

File No. **18201** 11. County: **GT** Basin: **N F CIMARRON RIVER** Stream: Formation Code: **211/331** Special Use:

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
CHK				SE SW SE	21	28S	38W	5	62	1872		275	400	275	400	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) **NONE NO CHANGE**
 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										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
CHK	MOD	DEL	ENT	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				
ENT	2354			29 28 38W 1				1		40	40	38.5	38.0													156.5	8b	N	GT 25D1, 131, 972, 4852, 8857, 10525, 19609D1, 22057, 38166
ENT	18384			20 28 38W 1				1		40	40	40	40					40	40	37	40					317	8b	N	GT 25D1, 131, 972, 4852, 8857, 10525, 19609D1, 22057, 38166
MOD	38032			21 28 38W 1				1		40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	35	635	8b	N	GT 25D1, 131, 972, 4852, 8857, 10525, 19609D1, 22057, 38166
ENT	3182			18 28 38W 2				2						40	L 3 36.6 6	L 4 36.8 4	40	40	40	40	40					313.5	8c	N	GT 25D1, 131, 972, 4852, 8857, 10525, 19609D1, 22057, 38166
ENT	28198			19 28 38W 1				1		40	40	40	40	40	L 1 37	L 2 37.16	40									314.16	8c	N	GT 25D1, 131, 972, 4852, 8857, 10525, 19609D1, 22057, 38166
ENT	14292			20 28 38W 2				2						40	40	40	40									160	8c	N	GT 25D1, 131, 972, 4852, 8857, 10525, 19609D1, 22057, 38166

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

March 24, 2022

CLAY B & NANCY J SCOTT
1773 N ROAD B
ULYSSES, KS 67880

RE: Filed Office Application for Change
Vested Right, File No. GT-025-D1
Water Right, File Nos. 131; 972; 4852; 8857; 10525; 18201; 19609-D1; 22507 & 38166

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 numbers.

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/or 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
Katherine McGillivray Rev. Trust

CERTIFICATE OF SERVICE

On this 24th day of March, 2022, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Vested Right, File No. GT-025-D1 and Water Right, File Nos. 131; 972; 4,852; 8,857; 10,525; 18,201; 19,609-D1; 22,507 & 38,166 dated 24th day of March, 2022 was mailed postage prepaid, first class, US mail to the following:

CLAY B & NANCY J SCOTT
1773 N ROAD B
ULYSSES, KS 67880

Pc:

KATHERINE MCGILLIVRAY REV TRUST
4500 BOB BILLINGS PKWY UNIT 405
LAWRENCE, KS 66049-3848

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. 18201

RECEIVED
 JUL 18 2019
 2:20 pm
 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

Water Resources
 Received

2. Name and address of Applicant: CLAY B & NANCY J SCOTT

1773 N ROAD B ULYSSES KS 67880

Phone Number: () _____ Email address: _____

Name and address of Water Use Correspondent: SAME AS ABOVE

KS Dept Of Agriculture

Phone Number: () _____ Email address: _____

3. The presently authorized place of use is:

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

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	
21	28S	38W									40	40	40	40	40	40	40	40	320

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: SAME AS ABOVE – SEE SUPPLIMENTAL SHEET

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	
21	28S	38W	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	35	635

For Office Use Only: Code _____ Fee \$ <u>200</u> TR # _____ Receipt Date _____ Check # <u>3127</u>
--

9/17/2019
 WJH
 SCANNED

5. **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 _____

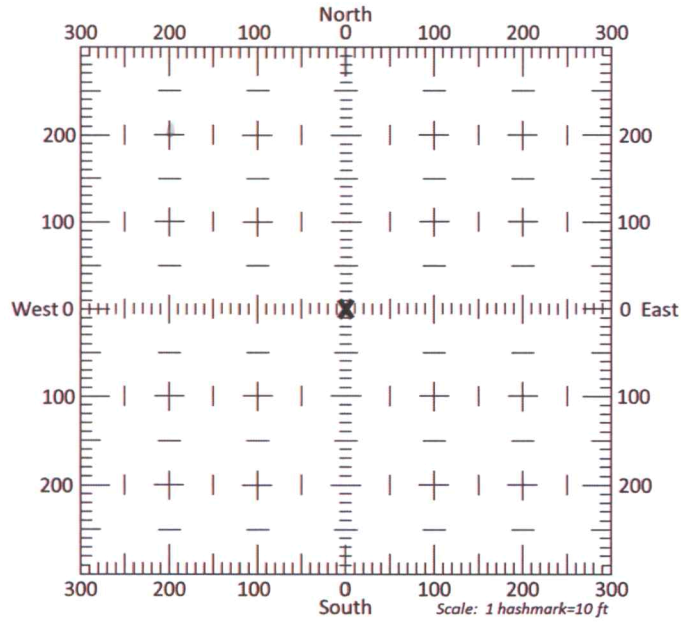
6. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized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

7. The changes herein are desired for the following reasons?
 (please be specific) _____

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 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 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.)**

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 18201
MAKE ADDITIONAL COPIES AS NECESSARY

3. *Continued:* 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			

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				

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					

4. *Continued:* 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: CLAY B & NANCY J SCOTT
ADDRESS: 1773 N ROAD B ULYSSES KS 67880

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						
20	28S	38W	40	40	40	40																	317	
29	28S	38W	40	40																				80
29	28S	38W			38.5	38																		76.5

Owner of Land ---- NAME: KATHERINE MCGILLIVRAY REV TRUST
ADDRESS: 4500 BOB BILLINGS PKWY UNIT 405 LAWRENCE KS 66049-3848

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							
18	28S	38W																							313.5
19	28S	38W	40	40	40	40	40	37	37.16	40															314.16
20	28S	38W																							160

Owner of Land ---- NAME: _____
ADDRESS: _____

GRAND TOTAL 1896.16

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								

Water Resources

SEP 13 2019

KS Dept Of Agriculture
SCANNED

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 _____, Kansas, this _____ day of _____, 20_____.

Clay Scott
 (Owner)

Clay Scott
 (Please Print)

 (Owner)

 (Please Print)

 (Owner)

 (Please Print)

Nancy Scott
 (Spouse)

Nancy Scott
 (Please Print)

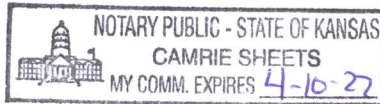
 (Spouse)

 (Please Print)

 (Spouse)

 (Please Print)

State of Kansas }
 County of Grant } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 15 day of July, 2019.

Camrie Sheets
 Notary Public

My Commission Expires 4-10-22.

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

Water Resources
 Received

SEP 13 2019

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. 18201.

- 1. A change application was received on July 18, 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 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, 2022**, 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, 2022**, or within any authorized extension of time. By March 1, 2023 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 McCulloch
Duly Authorized Designee of the Chief Engineer
(Print Name): Austin McCulloch
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: March 24, 2022

State of Kansas)
) SS

County of Stimney)

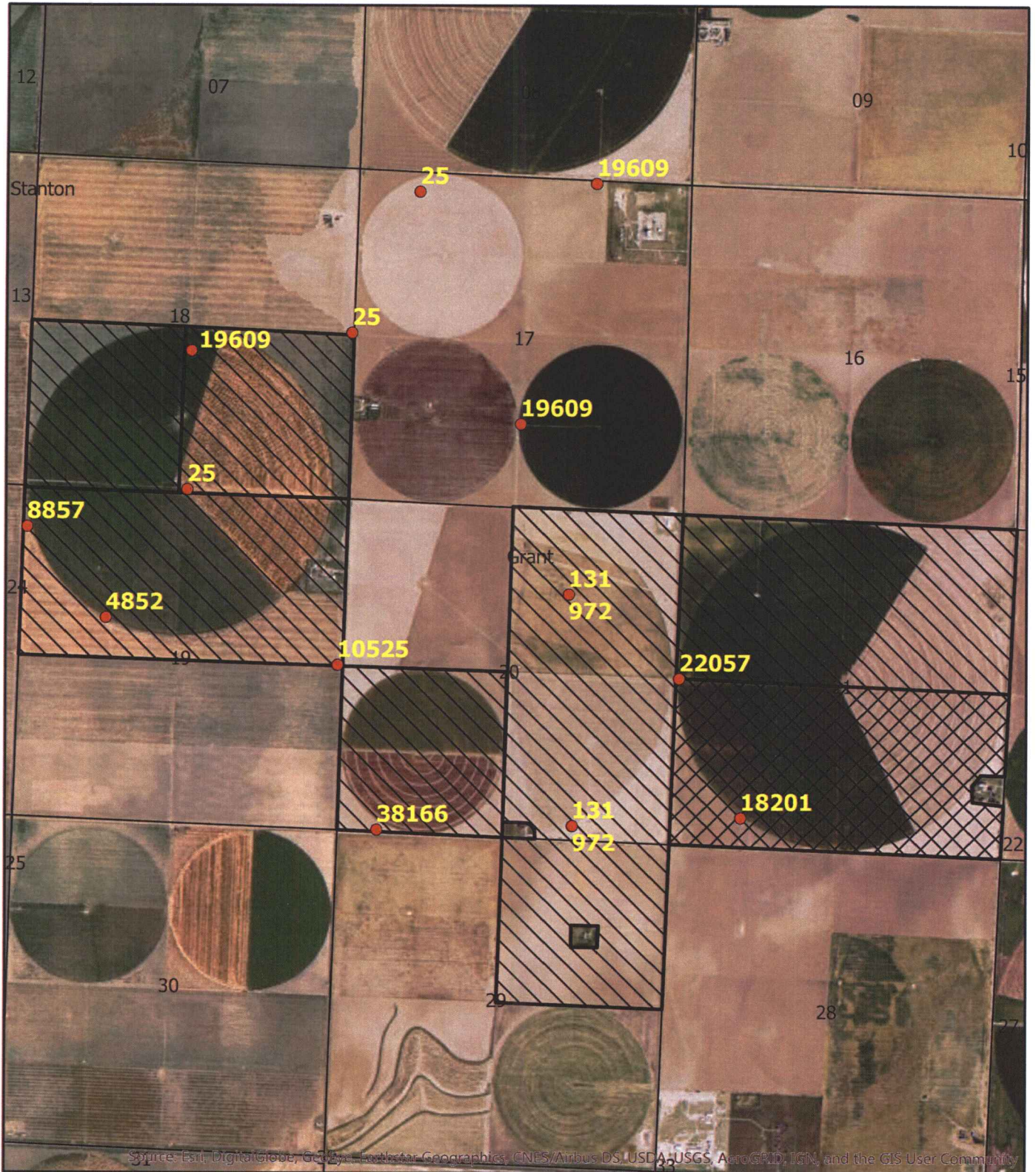
Acknowledged before me on March 24, 2022

by Austin McCulloch




Signature: Julie Jones
Notary Public

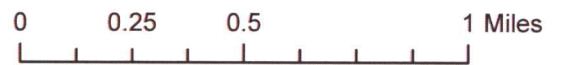
My commission expires December 13, 2022

WR # 18201 CHANGE IN PLACE OF USE



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

-  AUTHORIZED PLACE OF USE
-  PROPOSED PLACE OF USE
-  POINT OF DIVERSION



Water Resources
Received

SEP 13 2019 SCANNED



Created By: AM/GCFO

KS Dept Of Agriculture

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: March 14, 2022

FROM: Leslie Ireland

RE: Vested Right, File No. GT 025 – D1
Water Right, File Nos. 131; 972; 4852; 8857;
10,525; 18,201; 19,609 D1; 22,057 & 38,166

Clay and Nancy Scott along with Katherine McGillivray on behalf of her trust, are requesting to change the irrigated place of use. The applications for change in place of use were received on July 18, 2019 and August 27, 2019. The applications were delayed due to signatures on the requested division for File No. GT 025, and the updates of the place of use to remove farmsteads.

The referenced water rights are considered in compliance with both K.S.A. 82a-718, and K.S.A. 82a-732. The applications were initially sent to the headquarters office for processing due to the division of interest under GT 025 and 19609, but upon completion of the divisions the applications were returned to our Garden City Field Office for processing. The ownership of File No. 22,507 has changed. Irene Morris is no longer the owner of the Northwest Quarter of Section 21.

The proposed changes in place of use are to overlap a total of 1,896.16 acres for all of the referenced files located in Sections 18, 19, 20, 21 & 29, in Township 28 South, Range 38 West, Grant County. The acres will be updated to remove the farmsteads owned by; Jacob Cesar & Paula Segovia in Section 21; Robert & Norma Pauda in Section 20 and Ronald & Ramona Haney Trust in Section 20, who have submitted Quit Claim Deeds. The removal of their total 10.7 acres will result in an irrigation ratio of 1.7 acre-feet per acre. The requested reduction complies with K.A.R. 5-23-3 *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right.*

After the removal of the small farmsteads there will be no modification of the currently authorized acres. The requested change in place of use for the referenced files complies with, Part (b)(1) of K.A.R. 5-5-11, *Applications for change in place of use for irrigation purposes*, as the proposal is to create an identical place of use for the certified rights, without any increase in the authorized acres. The proposal appears to be reasonable as the referenced files have a total combined quantity of 3,447 acre-feet which appears to be sufficient for irrigating the place of use of 1,896.16 acres, providing 1.81 acre-foot per acre. This irrigation ratio exceeds Grant County's 1.39 acre-feet per acre at the 80% chance as per K.A.R. 5-5-12, *Net irrigation requirements*, and complies with K.A.R. 5-5-19, *Maximum reasonable annual quantity of water for irrigation use*. A water conservation plan meeting the KWO guidelines will not be required for the changes.

The approvals will comply with K.A.R. 5-5-3, *Change in consumptive use*, and will not increase consumptive use as there will be no increase in authorized acres.

Water flowmeters would not be required per K.A.R. 5-5-11(e) as the applications were filed to make an identical place of use and the irrigation ratio. Looking at the rights it appears that all have meters installed and recently inspected, but as within GMD 3 meters will be required by the approvals. The approvals will require that if the rights chemigate they will have to install and maintain check valves. Water level measurement tubes are not applicable.

Based on the above discussion, that the changes are reasonable, there will be no significant increase in the consumptive use and impairment of existing water rights is unlikely, it is recommended that the referenced applications for change in place of use be approved.



Leslie Ireland
Environmental Scientist