Kansas Department of Agriculture Division of Water Resources

APPROVAL OF CHANGE APPLICATION WORKSHEET

1. File No.: 21526-D1	4. Field Office: 04 - Garden City GMD: 03 - Southwest Structures File No.:							
3. Package File No(s): 14344-D2		4	Filing/Priority Date: 8/14/2024 Application Complete Date:					
5a. Applicant Owner WU Address Change DAVID K & CONNIE J GOEF 1892 ROAD 105	Add Seq#	5b. Owner WUC Person ID 54021 Address Change Add Seq# SAND VALLEY CO ATTN: DAVID GOERTZEN						
LAKIN, KS 67860-6211		RT 2 BOX 180 LAKIN, KS 67860						
5c. Owner WUC Address Change	Person ID Add Seq#	5d. Owner			son ID I Seq#			
6. Change No.: C1 PD PU Base Acres: Year: Min F Previous UMW: Not changing MDS Gauge: Active Admin? Completion/Start Date: 3/1/2025 Perfect	Reasonable Q:		7. Use of Wate Groundw UMW: IRF UMW: UMW:		Water			
8. Action Trail	-							
9. Special Conditions								
10. 5YR Allocation Type: Sta Comment:	rt Year: 5YR Quan	tity: Base A	Acres:					
11. Sand & Gravel Proj ID:	☐ Active ☐ Dredge	☐ IND Evap ☐] Jr Evap □	Other Diversion	☐ Rpt on Sr			
12. Waiver Rule ID: New D Applies: Rule No.: Rule Type: Rule SubType:	ate Requested:	Justification:						
Comments PLEASE UPDATE OWNERSHIP OF WR			RUST TO	Processed 8/23/2024 AM	Entered			
GOERTZEN TRUST VIA DEED SUBMIT	TED UNDER WR 21526-D1	UN 5/22/2024		Reviewed				

File No	File No. 21526-D1 13. County: KE Basin: ARKANSAS RIVER Stream:																						
Struct	ures File I	No:		Aquifer	Code:	211									Spec	al Use	Area:						
14. Poi	nts of Diver	rsion, Rates & 0	Quant	ities										Oty			Rate		S	torage Qt	,	Storage Rat	2
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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

August 23, 2024

DAVID K & CONNIE J GOERTZEN TRUST 1892 ROAD 105 LAKIN, KS 67860-6211

RE:

Filed Office Application for Change

Water Right, File Nos. 14344-D2 and 21526-D1

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. **Note:** this approval does not allow any single point of diversion to exceed its annual authorized quantity.

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,

Austin J. McColloch

Assistant Water Commissioner

AM: enclosures

pc:

Sand Valley Co.

GMD 3

CERTIFICATE OF SERVICE

On this 23rd day of August, 2024, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Water Right, File Nos. 14,344-D2 and 21,526-D1 dated 23rd day of August, 2024 was mailed postage prepaid, first class, US mail to the following:

DAVID K & CONNIE J GOERTZEN TRUST 1892 ROAD 105 LAKIN, KS 67860-6211

Pc:

SAND VALLEY CO Attn: DAVID GOERTZEN RT 2 BOX 180 LAKIN, KS 67860

GMD 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). <u>2152</u>	26-D1					. 1					EIVED 4 2024
1.	Application is hunder the water The source of s	er right v	which is	Ÿ	⊠ P ubject	lace of	f Use applic	cation i	n acco	Point	of Dive	ersion the cor			ribed t	5	12	19 19
2.	Name and add 1892 Road 105 Phone Number Name and add 3305 13 Road,	5, Lakin r: (lress of Monte	, KS 67) Water zuma, l	7860-6 Use C KS 678	6211 Forresp 867	onden	nt: <u>Pan</u>	Email mala A	addres Koehr	ss: n Trust	t attn V	Vendal	l Koehr	n-			V	
3.	Phone Number The presently a Owner of Land (If there is more	authoriz I NA ADDR	zed plac AME: ESS:	ce of u	ise is:							<i>U</i>						
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4.	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.)																	
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THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. 21526-D1

MAKE ADDITIONAL COPIES AS NECESSARY

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OWR 1	-121 (R	evised (9/11/2	019)						Page 2								File No	o. 21526-D1

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5.	Rresently authorized point of diversion:		
	One in the Quarter of the	Quarter of the	Quarter
	of Section, Township		
- 1		feet North feet West of Southeast corner of	
	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		
	Proposed point of diversion: (Complete only if change		
	One in theQuarter of the		
- 1	of Section, Township	South, Range	(W),
	in County, Kansas,		
	Proposed Rate Proposed Quantity		
-4	This point is: Additional Well Geo Center List other		
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6.	Presently authorized point of diversion:		
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1	in County, Kansas, f	feet North feet West of Southeast corner of	of section
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	of Section, Township		
	in County, Kansas,t	Proposed well death (fact)	section.
	Proposed Rate Proposed Quantity		
L	This point is: Additional Well Geo Center List other	er water rights that will use this point	
7.	The changes herein are desired for the following reasons?		
١.	(please be specific)	North	
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0	If a well, is the test hole log attached? Yes No	200 + + + + + + + + + + + + + + + + + +	3
0.	if a well, is the test hole log attached? res No	200 + + + + + + + + + + + + + + + + + +	200
9.	The change(s) (was)(will be) completed by?	E/ = \	Ę,
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10.	If the point of diversion is a well:		4
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	(b) When will this be done?	100 Toniqua international Transfer and	月 100
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11.	Groundwater Management District recommendation attached?	200 + + + + + + + + + + + + + + + + + +	200
	☐ Yes ☐ No		3
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12.	Assisted by CI, GCFO	300 200 100 0 100 200	300 TTG
		South Scale: 1 hashmark=.	

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 on the diagram shown above in relation to the existing point of the diagram shown above in relation to the existing point of the diagram shown above in relation to the existing point of the diagram shown above in relation to the existing point of the diagram shown above in relation to the existing point of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of the existing point of the existing point of diversion will be relocated within a 300 feet but within 2,640 feet of the existing point of diversion will be relocated within a 300 feet but within 2,640 feet of the existing point of diversion will be relocated within a 300 feet but within 2,640 feet of the existing point of diversion will be relocated within a 300 feet of the existing point of diversion will be relocated within a 300 feet of the existing point of diversion will be relocated within a 300 feet of the existing point of diversion will be relocated within a 300 feet of the existing point of diversion will be relocated within a 300 feet of the existing point of diversion will be relocated within a 300 feet of the existing point of diversion will be relocated within a 300 feet of the existing point of diversion will be relocated within a 300 feet of the existing point of diversion will be relocated within a 300 feet of the existing point of diversion will be relocated within a 300 feet of the existing point of diversion will be relocated within a 300 feet of the existing point of diversion will be relocated within a 300 feet of the existing point of diversion will be relocated within a 300 feet of the existing point of diversion will be relocated within a 300 feet of the existing point of diversion will be relocated within a 300 feet of the existing point of diversion will be relocated within a 30 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

diversion. The proposed point of diversion must be located within the circle shown above. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

14. 11 (le proposed groundwater point of diversion is 300 of fewer	feet from the existing point of diversion, complete the following.
(a)	Does the undersigned represent all owners of the current Yes No (If no, all owners must sign this	
(b)	Will the ownership interest of any owner of the currently affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign the	authorized place(s) of use identified in this application be adversely nis application.)
(c)	If this application is not approved expeditiously, will there ☐ Yes ☐ No (If no, all owners must sign thi	be substantial damage to property, public health or safety? s application.)
or a cha		rsion, a groundwater change in point of diversion greater than 300 feet, owners of the currently authorized place of use, or their duly authorized
age an their b	d the owner, the spouse of the owner, or a duly a	affirmation and under penalty of perjury, that I am of lawful nuthorized agent of the owner(s) to make this application on his application pertains. I further verify that the statements lete.
Dated a	t Canadan (1+1) Kansa	as, this 14 day of Aug , 20 24.
) in A Mark	, und
-	(Owner)	(Spouse)
0	(Please Print)	(Please Print)
Sa	nd Walley Co.	
by	David Goen (Pen)	(Spouse)
	(Please Print)	(Please Print)
	(Owner)	(Spouse)
	(Please Print)	(Please Print)
State of	Kansas) SS	
County	of	111
of He	reby certify that the foregoing application was signe	d in my presence and sworn to before me this day
	KEVIN L. SALTER	you date
My Con	My Appointment Expires November 2, 2025	Notary Public
ONLY C	OMPLETE APPLICATIONS WILL BE PROCESSED. To be comp	elete, all of the applicable portions of the application form must be completed with
	information; maps, if necessary, must be included; signatures of a opriate fee must be paid.	all the appropriate owners' must be affixed to the application and notarized; and
	FEE S	CHEDULE
	the schedule below: Make checks payable to: Kansas De (1) Application to change a point of diversion 300 feet or	less
		\$200 seet \$200 \$200
	()	4200

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

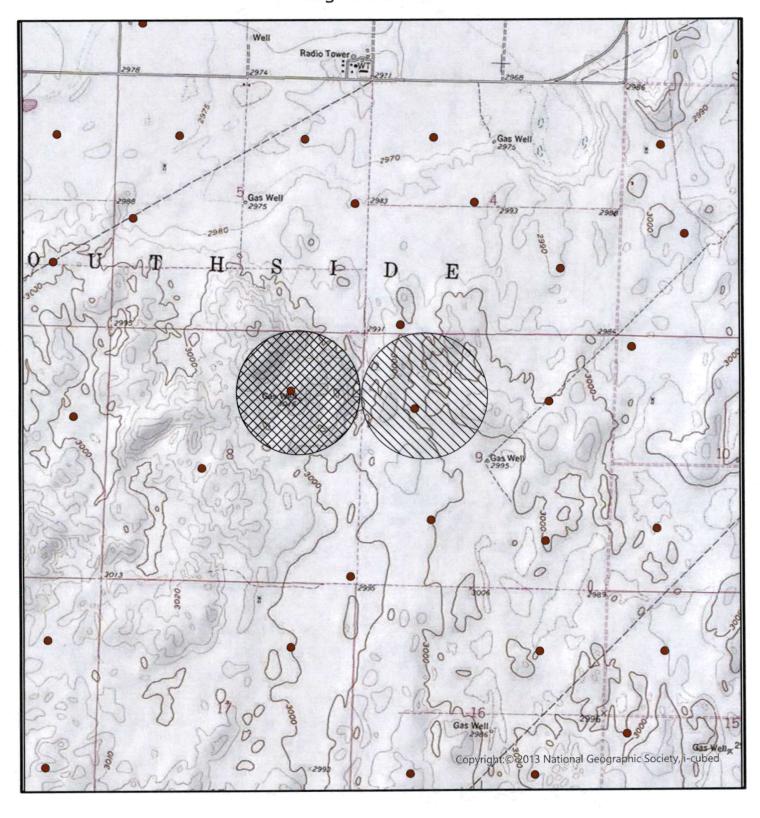
This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, et seq. and other applicable provisions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 21526-D1 change application was received on August 14, 2024 requesting that the place of us diversion authorized under the above-referenced file number be changed as described in the application. A change application was received on requesting that the place of use and / or point of 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 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 radius of the authorized point(s) of diversion.

Applicable 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 The point(s) of diversion authorized herein shall not actually be located more than authorized point(s) of diversion. ☐ Applicable ☒ Not Applicable feet from the previously 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 The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before **December 31, 20**, 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 at fellowing 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 Installation of the works for diversion of water shall be completed on or before December 31, 2024, or within any authorized extension of time. By March 1, 20 5 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 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. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, SUMMARY ORDER ISSUED 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 Duly Authorized Designee of the Chief Engineer administrative review by the Secretary must be filed within 30 days pursuant to K.S.A. 77-531. Any request for administrative Hustin (Print Name): review must state a basis for review pursuant to K.S.A. 77-527. Division of Water Resources - Kansas Department of Agriculture File any request with Kansas Department of Agriculture, 074 Date of Issuance: Legal Division, 1320 Research Park Drive, Manhattan, KS 66502. Failure to timely request a hearing or review may State of Kansas preclude review under the Kansas Judicial Review Act. SS) For Use by Register of Deeds County of Acknowledged before me on Signature: AARON T. HOLSTED NOTARY My commission expires: My Appointment Expires PUBLIC

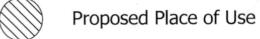
(Notary Seplay 18, 2027

WR 21526-D1 Change in Place of Use





Authorized Place of Use





0.4

0.2



0.8 Miles

Created By: CI/GCFO



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

(620) 275-7147 phone www.gmd3.org

August 22, 2024

Austin McColloch Division of Water Resources 4532 W Jones Ave., Suite B Garden City, Kansas 67846

RE:

Applications for Change in Place of Use

Water Right, File Nos. 14344 D2 & 21526 D1

RECEIVED

AUG 22 2024

Garden City Field Office
Divison of Water Resources

Dear Austin:

We have completed a review of the applications for the above referenced water rights. The proposals are not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). In accordance with K.A.R. 5-5-11(b), the applicant is proposing to make a complete overlap in current acres. No new unauthorized acres are proposed. It is therefore recommended that the application be approved at this 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

GMD3 Change Review

File No(s).: <u>14344D2</u> , <u>21526D1</u> .	DWR office: GC.							
App filed to change: <u>PU</u> .								
Is Landowner(s) correct in WRIS: David K & Connie J Goertzen Trust.								
If NO, is documentation included?								
Is Water Use Correspondent correct in WRIS?								
If NO, is documentation included?								
Regulation(s) Reviewed: KAR 5-5-11(b)								
Point of diversion ID No(s) being changed.								
ft. North ft. West								
Authorized PD								
Proposed PD								
Difference 0 0								
a2 + b2 = c2 0 0)							
GPS for proposed PD: Lat: Long:								
Is proposed PD stacking on existing WRs? No Change								
Is Proposed PU overlapping existing WRs? Making a complete overlap.								
Neighboring certified well(s) notified:								
Name								
Address								
Zip								
Email: Phone:								
Domestic well(s) notified:								
Name								
Address								
Zip								
Base Acres:								
Perfected Acres:								
Irr. Return-Flow%								
Kearny County								
14344D2: 256AF @ 975gpm								
128acres NW 9-25-35								
21526D1: 217.6AF @ 860gpm								
136acres NE 8-25-35								
Is a waiver needed: No new acres, just proposing overlap in existing acres.								
Recommendation: After review of available informatio								

are met. Staff therefore recommends approval of the applications.

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

August 19, 2024

GROUNDWATER MANAGEMENT DISTRICT #3 2009 E SPRUCE ST GARDEN CITY KS 67846

Re:

Request for Recommendation, File No. 14344-D2 & 21526-D1

Dear Sir or Madam:

We are enclosing a copy of the referenced application, which was submitted by David Goertzen and appears to be in proper form, for your review.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendation concerning this application. Please submit your recommendation within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (620) 276-2901. If you wish to discuss a specific file, please have the file number ready to that I may help you more efficiently.

Sincerely,

Austin McColloch

Assistant Water Commissioner

Enclosure

pc: