

**Kansas Department of Agriculture**  
**Division of Water Resources**  
APPROVAL OF CHANGE APPLICATION WORKSHEET

1. File No.: <b>21585</b>	2. Status Change Date:	4. Field Office: <b>04 - Garden City</b> GMD: <b>03 - Southwest</b> Structures File No.: Filing/Priority Date: <b>2/20/2024</b> Application Complete Date:
3. Package File No(s): <b>11066; 18943; 21479; 21585; 30725</b>		
5a. <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID <b>68575</b> Add Seq#	5b. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID <b>68574</b> Add Seq#	
<b>LOEPKY FARM PARTNERSHIP</b> <b>12506 Y RD</b> <b>MONTEZUMA, KS 67867-9038</b>	<b>FRANK &amp; GLORIA PENNER</b> <b>23903 12 RD</b> <b>MONTEZUMA, KS 67867-9034</b>	
5c. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID <b>61399</b> Add Seq#	5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	
<b>ISAAK &amp; AGATHA LOEPKY</b> <b>12506 Y RD</b> <b>MONTEZUMA, KS 67867</b>		
6. Change No.: <b>C2</b> <input type="checkbox"/> PD <input checked="" type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres:      Year:      Min Reasonable Q: Previous UMW: MDS Gauge:      Active Admin? <input type="checkbox"/> Completion/Start Date: <b>3/1/2025</b> Perfection/Expiration Date:		7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: <b>IRR-Irrigation</b> UMW: UMW:
8. Action Trail		
9. Special Conditions		
10. 5YR Allocation    Type:    Start Year:    5YR Quantity:    Base Acres: Comment:		
11. Sand & Gravel    Proj ID: <input type="checkbox"/> Active <input type="checkbox"/> Dredge <input type="checkbox"/> IND Evap <input type="checkbox"/> Jr Evap <input type="checkbox"/> Other Diversion <input type="checkbox"/> Rpt on Sr		
12. Waiver    Rule ID: <input type="checkbox"/> New    Date Requested: Applies:    Rule No.: Rule Type:    Justification: Rule SubType:		
Comments <b>ADD PENNER AND LOEPKY FARM PARTNERSHIP AS OWNERS</b> <b>MAKE LOEPKY FARM PARTNERSHIP AS WUC</b> <b>ADD 18943; 21479 AND 30725 ONTO OVERLAP OF PU</b>		Processed <b>2/27/2024</b> <hr/> Reviewed
		Entered

File No. <b>21585</b>	13. County: <b>GY</b> Basin: <b>ARKANSAS RIVER</b> Stream:		
Structures File No:	Aquifer Code: <b>211</b>	Special Use Area:	

14. Points of Diversion, Rates & Quantities										Oty	Rate	Storage Qty		Storage Rate		
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps
<b>CHK</b>	<b>89637</b>															

15. Limitations	Type:	Quantity:	Rate:	combined with file no(s):
	Type:	Quantity:	Rate:	combined with file no(s):

16. Metering     Metering Required     Anti-Reverse Required     Seal Required    Compliance Date: 12/31/2024

17. Place of Use						NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps	
PDIV	S	T	R	ID		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
<b>ENT</b>	<b>6346</b>	<b>35</b>	<b>27S</b>	<b>29W</b>	<b>1</b>									<b>34</b>	<b>34</b>	<b>34</b>	<b>34</b>					<b>136</b>	<b>5a</b>	<input type="checkbox"/>	*	
<b>CHK</b>	<b>14119</b>	<b>26</b>	<b>27S</b>	<b>29W</b>	<b>1</b>	<b>34</b>	<b>34</b>	<b>34</b>	<b>34</b>													<b>136</b>	<b>5c</b>	<input type="checkbox"/>	*	
<b>ENT</b>	<b>28422</b>	<b>26</b>	<b>27S</b>	<b>29W</b>	<b>3</b>													<b>34</b>	<b>34</b>	<b>34</b>	<b>34</b>	<b>136</b>	<b>5b</b>	<input type="checkbox"/>	*	
<b>ENT</b>	<b>33070</b>	<b>35</b>	<b>27S</b>	<b>29W</b>	<b>4</b>	<b>32</b>	<b>32</b>	<b>32</b>	<b>32</b>													<b>128</b>	<b>5b</b>	<input type="checkbox"/>	*	
																									<input type="checkbox"/>	
																									<input type="checkbox"/>	

18. Point of Diversion and Place of Use Overlaps * 18943; 21479; 21585; 30725 + # ^	** ++ ## ^^
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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

February 27, 2024

LOEPKY FARM PARTNERSHIP  
12506 Y RD  
MONTEZUMA, KS 67867-9038

RE: Filed Office Application for Change  
Water Right, File Nos. 18943; 21479; 21585 & 30725

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,

A handwritten signature in blue ink that reads "Austin J. McColloch".

Austin J. McColloch  
Assistant Water Commissioner

AM:  
enclosures

pc: Frank & Gloria Penner  
Isaak & Agatha Loepky  
GMD 3

**CERTIFICATE OF SERVICE**

On this 27<sup>th</sup> day of February, 2024, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Water Right, File Nos. 18,943, 21,479, 21,585 and 30,725 dated 27<sup>th</sup> day of February, 2024 was mailed postage prepaid, first class, US mail to the following:

LOEPKY FARM PARTNERSHIP  
12506 Y RD  
MONTEZUMA, KS 67867-9038

Pc:

FRANK & GLORIA PENNER  
23903 12 RD  
MONTEZUMA, KS 67867-9034

ISAAK & AGATHA LOEPKY  
12506 Y RD  
MONTEZUMA, KS 67867

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. 21585

**RECEIVED**  
 2:11 PM  
 FEB 20 2024

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

2. Name and address of Applicant: LOEPKY FARM PARTNERSHIP

12506 Y RD MONTEZUMA KS 67867 - 9038

Phone Number: (    )                      Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: LOEPKY FARM PARTNERSHIP

12506 Y RD MONTEZUMA KS 67867 - 9038

Phone Number: (    )                      Email address: \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land ---- NAME: SEE SUPPLEMENTAL PAGE

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: SEE SUPPLEMENTAL PAGE

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 2-20-24 Check # 2324

5. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (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 \_\_\_\_\_ (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 \_\_\_\_\_ (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 \_\_\_\_\_ (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) CREATE OVERLAP WITH FILE  
NOS. 18943; 21479 & 30725

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

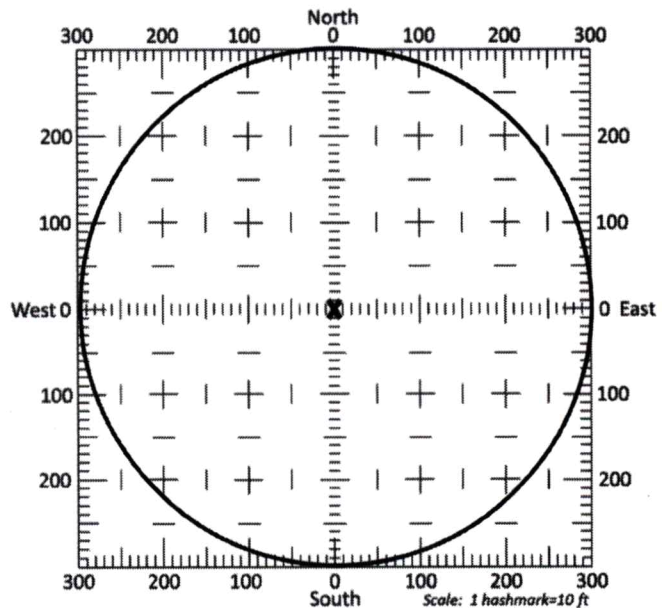
9. The change(s) (was)(will be) completed by?  
UPON APPROVAL

10. If the point of diversion is a well:  
 (a) What are you going to do with the old well?  
N / A  
 (b) When will this be done? N / A

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 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. 21585**  
MAKE ADDITIONAL COPIES AS NECESSARY

3. *Continued:* The presently authorized place of use is:

Owner of Land ---- NAME: ISAAK & AGATHA LOEPKY  
ADDRESS: 12506 Y RD MONTEZUMA KS 67867

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	
26	27S	29W	34	34	34	34												136	

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: LOEPKY FARM PARTNERSHIP  
ADDRESS: 12506 Y RD MONTEZUMA KS 67867 - 9038

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	
35	27S	29W																136	

Owner of Land ---- NAME: ISAAK & AGATHA LOEPKY  
ADDRESS: 12506 Y RD MONTEZUMA KS 67867

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	
26	27S	29W	34	34	34	34												136	

Owner of Land ---- NAME: FRANK & GLORIA PENNER  
ADDRESS: 23903 12 RD MONTEZUMA KS 67867 - 9034

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			
26	27S	29W															34	34	34	34	136
35	27S	29W	32	32	32	32															128

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).

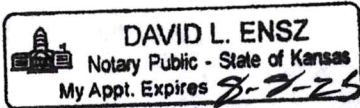
I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Verlyn Yost  
 \_\_\_\_\_  
 (Owner)  
Verlyn Yost  
 \_\_\_\_\_  
 (Please Print)  
 \_\_\_\_\_  
 (Owner)  
 \_\_\_\_\_  
 (Please Print)  
 \_\_\_\_\_  
 (Owner)  
 \_\_\_\_\_  
 (Please Print)

Nola Yost  
 \_\_\_\_\_  
 (Spouse)  
Nola Yost  
 \_\_\_\_\_  
 (Please Print)  
 \_\_\_\_\_  
 (Spouse)  
 \_\_\_\_\_  
 (Please Print)  
 \_\_\_\_\_  
 (Spouse)  
 \_\_\_\_\_  
 (Please Print)

State of Kansas }  
 County of Gray } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 15th day of February, 2024.

David Ensz  
 \_\_\_\_\_  
 Notary Public

My Commission Expires 08-08-2025

**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



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.)
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 Yes     No    (If yes, all owners must sign this application.)
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 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\_\_\_\_\_.

 _____ (Owner)	_____ (Spouse)
 _____ (Please Print)	_____ (Please Print)
 _____ (Owner)	_____ (Spouse)
 _____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)

State of Kansas }  
 County of Gray } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 16<sup>th</sup> day of February, 2024.

My Commission Expires 7-21-24

**JANE A. JANTZ**  
 Notary Public - State of Kansas  
 My Appt. Expires 7-21-24

\_\_\_\_\_  
 Notary Public

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(3) Application to change the place of use .....	\$200

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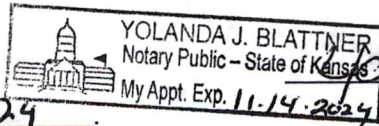
Dated at Montezuma, Kansas, this 12 day of Feb, 2024.

Frank Penner  
 (Owner)  
Frank Penner  
 (Please Print)  
 \_\_\_\_\_  
 (Owner)  
 \_\_\_\_\_  
 (Please Print)  
 \_\_\_\_\_  
 (Owner)  
 \_\_\_\_\_  
 (Please Print)

Gloria Penner  
 (Spouse)  
Gloria Penner  
 (Please Print)  
 \_\_\_\_\_  
 (Spouse)  
 \_\_\_\_\_  
 (Please Print)  
 \_\_\_\_\_  
 (Spouse)  
 \_\_\_\_\_  
 (Please Print)

State of Kansas }  
 County of Gray } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 12 day of February, 2024.



Yolanda J. Blattner  
 Notary Public

My Commission Expires 11-14-2024.

**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. 21585.

1. A change application was received on February 20, 2024 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, 2024, 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, 2024, or within any authorized extension of time. By March 1, 2025 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.

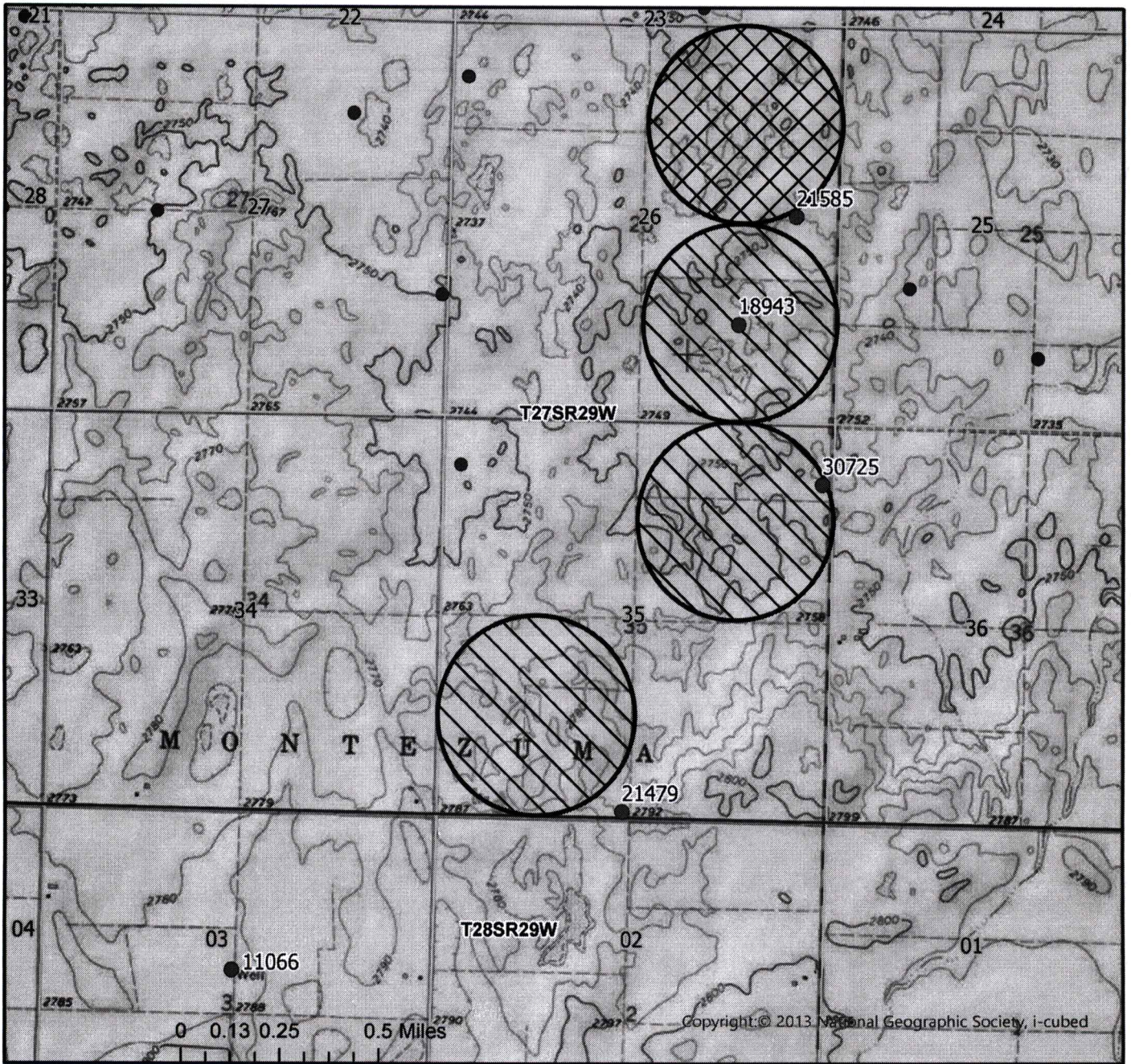
*For Use by Register of Deeds*

FOR OFFICE USE ONLY  
**APPLICATION APPROVED AND  
SUMMARY ORDER ISSUED**

By: Austin McColloch  
Duly Authorized Designee of the Chief Engineer  
(Print Name): Austin McColloch  
Division of Water Resources - Kansas Department of Agriculture  
Date of Issuance: February 27, 2024  
State of Kansas )  
County of Finney ) SS  
Acknowledged before me on February 27, 2024  
by Austin McColloch.  
Signature: Julie Jones  
Notary Public

My commission expires: 

# CHANGE IN PLACE OF USE WATER RIGHT, FILE NO. 21585



●	Authorized Point of Diversion
●	Permitted Water Right
★	Domestic Well within 1/2 mile
	Authorized Place of Use
	Proposed Place of Use

List of owner name and addresses within 1/2 mile:

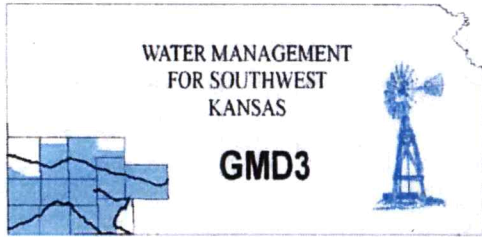


By signing below I agree that all wells, including domestic, and owners names and addresses within 1/2 mile of the proposed point of diversion have been shown on the map

(Signature)

Date

Date AM/GCFO  
1:24,000 Scale



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

February 26, 2024

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

**RECEIVED**

**FEB 26 2024**

**Garden City Field Office  
Division of Water Resources**

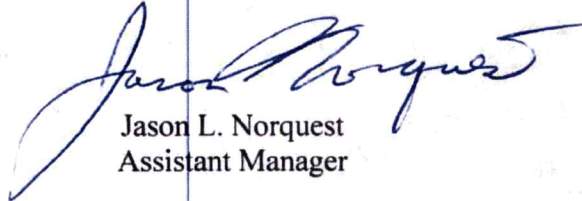
RE: Applications for Change in Place of Use  
Water Right, File Nos. 11066, 18943, 21479, 21585 & 30725

Dear Austin:

We have reviewed 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). These changes will remove the overlap on 11066 while rearranging the overlapped acres on the rest of the water rights. In accordance with K.A.R. 5-5-11(b), the proposed acres are within the allowance of the base acres for the water right. 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,

A handwritten signature in blue ink, which appears to read "Jason L. Norquest", is written over the typed name and title.

Jason L. Norquest  
Assistant Manager

## GMD3 Change Review

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File No(s): 11066, 18943, 21479, 21585, 30725.

DWR office: GC.

App filed to change: PU.

Is Landowner(s) correct in WRIS: Verlyn & Nola Yost.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? \_\_\_.

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-5-11

Point of diversion ID No(s) \_\_\_ being changed.

	ft. North	ft. West	
Authorized PD			
Proposed PD			
Difference	0	0	
$a^2 + b^2 = c^2$	0	0	0

GPS for proposed PD: Lat: \_\_\_ Long: \_\_\_.

Is proposed PD stacking on existing WRs? No Changes.

Is Proposed PU overlapping existing WRs? Rearranging some acres and splitting some of the overlaps while keeping other overlaps.

Neighboring certified well(s) notified: \_\_\_.

Name \_\_\_.

Address \_\_\_.

Zip \_\_\_.

Email: \_\_\_. Phone: \_\_\_.

Domestic well(s) notified: \_\_\_.

Name \_\_\_.

Address \_\_\_.

Zip \_\_\_.

Base Acres: \_\_\_.

Perfected Acres: \_\_\_.

Irr. Return-Flow \_\_\_%

### Gray County

**Current acres: 11066, 18943, 21479 & 30725 currently overlap PU (Change approval 2001)**

**259.2acres, N2 3-28-29**

**136acres, SE 26-27-29**

**128acres, NE 35-27-29**

**136acres, SW 35-27-29**

**659.2acres combined total**

**11066: 320AF @ 1300gpm, 2930N 2780W 3-28-29**

**Proposed 242acres N2 3-28-29**

## GMD3 Change Review

---

**18943: 272AF @ 835gpm, 1360N 1320W 26-27-29**

**Proposed**

136acres NE of 26 (NEW ACRES)

136acres SE of 26

136acres SW of 35

128acres NE of 35

536acres combined total

**21479: 211AF @ 530gpm, 110N 2720W, 35-27-29**

**SAME PROPOSED ACRES AS 18943**

**21585: 260AF @ 618gpm, 2745N 592W 26-27-29**

**CURRENT ACRES 136ACRES ne OF 26**

**SAME ACRES AS 18943 & 21479**

**30725: 256af @ 820GPM, 4485n 160w 35-27-29**

**SAME ACRES AS 18943, 21479 & 21585**

Is a waiver needed: No, appears proposed changes meet KAR 5-5-11.

Recommendation: After review of all information, it appears current area rules 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](http://www.agriculture.ks.gov)

Mike Beam, Secretary

Laura Kelly, Governor

February 21, 2024

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

Re: Request for Recommendation,  
File Nos. 11066; 18943; 21479; 21585 & 30725

Dear Sir or Madam:

We are enclosing a copy of the referenced applications, which was submitted by Loepky, Yost and Penner 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,

A handwritten signature in blue ink that reads "Austin McColloch".

Austin McColloch  
Assistant Water Commissioner

Enclosure  
pc: