

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 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. 42771

RECEIVED
 12:41 pm
 FEB 07 2025

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: T & O LLC

PO BOX 1178, LIBERAL, KS 67905-1178

Phone Number: () Email address: _____

Name and address of Water Use Correspondent: Same

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: T & O LLC, Attn: THOMAS WILLIS

ADDRESS: 901 APOLLO ST, LIBERAL, KS 67901

(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: _____

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 2-7-25 Check # 000761

5. **Presently authorized point of diversion:**
 One in the CS Quarter of the SE Quarter of the SW Quarter of Section 22, Township 26 South, Range 33 W, in FI County, Kansas, 50 feet North 3350 feet West of Southeast corner of section.
 Authorized Rate No change Authorized Quantity No change Depth of well 480 (feet)
(DWR use only: Computer ID No. 2 GPS 94 feet North 3336 feet West) 2021 C.I.
 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 SW Quarter of the SE Quarter of the NW Quarter of Section 27, Township 26 South, Range 33 W, in FI County, Kansas, 2733 feet North 3468 feet West of Southeast corner of section.
 Proposed Rate No change Proposed Quantity No change Proposed well depth (feet) 660.
 This point is: Additional Well Geo Center List other water rights that will use this point 35902.

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

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

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

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

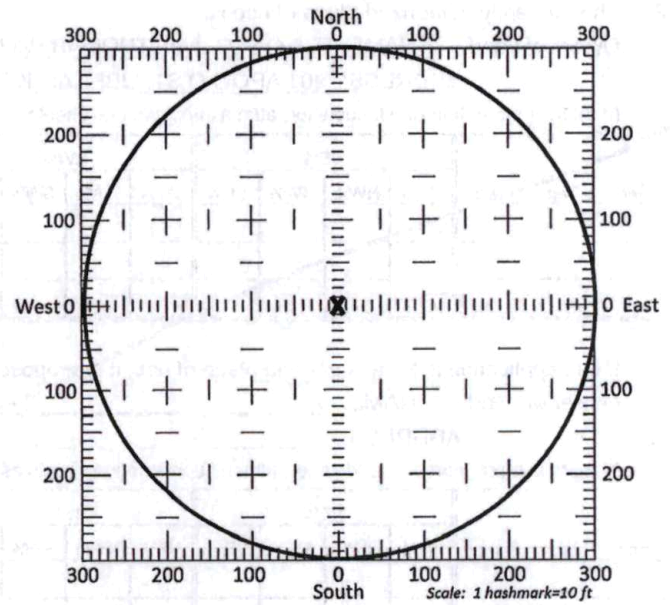
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?

 (b) When will this be done? _____

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by mdf/GCFO _____

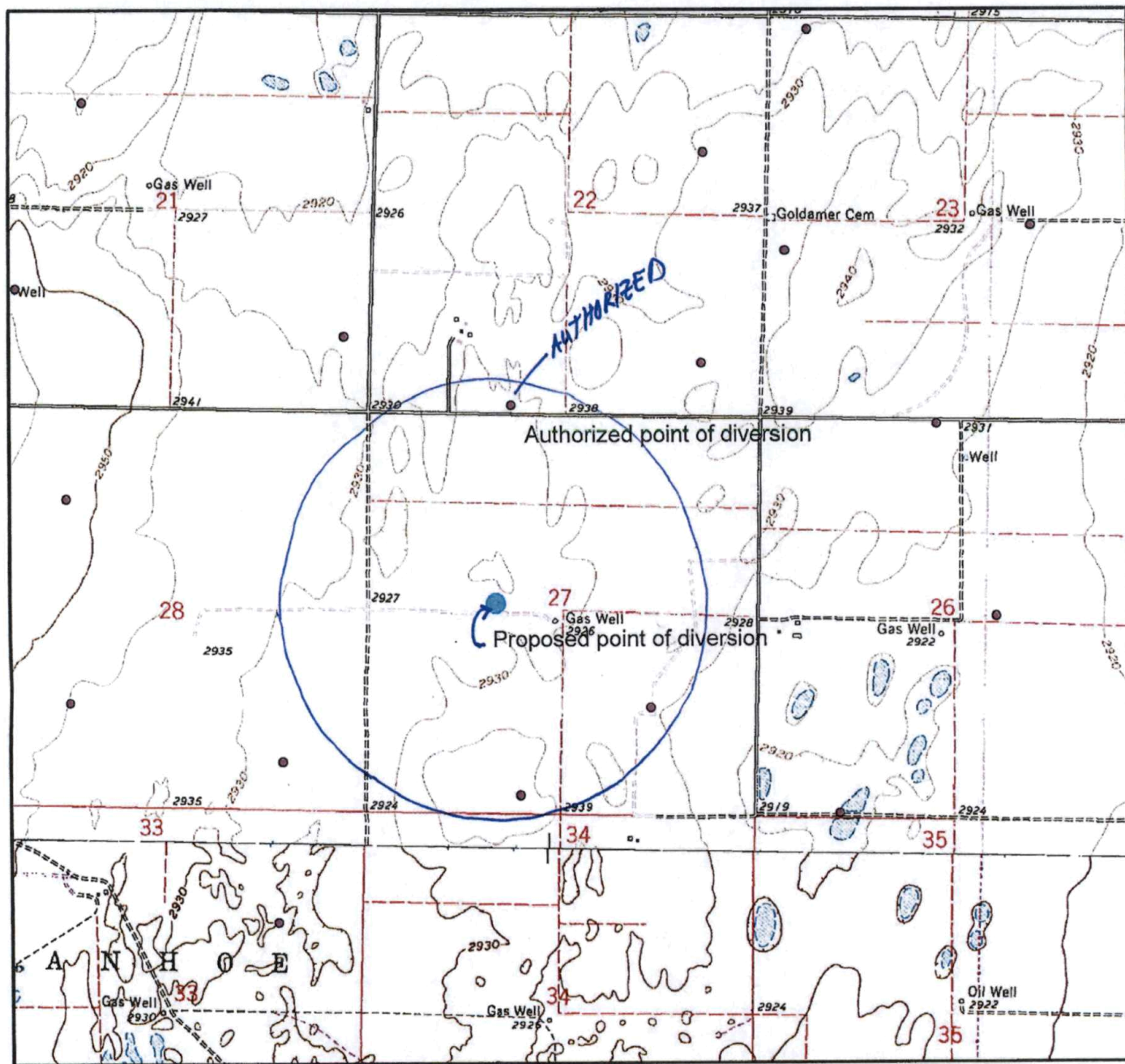
13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and 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.)

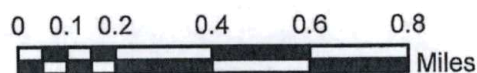
CHANGE IN POINT OF DIVERSION WATER RIGHT, FILE NO. 42771

NW 1/4 of Section 27, Township 26 South, Range 33 West, FI County



• Authorized Point of Diversion

● Proposed Point of Diversion



All wells of any kind within 1/2 mile of the requested place of use have been plotted.

(Signature)

Date

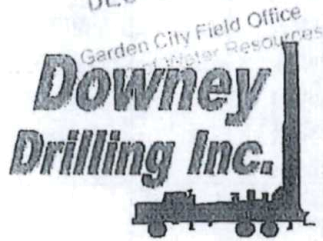
mdf/GCFO
12/2/2024

RECEIVED

DEC 02 2024

WELL LOG

DATE: 4/30/2024



CUSTOMER NAME: I & O, LLC

TH#3-24

LEGAL: NE/NW 27-26S-33W

COUNTY: FINNEY CO, KS

GPS: 37.758871

-100.919603

DRILLER: DIEGO

WO: 23-061

TW	FROM	TO	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	OTHER / DRILLING ACTION
	0	4	TOP SOIL	SOFT	DARK BROWN	FAST		SMOOTH
	4	12	BROWN SILTY CLAY	SOFT	BROWN	FAST		SMOOTH
	12	32	FINE SAND	SOFT		FAST		VIBRATION
	32	45	FINE SAND W/ CALICHE & SANDY CLAY TRACE		WHITE			CHOPPY
	45	53	SANDY CLAY	SOFT	BROWN	FAST		SMOOTH
	53	69	FINE-MED-COARSE SAND	FIRM		FAST		FAST CHATTER
	69	87	FINE-MED GRAVEL W/ FINE-MED-COARSE SAND	STIFF		FAST		FAST CHATTER
	87	99	FINE-MED-COARSE GRAVEL	HARD		SLOW		CHATTER FAST CHATTER & SMOOTH @ TIMES
	99	149	FINE-MED-COARSE SAND W/ SANDY CLAY LEDGES	FIRM	TAN	FAST		
	149	153	LIME ROCK	HARD	WHITE	SLOW	X	CHATTER
	153	156	WHITE SANDY CLAY	SOFT	WHITE	FASTER		SMOOTH
	156	170	SANDY CLAY W/ FINE SAND	SOFT	BROWN	FAST		VIBRATION
	170	205	FINE-MED-COARSE SAND	FIRM		FAST		FAST CHATTER
	205	206	CEMENTED SAND	HARD		SLOW		CHATTER
	206	211	SANDY CLAY	SOFT	BROWN	FAST		SMOOTH
	211	221	FINE-MED-COARSE SAND	FIRM		FAST		FAST CHATTER SMOOTH & VIBRATION
	221	227	SANDY CLAY W/ FINE SAND	SOFT	TAN	FAST		
	227	298	FINE-MED-COARSE SAND	FIRM		FAST		FAST CHATTER
	298	300	HARD SPOT	HARD		SLOW	X	CHATTER
	300	306	FINE-MED-COARSE SAND	FIRM		FAST		FAST CHATTER
	306	321	FINE-MED-COARSE SAND W/ CEMENTED SAND LAYERS	STIFF		SLOWER		CHATTER
	321	343	FINE-MED-COARSE SAND W/ FINE GRAVEL	12 FIRM		FAST		FAST CHATTER CHOPPY & VIBRATION
	343	381	FINE-MED SAND W/ LIME ROCK & SANDY CLAY TRACE	20 FIRM	WHITE & TAN	FAST		SMOOTH & VIBRATION
	381	413	WHITE SANDY CLAY W/ FINE SAND	SOFT	WHITE	SLOW		
	413	419	FINE-MED SAND	6 SOFT		FAST		CHOPPY
	419	463	BROWN CLAY	STICKY	BROWN	FAST		SMOOTH
	463	482	FINE-MED-COARSE SAND	19 FIRM		FAST		FAST CHATTER
	482	487	BROWN STICKY CLAY	STICKY	BROWN	FAST		SMOOTH
	487	493	FINE-MED-COARSE SAND	6 FIRM		FAST		FAST CHATTER
	493	512	BROWN STICKY CLAY	STICKY	BROWN	FAST		SMOOTH
	512	528	FINE-MED-COARSE SAND W/ BROWN ROCK TRACE	10 FIRM	BROWN	FAST		FAST CHATTER
X	528	553	BROWN ROCK W/ SANDSTONE & FINE SAND	25 STIFF	BROWN	FAST		FAST CHATTER SMOOTH & VIBRATION
	553	569	GRAY CLAY W/ SOAPSTONE	SOFT	GRAY	SLOW		
	569	573	SANDSTONE	4 STIFF	GRAY	FAST		CHATTER
	573	577	GRAY CLAY	SOFT	GRAY	SLOW		SMOOTH

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.)

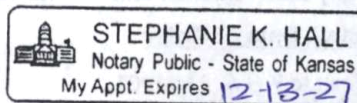
If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized 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 Liberal, Kansas, this 3rd day of January, 2025.

<u>Don Willis</u>	
(Owner)	(Spouse)
<u>TOM WILLIS</u>	
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)

State of Kansas }
 County of Steward } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3rd day of January, 2025.

Stephanie K. Hall
 Notary Public

My Commission Expires 12-13-27.

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. 42771

- 1. A change application was received on _____ 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. [X] 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. [X] 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. [X] 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, 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 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. [X] Applicable [] Not Applicable
8. Installation of the works for diversion of water shall be completed on or before December 31, 20____, or within any authorized extension of time. By March 1, 20____ 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. [X] Applicable [] Not Applicable
9. The completed well log shall be submitted with the required notice. [X] 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. [X] 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: _____ Duly Authorized Designee of the Chief Engineer
(Print Name): _____
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: _____
State of Kansas)
) SS
County of _____)
Acknowledged before me on _____
by _____
Signature: _____
Notary Public
My commission expires: _____
(Notary Seal)

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 10, 2024

WILLIAM AND JANELL HEIMAN
2121 BUFFALO HEIGHTS DR
GARDEN CITY, KS 67846-3512

RE: Application for Change
Water Right, File Nos. 35902 & 42771

Dear Sir or Madam:

This is to advise you that T & O LLC 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 applications. An irrigation well is proposed to be relocated to the NW $\frac{1}{4}$ of Section 27, Township 26 South, Range 33 West, Finney County.

You can find the complete applications posted by water right file number as referenced above at: <https://www.agriculture.ks.gov/divisions-programs/division-of-water-resources/water-appropriation/notices>

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 that reads "Austin J. McColloch".

Austin J. McColloch
Assistant Water Commissioner

AM:

pc:

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 10, 2024

PEGGY & STEWART HARTWELL
104 N THOMAS
OAKLAND, NE 68045

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Assistant Water Commissioner

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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 10, 2024

LARRY W & LINDA JOYCE VOTH
2230 E LEAR RD
GARDEN CITY, KS 67846

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Assistant Water Commissioner

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