

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

1. File Number: 11235	2. Status Change Date:	3. Change Num: C3	4. Field Office: 4	5. GMD: 3
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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: 3/4/2021
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8a. Applicant(s)/Landowner(s) Person ID **59161**
 New to system Add Seq# _____

WHEELER INVESTMENTS LP
Attn: LEE R WHEELER
748 RD 20
HUGOTON, KS 67951-5183

8c. Landowner(s) Person ID **65069**
 New to system Add Seq# _____

L & L FARMS A PARTNERSHIP
2044 ROAD H
HUGOTON, KS 67951

8b. Landowner(s) Person ID **61697**
 New to system Add Seq# _____

R & L WALKEMEYER PROPERTIES LP
Attn: ROY WALKEMEYER
1206 CASA DEL REY DR
LA HABRA, CA 90631-8330

8d. Landowner(s) Person ID **65070**
 New to system Add Seq# _____

R & L WALKEMEYER PROPERTIES LP ET AL
Attn: ROY L WALKEMEYER LIV TRUST
1206 CASA DEL REY DR
LA NABRA, CA 90631-8330

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/2021** N & P Date to Comply: **3/1/2022**

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: **3/8/2021** By: **AM**
 Date Entered: _____ By: _____

File No. **11235** 11. County: **SV** Basin: **CIMARRON RIVER** Stream: Formation Code: **211** Special Use:

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files
ENT												Rate gpm	Quantity af	Rate gpm	Quantity af	
DEL																
				3939												
ENT				SE SW SW	35	33S	36W		193	4618		1470	475	1470	475	NONE
MOD	9239			NE SW SW	34	33S	36W	1	1261	3992		1350	349	1350	349	NONE

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) _____

16. Place of Use										NE¼								NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
CHK	MOD	DEL	PUSE	S	T	R	ID	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 12																																	
CHK 2919																																	
CHK 8401																																	
CHK 18603																																	
CHK 19243																																	
CHK 23871																																	
CHK 29405																																	
CHK 55053																																	
CHK 56459																																	
CHK 61968																																	
CHK 67929																																	

Base Acres: Year: Minimum Reasonable Quantity:

Comments: **NO CHANGES IN OWNERSHIP / WUC REMAINS THE SAME**

Garden City Field Office
4532 W. Jones, Suite B
Garden City, KS 67846



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

Mike Beam, Secretary

Laura Kelly, Governor

March 8, 2021

WHEELER INVESTMENTS LP
Attn: LEE R WHEELER
748 RD 20
HUGOTON, KS 67951-5183

RE: Water Right, File No. 11235

Dear Sir or Madam:

Enclosed is the 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 an acceptable water flow meter 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 the 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 contact this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

A handwritten signature in blue ink that reads "Austin J. McColloch".

Austin J. McColloch
Assistant Water Commissioner

AM:
enclosures

pc: GROUNDWATER MANAGEMENT DISTRICT NO. 3

CERTIFICATE OF SERVICE

On this 8th day of March, 2021, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 11,235 dated 8th day of March, 2021 was mailed postage prepaid, first class, US mail to the following:

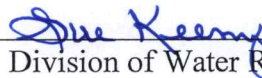
WHEELER INVESTMENTS LP
Attn: LEE R WHEELER
748 RD 20
HUGOTON, KS 67951-5183

Pc:

R & L WALKEMEYER PROPERTIES LP
Attn: ROY WALKEMEYER
1206 CASA DEL REY DR
LA HABRA, CA 90631-8330

L & L FARMS A PARTNERSHIP
2044 ROAD H
HUGOTON, KS 67951

GROUNDWATER MANAGEMENT DISTRICT NO. 3



Division of Water Resources Staff

SW 35-33-36 S0

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. 11235

RECEIVED
2:15 pm
MAR 04 2021

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: Lee Wheelers and Roy Walkemeyer

ROY WALKEMEYER
1206 CASA DEL REY DRIVE
LA HABRA, CALIFORNIA
90631

Phone Number: () _____

Email address: _____

Name and address of Water Use Correspondent: LEWIS W WHEELER

~~748 ROAD 20 HUGOTON KS 67951~~

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 \$ 100.00 TR # _____ Receipt Date 3-4-21 Check # 300

5. **Presently authorized point of diversion:**
 One in the SE Quarter of the SW Quarter of the SW Quarter of Section 35, Township 33 South, Range 36 W, in Stevens County, Kansas, 100 feet North 4545 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (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: 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 SE Quarter of the SW Quarter of the SW Quarter of Section 35, Township 33 South, Range 36 W, in Stevens County, Kansas, 193 feet North 4618 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 NC Quarter of the SW Quarter of the --- Quarter of Section 34, Township 33 South, Range 36 W, in Stevens County, Kansas, 1260 feet North 3960 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (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: 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 NE Quarter of the SW Quarter of the SW Quarter of Section 34, Township 33 South, Range 36 (E/W), in Stevens County, Kansas, 1261 feet North 3992 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) _____

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

9. The change(s) (was)(will be) completed by?

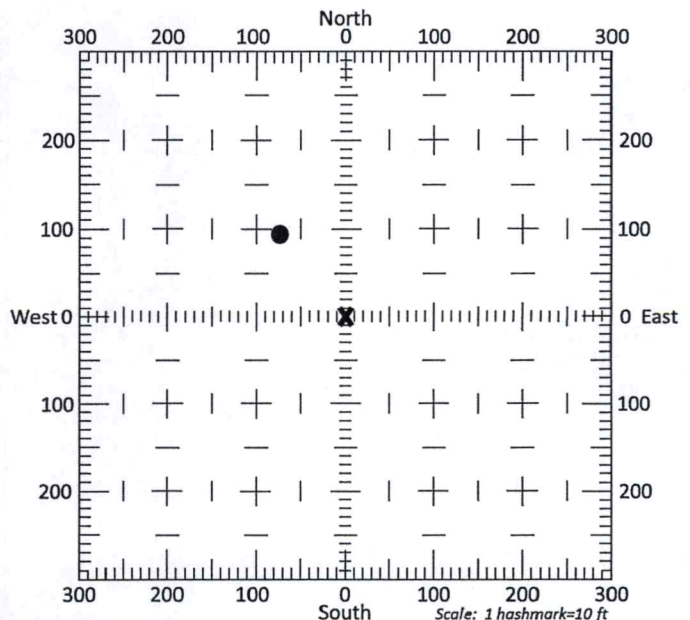
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?

 (b) When will this be done? _____

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by HH / GCFO

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.)

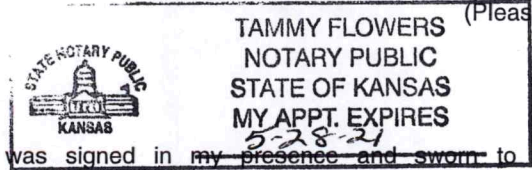
If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized 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 4th day of MARCH, 2021.

<u>Lee R. Wheeler</u>	
(Owner)	(Spouse)
<u>Lee R. Wheeler</u>	
(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 4 day of March, 2021.

Tammy Flowers
 Notary Public

My Commission Expires 5-28-21

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. 11235.

1. A change application was received on March 4, 2021 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, 2021**, 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, 2021**, or within any authorized extension of time. By March 1, 2021 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: Austin McColloch
 Duly Authorized Designee of the Chief Engineer

(Print Name): Austin McColloch
 Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: March 8, 2021

State of Kansas)
) SS

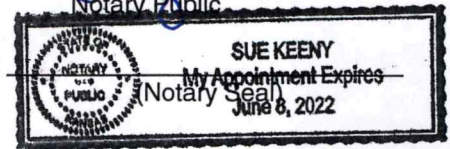
County of Funny)

Acknowledged before me on March 8, 2021

by Austin McColloch

Signature: Sue Keeny
 Notary Public

My commission expires: _____



1-5-21

Test No.

10-20

County

Stevens

FROM	TO	DESCRIPTION	SAND
0	260	surface sand, clay, & gravel	5W 35-33-36 SV
260	280	fairly loose fine to med sand	20
280	300	fairly loose - little tight fine to med sand w/ occ brown & white clay streaks	16
300	320	fairly loose fine to med sand w/ occ brown clay stringers	18
320	340	fairly loose - little tight med - coarse sand w/ occ white clay stringers	20
340	360	fairly loose - little tight fine to med sand	20
360	380	fairly loose med - coarse sand	20
380	400	fairly loose med - coarse sand	20
400	420	fairly loose fine to coarse sand w/ a brown clay streak	13
420	440	fairly loose fine sand w/ brown clay stringers & streaks	12
440	460	fairly loose fine sand w/ brown clay streaks & stringers	14
460	480	fairly loose fine to med sand w/ occ brown clay stringers	17
480	500	fairly loose fine to med sand w/ occ brown clay stringers	20
500	520	fairly loose fine to med sand w/ occ brown & blue clay streaks	14
520	540	fairly loose fine to med sand w/ occ brown & blue clay stringers	15
540	560	little firm reddish brown & blue clay w/ occ fine sand streaks	7
560	580	little firm reddish brown & blue clay w/ fine sand streaks	10
580	600	fairly loose fine to med sand w/ occ reddish brown & blue stringers	18
600	620	firm - little firm red & blue clay w/ occ fine sand streaks	17
620	640	red clay w/ occ blue clay stringers	
TOTAL DEPTH 640'			

1-5-21

Test No.

10-20

County

Stevens

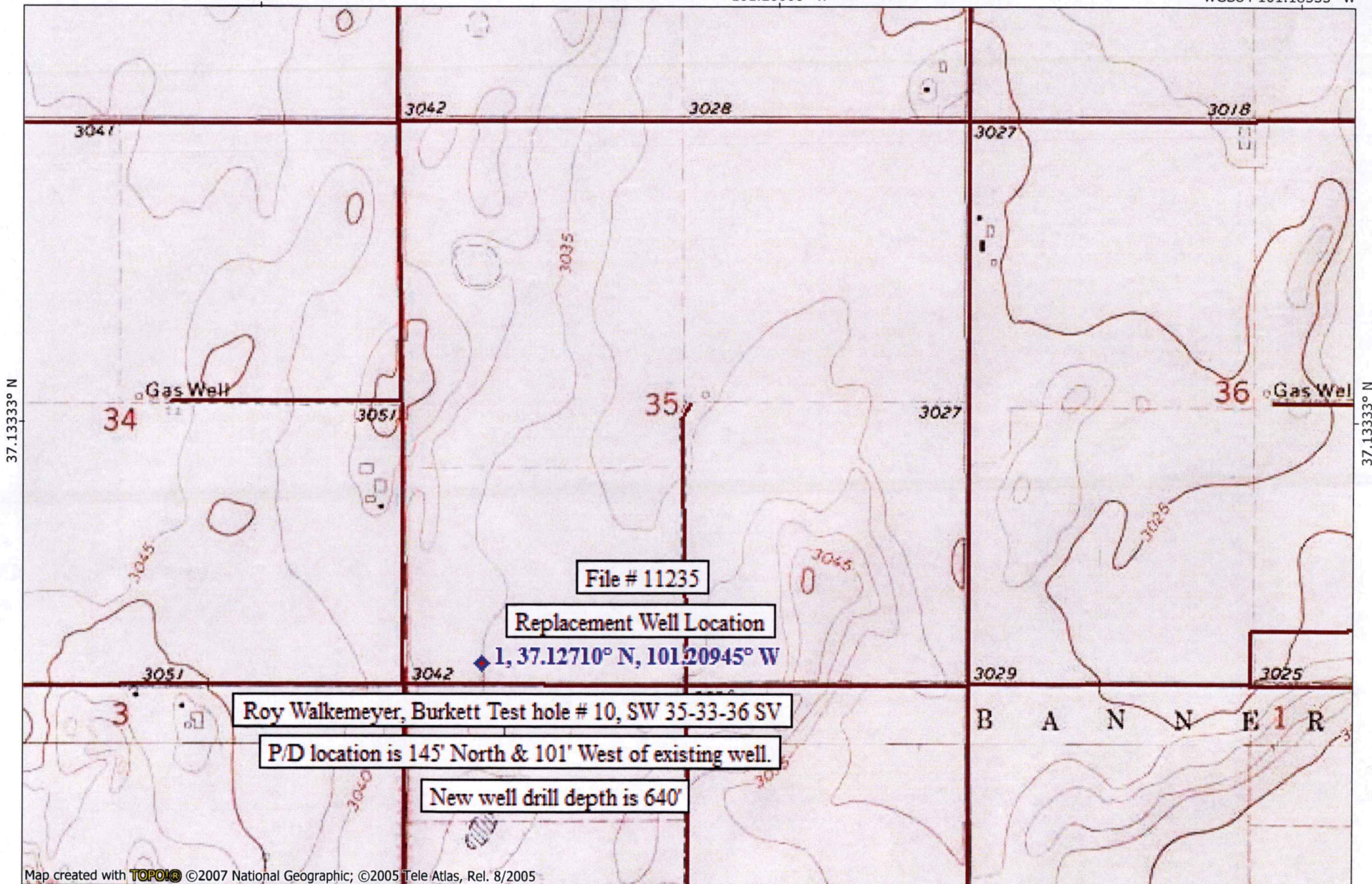
FROM	TO	DESCRIPTION	SAND
0	260	surface sand, clay, & gravel fairly loose	5W 35-33-36 SV
260	280	fine to med sand	20
290	300	fairly loose - little tight fine to med sand w/ occ brown & white clay streaks little soft	16
300	320	fairly loose fine to med sand w/ occ brown clay stringers	18
320	340	fairly loose - little tight med - coarse sand w/ occ white clay stringers	20
340	360	fairly loose - little tight fine to med sand	20
360	380	fairly loose med - coarse sand	20
380	400	fairly loose med - coarse sand	20
400	420	fairly loose fine to coarse sand w/ a brown clay streak little soft	13
420	440	fairly loose fine sand w/ brown clay stringers & streaks little soft	12
440	460	fairly loose fine sand w/ brown clay streaks & stringers little firm	14
460	480	fairly loose fine to med sand w/ occ brown clay stringers	17
480	500	fairly loose fine to med sand w/ occ brown clay stringers	20
500	520	fairly loose fine to med sand w/ occ brown & blue clay streaks	14
520	540	fairly loose fine to med sand w/ occ brown & blue clay stringers	15
540	560	little firm reddish brown & blue clay w/ occ fine sand streaks little tight	7
560	580	little firm reddish brown & blue clay w/ fine sand streaks little tight - fairly loose	10
580	600	fairly loose fine to med sand w/ occ reddish brown & blue stringers	18
600	620	firm - little firm red & blue clay w/ occ fine sand streaks little tight	7
620	640	red clay w/ occ blue clay stringers	

TOTAL DEPTH 640'

101.21667° W

101.20000° W

WGS84 101.18333° W

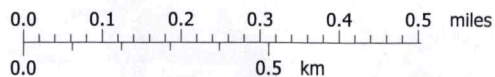


Map created with TOPO! ©2007 National Geographic; ©2005 Tele Atlas, Rel. 8/2005

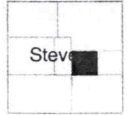
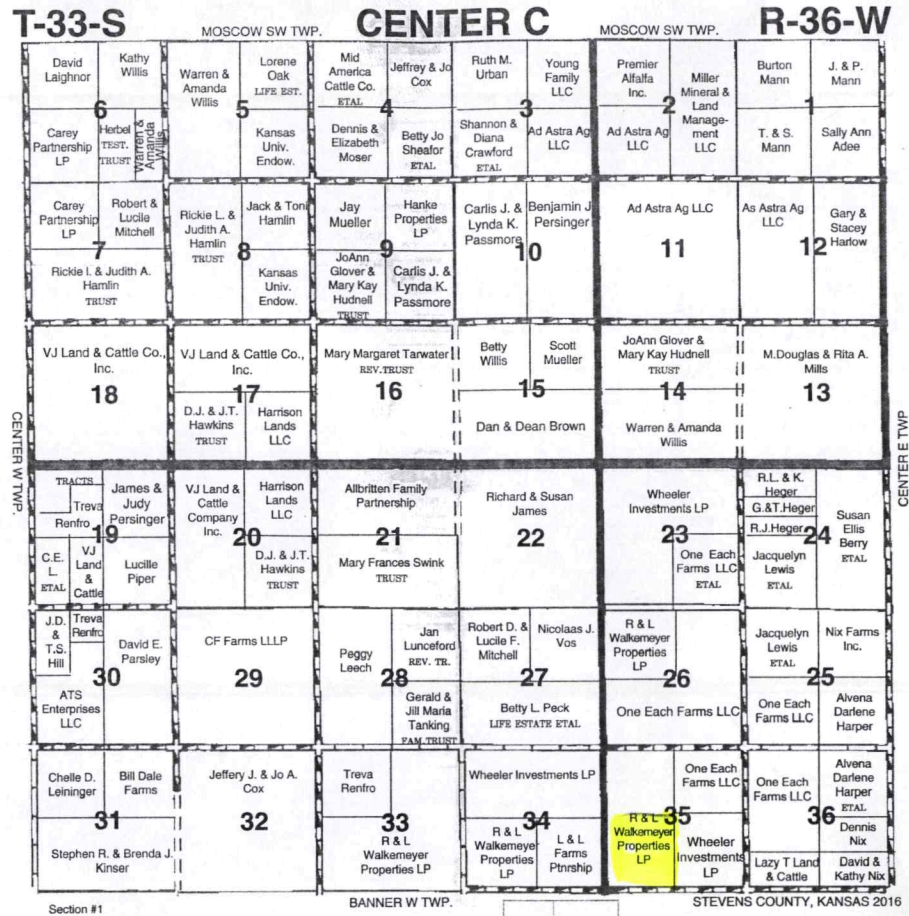
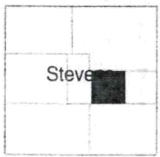
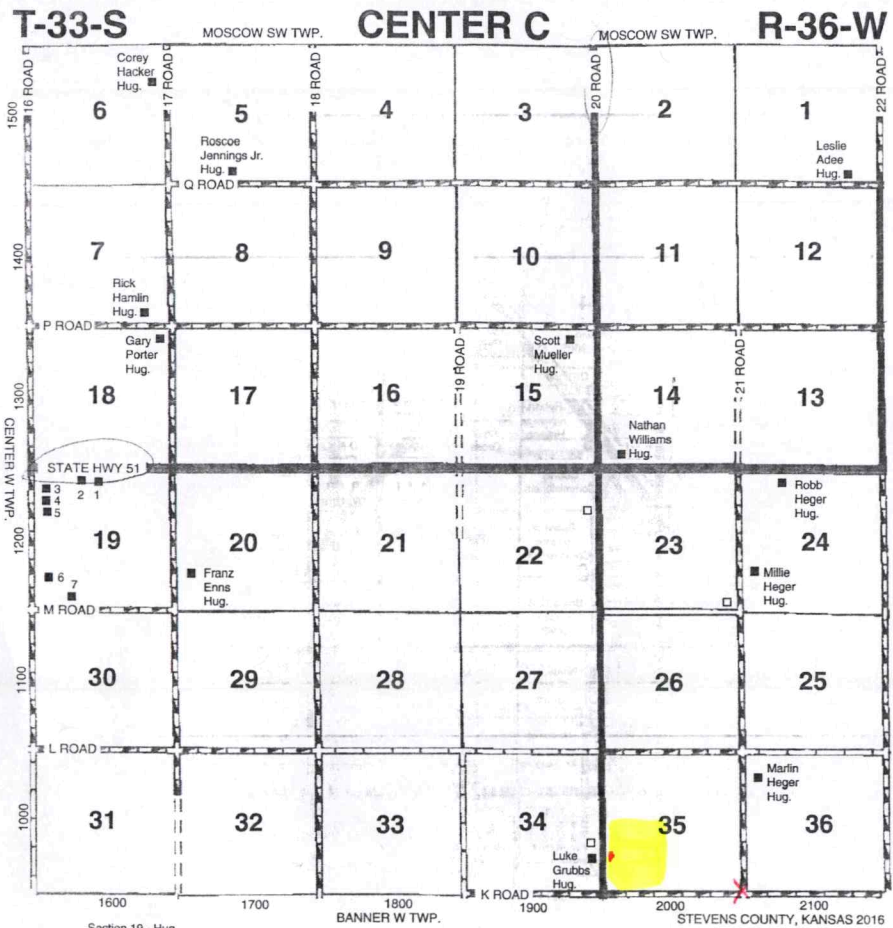
101.21667° W

101.20000° W

WGS84 101.18333° W



TN MN
5 1/2°
03/04/21



WALKMEYER
 SW 35-33-36 SW

DIVISION OF WATER RESOURCES-KANSAS DEPARTMENT OF AGRICULTURE
COMPLIANCE INVESTIGATION

Field Office No. 04 G.M.D. No. 03 County Stevens

File No. 11235 sec. 34 Overlap P/D or P/U File No(s). 11235, 23702, 22202, 28787, 39358, 40999, 43133, 16465, 44683 & 45162

In Compliance/ Date	
<input checked="" type="checkbox"/>	Yes <u>12-1-11</u>
<input type="checkbox"/>	No, see comments _____
<input type="checkbox"/>	Re-investigation _____

Agency KDA / DWR Inspector Chuck Schmidt / GCFO

Reason: New Application Regular P/D Change P/U Change
 Meter Installed Short Move P/D Change Other _____

Date of Order 5/5/11 Date of N of C Ack _____ Chg No. C2 Date completed 5/5/11 If PD chg, old PD ID _____

Current Landowner Roy Walkemeyer Investments LP; % Roy Walkemeyer Phone No. 620-544-8947

Address 1607 S. Eisenhower St. Hugoton, Ks. 67951
Additional landowners and addresses identified in remarks section.

Water Use Correspondent same Phone No. _____

Authorized Water Use Classification
 Domestic Industrial Irrigation Municipal Hydraulic Dredging
 Recreation Stockwatering Water Power Artificial Recharge Contamination Remediation
 Dewatering Fire Protection Thermal Exchange Sediment Control Other _____

Water currently being used for Irrigation

Source: Groundwater Surface Water Basin Cimarron

Authorized Point of Diversion: NC SW Sec. 34, T. 33S, R. 36W ID No. 1

Approximately 1260 ft. North and 3960 ft. West of SE corner of Sec 34.

Actual Point of Diversion: NE SW SW Sec. 34, T. 33S, R. 36W

Approximately 1261 ft. North and 3992 ft. West of SE corner of Sec 34.

How were distances determined? GPS Data Latitude 37.12999 Longitude 101.22527

Distance from old pd _____ ft (N / S) and _____ ft (E / W) Old well: plugged capped equipped other: _____?

Location (site) map attached? NO Sketch or Map below

Comments: _____

WATER RESOURCES
RECEIVED
MAR 19 2012
KS DEPT OF AGRICULTURE