



File No. **23435**      11. County: **WA**      Basin: **SMOKY HILL RIVER**      Stream: ---      Formation Code: **211**      Special Use: **044**

12. Points of Diversion										Rate and Quantity							
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>MOD</b>	<b>16268</b>	<b>SE</b>	<b>NE</b>	<b>SW</b>		<b>34</b>	<b>13</b>	<b>42W</b>	<b>1</b>	<b>1670</b>	<b>2730</b>		<b>1,420</b>	<b>480</b>	<b>1,420</b>	<b>480</b>	<b>none (NOT in GMD1)</b>
<b>MOD</b>	<b>41703</b>	<b>NE</b>	<b>NE</b>	<b>NW</b>		<b>3</b>	<b>14</b>	<b>42W</b>	<b>2</b>	<b>5200</b>	<b>3100</b>		<b>1,695</b>	<b>436</b>	<b>1,695</b>	<b>436</b>	<b>none (in GMD1)</b>

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

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

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								
<b>CHK</b>	<b>2898</b>	<b>34</b>	<b>16S</b>	<b>42W</b>				<b>1</b>	<b>2.0</b>	<b>10.0</b>	<b>40.0</b>	<b>36.0</b>	<b>40.0</b>	<b>40.0</b>	<b>40.0</b>	<b>40.0</b>	<b>40.0</b>	<b>40.0</b>	<b>40.0</b>	<b>40.0</b>	<b>40.0</b>	<b>40.0</b>	<b>40.0</b>	<b>22.0</b>	<b>550.0</b>	<b>8B</b>	<b>Y</b>	<b>NONE</b>
<b>CHK</b>	<b>38132</b>	<b>3</b>	<b>14S</b>	<b>42W</b>				<b>2</b>	<b>23.0</b>	<b>30.0</b>			<b>40.19</b>	<b>40.01</b>	<b>5.0</b>										<b>138.20</b>	<b>8B</b>	<b>Y</b>	<b>NONE</b>

Base Acres:      Year:      Minimum Reasonable Quantity:  
 Comments: **QUANTITY MOVE ONLY/ UPDATE OWNERSHIP TO 8B**

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**M E M O R A N D U M**

**TO:** Files

**DATE:** September 5, 2023

**FROM:** Elizabeth K Fitch

**RE:** File No. 23435

The Cox Brothers, as the owners of the referenced file authorized for irrigation use, have submitted an application on May 8, 2023, for approval to change the point of diversion. All the owners of record signed the application.

The referenced file appears to be in compliance with K.S.A. 82a-732 *Annual water use report required*. A review of the application found that it complies with K.A.R. 5-5-1 *Filing an application for change*. In addition, the referenced file does not appear abandoned as per K.S.A. 82a-718(e) *Abandonment of water rights*.

File No. 23435 authorizes two (2) groundwater wells in the Smoky Hill River Basin in Wallace County. One well is in the Southwest Quarter of 34-13S-42W and the other is in the Northwest Quarter of 3-14S-42W. The well in Section 3 is in Western Kansas Groundwater Management District No. 1 (GMD1), but the well in Section 34 is not. The wells are authorized as follow:

- Section 3 Well: 495 acre-feet (AF) at 1,695 gallons per minute (gpm)
- Section 34 Well: 421 AF at 1,420 gpm

The referenced change application, proposes to move quantity between the wells as follows:

- Section 3 Well: 436 AF (a decrease of 59 AF)
- Section 34 Well: 480 AF (an increase of 59 AF)

This is a move quantity only from one well within GMD1 to the other of approximately 1,754 feet to the northeast and that lies outside of GMD1. No change is proposed to the rate of diversion for either well.

It appears that the current and proposed points of diversion share the same source of supply, which is the Ogallala Aquifer based on available well logs. As noted, the wells authorized by File No. 23435 are 1,754 feet apart. The nearest domestic well is over 2,000 feet away from the proposed point of diversion. Therefore, the well spacing requirements of K.A.R. 5-4-4 *Well spacing* are met.

No domestic wells were indicated on the map, but there may be one just at the outside edge of the half mile circle. This well and the wells identified within one-half mile of the proposed point of diversion are owned by one of the water right owners, so no nearby well notification letter was sent.

The referenced water right is in the Four-County LEMA. As noted previously, the well in Section 3 is in GMD1. The change is moving water outside of GMD1, so the District rules do not apply to the proposed point of diversion. However, as a courtesy, a recommendation request was sent to the District on July 13, 2023. A response was not received.

File Nos. 23435  
Change in P/D Memo  
September 5, 2023

In an email dated August 25, 2023, Mike Meyer, Water Commissioner of the Garden City Field Office, recommended approval of the referenced change application.

No structures permit appears to be needed.

A water flow meter is required for each point of diversion. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it has been recommended that the application be approved.

Elizabeth K Fitch  
Environmental Scientist  
Water Appropriation Program

## Fitch, Elizabeth [KDA]

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**From:** Meyer, Mike [KDA]  
**Sent:** Friday, August 25, 2023 1:41 PM  
**To:** Fitch, Elizabeth [KDA]  
**Cc:** McColloch, Austin [KDA]  
**Subject:** RE: Recommendation Request for a Change in Point of Diversion under File No. 23435.

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

So I recommend approval.

When the division agreement is processed, or the Findings and order is issued for D2 (section 3 well) the new Four County LEMA 5 year allocation (2023-2027) will be 1108.686 AF. We can put that in the order/transmittal or I can generate a letter and set a new allocation when I know the order is issued.

Mike

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**From:** Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>  
**Sent:** Friday, August 25, 2023 7:56 AM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Cc:** McColloch, Austin [KDA] <Austin.McColloch@ks.gov>  
**Subject:** RE: Recommendation Request for a Change in Point of Diversion under File No. 23435.

My plan is to finish the change application, then divide the water right, so there will be a short gap in time on the approvals. I expect the orders to be signed within a week or so of each other.

If the changes are approved, after the division, here is what each file/well will authorize:

File No. 23435-D1 (Section 34, NOT in GMD1): 480 AF @ 1,420 gpm on 328 acres in section 34.  
File No. 23435-D2 (Section 3, in GMD1): 436 AF @ 1,695 gpm on 360.2 acres in Sections 34 & 3

Let me know if you need anything else.

*Elizabeth*

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**From:** Meyer, Mike [KDA] <[Mike.Meyer@ks.gov](mailto:Mike.Meyer@ks.gov)>  
**Sent:** Thursday, August 24, 2023 11:19 AM  
**To:** Fitch, Elizabeth [KDA] <[Elizabeth.Fitch@ks.gov](mailto:Elizabeth.Fitch@ks.gov)>  
**Cc:** McColloch, Austin [KDA] <[Austin.McColloch@ks.gov](mailto:Austin.McColloch@ks.gov)>  
**Subject:** RE: Recommendation Request for a Change in Point of Diversion under File No. 23435.

I am awaiting on some LEMA confirmation from Barfield and GMD1, as we will need to issue a new LEMA allocation with the order. Then I can follow up with a recommendation  
So, we approve this, and then you work the division or as a package all together. I would need to know that too on how I want to response with new LEMA allocation

Thanks!

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**From:** Fitch, Elizabeth [KDA] <[Elizabeth.Fitch@ks.gov](mailto:Elizabeth.Fitch@ks.gov)>

**Sent:** Thursday, August 24, 2023 9:43 AM

**To:** Meyer, Mike [KDA] <[Mike.Meyer@ks.gov](mailto:Mike.Meyer@ks.gov)>

**Cc:** McColloch, Austin [KDA] <[Austin.McColloch@ks.gov](mailto:Austin.McColloch@ks.gov)>

**Subject:** Recommendation Request for a Change in Point of Diversion under File No. 23435.

Mike,

Please find attached a copy of the change application for File No. 23435 and accompanying memo for consideration.

Elizabeth K Fitch, Environmental Scientist

Kansas Department of Agriculture

Division of Water Resources

Certificate Unit

(620) 268-6033

[elizabeth.fitch@ks.gov](mailto:elizabeth.fitch@ks.gov)

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

USE TYPEWRITER OR BALL POINT PEN—PRESS FIRMLY, PRINT CLEARLY.

WESKAN NW

T R EW sec 1/4 1/4 1/4 No.

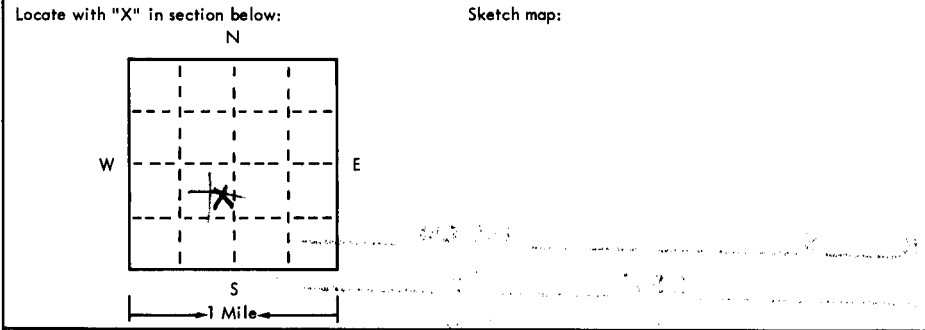
WATER WELL RECORD  
KSA 82a-1201-1215

Kansas State Dept. Of Health  
(Water Well Contractors)  
Forbes-Bldg. 740  
Topeka, Kansas 66620

CAD

1 Location of well: County WALLACE Township name WESKAN E-N 1/4 SW 1/4 Section number 34 Town number 13 Range number 42

Distance and direction from nearest town or city: WESKAN  
Street address of well location if in city: 1/2 N 1/2 W 1/4 N  
3 Owner of well: MARVIN COX  
Address: WESKAN KANSAS



4 Well depth: 369 ft. Date of completion 2-19-75  
Well diameter 2 1/2 in.  
5  Cable tool  Rotary  Driven  Dug  
 Hollow rod  Jetted  Bored  Reverse rotary  
6 Use:  Domestic  Public supply  Industry  
 Irrigation  Air conditioning  Commercial  
 Test well   
7 Casing: Material Steel Height: above/below  
Threaded  Welded  Surface 12 in.  
Diam. 1 1/2 in. to 369 ft. depth Weight 33 lbs./ft. L  
Drive shoe?  Yes  No

2	Type and color of material	From	To
	<u>M GRAVEL, SANDY CLAY</u>	<u>145</u>	<u>176</u>
	<u>GRAVEL</u>	<u>176</u>	<u>188</u>
	<u>M GRAVEL, SANDY CLAY</u>	<u>188</u>	<u>223</u>
	<u>M GRAVEL, SANDY CLAY, SANDSTONE</u>	<u>223</u>	<u>265</u>
	<u>SANDY CLAY, SANDSTONE</u>	<u>265</u>	<u>270</u>
	<u>M GRAVEL</u>	<u>270</u>	<u>274</u>
	<u>M GRAVEL, SANDY CLAY, SANDSTONE</u>	<u>274</u>	<u>308</u>
	<u>M GRAVEL</u>	<u>308</u>	<u>325</u>
	<u>M GRAVEL, SANDSTONE</u>	<u>325</u>	<u>337</u>
	<u>M GRAVEL, SANDY CLAY</u>	<u>337</u>	<u>347</u>
	<u>SANDY CLAY</u>	<u>347</u>	<u>352</u>
	<u>M GRAVEL, TRACC CLAY</u>	<u>352</u>	<u>364</u>
	<u>SHALE</u>	<u>364</u>	<u>369</u>
	<u>BROCK 364'</u>		

8 Screen: Manufacturer W.A. BROWN  
Type LIVER Dia. 1 1/2  
Slot/gauze 1/8 - 7 Length 130  
Set between 235 ft. and 365 ft.  
Fittings:  Gravel pack  Yes  No Size range of material 1/4 x 5/8  
9 Static water level: 145 ft. below land surface Date 2-21-75  
10 Pumping level below land surfaces:  
170 ft. after 6 hrs. pumping 1250 g.p.m.  
\_\_\_\_ ft. after \_\_\_\_ hrs. pumping \_\_\_\_ g.p.m.  
Estimated maximum yield 2000 g.p.m.  
11 Water sample submitted:  
 Yes  No Date \_\_\_\_\_  
12 Well head completion:  
 Pitless adapter  Inches above grade  
13 Well grouted?  Yes  No  
 Neat cement  Bentonite   
Depth: From 0 ft. to 10 ft.  
14 Nearest source of possible contamination:  
ft. \_\_\_\_\_ Direction \_\_\_\_\_ Type NONE  
Well disinfected upon completion?  Yes  No  
15 Pump:  Not installed  
Manufacturer's name Westernland Roller  
Model number 10M HP \_\_\_\_\_ Volts \_\_\_\_\_  
Length of drop pipe 300 ft. capacity 1800 g.p.m.  
Type:  
 Submersible  Turbine  
 Jet  Reciprocating  
 Centrifugal  Other

16 Remarks: elevation 3662 (TOPO)

Topography:  
 Hill  
 Slope  
 Upland  
 Valley

17 Water well contractor's certification:  
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.  
A & H Drilling Co Inc 166  
Business name \_\_\_\_\_ License No. \_\_\_\_\_  
Address Headland Kansas  
Signed Paul Clifford Date 3-11-75  
Authorized representative

WESKAN

USE TYPEWRITER OR BALL POINT PEN-PRESS FIRMLY, PRINT CLEARLY.

T R EW sec 1/4 1/4 1/4 No.

WATER WELL RECORD  
KSA 82a-1201-1215

Kansas State Dept. Of Health  
(Water Well Contractors)  
Forbes-Bldg. 740  
Topeka, Kansas 66620

BAA

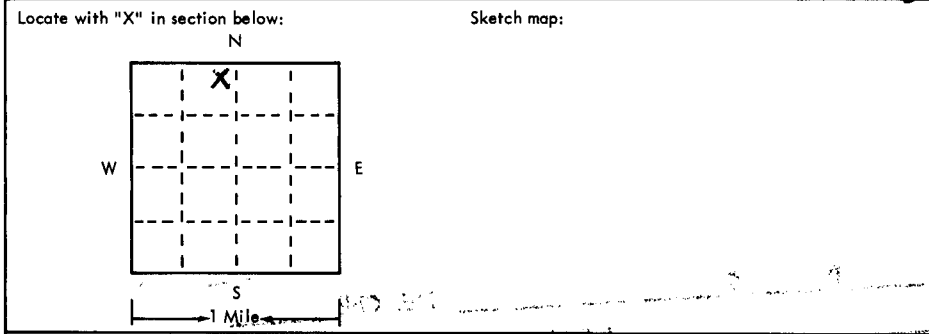
1 Location of well:	County	Township name	Fraction	Section number	Town number	Range number
	Wallace	Weskan E	NE 1/4 NW 1/4	3	14	42

Distance and direction from nearest town or city: Weskan

Street address of well location if in city: 1/2 N 1/2 W

3 Owner of well: MARVIN COY

Address: WESKAN KANSAS



4 Well depth: 340 ft. Date of completion 2-26-75

Well diameter 26 in.

5  Cable tool  Rotary  Driven  Dug  
 Hollow rod  Jetted  Bored  Reverse rotary

6 Use:  Domestic  Public supply  Industry  
 Irrigation  Air conditioning  Commercial  
 Test well

7 Casing: Material Steel Height: above/below  
 Threaded  Welded  Surface 12 in.  
 Diam. 16 in. to 340 ft. depth Drive shoe?  Yes  No  
 Weight 33 lbs./ft. 1  
 in. to \_\_\_ ft. depth!

2	Type and color of material	From	To
	M GRAVEL, SANDY CLAY	134	144
	GRAVEL, SANDY CLAY	144	153
	M GRAVEL, SANDY CLAY	153	163
	GRAVEL, SANDY CLAY	163	173
	GRAVEL	173	191
	GRAVEL, SANDY CLAY	191	201
	GRAVEL, SANDY CLAY SANDSTONE	201	254
	M GRAVEL	254	302
	GRAVEL, SANDY CLAY, SANDSTONE	302	312
	M GRAVEL	312	336
	SHALE	336	340
	BROOK 336'		

8 Screen: Manufacturer W. A. BROWN  
 Type LUGER Dia. 16  
 Slot/gauze 18-7 Length 130  
 Set between 206 ft. and 336 ft.  
 Fittings: Gravel pack  Yes  No Size range of material 1/4 x 5/8

9 Static water level: 145 ft. below land surface Date 2-27-75

10 Pumping level below land surfaces:  
185 ft. after 4 hrs. pumping 1600 g.p.m.  
 \_\_\_ ft. after \_\_\_ hrs. pumping \_\_\_ g.p.m.  
 Estimated maximum yield 2000 g.p.m.

11 Water sample submitted:  
 Yes  No Date \_\_\_\_\_

12 Well head completion:  
 Pitless adapter  Inches above grade

13 Well grouted?  Yes  No  
 Neat cement  Bentonite  \_\_\_\_\_  
 Depth: From 0 ft. to 10 ft.

14 Nearest source of possible contamination:  
 ft. \_\_\_\_\_ Direction \_\_\_\_\_ Type None  
 Well disinfected upon completion?  Yes  No

15 Pump:  Not installed  
 Manufacturer's name Western Land Roller  
 Model number 1014 HP 200 Volts 440  
 Length of drop pipe 300 ft. capacity 2000 g.p.m.  
 Type:  Submersible  Turbine  
 Jet  Reciprocating  
 Centrifugal  Other

16 Remarks: elevation

Topography:  
 Hill  
 Slope  
 Upland  
 Valley

3842 (TOPO)

17 Water well contractor's certification:  
 This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.  
W H Drilling Co Inc 166  
 Business name \_\_\_\_\_ License No. \_\_\_\_\_  
 Address Highland Kansas  
 Signed Bill Duff Date 2-11-75  
 Authorized representative



THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN POINT OF DIVERSION  
WATER RIGHT  
FILE NO. 23,435**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Marvin E Jr and Jackie Cox, Tracy J and Shelly Cox, Michael and Stacy Cox and Billie D and Candy L Cox, as owners of the referenced water right, received in this office on May 8, 2023, for approval of a change in the point of diversion, under the Certificate of Appropriation issued pursuant to the application for permit to appropriate water for beneficial use on June 6, 1991, as modified and amended by the Order of the Chief Engineer dated February 7, 1992 approving an application to change the place of use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the point of diversion shall be:

one (1) well located in the Southeast Quarter of the Northeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 34, more particularly described as being near a point 1,670 feet North and 2,730 feet West of the Southeast corner of said section, in Township 13 South, at a diversion rate not in excess of 1,420 gallons per minute (3.16 c.f.s.) and in a quantity not to exceed 480 acre-feet per calendar year; and

one (1) well located in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 3, more particularly described as being near a point 5,200 feet North and 3,100 feet West of the Southeast corner of said section, in Township 14 South, at a diversion rate not in excess of 1,695 gallons per minute (3.77 c.f.s.) and in a quantity not to exceed 436 acre-feet per calendar year,

all in Range 42 West, Wallace County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the point of diversion and use made of water.

Installation of the works for diversion of water shall be completed on or before December 31, 2023, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.



1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www.agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

September 27, 2023

Marvin E Cox Jr et al  
Michael Cox  
585 Larkspur Rd  
Weskan KS 67762

RE: Approval of Application  
Water Right, File No. 23,435

Dear Water Right Owner:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the referenced application for change. Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. Please be reminded the referenced file is located within a Local Enhancement Management Area and the quantity authorized for irrigation use maybe subject to an additional limitation or allocation. A condition of the approval is the requirement that the wells authorized under File No. 23,435 shall have **acceptable water flow meters installed so each well is metered independent of each other**. Meters should be installed prior to the diversion of water. Please complete and return the *Notice of Completion of Diversion Works* form for the installation of the meters as soon as this action is completed. This form and other information may be found at our web site <http://agriculture.ks.gov>. There is no fee to submit the notice of completion form. As requested, the water use correspondent for the referenced file will remain as Beau Cox, and the information for reporting each use for the annual water use report will be sent to him.

If you have any questions regarding the enclosed document, please contact our office at 785-564-6640 or the Garden City Field Office at 620-276-2901. Please have the file number ready if you call so that we may help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application and Change Unit Supervisor  
Water Appropriation Program

KAB:ekf

Enclosures

pc: Garden City Field Office  
Groundwater Management District No. 1  
Beau Cox

## RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then 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. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX 785-564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

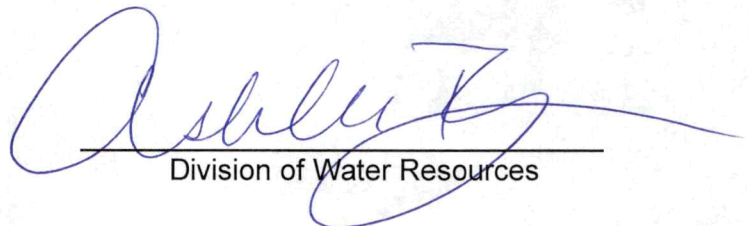
## CERTIFICATE OF SERVICE

On this 27 day of September, 2023, I hereby certify that the attached Approval of Application for Change in Point of Diversion, File No. 23,435, dated 21 September was mailed postage prepaid, first class, US mail to the following:

Marvin E Cox Jr et al  
Michael Cox  
585 Larkspur Rd  
Weskan KS 67762

With a Photocopy to:  
Beau Cox  
960 Rd 6  
Weskan KS 67762

Garden City Field Office  
Groundwater Management District No. 1

  
Division of Water Resources