

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

1. File Number: <b>46155</b>	2. Status Change Date:	3. Change Num: <b>2</b>	4. Field Office: <b>02</b>	5. GMD: <b>02</b>
---------------------------------	------------------------	----------------------------	-------------------------------	----------------------

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>4/1/19</b>
--	--

8a. Applicant(s) New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/>  Person ID <b>59260</b> Add Seq# <b>1</b>  <b>LYLE &amp; LINDA STUCKY</b> <b>PO BOX 100</b> <b>OSLER SK S0K 3A0</b> <b>CANADA</b>
---	--

8b. Landowner(s) New to system <input type="checkbox"/>  Person ID <b>60772</b> Add Seq# <b>1</b>  <b>WARREN G &amp; DIANE L GERING</b> <b>269 WEBER RD</b> <b>RITZVILLE WA 99169</b>	8d. WUC New to system <input type="checkbox"/>  Person ID <b>17488</b> Add Seq# <b>1</b>  <b>NO CHANGE</b>
---	--

9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/19**     N & P Date to Comply: **12/31/19**

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

Conservation Plan    Date Required: \_\_\_\_\_    Date Approved: **4/5/19**    Date to Comply: \_\_\_\_\_

10. Use Made of Water    From: \_\_\_\_\_    To: \_\_\_\_\_

Date Prepared: **4/4/19**    By: **TJS**  
 Date Entered: \_\_\_\_\_    By: \_\_\_\_\_

File No. **46155**      11. County: **MCPHERSON**      Basin: **Little Arkansas River**      Stream: ---      Formation Code: **190 (Equus Beds)**      Special Use: ---

12. Points of Diversion										Rate and Quantity							
CHK	MOD	DEL	ENT	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					50901												39205, 47468
ENT					SE SW NE	28	20S	3W				2690 1585	No change to rate or quantity				39205, 47468

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						
CHK				58265				4																				8b	No	None
CHK				56914				3																				8c.	No	None

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

Comments:

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

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.

RECEIVED  
 9:52am  
 APR 01 2019

File No. 46155

Stafford Field Office  
 Division of Water Resources

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

Place of Use       Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is:       Groundwater       Surface water

2. Name and address of Applicant: Larry L. Stucky

1528 Cimarron Road, McPherson, KS 67460

Phone Number: (620)504-4701      Email address: cstucky@mtelco.net

Name and address of Water Use Correspondent: Larry L. & Cindy Lou Stucky

1528 Cimarron Road, McPherson, KS 67460

Phone Number: (620)504-4701      Email address: cstucky@mtelco.net

3. The presently authorized place of use is:

Owner of Land ---- NAME: A) Warren G. & Dianne Gering      B) Lyle & Linda Stucky

ADDRESS: A) 269 Weber Road, Ritzville, WA 99169      B) PO Box 100, Osler, Saskatchewan, Canada SOK3A0

(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) 27	20S	3W						31.25	31.25										62.50
B) 27	20S	3W					31.25					31.25							62.50
																		Total: 125	

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 # 11052

5. **Presently authorized point of diversion:**  
 One in the SE Quarter of the SW Quarter of the NE Quarter  
 of Section 28, Township 20 South, Range 3W (E/W),  
 in McPherson County, Kansas, 2686 feet North 1432 feet West of Southeast corner of section.  
 Authorized Rate 800 GPM LTD Authorized Quantity 110 AF Depth of well 95 (feet)  
 (DWR use only: Computer ID No. 173202 GPS 2672 feet North 1409 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 SE Quarter of the SW Quarter of the NE Quarter  
 of Section 28, Township 20 South, Range 3W (E/W),  
 in McPherson County, Kansas, 2690 feet North 1585 feet West of Southeast corner of section.  
 Proposed Rate 800 GPM LTD Proposed Quantity 110 AF Proposed well depth (feet) ~100  
 This point is:  Additional Well  Geo Center List other water rights that will use this point 39205, 47468

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) Existing well casing is failing.

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

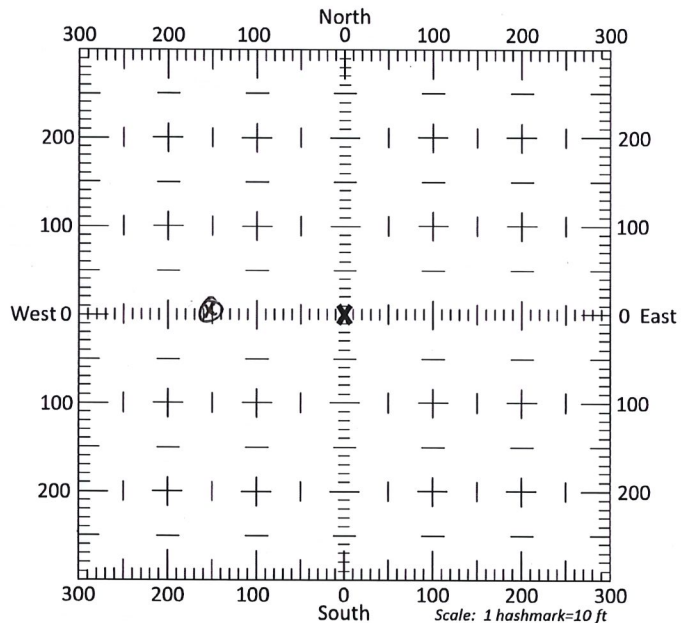
9. The change(s) (was)(will be) completed by?  
ASAP

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? When new well drilled

11. Groundwater Management District recommendation  
 attached?  Yes  No

12. Assisted by T. Boese, GMD2

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 Halstead, Kansas, this 28<sup>th</sup> day of March, 2019.

<u>Larry L. Stucky</u> (Owner)	_____ (Spouse)
Larry L. Stucky (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)

State of Kansas }  
County of HARVEY } SS

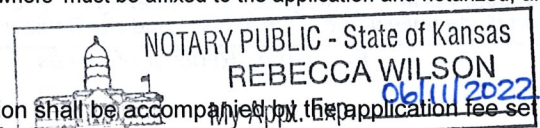
I hereby certify that the foregoing application was signed in my presence and sworn to before me this 28<sup>th</sup> day of MARCH, 2019.

Rebecca Wilson  
Notary Public

My Commission Expires 06/11/2022

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

**FEE SCHEDULE**



Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (1) Application to change a point of diversion 300 feet or less . . . . . \$100
- (2) Application to change a point of diversion more than 300 feet . . . . . \$200
- (3) Application to change the place of use . . . . . \$200



**SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS**

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, et seq. and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 46155

- 1. A change application was received on 4/1/2019 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 50 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 227 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, 2019, 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, 2019, or within any authorized extension of time. By March 1, 2020 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

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: April 5, 2019

State of Kansas )

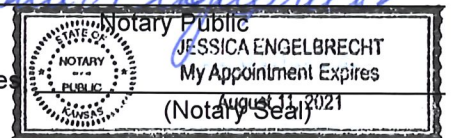
County of Stafford ) SS

Acknowledged before me on 4/05/2019

by Cameron Conant

Signature: Jessica Engelbrecht

My commission expires



RECEIVED

APR 01 2019

## Equus Beds Groundwater Management District No. 2 Abandoned Well Plugging Agreement

I, Larry L. Stucky, the undersigned and owner of an abandoned water well understand that an abandoned water well is a groundwater contamination threat and a public health and safety hazard.

The abandoned water well is located SE, SW, NE, Section 28, Township 20 South, Range 3 West, McPherson County which is approximately 2686 feet north and 1432 feet west of the apparent SE section corner. Total well depth is 95 feet and the diameter of the well is 16 inches. Current depth to static water level in the well is ~40 feet below land surface. The well was previously authorized by water permit nos. 39205, 46155, & 47468.

I agree to properly plug the abandoned well pursuant to the Equus Beds Groundwater Management District rules and regulations K.A.R. 28-30-200 through K.A.R. 28-30-207 and the following agreement provisions:

1. Well plugging operations will be supervised by either (a) a water well contractor licensed with the Kansas Department of Health and Environment, (b) a profession engineer or geologist licensed to practice in the State of Kansas, or (c) the abandoned water well owner or land owner of the property on which the water well or borehole is located.
2. The above described well will be plugged: a) by \_\_\_\_\_, \_\_\_\_\_, or b) within 30 days after the replacement well, approved by a change in point of diversion, becomes operational.
3. A completed WWC-5P form will be submitted to the Kansas Department of Health and Environment within 30 days after the abandoned well is plugged and a copy of the WWC-5P form will be furnished to the District within the same period of time.
4. The well owner or authorized agent will notify the District 48 hours before plugging operations occur.
5. Failure to comply with the provisions of this agreement shall constitute noncompliance of the groundwater management district rules and regulations K.A.R. 28-30-200 through K.A.R. 28-30-207.

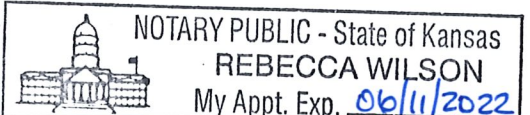
Dated this 28<sup>th</sup> day of March, 2019 at Halstead, KS

Signature Larry L Stucky

Address 1528 Cimarron Road

City, State, Zip Code McPherson, KS 67460

Telephone 620-504-4701

State of Kansas County of <u>HARVEY</u>
Subscribed and affirmed to before me this <u>28<sup>th</sup></u> day of <u>MARCH</u> , 20 <u>19</u>
by <u>Rebecca Wilson</u> (Notary Public)
My Commission Expires <u>06/11/2022</u>


RECEIVED

APR 01 2019

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



Phone: 620-234-5311  
Fax: 620-234-6900  
www.agriculture.ks.gov

Mike Beam, Interim Secretary

Laura Kelly, Governor

April 5, 2019

Larry L. Stucky  
1528 Cimarron Road  
Mcpherson, KS 67460

Re: Water Right, File No(s). 46155

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 <http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-flowmeters>. 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.

This order requires that a notice and completion of works form be submitted once the diversion works are completed, including a properly installed flowmeter. This form is available at the referenced website.

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,

A handwritten signature in black ink, appearing to read "Jeff Lanterman".

Jeff Lanterman  
Water Commissioner

Enclosures

pc: Water Rights Section  
Groundwater Management District No. 2



## CERTIFICATE OF SERVICE

On this **5th** day of **April, 2019**, I hereby certify that the attached Change in Point of Diversion for Water Right, File No. **46155**, dated **April 5, 2019** was mailed via Certified U.S. mail to the following:

Larry L. Stucky  
1528 Cimarron Road  
Mcperson, KS 67460

A copy of the letter was sent via First Class U.S. Mail to the following:

GMD No.2

  
-----  
Staff