

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO  
CHANGE THE PLACE OF USE, THE  
POINT OF DIVERSION OR THE USE  
MADE OF THE WATER UNDER AN  
EXISTING WATER RIGHT**



State of Kansas

*Filing Fee Must Accompany the Application  
(Please refer to Fee Schedule on signature page of application form.)*

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

**06/22/2022**

- Place of Use
- Point of Diversion
- Use Made of Water

(Check one or more)

**Received  
4:00 PM  
Garden City Field Office  
Division of Water Resources**

File No. 28234

2. Name of applicant: BEN RATZLAFF ESTATE, ATTN % LINDA FINK

Address: PO BOX 996

City, State and Zip: ELKHARD KS 67950

Phone Number: ( ) \_\_\_\_\_ E-mail address: \_\_\_\_\_

What is your relationship to the water right;  owner  tenant  agent  other? If other, please explain. \_\_\_\_\_

Name of water use correspondent: SAME AS ABOVE

Address: \_\_\_\_\_

City, State and Zip: \_\_\_\_\_

Phone Number: ( ) \_\_\_\_\_ E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific): \_\_\_\_\_

STACK AN ABANDONED WELLS AUTHORIZED RATE AND QUANTITY ON AN EXISTING WELL UNDER THE SAME WATER RIGHT

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

(Date)

**For Office Use Only:**

F.O. 4 GMD 3 Meets K.A.R. 5-5-1  YES  NO Use IRR Source  G  S County MT By AM Date 6/27/22  
Code CGT Fee \$ \$200 TR # \_\_\_\_\_ Receipt Date 6/22/22 Check # 1023 & 6561

4. The presently authorized place of use is:

Owner of Land — NAME: AMY K RATZLAFF ET AL

ADDRESS: PO BOX 996 ELKHARD KS 67950

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	
25	32S	42W	11.5	35.5	40	35.5	35.5	11.5	35.5	40	40	35.5	11.5	35.5	35.5	40	35.5	11.5	490
33	32S	42W					31.25	31.25	31.25	31.25									125
26	32S	42W					31.25	31.25	31.25	31.25	31.25	31.25	31.25						250

List any other water rights that cover this place of use. 9075; 28234; 28235 & 28236

Owner of Land — NAME: AMY K RATZLAFF ET AL

ADDRESS: PO BOX 996 ELKHARD KS 67950

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	
34	32S	42W	10.75	35.25	40	35.25	10.75	35.25	40	40	35.25	10.75	35.25	35.25	40	35.25	10.75	485	
28	32S	42W								31.25	31.25	31.25	31.25					125	

List any other water rights that cover this place of use. 9075; 28234; 28235 & 28236

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: SAME – NO CHANGE

ADDRESS: \_\_\_\_\_

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

List any other water rights that cover this place of use. \_\_\_\_\_

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

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

List any other water rights that cover this place of use. \_\_\_\_\_

6. The presently authorized point(s) of diversion (is) (are) FOUR WELLS; PUMPS; MOTORS  
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) THREE WELL; PUMPS; MOTORS  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion:**  
 One in the NE Quarter of the NW Quarter of the NW Quarter of Section 34, Township 32 South, Range 42 (W), in MORTON County, Kansas, 5220 feet North 4075 feet West of Southeast corner of section.  
 Authorized Rate 790 GPM Authorized Quantity 814 AF  
**(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:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the NE Quarter of the NW Quarter of the NW Quarter of Section 34, Township 32 South, Range 42 (W), in MORTON County, Kansas, 5220 feet North 4075 feet West of Southeast corner of section.  
 Proposed Rate 1,050 GPM Proposed Quantity 1,082 AF  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_.

9. **Presently authorized point of diversion:**  
 One in the SE Quarter of the NW Quarter of the NW Quarter of Section 33, Township 34 South, Range 42 (W), in MORTON County, Kansas, 4070 feet North 4180 feet West of Southeast corner of section.  
 Authorized Rate 600 GPM Authorized Quantity 574 AF  
**(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:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_.

10. **Presently authorized point of diversion:**  
 One in the SE Quarter of the NW Quarter of the NW Quarter of Section 33, Township 34 South, Range 42 (W), in MORTON County, Kansas, 4200 feet North 4000 feet West of Southeast corner of section.  
 Authorized Rate 180 GPM Authorized Quantity 159 AF  
**(DWR use only: Computer ID No. 03 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_.

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

12. The presently authorized use of water is for IRRIGATION purposes.

It is proposed that the use be changed to IRRIGATION purposes.

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

N / A

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to N / A (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to \_\_\_\_\_ gallons per minute (\_\_\_\_\_ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 ([www.usgs.gov](http://www.usgs.gov)). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

NO CHANGE IN SOURCE OF SUPPLY

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

REQUEST WAIVER OF WELL SPACING K.A.R. 5-23-3 WELL TO WELL SPACING

PROPOSED POINT OF DIVERSION ALREADY DOES NOT MEET WELL SPACING. NO CHANGE IN WELL SPACING

REQUIREMENTS WITH ADDITIONAL AUTHORITY STACKED ONTO PROPOSED WELL

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.)

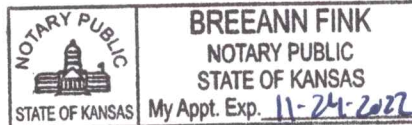
If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized 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 Elkhart, Kansas, this 15 day of June, 20 22.

_____ (Owner)	_____ (Spouse)
<u>Linda Fink</u> (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)

State of Kansas }  
County of Morton } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 15th day of June, 20 22.

[Signature]  
Notary Public

My Commission Expires 11-24-2022

**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.

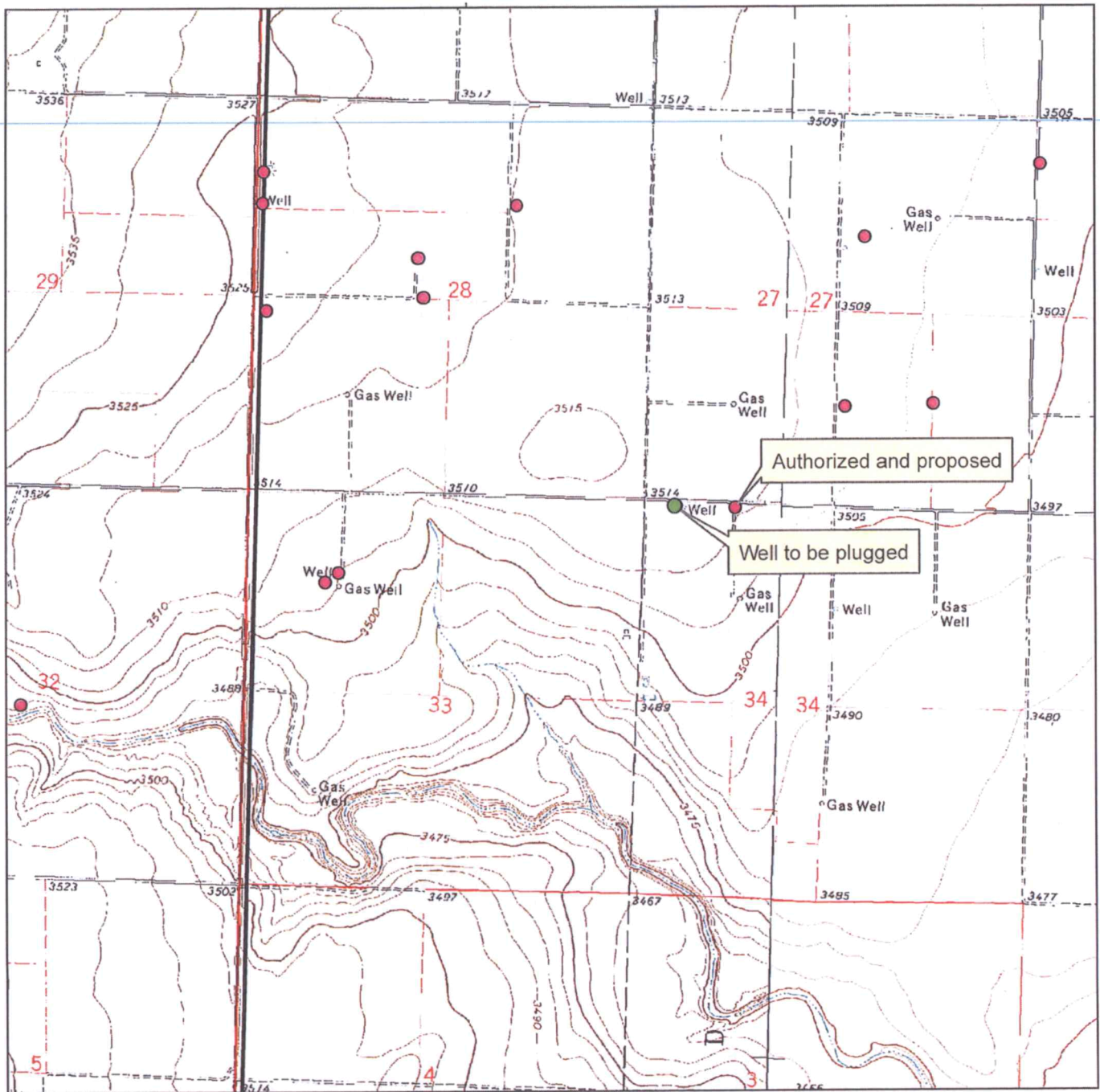
**FEE SCHEDULE**

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**

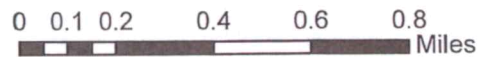
- (1) Application to change a point of diversion 300 feet or less ..... \$100
- (2) Application to change a point of diversion more than 300 feet ..... **\$200**
- (3) Application to change the place of use ..... \$200



# Change in point of diversion for water right 28234



- Authorized point of diversion
- Point of diversion to be plugged



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

X \_\_\_\_\_



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.)

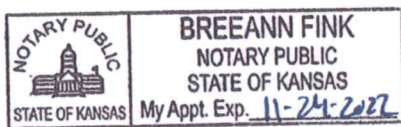
If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized 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 Elkhart, Kansas, this 15 day of June, 2022.

(Owner)	(Spouse)
<u>Linda Fink</u> (Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)

State of Kansas }  
 County of Morton } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 15th day of June, 2022.

[Signature]  
 Notary Public

My Commission Expires 11-24-2022.

**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

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](http://www.agriculture.ks.gov)

Mike Beam, Secretary

Laura Kelly, Governor

October 3, 2022

JOHN B SMITH JR TRUST  
BOX 129  
ELKHART, KS 67950

RE: Application for Change  
Water Right, File No. 28234

Dear Sir or Madam:

This is to advise you that Gene Wright has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced application.

You can find the complete applications posted by water right file number as referenced above at:  
[www.Agriculture.ks.gov/DWRNotices](http://www.Agriculture.ks.gov/DWRNotices)

You are notified on this proposed point of diversion (well) so that you may furnish this office with any comments or other information you want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

Should you have any questions, please feel free contact this office. If you would prefer, you could arrange an appointment for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

A handwritten signature in blue ink, appearing to read "Austin J. McColloch".

Austin J. McColloch  
Assistant Water Commissioner

AM:

pc: