

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: P/D WORKSHEET**

Document Signature LPL

1. File Number: <b>37,027</b>	2. Status Change Date: <b>9/2/2016</b>	3. Change Num: <b>C2</b>	4. Field Office: <b>02</b>	5. GMD:
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: <b>7/22/2016</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>KIRBY &amp; CHRISTINE GOERING 471 19TH AVE MOUNDRIDGE KS 67107-7476</b>		Person ID <b>63219</b> Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/>  <b>PC RAY FLICKNER</b>	
8b. Landowner(s) New to system <input type="checkbox"/>  <b>8a.</b>		Person ID <b>63219</b> Add Seq# _____	8d. WUC New to system <input type="checkbox"/>	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/2017</b> <input checked="" type="checkbox"/> N & P Date to Comply: <b>12/31/2017</b>				
<input checked="" type="checkbox"/> Anti-Reverse Meter <input checked="" type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input checked="" type="checkbox"/> Water Tube <input checked="" type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter				
<input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____				
10. Use Made of Water    From: _____    To: _____				
Date Prepared: <b>9/1/2016</b> By: <b>AM</b> Date Entered: <b>9/6/2016</b> By: <b>CM</b>				

File No. **37,027**      11. County: **OTM** Basin: **LITTLE ARKANSAS RIVER**      Stream:      Formation Code: **100** Special Use:

12. Points of Diversion										Rate and Quantity						
MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files	
ENT											Rate gpm	Quantity af	Rate gpm	Quantity af		
ENT			NW NW SW	8	21S	2W	3	850	4840	BATT 1 OF 4 WELLS					49,431	
ENT			NW NW SW	8	21S	2W	4	850	5240	BATT 2 OF 4 WELLS					49,431	
ENT			NW NW SW	8	21S	2W	5	1250	5240	BATT 3 OF 4 WELLS					49,431	
ENT			NW NW SW	8	21S	2W	6	1250	4840	BATT 4 OF 4 WELLS					49,431	
ENT			NW NW SW	8	21S	2W	2	1050	5040	Geo-Center	220	19	220	19	49,431	
DEL	85367; 85368; 85369; 85370; 84519															

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
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	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
CHK			36694	8	21S	2W	1																										

Comments:

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** September 1, 2016

**FROM:** Austin McColloch

**RE:** Water Right,  
File Nos. 37,027;  
Appropriation of Water,  
File No. 49,431

On July 22, 2016, Ray Flickner on behalf of Kirby & Christine Goering, owners of the referenced water rights, have filed an application for approval to change the authorized point of diversion under the above referenced files, authorized for irrigation use in the Little Arkansas River Basin.

The above referenced water rights do not appear to be abandoned as per K.S.A. 82a-718.

Water Right, File No. 37,027 is authorized 19 acre-feet at a diversion rate of 220 gallons per minute, Appropriation of Water, File No. 49,431 is authorized and limited to 94.9 acre-feet at a diversion rate of 800 gallons per minute when combined with File No. 37,027 for irrigation use on 73 acres located in Sections 8, Township 21 South, Range 2 West, McPherson County, Kansas. Both files have the same authorized point of diversion and place of use. The application proposes to move the battery of four (4) wells, that has not yet been drilled, south by 1,380 feet.

The currently authorized point of diversion is located as:

a battery of four (4) wells with a geographic center located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 8, more particularly described as being near a point 2,430 feet North and 5,040 feet West of the Southeast corner of said section, in Township 21 South, Range 2 West, McPherson County, Kansas.

The proposed point of diversion is located as:

a battery of four (4) wells with a geographic center located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 8, more particularly described as being near a point 1,050 feet North and 5,040 feet West of the Southeast corner of said section, in Township 21 South, Range 2 West, McPherson County, Kansas.

The source of water is determined to be the Quaternary system in the drainage basin of the Little Arkansas River, based on area well logs and Kansas Geological Survey Bulletin 79. There will be no change in the local source of supply as the change in the point of diversion is less than  $\frac{1}{2}$  mile away.

The safe yield determination was based on Area of Consideration x potential annual recharge x percent of recharge available, as follows: 8,042 acres x 3.05 inch x 75% = 18,396.075 acre-inches / 12 = 1,533.90 acre-feet. Prior appropriations within the same area of consideration equals a total of 1,079 acre-feet, which leaves 454.9 acre-feet available for appropriation.

The proposed change meets the well spacing as detailed in K.A.R. 5-4-4 (d). There are no other appropriated wells within 1,320 feet, nor domestic wells reported within 660 feet of the proposed geographical center of the battery of wells. Therefore, the change complies with well spacing requirements.


The applicant identified two (2) domestic wells not owned by the applicant located within one-half mile of this existing well, which complies with K.A.R. 5-3-4. Nearby well owner letters were sent out on August 5, 2016, referencing the change applications. No responses of any kind were received.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 and K.A.R. 5-1-12.

If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. A rate greater than 100 gallons per minute has been proposed, so a water level measurement tube will be required.

In an email dated August 31, 2016, with Jeff Lanterman, Water Commissioner, Stafford Field Office, indicated he is not opposed to approval of the request.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely. It is recommended that the change applications for File Nos. 37,027 & 49,431 be approved.



Austin McColloch  
Environmental Scientist

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

September 7, 2016

**FILE COPY**

KIRBY GOERING  
471 19TH AVE  
MOUNDRIDGE KS 67107-7476

RE: Water Right, File No. 37,027  
Appropriation of Water, File No. 49,431

Dear Mr. Goering:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of these approvals is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file numbers. Please return the required and enclosed form, Notification of Completion of the Diversion Works and/or Installation of the Required Flowmeter, as soon as these actions are completed.

Since these orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact me at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Brent A. Turney, P.G.

Change Application Unit Supervisor  
Water Appropriation Unit

BAT:am

Enclosure(s)

pc: Stafford Field Office  
Ray Flickner



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN  
POINT OF DIVERSION  
WATER RIGHT  
FILE NO. 37,027**

**FILE COPY**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Ray Flickner, on behalf of Kirby and Christine Goering, 471 19<sup>th</sup> Ave., Moundridge, Kansas, 67107-7476, received in this office on July 22, 2016, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Orders of the Chief Engineer dated June 10, 2016, approving the application to change the authorized point of diversion and place of use, finds that the change is reasonable and will not impair existing rights, 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:

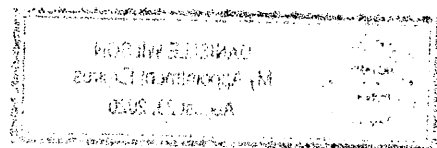
one (1) battery of four (4) wells with a geographic center located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 8, more particularly described as being near a point 1,050 feet North and 5,040 feet West of the Southeast corner of said section, in Township 21 South, Range 2 West, McPherson County, Kansas,

located substantially as shown on the map accompanying the application to change the point of diversion

Installation of the works for diversion of water shall be completed on or before December 31, 2017, 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.

All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.



The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 37,027, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated January 26, 1994, as modified and amended by the aforementioned order.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this 2 day of September, 2016, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau  
Lane P. Letourneau, P.G.  
Program Manager  
Water Appropriation Program  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                                      ) SS  
County of Riley        )

The foregoing instrument was acknowledged before me this 2 day of September, 2016, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson  
Notary Public

### CERTIFICATE OF SERVICE

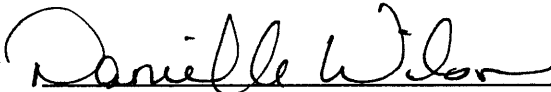
On this ~~7<sup>th</sup>~~ day of *September*, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 37,027, dated *September 2, 2016* was mailed postage prepaid, first class, US mail to the following:

KIRBY & CHRISTINE GOERING  
471 19TH AVE  
MOUNDRIDGE KS 67107-7476

With photocopies to:

Stafford Field Office

Ray Flickner

  
\_\_\_\_\_  
Division of Water Resources



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

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



State of Kansas

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

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

WATER RESOURCES  
RECEIVED

JUL 22 2016

10:40

KS DEPT OF AGRICULTURE

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

Place of Use

(Check one or more)

Point of Diversion

Use Made of Water

File No. 37,027

2. Name of applicant: Ray Flickner

Address: 2701 N North Shore Cir.

City, State and Zip: Wichita, KS 67205-1079

Phone Number: (316)734-6049 E-mail address: \_\_\_\_\_

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

Name of water use correspondent: Kirby & Christine Goering

Address: 471 19<sup>th</sup> Ave.

City, State and Zip: Moundridge, KS 67107-7476

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

3. The change(s) proposed herein are desired for the following reasons (please be specific): Moving authorized well battery to a better location with more saturated thickness

The change(s) will be completed by 12-31-2016 <sup>12/31/17</sup>  
(Date)

For Office Use Only:	
F.O. <u>2</u> GMD <input checked="" type="checkbox"/> Meets K.A.R. 5-5-1 (YES/NO) Use <u>IRR</u> Source <u>G/S</u> County <u>MP</u> By <u>AW</u> Date <u>7/22/16</u>	
Code <u>CGT</u> Fee \$ <u>100</u> TR # _____ Receipt Date <u>7/22/16</u> Check # <u>1187</u>	

4. The presently authorized place of use is:

Owner of Land — NAME: Kirby & Christine Goering

ADDRESS: 471 19<sup>th</sup> Ave. Moundridge, KS 67107-7476

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	
8	21S	2W																	73.00

List any other water rights that cover this place of use. 49,431

Owner of Land — NAME: \_\_\_\_\_

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

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

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

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

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

Owner of Land — NAME: \_\_\_\_\_

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

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

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

Owner of Land — NAME: \_\_\_\_\_

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

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

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

WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

JUL 22 2016

6. The presently authorized point(s) of diversion is a battery of four (4) wells  
(Provide description and number of points)
7. The proposed point(s) of diversion is a battery of 4 wells  
(Provide description and number of points)

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

8. **Presently authorized point of diversion (Geo-Center):**

One in the NW Quarter of the NW Quarter of the SW Quarter of Section 8, Township 21 South, Range 2 (W), in McPherson County, Kansas, 2430 feet North 5040 feet West of Southeast corner of section.

Authorized Rate 220 GPM Authorized Quantity 19 AF

(DWR use only: Computer ID No. 2 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)

This point will not be changed  This point will be changed as follows:

**Proposed point of diversion: (Complete only if change is requested)**

One in the NW Quarter of the SW Quarter of the SW Quarter of Section 8, Township 21 South, Range 2 (W), in McPherson County, Kansas, 1050 feet North 5040 feet West of Southeast corner of section.

Proposed Rate 220 GPM Proposed Quantity 19 AF

This point is:  Additional Well  Geo Center List other water rights that will use this point 49431

9. **Presently authorized point of diversion:**

One in the NW Quarter of the NW Quarter of the SW Quarter of Section 8, Township 21 South, Range 2 (W), in McPherson County, Kansas, 2230 feet North 4840 feet West of Southeast corner of section.

Authorized Rate 220 Authorized Quantity 19

(DWR use only: Computer ID No. 3 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)

This point will not be changed  This point will be changed as follows:

**Proposed point of diversion: (Complete only if change is requested)**

One in the NW Quarter of the SW Quarter of the SW Quarter of Section 8, Township 21 South, Range 2 (W), in McPherson County, Kansas, 850 feet North 4840 feet West of Southeast corner of section.

Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_

This point is:  Additional Well  Geo Center List other water rights that will use this point 49431

10. **Presently authorized point of diversion:**

One in the NW Quarter of the NW Quarter of the SW Quarter of Section 8, Township 21 South, Range 2 (W), in McPherson County, Kansas, 2230 feet North 5240 feet West of Southeast corner of section.

Authorized Rate 220 Authorized Quantity 19

(DWR use only: Computer ID No. 4 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)

This point will not be changed  This point will be changed as follows:

**Proposed point of diversion: (Complete only if change is requested)**

One in the NW Quarter of the SW Quarter of the SW Quarter of Section 8, Township 21 South, Range 2 (W), in McPherson County, Kansas, 850 feet North 5240 feet West of Southeast corner of section.

Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_

This point is:  Additional Well  Geo Center List other water rights that will use this point 49431

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be WATER RESOURCES RECEIVED  
NA - Currently authorized wells not drilled

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY APR 22 2016

SCANNED

KS DEPT OF AGRICULTURE

APPLICATION FOR APPROVAL TO CHANGE  
THE PLACE OF USE AND/OR POINT OF DIVERSION  
SUPPLEMENTAL SHEET  
FILE NO. ~~37207~~ 37027

**Presently authorized point of diversion:**

One in the NW Quarter of the NW Quarter of the SW Quarter  
of Section 8, Township 21 South, Range 2 (W),  
in McPherson County, Kansas, 2630 feet North 5240 feet West of Southeast corner of section.  
Authorized Rate 220 Authorized Quantity 19 Depth of well \_\_\_\_\_ (feet)  
(DWR use only: Computer ID No. 5 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)

This point will not be changed  This point will be changed as follows:

**Proposed point of diversion: (Complete only if change is requested)**

One in the NW Quarter of the SW Quarter of the SW Quarter  
of Section 8, Township 21 South, Range 2 (W),  
in McPherson County, Kansas, 1250 feet North 5240 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 49431

**Presently authorized point of diversion:**

One in the NW Quarter of the NW Quarter of the SW Quarter  
of Section 8, Township 21 South, Range 2 (W),  
in McPherson County, Kansas, 2630 feet North 4840 feet West of Southeast corner of section.  
Authorized Rate 220 Authorized Quantity 19 Depth of well \_\_\_\_\_ (feet)  
(DWR use only: Computer ID No. 6 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)

This point will not be changed  This point will be changed as follows:

**Proposed point of diversion: (Complete only if change is requested)**

One in the NW Quarter of the SW Quarter of the SW Quarter  
of Section 8, Township 21 South, Range 2 (W),  
in McPherson County, Kansas, 1250 feet North 4840 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 49431

**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:

**Proposed point of diversion: (Complete only if change is requested)**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

**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:

**Proposed point of diversion: (Complete only if change is requested)**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range JUL 22 2016 (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 \_\_\_\_\_

WATER RESOURCES  
RECEIVED

KS DEPT OF AGRICULTURE

SCANNED

12. The presently authorized use of water is for irrigation purposes.  
It is proposed that the use be changed to no change purposes.

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to N/A gallons per minute (--- c.f.s.).

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

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

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

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

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

Change will not impair existing rights as  
Minimum well spacing requirements will be met &  
change relates to same local source of supply -  
move is less than 1/2 mile.

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

No waivers are anticipated at this time.

WATER RESOURCES  
RECEIVED

JUL 22 2016

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

KS DEPT OF AGRICULTURE

SCANNED

Wells Within ½ Mile

1. Domestic Well  
Kirby & Christine Goering  
471 19<sup>th</sup> Avenue  
Moundridge, KS 67107
2. Domestic Well  
Timothy D. & Susan Goering  
445 19<sup>th</sup> Avenue  
Moundridge, KS 67107
3. Domestic Well  
Joshua Hankins  
1906 Cherokee Road  
Moundridge, KS 67107

WATER RESOURCES  
RECEIVED

JUL 22 2016

KS DEPT OF AGRICULTURE

SCANNED

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Moundridge, Kansas, this 14 day of July, 2016.

Kirby Goering  
(Owner)

\_\_\_\_\_  
(Spouse)

Kirby Goering  
(Please Print)

\_\_\_\_\_  
(Please Print)

Christine Goering  
(Owner)

\_\_\_\_\_  
(Spouse)

Christine Goering  
(Please Print)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

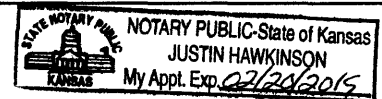
State of Kansas }  
County of McPherson } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 14<sup>th</sup> day of July, 2016.

Justin Hawkinson  
Notary Public

My Commission Expires 02/20/2019

**FEE SCHEDULE**



Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
- (4) Application to change the use made of the water ..... \$300

Make check payable to **Kansas Department of Agriculture.**

**WATER RESOURCES  
RECEIVED**

**JUL 22 2016**

SCANNED

**KS DEPT OF AGRICULTURE**

## McColloch, Austin

---

**From:** Lanterman, Jeff  
**Sent:** Wednesday, August 31, 2016 11:45 AM  
**To:** McColloch, Austin  
**Cc:** Conant, Cameron  
**Subject:** FW: Change Applications File Nos. 37,027 & 49,431  
**Attachments:** 37027\_49431\_Memo.doc; KGS Wells.jpg; Well Measurements.docx; 37027 & 49431 map.jpg

Go ahead and approve these Austin. I think we decided that the new app could be approved with the area WLM because they were far enough away we couldn't potentially tie them to this area.

Thanks

Jeff

---

**From:** Conant, Cameron  
**Sent:** Wednesday, August 31, 2016 11:27 AM  
**To:** Lanterman, Jeff <Jeff.Lanterman@ks.gov>  
**Subject:** FW: Change Applications File Nos. 37,027 & 49,431

Jeff, we recently approved the new application at a different location to the north and changed 37027 to completely overlap with the new applications battery of wells. The time to complete is 12/31/16. No wells were "completed" at the north location. Since this is within the time to complete and they original wells were never completed, a change application is permissible providing SY is met at the new location.

Austin ran the SY analysis on the proposed location using the full 2 mile circle which is consistent with a couple nearby new apps as well as the original SY analysis for 49431 at the original north battery location. SY indicates water is available for appropriation.

It appears that all nearby wells were notified of the proposed change. Spacing to the geo-center is met with regard to all nearby irrigation and domestic wells (the furthest SE well of the battery likely is within 660' of the owners domestic well (~630')). A rough location map is attached.

I've attached water level information that Alex put together for the original new application review. All the information Alex provided is within GMD#2. Below, and also in GMD#2, is another potential representative hydrograph of this area with regard to water level, well depth, and length of measurement.

[http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs\\_id=381256097295001](http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=381256097295001)

All that being said with regard to water levels, you were not certain we can tie the surrounding water levels to this particular application and location during the approval of the original new application and change.

It appears the proposed change for both files complies with the applicable rules and regs. I think the change applications for both files can be recommended for approval. Please pass on to Austin if you agree.

Cameron

---

**From:** McColloch, Austin  
**Sent:** Tuesday, August 23, 2016 9:16 AM



1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 5, 2016

**FILE COPY**

TIMOTHY D. & SUSAN GOERING  
445 19TH AVE  
MOUNDRIDGE, KS 67107

RE: Water Right, File No. 37,027  
Appropriation of Water, File No. 49,431

Dear Sir or Madam:

This is to advise you that Ray Flickner, on behalf of Kirby & Christine Goering, has filed with the Division of Water Resources, Kansas Department of Agriculture, applications to change the point of diversion pursuant to Water Right, File No. 37,027 and Appropriation of Water, File No. 49,431. The applicant proposes to change the authorized point of diversion

from: one (1) battery of four (4) wells with a geographic center located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 8, more particularly described as being near a point 2,430 feet North and 5,040 feet West of the Southeast corner of said section, in Township 21 South, Range 2 West, McPherson County, Kansas.

to: one (1) battery of four (4) wells with a geographic center located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 8, more particularly described as being near a point 1,050 feet North and 5,040 feet West of the Southeast corner of said section, in Township 21 South, Range 2 West, McPherson County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposal locations of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter.

If you have any questions, please contact me at 785-564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin McColloch  
Environmental Scientist  
Water Appropriation Program

Enclosures

pc: Stafford Field Office

**SCANNEL**

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 5, 2016

JOSHUA HANKINS  
1906 CHEROKEE ROAD  
MOUNDRIDGE, KS 67107

**FILE COPY**

RE: Water Right, File No. 37,027  
Appropriation of Water, File No. 49,431

Dear Mr. Hankins:

This is to advise you that Ray Flickner, on behalf of Kirby & Christine Goering, has filed with the Division of Water Resources, Kansas Department of Agriculture, applications to change the point of diversion pursuant to Water Right, File No. 37,027 and Appropriation of Water, File No. 49,431. The applicant proposes to change the authorized point of diversion

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If you have any questions, please contact me at 785-564-6643. If you call, please reference the file number so we can help you more efficiently.

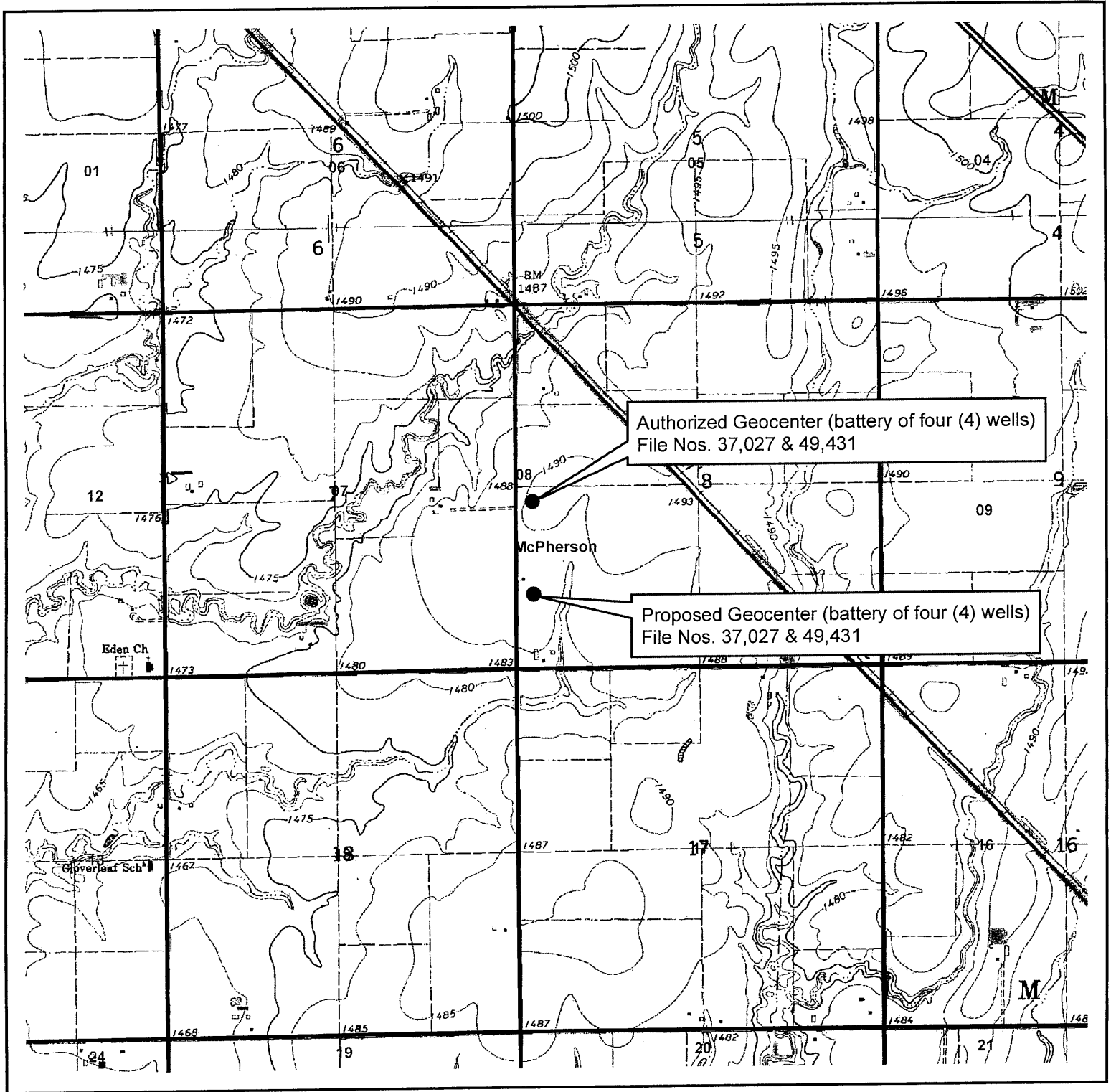
Sincerely,

Austin McColloch  
Environmental Scientist  
Water Appropriation Program

Enclosures

pc: Stafford Field Office

**SCANNED**



Authorized Geocenter (battery of four (4) wells)  
File Nos. 37,027 & 49,431

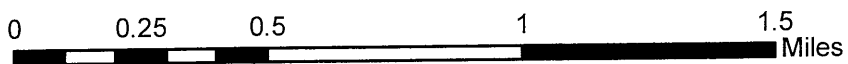
Proposed Geocenter (battery of four (4) wells)  
File Nos. 37,027 & 49,431

McPherson

Eden Ch

Legend

Point of Diversion



1:24,000



# Change in Point of Diversion

Water Right, File No. 37,027  
Appropriation of Water, File No. 49,431  
Section 8, Township 21S, Range 2W  
McPherson County, Kansas

**FILE COPY**

SCANNED  
AM/DWR

Date: 8/4/2016



1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700

900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

Ray Flickner  
2701 N North Shore Cir.  
Wichita, KS 67205-1079

July 22, 2016

RE: File No. 37027

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PD
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

**Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.**

**(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...**

**A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

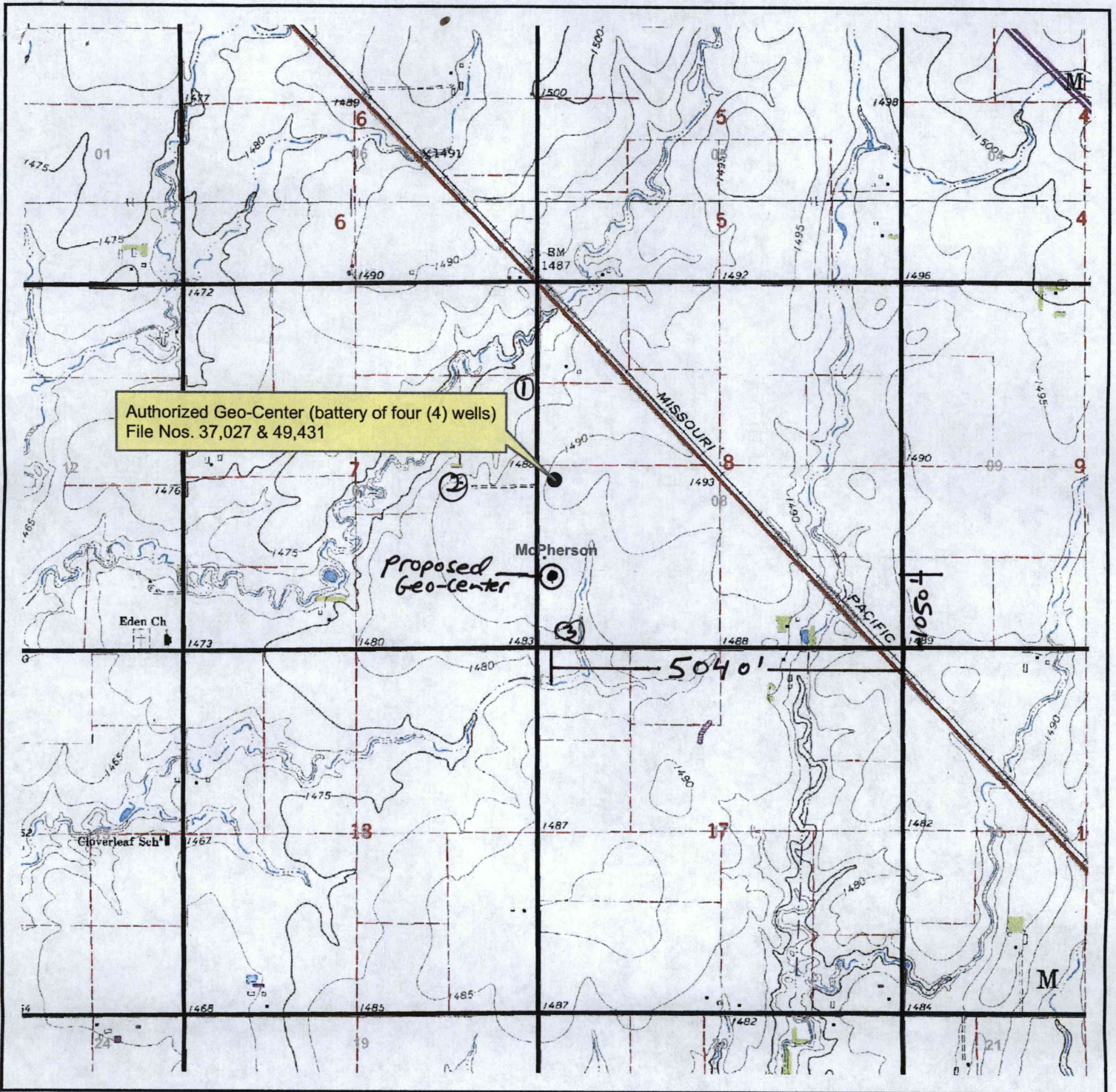
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A Turney, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

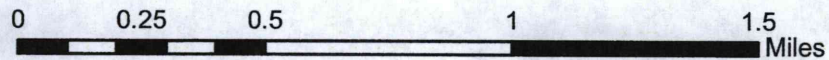
BAT: DLW  
pc: STAFFORD Field Office GMD

SCANNED



**Legend**

- Point of Diversion



# Change in Point of Diversion Water Right, File Nos. 37,027 & 49,431

WATER RESOURCES RECEIVED

JUL 22 2016

All water wells of any kind within 1/2 mile of the proposed point(s) of diversion are shown:

Signature: *[Handwritten Signature]*  
Date: 7/17/16

Sec. 8 - Twp. 12S - Rng. 2W  
McPherson County

SCANNED

KS DEPT OF AGRICULTURE

AM/DWR

Date: 7/13/2016