Load Data and Compute

Instructions

1. Enter values for section, township, range and range direction.
2. Enter **NAD27** or **NAD83** longitude and latitude of target point.
3. Click "Load Data and Compute" button.
4. Use feet distances corresponding to datum of target point.

| Loaded Section Data | | |
|---|------------------------|----------------------|
| From LEOBASE using NAD83 | | |
| Corner | Corner Latitudes | Corner Longitudes |
| SW | 37.84345196 | -101.10388622 |
| NW | 37.85791694 | -101.10390198 |
| NE | 37.85752031 | -101.08589580 |
| SE | 37.84305516 | -101.08542290 |
| Degrees Longitude per Foot | | 3.46313802E-06 |
| Degrees Latitude per Foot | | 2.74616630E-06 |
| Target Point Distances from Corners using NAD83 | | |
| Corner | Feet North(+)/South(-) | Feet East(-)/West(+) |
| SW | 1554 | -1645 |
| NW | -3713 | -1649 |
| NE | -3569 | 3550 |
| SE | 1699 | 3687 |

Target point is In Section

| Loaded Section Data | | |
|---|------------------------|----------------------|
| From LEOBASE using NAD27 | | |
| Corner | Corner Latitudes | Corner Longitudes |
| SW | 37.84343000 | -101.10343900 |
| NW | 37.85789500 | -101.10345500 |
| NE | 37.85749800 | -101.08544900 |
| SE | 37.84303300 | -101.08497600 |
| Degrees Longitude per Foot | | 3.46313699E-06 |
| Degrees Latitude per Foot | | 2.74598553E-06 |
| Target Point Distances from Corners using NAD27 | | |
| Corner | Feet North(+)/South(-) | Feet East(-)/West(+) |
| SW | 1562 | -1516 |
| NW | -3705 | -1520 |
| NE | -3561 | 3679 |
| SE | 1707 | 3816 |

Target point is In Section

| Difference (NAD83 Minus NAD27) | | |
|--------------------------------|------------------------|----------------------|
| Corner | Corner Latitudes | Corner Longitudes |
| SW | 0.00002196 | -0.00044722 |
| NW | 0.00002194 | -0.00044698 |
| NE | 0.00002231 | -0.00044680 |
| SE | 0.00002216 | -0.00044690 |
| Difference (NAD83 Minus NAD27) | | |
| Corner | Feet North(+)/South(-) | Feet East(-)/West(+) |
| SW | -8.09944120 | -129.13676309 |
| NW | -7.74540699 | -129.06746040 |

Garden City Field Office
Division of Water Resources

MAR 19 2019

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26082 ID1: Drawdown from current location = 0.98 ft
Drawdown from proposed location = 1.37 ft
Net drawdown = **0.4 ft**

26082 ID5: Drawdown from current location = 0.91 ft
Drawdown from proposed location = 1.21 ft
Net drawdown = **0.3 ft**

21765 ID6: Drawdown from current location = 0.95 ft
Drawdown from proposed location = 1.18 ft
Net drawdown = **0.2 ft**

21765 ID10: Drawdown from current location = 1.10 ft
Drawdown from proposed location = 1.34 ft
Net drawdown = **0.2 ft**

21767 ID7: Drawdown from current location = 1.23 ft
Drawdown from proposed location = 1.45 ft
Net drawdown = **0.2 ft**

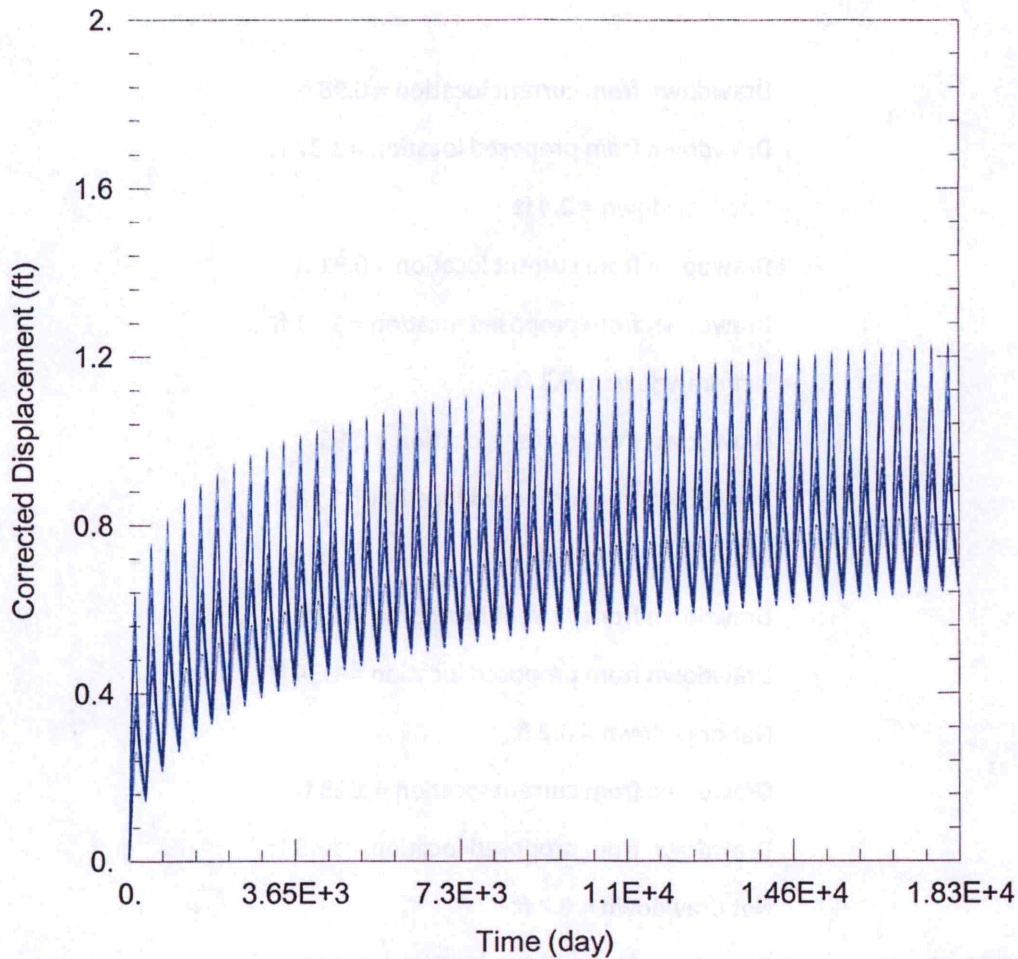
Domestic 25-25-35: Drawdown from current location = 0.83 ft
Drawdown from proposed location = 0.96 ft
Net drawdown = **0.1 ft**

Net drawdown does not exceed 4.0 ft at any location, so critical well analysis is not necessary.

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MAR 19 2019

Garden City Field Office
Division of Water Resources



WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2019_moves\26082\26082 Current.aqt
 Date: 03/12/19 Time: 15:04:44

PROJECT INFORMATION

Company: GMD 3
 Project: 26082 ID 4
 Location: Finney County
 Test Well: 26082 ID 4

WELL DATA

Pumping Wells

| Well Name | X (ft) | Y (ft) |
|-----------|--------|--------|
| 26082 ID4 | -86564 | 353945 |

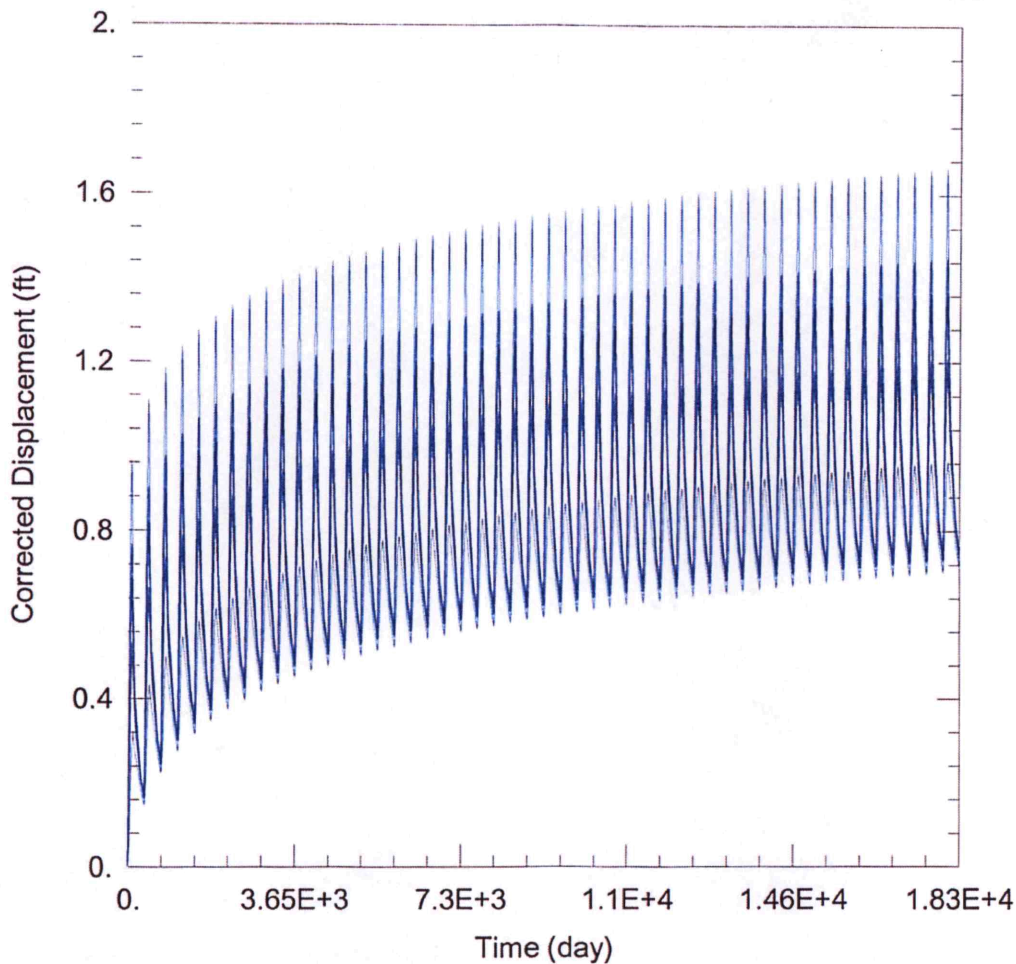
Observation Wells

| Well Name | X (ft) | Y (ft) |
|---------------------|--------|--------|
| □ | -86564 | 353945 |
| □ 26082 ID2 | -83948 | 353937 |
| □ 26082 ID1 | -84166 | 356578 |
| □ 26082 ID5 | -86030 | 357946 |
| □ 21765 ID6 | -89140 | 356725 |
| □ 21765 ID10 | -89435 | 354042 |
| □ 21767 ID7 | -88172 | 352230 |
| □ Domestic 25-25-35 | -90956 | 355734 |

SOLUTION

Aquifer Model: Unconfined
 T = 1.543E+4 ft²/day

Solution Method: Theis
 S = 0.1693



WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2019_moves\26082\26082 Proposed.aqt

Date: 03/12/19

Time: 15:04:34

PROJECT INFORMATION

Company: GMD 3
 Project: 26082 ID 4
 Location: Finney County
 Test Well: 26082 ID 4

RECEIVED

MAR 19 2019

Garden City Field Office
 Division of Water Resources

WELL DATA

Pumping Wells

| Well Name | X (ft) | Y (ft) |
|-----------|--------|--------|
| 26082 ID4 | -86265 | 354323 |

Observation Wells

| Well Name | X (ft) | Y (ft) |
|---------------------|--------|--------|
| □ | -86265 | 354323 |
| □ 26082 ID2 | -83948 | 353937 |
| □ 26082 ID1 | -84166 | 356578 |
| □ 26082 ID5 | -86030 | 357946 |
| □ 21765 ID6 | -89140 | 356725 |
| □ 21765 ID10 | -89435 | 354042 |
| □ 21767 ID7 | -88172 | 352230 |
| □ Domestic 25-25-35 | -90956 | 355734 |

SOLUTION

Aquifer Model: Unconfined

Solution Method: Theis

T = 1.543E+4 ft²/day

S = 0.1693

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



Phone: 620-276-2901
Fax: 620-276-9315
www.agriculture.ks.gov

Mike Beam, Interim Secretary

Laura Kelly, Governor

March 11, 2019

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO. 3
409 CAMPUS DRIVE, SUITE 106
GARDEN CITY KS 67846

Re: Water Right File No. 26082

Dear Mr. Norquest:

This is to advise you that DUANE E & KATHLEEN A KOSTER TRUSTS has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use for the above referenced files.

We are delaying action on the change applications to allow you time to review and provide a recommendation. Please submit a recommendation within 15 days from the date of this letter.

Thank you and as always feel free to contact this office at any time.

Sincerely,

A handwritten signature in blue ink that reads "Michael A. Meyer".

Michael A. Meyer
Water Commissioner

MAM
Enclosures