

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

1. File Number: <b>16834</b>	2. Status Change Date: <i>12-13-2022</i>	3. Change Num: <b>C2</b>	4. Field Office: <b>4</b>	5. GMD: <b>3</b>
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: <b>11/21/2022</b>
8a. Landowner, applicant, WUC New to system <input type="checkbox"/>  <b>JAMES A HUSH PO BOX 458 PLAINS, KS 67869</b>		Person ID 8306 _____ Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/>  Person _____ Add Seq# _____	
8b. Landowner(s), New to system <input type="checkbox"/>		Person ID 39063 _____ Add Seq# _____	8d. WUC New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/2023</b> <input checked="" type="checkbox"/> N & P Date to Comply: <b>3/1/2024</b>				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input checked="" type="checkbox"/> Water Tube <input checked="" type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____				
10. Use Made of Water    From: _____    To: _____				
Date Prepared: <b>12/13/2022</b> By: <b>MAM</b> Date Entered: _____    By: _____				

File No. **16834**      11. County: ME      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	
<b>MOD</b>	<b>21069</b>			<b>NWSWNW</b>	<b>11</b>	<b>33</b>	<b>30W</b>	<b>01</b>	<b>3475</b>	<b>5265</b>		<b>1470</b>	<b>417</b>	<b>1470</b>	<b>417</b>	<b>NONE</b>
<b>MOD</b>	<b>24568</b>			<b>CWSW</b>	<b>11</b>	<b>33</b>	<b>30W</b>	<b>02</b>	<b>1067</b>	<b>5265</b>		<b>1230</b>	<b>487</b>	<b>1230</b>	<b>487</b>	<b>NONE</b>

CHK 32183

CHK 9404

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_ af/ 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 \_\_\_\_\_

16. Place of Use 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				
<b>CHK</b>	<b>6641</b>																								
<b>CHK</b>	<b>32575</b>																								
<b>CHK</b>	<b>39089</b>																								
<b>CHK</b>	<b>70288</b>																								

Base Acres:      Year:      Minimum Reasonable Quantity:  
 Comments:

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

December 14, 2022

JAMES A HUSH  
PO BOX 458  
PLAINS, KS 67869

RE: Field Office Application for Change  
Water Right, File No. 16834

Dear Sir:

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 these approvals for change. A condition of these approvals 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 documents referred to above, they 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, appearing to read "Michael A. Meyer".

Michael A. Meyer  
Water Commissioner

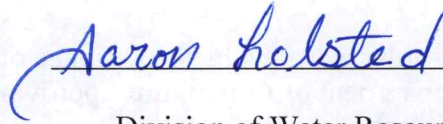
MAM:  
Enclosures  
pc: GMD3

**CERTIFICATE OF SERVICE**

On this 14<sup>th</sup> day of December 2022, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 16,834 dated 13<sup>th</sup> day of December 2022 was mailed postage prepaid, first class, US mail to the following:

JAMES A HUSH  
PO BOX 458  
PLAINS, KS 67869

pc: GMD3

  
\_\_\_\_\_

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**  
 4:15 pm  
 NOV 21 2022

File No. 16834

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: Brandon Hush  
PO Box 476, Plains, KS 67869  
 Phone Number: (620)482-4434      Email address: brandonhush@icloud.com  
 Name and address of Water Use Correspondent: James A Hush %Brandon Hush  
PO Box 458, Plains, KS 67869  
 Phone Number: (      )      Email address: \_\_\_\_\_

3. The presently authorized place of use is:  
 Owner of Land ---- NAME: NO CHANGE  
 ADDRESS: \_\_\_\_\_

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES		
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼			

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** 11.21.22 **Check #** 8939

5. **Presently authorized point of diversion:**  
 One in the NW Quarter of the SW Quarter of the NW Quarter of Section 11, Township 33 South, Range 30 (W), in Meade County, Kansas, 3475 feet North 5265 feet West of Southeast corner of section.  
 Authorized Rate 1470gpm Authorized Quantity 542AF 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 NW Quarter of the SW Quarter of the NW Quarter of Section 11, Township 33 South, Range 30 (W), in Meade County, Kansas, 3475 feet North 5265 feet West of Southeast corner of section.  
 Proposed Rate 1470gpm Proposed Quantity 417AF Proposed well depth (feet) \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

6. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the CW Quarter of the SW Quarter of Section 11, Township 33 South, Range 30 (W), in Meade County, Kansas, 1067 feet North 5265 feet West of Southeast corner of section.  
 Authorized Rate 1230gpm Authorized Quantity 362AF Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. 02 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 CW Quarter of the SW Quarter of Section 11, Township 33 South, Range 30 (W), in Meade County, Kansas, 1067 feet North 5265 feet West of Southeast corner of section.  
 Proposed Rate 1230gpm Proposed Quantity 487AF 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) Balance the authority  
Between the wells to better suit operation

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

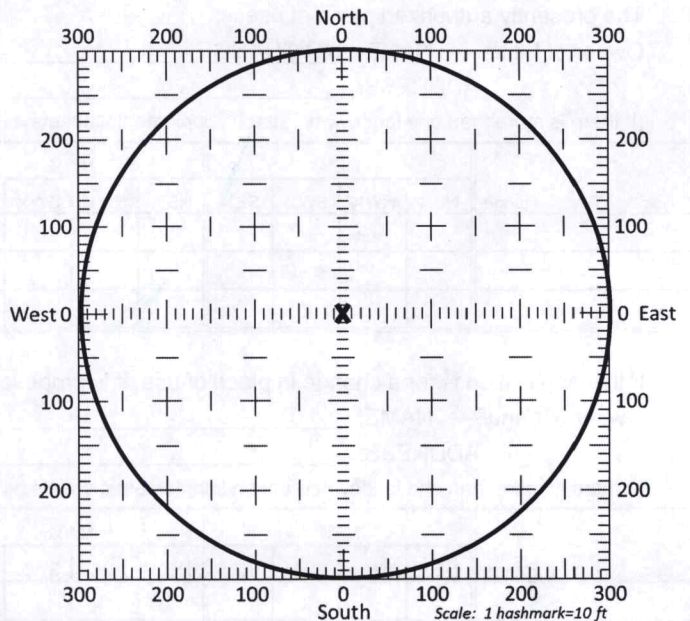
9. The change(s) (was)(will be) completed by?  
Existing well

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 GMD3/JLN

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.)**

APPLICATION FOR APPROVAL TO CHANGE  
THE PLACE OF USE AND/OR POINT OF DIVERSION  
SUPPLEMENTAL SHEET  
FILE NO. 16834

**Presently authorized point of diversion:**  
One in the NW Quarter of the NW Quarter of the SE Quarter  
of Section 3, Township 33 South, Range 30 (W),  
in Meade County, Kansas, 2475 feet North 2325 feet West of Southeast corner of section.  
Authorized Rate 760gpm Authorized Quantity 252AF 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 \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
This point is:  Additional Well  Geo Center  List other water rights that will use this point \_\_\_\_\_

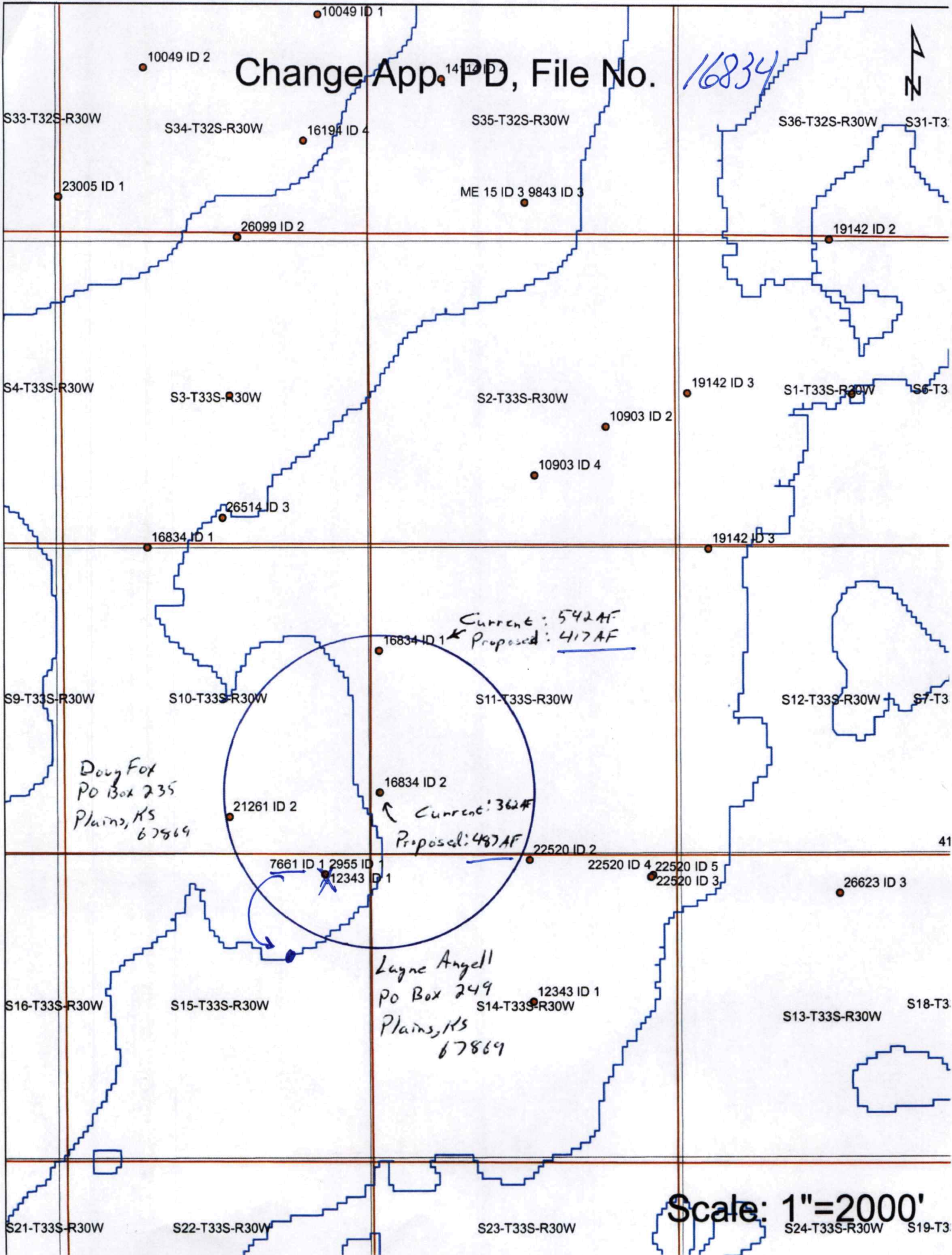
**Presently authorized point of diversion:**  
One in the \_\_\_\_\_ Quarter of the CN Quarter of the NW Quarter  
of Section 10, Township 33 South, Range 30 (W),  
in Meade County, Kansas, 5240 feet North 3947 feet West of Southeast corner of section.  
Authorized Rate 1115gpm Authorized Quantity 424AF 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 \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
This point is:  Additional Well  Geo Center  List other water rights that will use this point \_\_\_\_\_

**Presently authorized point of diversion:**  
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
This point is:  Additional Well  Geo Center  List other water rights that will use this point \_\_\_\_\_

**Presently authorized point of diversion:**  
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
This point is:  Additional Well  Geo Center  List other water rights that will use this point \_\_\_\_\_

# Change App. PD, File No. 16834

16834



Scale: 1"=2000'



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 GMD3 Office, Kansas, this 21<sup>st</sup> day of November, 2022.

<u>Brandon Hush</u>	
(Owner)	(Spouse)
<u>Brandon Hush</u>	
(Please Print)	(Please Print)
<u>Laketa J. Hush</u>	
(Owner)	(Spouse)
<u>Laketa J. Hush</u>	
(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 21<sup>st</sup> day of November, 2022.

Patricia Stapleton  
 Notary Public

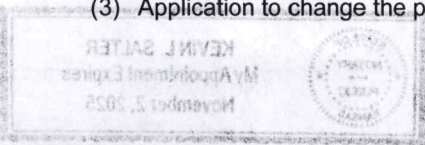
My Commission Expires 05-21-2025.

**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. 16,834

1. A change application was received on November 21, 2022 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use.  Applicable  Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 300 foot radius of the authorized point(s) of diversion.  Applicable  Not Applicable
4. The point(s) of diversion 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, 2023**, 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, 2023**, or within any authorized extension of time. By March 1, 2024 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**

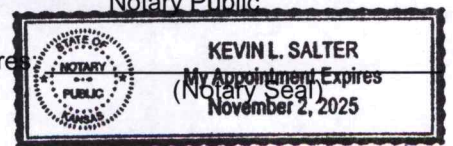
If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and 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.

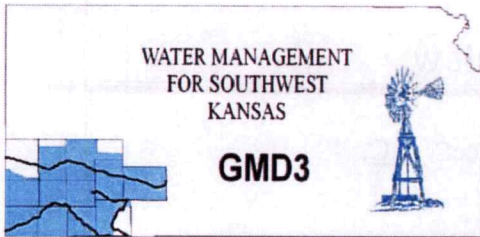
*For Use by Register of Deeds*

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: December 13, 2022  
State of Kansas )  
County of JENNEY ) SS  
Acknowledged before me on 13 December 2022  
by MICHAEL A MEYER  
Signature: [Signature]  
Notary Public

My commission expires





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

December 13, 2022

Mike A Meyer  
Division of Water Resources  
4532 W Jones Ave., Suite B  
Garden City, Kansas 67846

RE: Application for Change in Point of Diversion  
Water Right, File No. 16834

Dear Mike:

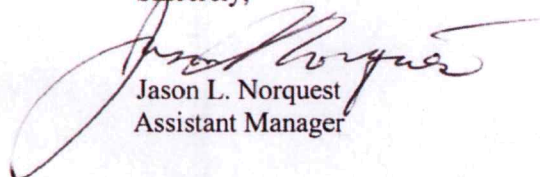
We have completed a review of the application for the above referenced water right. The proposed reallocation of authority under wells covered by the above water right is in accordance with current area rules, K.A.R. 5-23-3, as it pertains to minimum spacing to neighboring wells and distance moved.

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 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 our membership. 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 (4.0 ft on the sections saturated thickness 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 none of the neighboring wells exceeded the net effect above the maximum allowable threshold and no critical wells determined. We did not receive any comments from neighbor notices. Therefore, GMD3 sees this move as meeting current rules and would recommend approval of the applications. If aquifer conditions change or there is a change to the water right in the future, we would be happy to evaluate the effects at that time.

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

Sincerely,



Jason L. Norquest  
Assistant Manager

RECEIVED

DEC 13 2022

Garden City Field Office  
Division of Water Resources

## GMD3 Change Review

---

File No(s): 16834 . DWR office: GC.

App filed to change: PD (reallocation) .

Is Landowner(s) correct in WRIS: Brandon Hush .

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS?     .

If NO, is documentation included?

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

Point of diversion ID No(s)     being changed.

	ft. North	ft. West	
Authorized PD	3475	5264	Sect 11-33-30
Proposed PD	1067	5265	
Difference	2408	-1	
$a^2 + b^2 = c^2$	5798464	1	2408 feet between

GPS for proposed PD: Lat:     Long:     .

Is proposed PD stacking on existing WRs?     .

Is Proposed PU overlapping existing WRs?     .

Neighboring certified well(s) notified:     .

Name Layne Angell (2955, 7661, 12343, 22520IRR).

Address PO Box 249.

Zip Plains, KS 67869.

Email: layne@swko.net Phone: 620-629-124.

Name Doug Fox (21261).

Address PO Box 235.

Zip Plains, KS 67869.

Email: dbfoxfarms@gmail.com Phone: 620-655-363.

Name Opportunity Feeder LLC (22520STK).

Address 509 Ark Ave.

Zip Kismet, KS 67859.

Email: john.h.lee.58@gmail.com Phone: 620-655-4070.

Domestic well(s) notified:     .

Name     .

Address     .

Zip     .

Base Acres:     .

Perfected Acres:     .

Irr. Return-Flow     %

**Both wells are in 11-33-30.**

## GMD3 Change Review

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**Two other wells under this water right, but not in this section and will not be changed.**

**ID 01: 3475N 5264W. 542AF reduced to 417AF**

**Avg reported use (2012-2021):217AF/year**

**600gpm reported in 2019**

**792gpm calculated in 2018 GMD3 inspection**

**ID 02: 1067N 5265W. 362AF increased to 487AF**

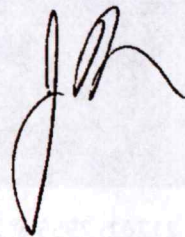
**Avg reported use (2012-2021):286.2AF/year**

**800gpm reported in 2019**

**989gpm calculated in 2018 GMD3 inspection**

**Is a waiver needed: Move just under half mile. Minimum spacing to neighboring wells appears met. Analysis shows possible effects well within guidelines and not critical wells.**

**Recommendation: After assisting with the application and review of information, it appears current area rules are met. Staff therefore recommends approval of the application.**





2955 & 7661 & 12343: Drawdown from current location = 2.05 ft  
Drawdown from proposed location = 3.36 ft  
Net drawdown = **1.3 ft**

22520 ID2: Drawdown from current location = 2.20 ft  
Drawdown from proposed location = 3.59 ft  
Net drawdown = **1.4 ft**

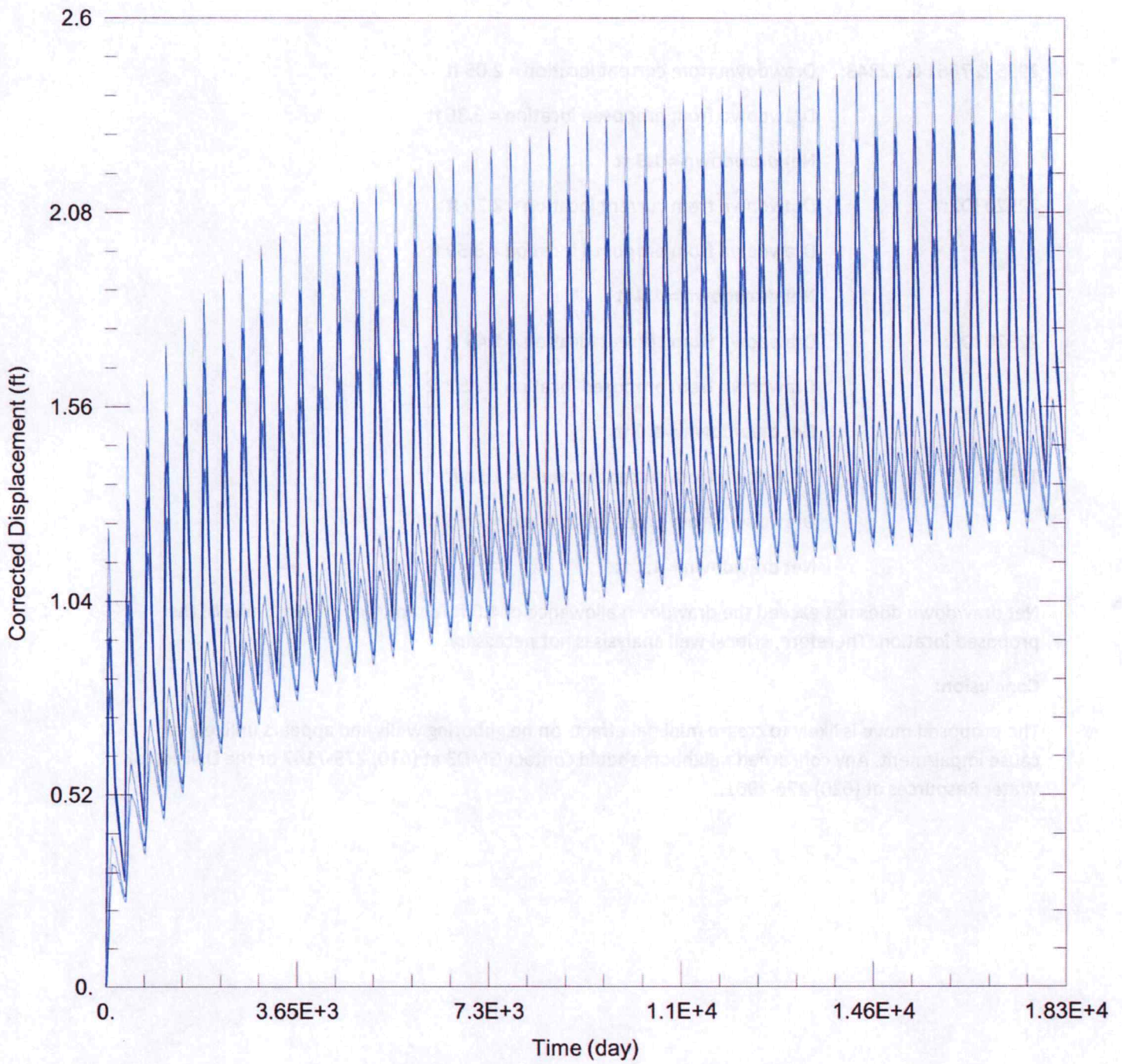
22520 ID3: Drawdown from current location = 1.49 ft  
Drawdown from proposed location = 2.52 ft  
Net drawdown = **1.0 ft**

12343: Drawdown from current location = 1.58 ft  
Drawdown from proposed location = 2.65 ft  
Net drawdown = **1.1 ft**

Net drawdown does not exceed the drawdown allowance of 4.0 ft for any well within 1 mile of the proposed location. Therefore, critical well analysis is not necessary.

**Conclusion:**

The proposed move is likely to create minimal effects on neighboring wells and appears unlikely to cause impairment. Any concerned neighbors should contact GMD3 at (620) 275-7147 or the Division of Water Resources at (620) 276-2901.



**WELL TEST ANALYSIS**

Data Set: C:\Users\trevora\Documents\2022\_moves\16834\16834 Current.aqt  
 Date: 12/12/22 Time: 14:58:00

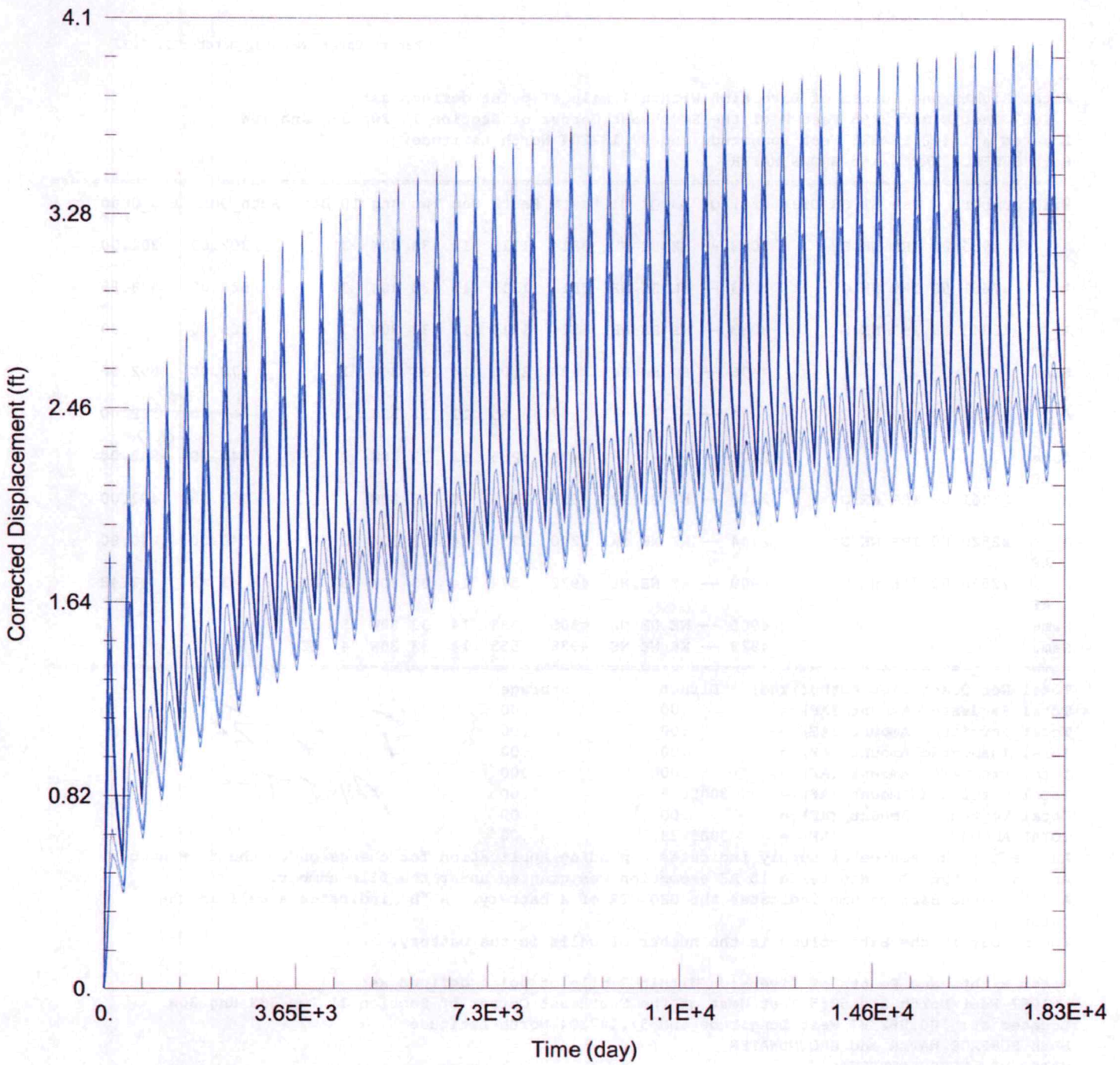
**PROJECT INFORMATION**

Company: GMD 3  
 Project: 16834  
 Location: Meade County

**WELL DATA**

Pumping Wells			Observation Wells		
Well Name	X (ft)	Y (ft)	Well Name	X (ft)	Y (ft)
16834 ID2	69055	113773	□	69055	113773





**WELL TEST ANALYSIS**

Data Set: C:\Users\trevora\Documents\2022\_moves\16834\16834 Proposed.aqt  
 Date: 12/12/22 Time: 14:57:55

**PROJECT INFORMATION**

Company: GMD 3  
 Project: 16834  
 Location: Meade County

**WELL DATA**

Pumping Wells			Observation Wells		
Well Name	X (ft)	Y (ft)	Well Name	X (ft)	Y (ft)
16834 ID2	69055	113773	□	69055	113773

Water Rights and Points of Diversion Within 1 mile of point defined as:

1067 Feet N and 5265 Feet W of the Southeast Corner of Section 11 Twp 33S Rng 30W  
 Located at: 100.562387 West Longitude and 37.187204 North Latitude  
 Both SURFACE WATER and GROUNDWATER

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	
A__ AF	2955 00	IRR	NK	G	3083	--	NE	SE	NE	3514	1319	15	33	30W	3	302.00	302.00	
A__ AF	7661 00	IRR	NK	G	3083	--	NE	SE	NE	3514	1319	15	33	30W	3	588.00	328.95	
A__ AF	12343 00	IRR	NK	G	3083	--	NE	SE	NE	3514	1319	15	33	30W	3	525.00	.00	
Same AF					4406	--	SW	SW	NE	2830	2600	14	33	30W	1	972.00	692.00	
A__ AF	16834 00	IRR	NK	G	4	--	--	--	1067	5265	11	33	30W	2		<del>362.00</del> <sup>487</sup>	<del>362.00</del>	
Same AF					2409	--	--	--	3475	5265	11	33	30W	1		<del>542.00</del> <sup>417</sup>	<del>542.00</del>	
A__ AF	21261 00	IRR	NK	G	2626	--	NC	S2	S2	650	2600	10	33	30W	2	497.00	497.00	
A__ AF	22520 00	IRR	NK	G	2754	--	NE	NE	NW	5200	2750	14	33	30W	2	540.00	240.00	
A__ AF	22520 00	STK	NK	G	4900	--	NE	NE	NE	4922	572	14	33	30W	3	G2	41.43	41.43
Same					4905	--	NE	NE	NE	4905	588	14	33	30W	5	B2		
Same					4923	--	NE	NE	NE	4938	555	14	33	30W	4	B2		

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) =	3005.38	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	3005.38	.00

*Spacing Still  
MET*

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

An \* after the ID indicates a 15 AF exemption was granted under 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 mile of point defined as:

1067 Feet North and 5265 Feet West of the Southeast Corner of Section 11 Twp 33S Rng 30W  
 Located at: 100.562387 West Longitude and 37.187204 North Latitude  
 Both SURFACE WATER and GROUNDWATER  
 WATER USE CORRESPONDENTS:

File Number Use ST SR

> LAYNE ANGELL

>

> P O BOX 249

> PLAINS KS 67869

>-----

> LAYNE ANGELL

>

> P O BOX 249

> PLAINS KS 67869

>-----

> LAYNE ANGELL

>

> P O BOX 249

*2955*  
*7661*  
*12343*

> PLAINS KS 67869

>-----

> JAMES A HUSH

>

> PO BOX 458

> PLAINS KS 67869

16834

Applicatio

>-----  
> DOUGLAS B FOX

> PO BOX 235

> PLAINS KS 67869

21261

>-----  
> LAYNE ANGELL

> P O BOX 249

> PLAINS KS 67869

22520

IR2

>-----  
> OPPORTUNITY FEEDERS LLC

> 509 ARK AVE

> KISMET KS 67859

22520

STK

>-----  
=====

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

November 22, 2022

SOUTHWEST KANSAS GROUNDWATER  
MANAGEMENT DISTRICT NO. 3  
2009 E SPRUCE ST  
GARDEN CITY KS 67846

Re: Request for Recommendation  
Water Right, File No. 16834

Dear Mr. Norquest:

This is to advise you that the Brandon Hush filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion.

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". The signature is fluid and cursive.

Michael A. Meyer  
Water Commissioner

MAM  
Enclosures