





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

June 16, 2021

DARYL & STEPHANIE MAY  
2497 ROAD 16  
MOSCOW KS 67952-5217

RE: Water Right, File No. 8095

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 16<sup>th</sup> day of June, 2021, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 8,095 dated 16<sup>th</sup> day of June, 2021 was mailed postage prepaid, first class, US mail to the following:

DARYL & STEPHANIE MAY  
2497 ROAD 16  
MOSCOW KS 67952-5217

Pc:

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.

**RECEIVED**  
 1240 PM  
 JUN 14 2021

File No. 8095

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: DARYL & STEPHANIE MAY  
2497 ROAD 16 MOSCOW, KS 67952-5217

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

Name and address of Water Use Correspondent: SAME AS ABOVE

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

3. The presently authorized place of use is:

Owner of Land ---- NAME: SAME AS ABOVE - NEW OWNERSHIP

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 6-14-21 Check # 12837

5. **Presently authorized point of diversion:**  
 One in the SW Quarter of the SW Quarter of the SE Quarter of Section 14, Township 31 South, Range 37 (W), in STEVENS County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate 1500 GPM Authorized Quantity 320 AF Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. 02 GPS 17 feet North 2593 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 SW Quarter of the SW Quarter of the SE Quarter of Section 14, Township 31 South, Range 37 (W), in STEVENS County, Kansas, 263 feet North 2533 feet West of Southeast corner of section.  
 Proposed Rate 1500 GPM Proposed Quantity 320 AF Proposed well depth (feet) 500'  
 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 \_\_\_\_\_ (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 \_\_\_\_\_ (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) LOSS OF PRODUCTION

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

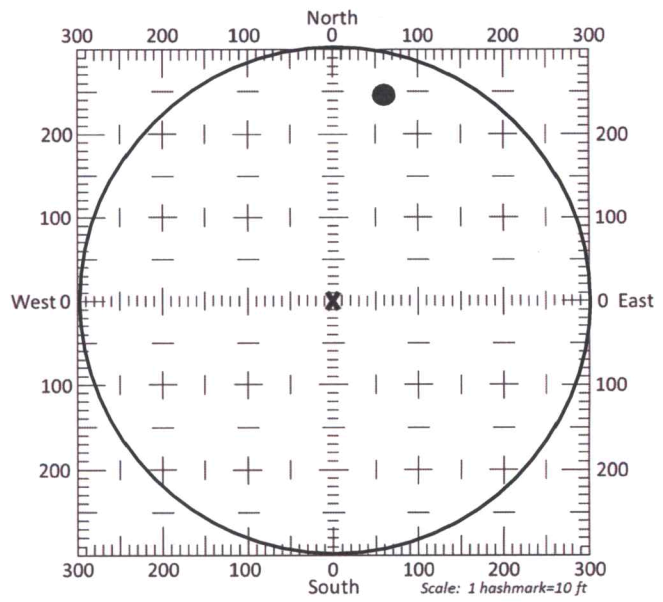
9. The change(s) (was)(will be) completed by?  
UPON APPROVAL

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

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by AM / 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 a 300 foot radius of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. **(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 14<sup>th</sup> day of June, 2021.

Daryl May  
 \_\_\_\_\_  
 (Owner)

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

Daryl May  
 \_\_\_\_\_  
 (Please Print)

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

Stephanie May  
 \_\_\_\_\_  
 (Owner)

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

Stephanie May  
 \_\_\_\_\_  
 (Please Print)

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

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

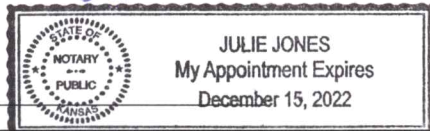
\_\_\_\_\_  
 (Spouse)

\_\_\_\_\_  
 (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 14<sup>th</sup> day of June, 2021.



Julie Jones  
 \_\_\_\_\_  
 Notary Public

My Commission Expires \_\_\_\_\_

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. 8095.

1. A change application was received on June 14, 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, 2022 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: June 16, 2021

State of Kansas )

County of Finney ) SS

Acknowledged before me on June 16, 2021

by Austin McColloch

Signature: Julie Jones  
Notary Public

My commission expires: \_\_\_\_\_  
(Notary Seal)





26097

**L.C. BURKETT, JR  
DRILLING COMPANY**

(WE TEST THE EARTH)  
PHONE 806-948-4252  
P.O. Box 630  
SUNRAY, TEXAS 79086

Sec.

Blk.

Sur.

14

31

37

*Daryl May*

N 37 ° 20 ' 42.1 "

W 101 ° 18 ' 41.7 "


6-11-21

Test No.

2-21

County

Strom

FROM	TO	DESCRIPTION	SAND
0	320	Surface, white, fine sand	
320	340	Finda Med coarse sand "fairly loose" for "dirty streak"	3 dirty 170
340	360	Finda Med coarse sand "fairly loose" for "dirty streak"	2 dirty 180
360	380	Finda Med coarse sand "fairly loose" for white clustings & streak	2 dirty 160
380	400	Finda Med coarse sand "fairly loose" for white clustings & streak	10 dirty 170
400	420	Finda Med coarse sand "fairly loose" for white clustings & streak	4 dirty 160
420	440	Finda Med coarse sand "fairly loose" for white clustings & streak	8 dirty 120
440	460	Finda Med coarse sand "fairly loose" for white clustings & streak	5 dirty 150
460	480	460-474 conglomerated sandstone (water tight) clustings / Blue-gray	14
480	500	Blue-yellow to red clay "for sandy streak" "firm"	

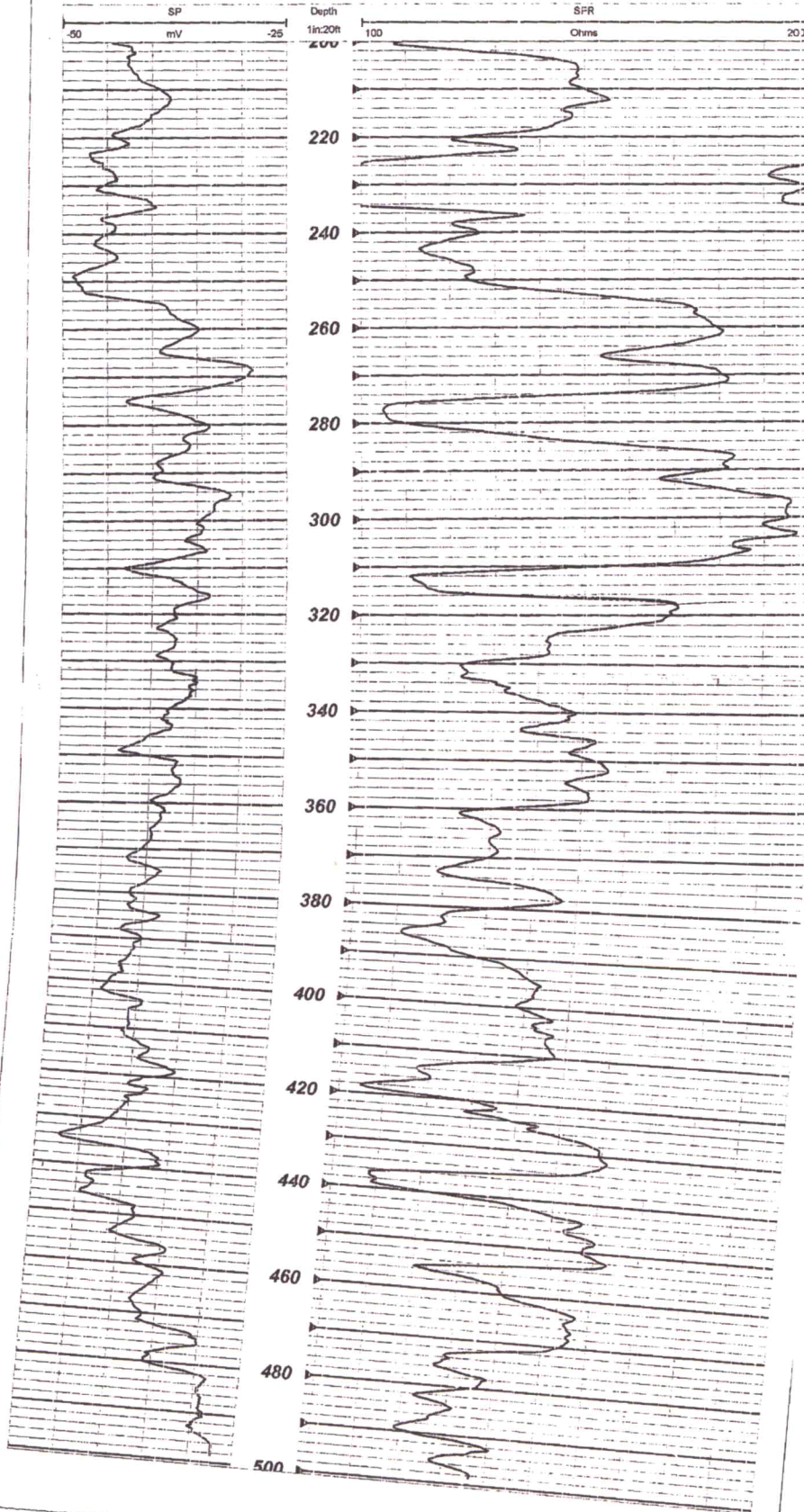


# Burkett Drilling

Sunray, Texas

(806) 948-4182 (806) 922-6470

Customer Daryl May Test # 2-21  
Date 6-11-21 Log # 26097



Book 344 Page 591



STATE OF KANSAS SS  
COUNTY OF STEVENS

GENERAL WARRANTY DEED  
Joint Tenancy

This instrument was filed for record on the 19  
day of May A.D. 2021  
at 1:00 o'clock P. and duly recorded in  
Book 344 on page 591 Fee \$ 38.00  
Jillha Case  
Register of Deeds

THIS DEED made this 17<sup>th</sup> day of May, 2021, between Carol J.

Quillen, a single person, as "GRANTOR", and Daryl E. May and Stephanie A. May, husband and wife,  
2497 Road 16, Moscow, KS 67952, as joint tenants with the rights of survivorship and not as tenants in  
common, as "GRANTEES".

WITNESSETH:

In consideration of the sum of Ten Dollars (\$10.00) and other good and valuable  
consideration, the receipt of which is hereby acknowledged, Grantor hereby conveys and warrants unto  
Grantees, as joint tenants with the right of survivorship and not as tenants in common, all the following  
described real estate situated in the County of Stevens, State of Kansas, to-wit:

SURFACE AND WATER RIGHTS ONLY IN AND TO:  
The South Half (S/2) of Section Fourteen (14), Township Thirty-one (31) South,  
Range Thirty-seven (37) West of the Sixth Principal Meridian.

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements,  
hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever, as joint  
tenants, the survivor to take the whole estate.

Grantor, for herself, her heirs, executors and administrators does hereby covenant,  
promise and agree to and with Grantees, that the delivery of these presents she is lawfully seized in her  
own right of an absolute and indefeisible estate of inheritance, in fee simple, of and in all and singular the  
above-described premises together with the appurtenances; that the same are free, clear, discharged and  
unencumbered of and from all former and other grants, estates, taxes, assessments and encumbrances of  
what nature or kind soever, except easements, restrictions, rights-of-way, oil and gas leases, and mineral  
reservations of record, if any, and that she will warrant and forever defend the same unto Grantees, as  
joint tenants with the right of survivorship and not as tenants in common, and the heirs and assigns of the  
survivor of them, against Grantor, her heirs and all and every person or persons whomsoever lawfully  
claiming or to claim the same.

Entered in Transfer Record by my office this  
20 day of May  
A.D. 2021  
[Signature]  
County Clerk



IN WITNESS WHEREOF, Grantor has hereunto set her hand, the day and year first above written.

Carol J. Quillen  
Carol J. Quillen

STATE OF KANSAS, COUNTY OF Haskell, SS:

BE IT REMEMBERED, that on this 17<sup>th</sup> day of May, 2021 before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Carol J. Quillen, a single person, who is personally known to me to be the same person who executed the foregoing deed and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.



Suzan Kimball  
Notary Public

My Commission Expires: 3/3/24

SEAL

HRS