

# CHECK SHEET Short Change

(To be completed and attached to each application)

File No. 37476

Field Office No. 2

GMD No. \_\_\_\_\_

1. **Plugging agreement obtained for GMD?** Yes  No  Non Applicable

2. **Is Landowner correct as currently shown in WRIS?** Yes  No  **Address Change?** NO

If applicable, list Place of Use Overlap File Nos. None

3. **Is Water Use Correspondent correct as currently shown in WRIS?** Yes  No  **Address Change?** NO

Name of Former WUC --- \_\_\_\_\_ Name of New WUC --- \_\_\_\_\_

4. a. **Point of diversion computer ID No(s).** 1 **for point(s) being changed.**

b. **Show feet distances from the** SE **corner of the section for the new point(s) of diversion:**

Action	PDIV ID	Geo Ctr?	Sec	Twp	Rng	'N	'W	County	Qualifiers
DEL	28307	NO	5	27S	9W	3960	3950	Kingman	NC NW
ENT		NO	5	27S	9W	3965	3939	Kingman	NC NW

c. **If multiple points of diversion exist and rates and quantities are individually assigned, show:**

Old PDIV ID	Authorized Rate	Additional Rate	Authorized Quantity	Additional Quantity
_____	_____ gpm/cfs	_____ gpm/cfs	_____ af/mgy	_____ af/mgy
_____	_____ gpm/cfs	_____ gpm/cfs	_____ af/mgy	_____ af/mgy
_____	_____ gpm/cfs	_____ gpm/cfs	_____ af/mgy	_____ af/mgy

d. **Name of Drainage Basin** N F Ninnescah **Is this correctly shown in WRIS?**  Yes  No

e. **Formation Name & No.** Undiff. Kansan/Nebraskan (180) **Special Use Area** \_\_\_\_\_

5. **Distances from the original p/d:** \_\_\_\_\_ 50 ' S \_\_\_\_\_ 0 ' W

**6. WATER RIGHT ACTION TRAIL COMMENTS**

12/26/2017 Change Application Received (date accepted for priority)  
12 / 26 / 17 Change Approved  
 Notice and Proof by 12/31/2018  
 \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Completion Requirement Removed (Change No. C. \_\_\_\_\_)

**7. METER ACTION TRAIL COMMENTS**

12 / 26 / 17 DWR Meter Required by 12/31/2018  
 \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Anti-Reverse Meter Required by \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Meter Seal Required by \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

8. Base Acres --- \_\_\_\_\_ Year --- \_\_\_\_\_ Minimum Reasonable Quantity --- \_\_\_\_\_

Date Created **12/26/17** by **TJS**

Date Entered \_\_\_\_\_ by \_\_\_\_\_

CHECK SHEET ATTACHMENT

9. Changes to the place of use will be:

File Number 37476

Action	Owner Person ID	Place Use ID #	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		
NO CHG	5466	26174	5	27S	9W	Acres Authorized																	
						New Acres																	
						Acres Authorized																	
						New Acres																	
						Acres Authorized																	
						New Acres																	
						Acres Authorized																	
						New Acres																	

Names and Address:

1. Person ID # <u>5466</u> NEAL D & JUDITH A FOSTER 2813 CORTINA LN EVERGREEN CO 80439-9451	2. Person ID # _____ _____ _____ _____	3. Person ID # _____ _____ _____ _____
------------------------------------------------------------------------------------------------------	-------------------------------------------------	-------------------------------------------------

**GENERAL INSTRUCTIONS**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Give to Applicant:<br>a. <u>Original</u> application/approval<br>b. Original receipt (one for <u>each</u> application)<br>c. Information packet containing:<br><ul style="list-style-type: none"> <li>• Notice and Proof form</li> <li>• Water Meter Specifications</li> <li>• Acceptable Meter list</li> <li>• Water level measurement tube specifications</li> <li>• Check Valve specifications</li> <li>• Pink Sheet - K.S.A. 82a-728 letter</li> <li>• Form stating to record in Register of Deeds Office (OPTIONAL AS NEEDED)</li> </ul> | 2. Send to headquarters:<br>a. Good, <b>scannable</b> copy of application and/or approval and this check sheet<br>b. Original check and copy of receipt<br>c. Test hole log<br>d. GMD recommendation, if any<br>e. Map or aerial photograph, if any<br>3. Send to KDHE: Letter (KDHE.LT) advising of location of abandoned well. <input type="checkbox"/> | 4. Date stamp received and approved.<br>5. Complete ownership and WUC change information.<br><br><p><u>ADDITIONAL PHOTOCOPIES</u></p> <p>HQ _____</p> <p>Driller's Copy _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

CONDITIONS

1. Insert notice and proof date.
2. Type or print applicant's/owner's name on line.
3. Complete notary statement.

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 WATER METER REQUIRED



STATE OF KANSAS

**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.

**RECEIVED**  
*11:50*  
**DEC 26 2017**

File No. 37476

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use                       Point of Diversion

Stafford Field Office  
 Division of Water Resources

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: Cris Helm, HF Operations

12200 NW 50<sup>th</sup> St, Penalosa KS 67035

Phone Number: (620)474-2344

Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: Neal D & Judith A Foster

2813 Cortina LN, Evergreen CO 80439-9451

Phone Number: (620)298-3171

Email address: \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land ---- NAME: Neal D & Judith A Foster

ADDRESS: 2813 Cortina LN, Evergreen CO 80439-9451

(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	
5	27S	9W					Lot 3 40.19	Lot 4 40.20	40	40									160.39

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: No Change\*

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 \$100- TR # \_\_\_\_\_ Receipt Date \_\_\_\_\_ Check # 7274

\* TJS-SFFO

5. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the NC NW Quarter  
 of Section 5, Township 27 South, Range 9 W,  
 in Kingman County, Kansas, 3960 feet North 3960 feet West of Southeast corner of section.  
 Authorized Rate No Change Authorized Quantity No Change Depth of well 147 (feet)  
**(DWR use only: Computer ID No. 1 GPS 4015 feet North 3939 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 NC NW Quarter  
 of Section 5, Township 27 South, Range 9 W,  
 in Kingman County, Kansas, 3965 feet North 3939 feet West of Southeast corner of section.  
 Proposed Rate No Change Proposed Quantity No Change Proposed well depth (feet) 155-160 (per applicant).  
 This point is:  Additional Well  Geo Center List other water rights that will use this point None

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) Well casing has failed  
 \_\_\_\_\_  
 \_\_\_\_\_

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

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

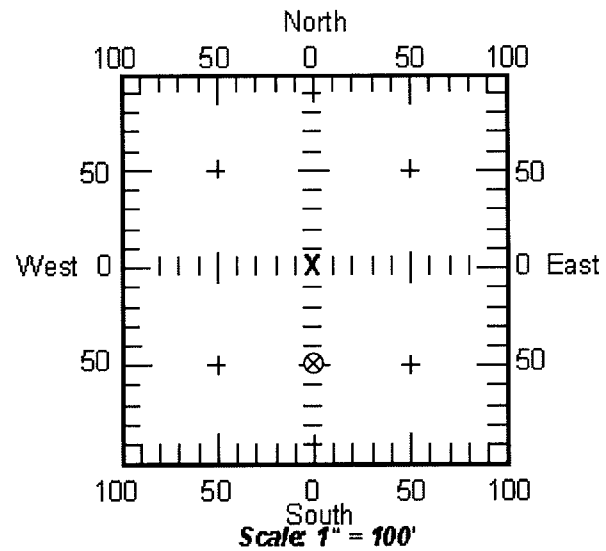
10. If the point of diversion is a well:  
 (a) What are you going to do with the old well?  
Plug it

(b) When will this be done? ASAP

11. Groundwater Management District recommendation attached?  Yes  No

12. Assisted by TJS-SFFO

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from 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.

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14. If the proposed groundwater point of diversion is 300 or fewer feet from 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 Stafford, Kansas, this 26<sup>th</sup> day of December, 2017.

[Signature] HF Operations  
(Owner)

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

Cris Helm HF Operations  
(Please Print)

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

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

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

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

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

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

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

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

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

State of Kansas }  
County of Stafford } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 26<sup>th</sup> day of December, 2017.



[Signature]  
Notary Public

My Commission Expires \_\_\_\_\_

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

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**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. 37476.

1. A change application was received on 12/26/2017 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 50 foot radius of the authorized point(s) of diversion.  Applicable  Not Applicable
4. The point(s) of diversion authorized herein shall not actually be located more than 100 feet from the previously authorized point(s) of diversion.  Applicable  Not Applicable
5. 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
6. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2018**, 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
7. **Installation of the works for diversion of water shall be completed on or before December 31, 2018**, or within any authorized extension of time. By March 1, 2019 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
8. **The completed well log shall be submitted with the required notice.**  Applicable  Not Applicable
9. 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
10. Additional Conditions are attached.  Yes  No
11. 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**

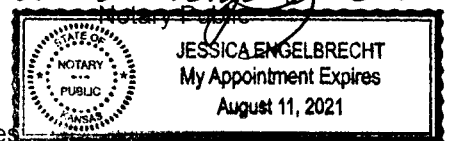
By: Cameron R. Couart  
Duly Authorized Designee of the Chief Engineer  
(Print Name): Cameron R. Couart  
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: 12/26/17

State of Kansas  
County of Stafford ) SS

Acknowledged before me on 12/26/17  
by Cameron Couart

Signature: Jessica Engelbrecht  
Notary Public



My commission expires \_\_\_\_\_ (Notary Seal)

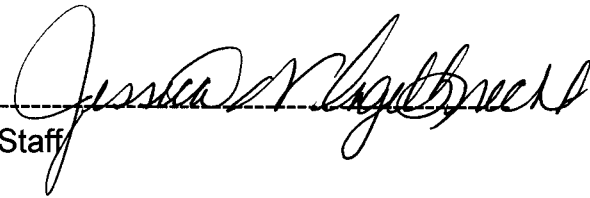
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## CERTIFICATE OF SERVICE

On this 26<sup>th</sup> day of **December, 2017**, I hereby certify that the attached Change in Point of Diversion for Water Right, File No. **37476**, dated **December 26, 2017** was hand delivered to the following:

Cris Helm, HF Operations

  
Staff





279-4bbb--Sample log of test hole in NW NW NW sec. 6, T. 27 S., R. 9 W., on south side of road, 75 feet east of north-south road. Drilled by Federal and State Geological Surveys October 2, 1955. Surface altitude, 1,700.8 feet.		<b>Thickness, feet</b>	<b>Depth, feet</b>
Quaternary--Lower Pleistocene			
Grand Island and Sappa Formation--Kansan and Yarmouthian Stages			
	Silt, sandy, light brown	2	2
	Silt, sandy, clayey, gray brown	4	6
	Sand, fine to coarse, and fine to medium gravel, very silty	4	10
	Sand, fine to coarse, and fine to medium gravel	5	15
	Gravel, fine to coarse, and some fine to coarse sand	8	23
Holdrege and Fullerton Formations--Nebraskan and Aftonian Stages			
	Clay, silty, sandy, calcareous, light gray tan	10	33
	Silt, very sandy, gray tan, lime cemented	6	39
	Clay, silty, sandy, calcareous, tan	1	40
	Silt, very sandy, calcareous, tan to gray tan; contains lime-cemented streaks	10	50
	Silt, sandy, clayey, calcareous, gray tan; contains caliche nodules	13	63
	Sand, fine to coarse, and fine gravel, very silty	5	68
	Silt, very sandy, calcareous, tan; contains some caliche nodules	12	80
	Silt, very sandy, calcareous, tan; contains thin sand streaks	5	85
	Sand, fine to coarse, and fine gravel, silty	10	95
	Sand, fine to coarse, and fine gravel; contains thin streaks of silt and silty clay	90	185
Permian--Leonardian			
Salt Plain(?) Siltstone			
	Siltstone, red	2	187

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