

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.

DEC 06 2019

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**

KS Dept Of Agriculture



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.

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. 20725

2. Name of applicant: Michael J MacNair, Cottonwood Corral Inc

Address: 24089 NW X Road

City, State and Zip: Jetmore KS 67854-9540

Phone Number: (620)393-1365 E-mail address: mickmacnair@gmail.com

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

Name of water use correspondent: Cottowood Corral Inc, Michael J MacNair President

Address: 24089 NW X Road

City, State and Zip: Jetmore KS 67854-9540

Phone Number: (620)393-1365 E-mail address: mickmacnair@gmail.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): A standby well is needed to protect the feedlot in case the primary well is compromised. The proposed standby well will actually be an old well previously authorized for use at the feedlot.

The change(s) (will be) completed by as soon as this application is approved.
(Date)

For Office Use Only:							
F.O. Code	<u>2</u>	GMD	<u>0</u>	Meets K.A.R. 5-5-1	<u>(YES)</u> / NO	Use	<u>IRR/STK</u>
	<u>CLT</u>			Fee \$	<u>100</u>	TR #	
				Source	<u>G/S</u>	County	<u>HG</u>
				By	<u>KJN</u>	Date	<u>12/6/19</u>
				Receipt Date	<u>12/6/19</u>	Check #	<u>5247</u>

12/12/2019
LMoody

Assisted by: TJS - SFFO

4. The presently authorized place of use is:

Owner of Land — NAME: Cottowood Corral Inc, Michael J MacNair President

ADDRESS: 24089 NW X Road, Jetmore KS 67854-9540

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		
IRR: 9	21S	24W	9	38	40	10	20	22	31	22	1						3			196
STK: 9	21S	24W																		Feedlot W2

List any other water rights that cover this place of use. 3593 (IRR)

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.)

Water Resources
Received

DEC 06 2019

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

Owner of Land — NAME: No Change

ADDRESS: ---

KS Dept Of Agriculture

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. ***

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 6. The presently authorized point(s) of diversion is One (1) STK well and four (4) IRR wells
(Provide description and number of points)
- 7. The proposed point(s) of diversion is One (1) STK well, One (1) standby STK well, and four (4) IRR wells
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:** **PROPOSED STANDBY WELL - STK USE**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ W,
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (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 NC S2 S2 NW Quarter
 of Section 9, Township 21 South, Range 24 W,
 in Hodgeman County, Kansas, 3216 feet North 3922 feet West of Southeast corner of section.
 Proposed Rate limited to file Proposed Quantity limited to file
 This point is: Additional Well Geo Center List other water rights that will use this point None

9. **Presently authorized point of diversion:** **IRR USE**
 One in the _____ Quarter of the _____ Quarter of the CW NW Quarter
 of Section 9, Township 21 South, Range 24 W,
 in Hodgeman County, Kansas, 3934 feet North 5241 feet West of Southeast corner of section.
 Authorized Rate 86 GPM Authorized Quantity 51 AF
 (DWR use only: Computer ID No. 3 GPS 3934 feet North 5241 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 _____
 This point is: Additional Well Geo Center List other water rights that will use this point None

10. **Presently authorized point of diversion:** **IRR USE**
 One in the NW Quarter of the NE Quarter of the NW Quarter
 of Section 9, Township 21 South, Range 24 W,
 in Hodgeman County, Kansas, 4980 feet North 3750 feet West of Southeast corner of section.
 Authorized Rate 185 GPM (Lim) Authorized Quantity 62.09 AF (Lim)
 (DWR use only: Computer ID No. 6 GPS 4953 feet North 3753 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 _____
 This point is: Additional Well Geo Center List other water rights that will use this point 3593

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. None

Water Resources
Received

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

DEC 09 2019

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 20725

Water Resources
Received

DEC 06 2019

Presently authorized point of diversion: IRR USE

One in the _____ Quarter of the _____ Quarter of the KS Dept Of Agriculture Quarter
of Section 9, Township 21 South, Range 24 NC N2 S2 NW W,
in Hodgeman County, Kansas, 3755 feet North 3575 feet West of Southeast corner of section.
Authorized Rate 130 GPM Authorized Quantity 76 AF Depth of well _____ (feet)
(DWR use only: Computer ID No. 7 GPS 3755 feet North 3575 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 None

Presently authorized point of diversion: IRR USE

One in the NW Quarter of the NW Quarter of the NW Quarter
of Section 9, Township 21 South, Range 24 W,
in Hodgeman County, Kansas, 4822 feet North 4733 feet West of Southeast corner of section.
Authorized Rate 175 GPM (Lim) Authorized Quantity 2 AF Depth of well _____ (feet)
(DWR use only: Computer ID No. 8 GPS 4862 feet North 4597 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 3593

Presently authorized point of diversion: STK USE

One in the SE Quarter of the SW Quarter of the NW Quarter
of Section 9, Township 21 South, Range 24 W,
in Hodgeman County, Kansas, 3115 feet North 4013 feet West of Southeast corner of section.
Authorized Rate 16 GPM Authorized Quantity 6.52 MGY 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 _____

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 _____

12. The presently authorized use of water is for Stockwatering and Irrigation purposes.
It is proposed that the use be changed to Stockwatering and Irrigation (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.

N/A - proposing to add an additional well only for standby use at the feedyard

(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). 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.

The proposed standby well is completed in the same source as the primary well. It is located approximately 136 feet from the primary well and the source is considered Mainstem Alluvium. This application is for a standby well only. This is not a well that will be operating at all unless we are in an emergency situation when the currently authorized stock well breaks down. This well should not put any additiional strain on the local area and should not be considered "additional water"

18. on 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.

The proposed standby well does not meet spacing to the primary well authorized for stockwater use by this file. However, the proposed standby does seem to meet the requirements of 5-1-2 so a waiver is not requested.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Water Resources
Received

DEC 06 2019

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 Jetmore, Kansas, this 3rd day of December, 2019.

Michael J. Mac Nair
(Owner)

(Spouse)

Michael J. Mac Nair
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Hodgeman } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3rd day of December, 2019.

Sarah Rasmussen
Notary Public

My Commission Expires January 3, 2020

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

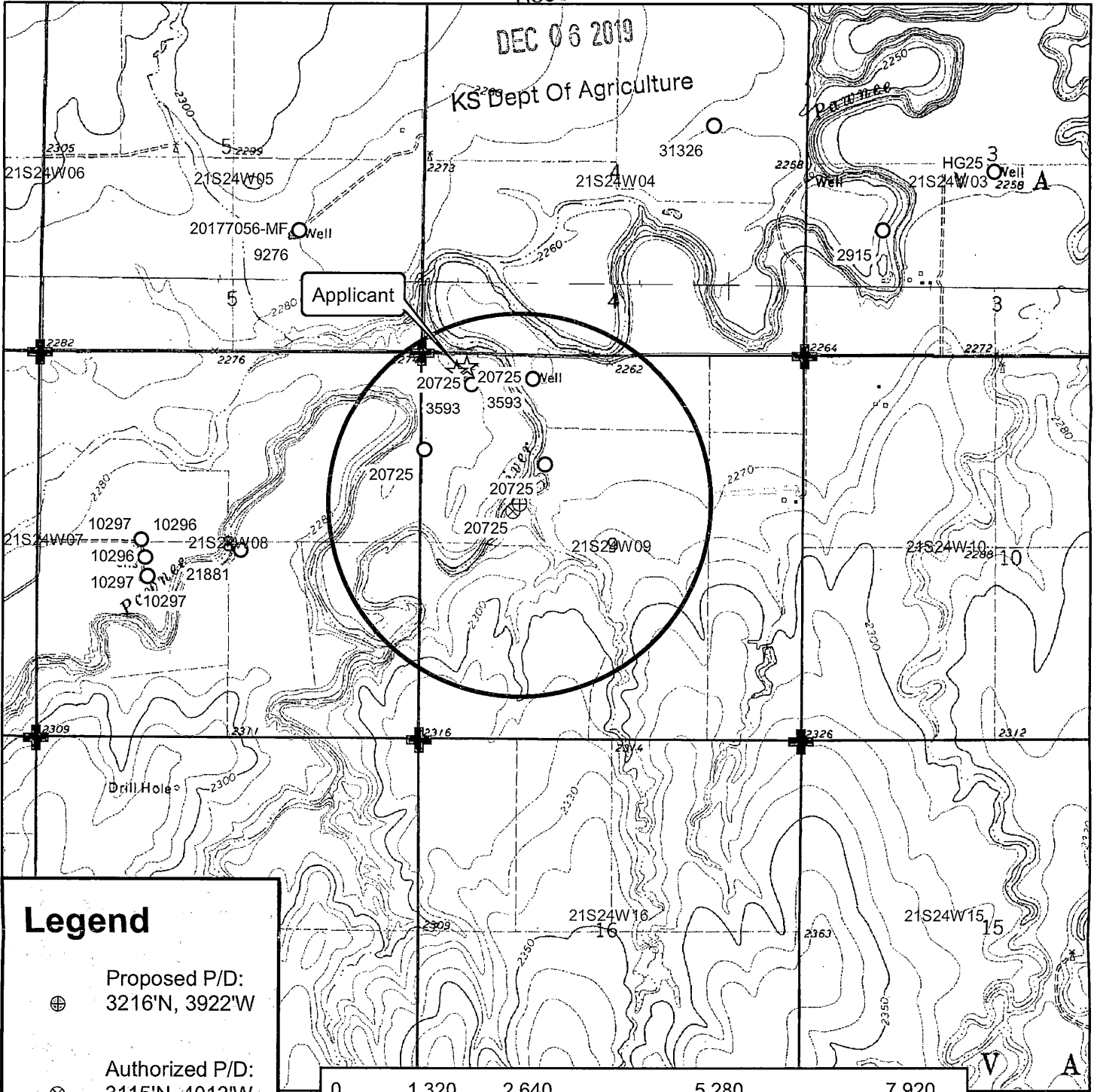
DEC 06 2019

KS Dept Of Agriculture

Water Resources
Received

DEC 06 2019

KS Dept Of Agriculture



Legend

⊕ Proposed P/D:
3216'N, 3922'W

⊗ Authorized P/D:
3115'N, 4013'W

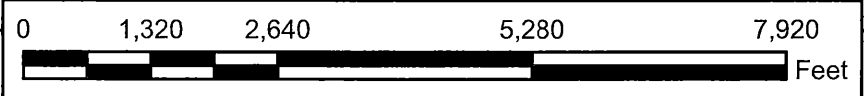
○ Water
Appropriations

⊕ Section Corner

▭ Section Line

☆ Domestic Well

◻ 1/2 Mile Buffer



Water Right, File No. 20725, STK

Change in Point of Diversion Application Map
Proposed Standby Well

9-21S-24W // Hodgeman 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.



Signature

11/21/2019 TJS-SFFO 1:24,000 scale

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

MICHAEL J MACNAIR
24089 NW X ROAD
JETMORE KS 67854-9540

December 6, 2019

RE: File No. **20,725**

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

BAT: KJN