

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

1. File Number: 17939	2. Status Change Date:	3. Change Num: 1	4. Field Office: 02	5. GMD: 05
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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: 12/15/19
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8a. Applicant(s)
 New to system

Person ID _____
 Add Seq# _____

8c. Landowner(s)
 New to system

Person ID _____
 Add Seq# 1

**BRENT G & MARSELLA G HEARN JTWROS
 100 CHESTNUT ST
 STAFFORD KS 67578**

8b. Landowner(s)
 New to system

Person ID 33886
 Add Seq# 1

**DUDREY CATTLE CO INC
 PO BOX 65
 SAINT JOHN, KS 67576-0065**

8d. WUC
 New to system

Person ID 4394
 Add Seq# 1

NO CHANGE

**CARL E DUDREY ESTATE
 PO BOX 65
 SAINT JOHN, KS 67576**

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: 12/31/20 N & P Date to Comply: 12/31/20

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: 12/13/19 Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **12/13/19** By: **TJS**
 Date Entered: _____ By: _____

File No. **17939** 11. County: **STAFFORD** Basin: **N F Ninnescah River** Stream: **---** Formation Code: **180 (Undiff Kansas / Nebraska)** Special Use: **---**

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
DEL			48653					4								None
ENT			32021	CW SW NE	34	24S	12W	1		3240	2630			No Change		22579

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
CHK	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				
MOD			33934	34 24S 12W 2						33.5	40	40	40													153.5	8b.	No	22579
ENT				34 24S 12W						6.5																6.5	8c.	Yes	22579

Base Acres: --- Year: --- Minimum Reasonable Quantity: ---

Comments: **Not creating a new pd, just overlapping PDIV 48653 on PDIV 32021.**

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

WATER METER REQUIRED

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. 17939

RECEIVED
 10:25 am
 NOV 15 2019

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: Dudrey Cattle Co Inc

PO Box 65, Saint John KS 67576-0065

Phone Number: (620)793-2093

Email address: _____

Name and address of Water Use Correspondent: Carl E Dudrey Estate

PO Box 65, Saint John KS 67576-0065

Phone Number: (620)793-2093

Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: A.) Dudrey Cattle Co Inc // B.) Brent G & Marsella G Hearn JTWROS

ADDRESS: A.) PO Box 65, Saint John KS 67576-0065 // B.) 100 Chesnut St, Stafford KS 67578

(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	
A.) 34	24	12W	33.5	40	40	40													153.5
B.) 34	24	12W	6.5																6.5
																		Total : 160	

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 \$ 200 - TR # _____ Receipt Date _____ Check # 8577

5. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the CW NE Quarter
 of Section 34, Township 24 South, Range 12 W,
 in Stafford _____ County, Kansas, 3880 feet North 2610 feet West of Southeast corner of section.
 Authorized Rate 1000 GPM Authorized Quantity 198 AF Depth of well 70 (feet)
(DWR use only: Computer ID No. 4 GPS 3918 feet North 2640 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 CW SW NE Quarter
 of Section 34, Township 24 South, Range 12 W,
 in Stafford _____ County, Kansas, 3240 feet North 2630 feet West of Southeast corner of section.
 Proposed Rate No Change Proposed Quantity No Change Proposed well depth (feet) 70 (FIR)
 This point is: Additional Well Geo Center List other water rights that will use this point 22579

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) Moving the PD (entire rate and quant)
authorized under File No. 17939 and stacking the PD on
the well currently authorized by File No. 22579.

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

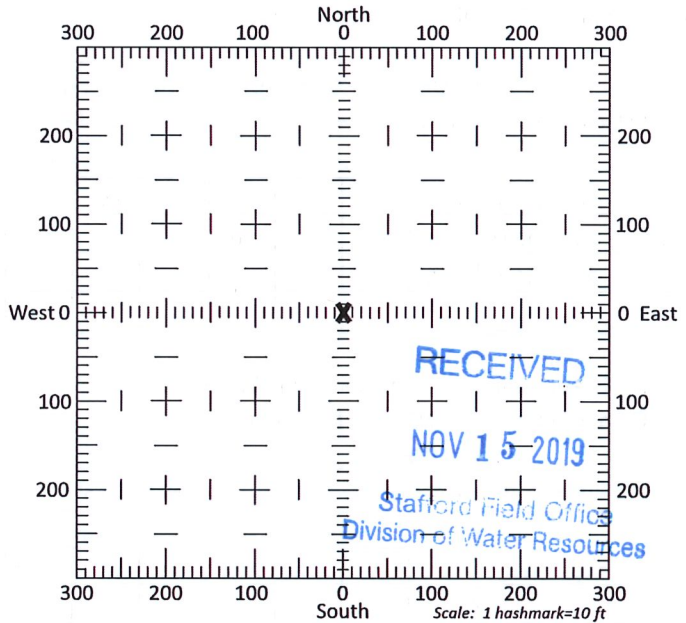
9. The change(s) (was)(will be) completed by?
Upon Approval

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
Disconnect electrical supply from old well.
 (b) When will this be done? After approval

11. Groundwater Management District recommendation attached?
 Yes No 12/11/19 - TJS, SFFO

12. Assisted by TJS - SFFO

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 300 feet
 of the existing point of diversion, indicate its location on the
 diagram shown above in relation to the existing point of
 diversion. (PLEASE NOTE: The "X" in center of diagram
 above represents the presently authorized point of
 diversion.)

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_____.

Brent G. Hearn
 (Owner)
Brent G. Hearn
 (Please Print)

 (Owner)

 (Please Print)

 (Owner)

 (Please Print)

Marsella G. Hearn
 (Spouse)
Marsella G Hearn
 (Please Print)

 (Spouse)

 (Please Print)

 (Spouse)

 (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 22 day of November, 2019.

Phyllis Hager
 Notary Public

My Commission Expires 1/8/2023
 NOTARY PUBLIC - State of Kansas
 PHYLIS HAGER
 My Appt. Exp. 8-6-23

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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NOV 22 2019

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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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 St. John, Kansas, this 15th day of NOVEMBER, 2019.

Richard A. Ball, Pres.
(Owner)

(Spouse)

RICHARD A. Ball
(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 15th day of November, 2019.

Gaylen Searle
Notary Public

My Commission Expires 9/18/2023

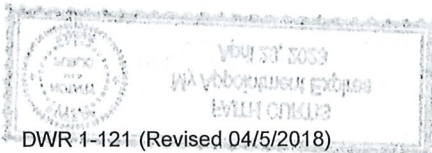
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- (2) Application to change a point of diversion more than 300 feet **\$200**
- (3) Application to change the place of use \$200

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Stafford Field Office
Division of Water Resources



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. 17939.

1. A change application was received on November 15, 2019 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 300 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 979 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, 2020, 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, 2020, or within any authorized extension of time.** By March 1, 2021 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.

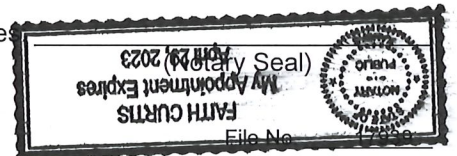
For Use by Register of Deeds

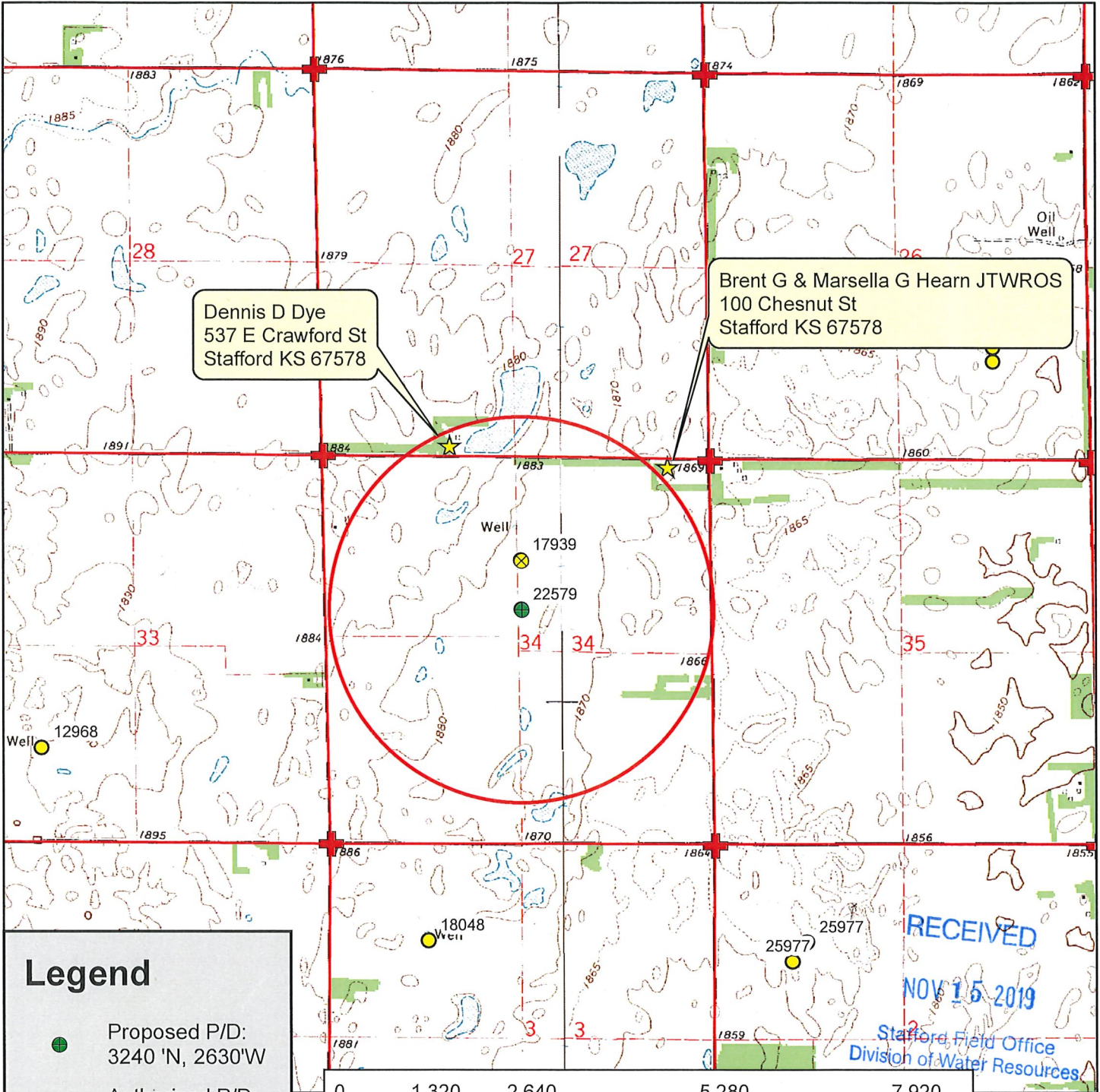
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NOV 15 2019
Stafford Field Office

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

By: Cameron R. Conant
Duly Authorized Designee of the Chief Engineer
(Print Name): Cameron R. Conant
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: December 13, 2019
State of Kansas)
County of Stafford) SS
Acknowledged before me on December 13th, 2019
by Faith Curtis
Signature: Faith Curtis
Notary Public

My commission expires





Legend

- Proposed P/D: 3240 'N, 2630'W
- ⊗ Authorized P/D: 3918'N, 2640'W
- Water Appropriations
- + Section Corner
- Section Line
- ★ Domestic Well
- 1/2 Mile Buffer



Water Right, File No. 17939
 Change in Point of Diversion, Application Map
 34-24S-12W // Stafford County



To the best of my knowledge, all water wells including domestic, within 1/2 mile of the proposed point of diversion have been shown.

Richard A. Ball, Pres. 11/15/19
 Signature 11/12/19 TJS-SFFO 1:24,000 scale



Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521

phone: (620) 234-5311
fax: (620) 234-6900
www.ksda.gov/dwr

Dale A. Rodman, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

Sam Brownback, Governor

December 13, 2019

Dudrey Cattle Co Inc
PO Box 65
Saint John, KS 67576-0065

Re: Water Right, File No(s). 17939

Dear Water Right Owner:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number(s).

Your attention is directed to the enclosures and to the terms, conditions and limitations specified in this approval for change. An acceptable water flow meter must be installed on your well before any water is applied as authorized under this change approval. A copy of the approved list of Certified Water Flowmeters as well as the regulations regarding the installation of flowmeters, measurement tubes and check valves can be found at www.ksda.gov/includes/document_center/dwr/Forms/ApprovalPack.pdf. If you do not have access to the internet, please contact this office and we will send you a paper copy of the referenced information.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

Any abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

Should you have any questions, please feel free to contact this office. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

Jeff Lanterman
Water Commissioner

Enclosures

pc: Water Rights Section
Groundwater Management District No. 5

CERTIFICATE OF SERVICE

On this **13 December 2019**, I hereby certify that the attached Change in Point of Diversion, File No. 17939 dated 12/13/2019 was mailed to the following:

Dudrey Cattle Co Inc
PO Box 65
Saint John, KS 67576-0065

pc: Water Rights Section
GMD #5

Faith Curtis

Staff