

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

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



State of Kansas

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

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

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

**RECEIVED**

**11:16am**

**FEB 26 2021**

Stafford Field Office  
Division of Water Resources

File No. 25522-D1

2. Name of applicant: James McClaren

Address: 1345 US Highway 50

City, State and Zip: Kinsley KS 67547-4735

Phone Number: (620)546-5166

E-mail address: \_\_\_\_\_

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

Name of water use correspondent: James J & Tammy M McClaren

Address: 1345 US Highway 50

City, State and Zip: Kinsley KS 67547-4735

Phone Number: (620) 546-5166

E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific): Relocate the well. The current well is starting to pump gravel

The change(s) will be completed by Spring 2021

(Date)

**For Office Use Only:**

F.O. 2 GMD 5 Meets K.A.R. 5-5-1 (YES / NO) Use IRF Source G S County ED By \_\_\_\_\_ Date \_\_\_\_\_  
Code \_\_\_\_\_ Fee \$ 200 TR # \_\_\_\_\_ Receipt Date \_\_\_\_\_ Check # 575D

**3/3/2021**  
**LMoody**

4. The presently authorized place of use is:

Owner of Land — NAME: James J & Tammy M McClarenADDRESS: 1345 US Highway 50, Kinsley KS 67547-4735

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	
6	25	18W													32.5	32.5	32.5	32.5	130

List any other water rights that cover this place of use. NONE

Owner of Land — NAME: \_\_\_\_\_

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

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

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

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

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

Owner of Land — NAME: NO CHANGE

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

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

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

Owner of Land — NAME: \_\_\_\_\_

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

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

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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6. The presently authorized point(s) of diversion is one well and diversion works  
(Provide description and number of points)
7. The proposed point(s) of diversion is one well and diversion works  
(Provide description and number of points)

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

8. **Presently authorized point of diversion:**  
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ NC SE Quarter  
of Section 6, Township 25 South, Range 18 W,  
in Edwards County, Kansas, 1,307 feet North 1,311 feet West of Southeast corner of section.  
Authorized Rate 970 gpm Authorized Quantity 195 AF  
(DWR use only: Computer ID No. 06 GPS N/A feet North N/A 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 SW Quarter of the SW Quarter of the SE Quarter  
of Section 6, Township 25 South, Range 18 W,  
in Edwards County, Kansas, 234 feet North 2,004 feet West of Southeast corner of section.  
Proposed Rate no change Proposed Quantity no change  
This point is: ☐ Additional Well ☐ Geo Center List other water rights that will use this point NONE

9. **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 \_\_\_\_\_  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
☐ This point will not be changed ☐ This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested):**  
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
This point is: ☐ Additional Well ☐ Geo Center List other water rights that will use this point \_\_\_\_\_

10. **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 \_\_\_\_\_  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
☐ This point will not be changed ☐ This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested):**  
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
This point is: ☐ Additional Well ☐ Geo Center List other water rights that will use this point \_\_\_\_\_

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. The old well  
will be plugged

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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12. The presently authorized use of water is for Irrigation purposes.

It is proposed that the use be changed to no change purposes.

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

N/A

(Please show any calculations here.)

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

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

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

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

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within  $\frac{1}{2}$  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  $\frac{1}{2}$  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)  $\frac{1}{2}$  mile downstream and  $\frac{1}{2}$  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.

See attached well log. The current well is approximately 100 feet deep and the proposed well will be 185 feet deep at the  
most.

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

A waiver of K.A.R. 5-4-4(c)(2)(c) is needed. The proposed well does not meet spacing to a domestic well owned by the  
applicant.

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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 Kinsley, Kansas, this 25<sup>th</sup> day of February, 20 21.

James McClaren  
(Owner)  
James McClaren  
(Please Print)

Tammy McClaren  
(Spouse)  
Tammy McClaren  
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

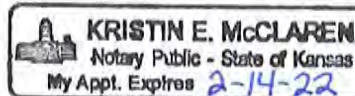
(Please Print)

(Please Print)

State of Kansas

County of Edwards

SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 25<sup>th</sup> day of February, 20 21.

Kristin E. McClaren  
Notary Public

My Commission Expires 2-14-22

#### 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 |

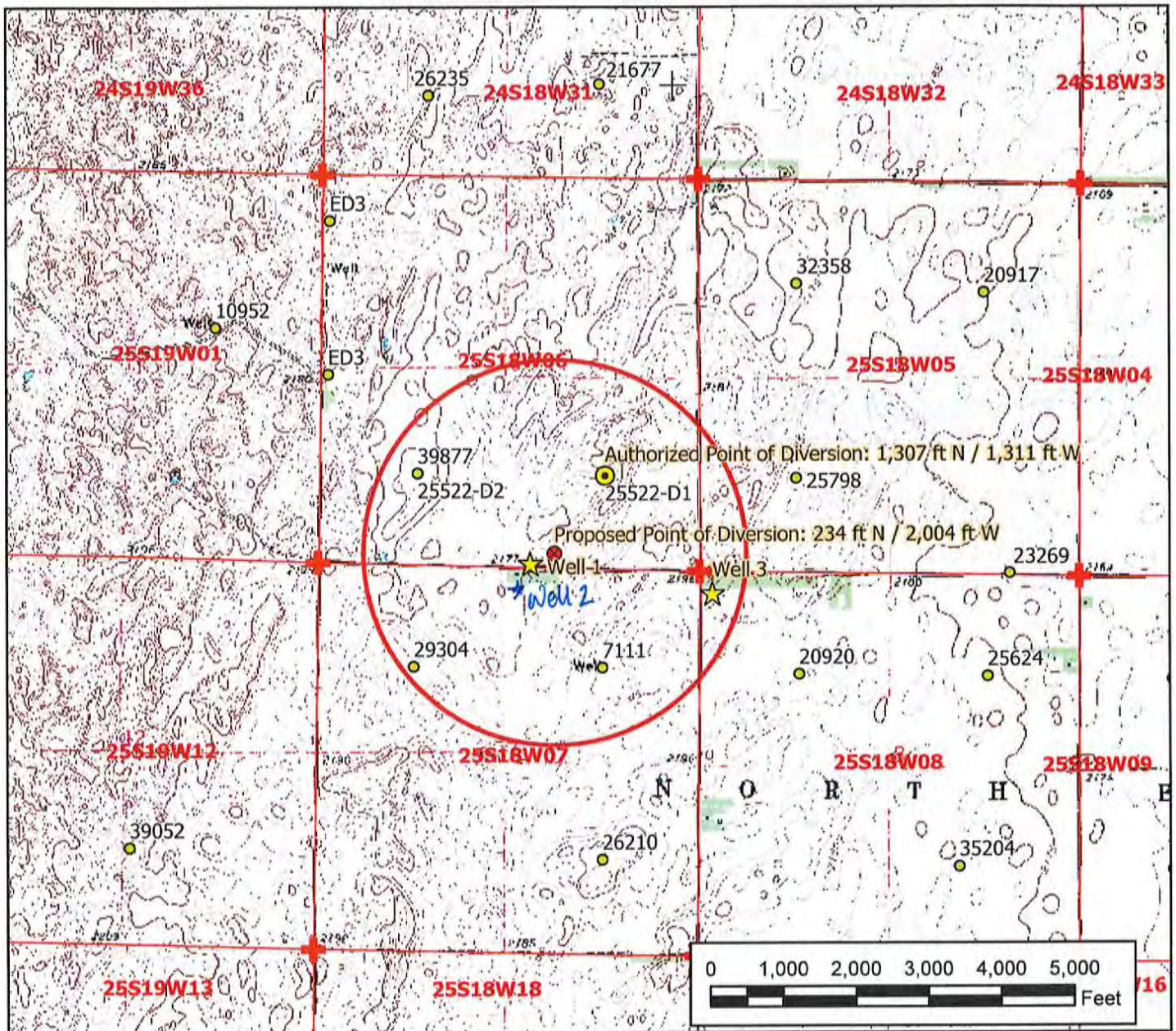
Make check payable to Kansas Department of Agriculture.

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Division of Water Resources





## Legend

- Water Appropriation
- ⊗ Proposed Point of Diversion
- ⦿ Authorized Point of Diversion
- ★ Domestic Well
- ⊕ Section Corner
- Section Line
- Half Mile Circle

## Water Right, File No. 25522-D1

### Change in Point of Diversion Application Map 6-25-18W // Edwards County

To the best of my knowledge, all wells within one-half mile of the proposed point of diversion have been shown.

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Division of Water Resources

*James McChesney*

Signature / Date

2-26-2021



2/23/2021 EKF/SFFO 1:5,000 scale

24,000



**File No. 25522-D1 Change in Point of Diversion Nearby Well Owners**

Domestic Well 1

Applicant/Water Right Owner

Domestic Well 2 & Water Right, File No. 7111

Monte & Bonnie Hirsh

103 Capital Ave

Kinsley KS 67547

Domestic Well 3

Rodney J & Thyra L Strate Trust No 1

1521 M Rd

Lewis KS 67552

Water Right, File Nos. 25522-D2 & 39877

Applicant/Water Right Owner

Water Right, File No. 29304

Kinsley Feeders LLC

1278 P Rd

Kinsley KS 67547

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Division of Water Resources

INPUTS	
Target Section Definition	
Section	6
Township	25
Range	18
Range Direction	w
Target Point Coordinates ( <b>NAD27</b> or <b>NAD83</b> )	
Target Longitude	-99.339156
Target Latitude	37.898912

Load Data and Compute

#### Instructions

1. Enter values for section, township, range and range direction.
2. Enter **NAD27** or **NAD83** longitude and latitude of target point.
3. Click "Load Data and Compute" button.
4. Use feet distances corresponding to datum of target point.

Water Right, File No. 25522-D1  
Proposed Well Location  
per Well Log

Loaded Section Data From LEOBASE using <b>NAD83</b>		
Corner	Corner Latitudes	Corner Longitudes
SW	37.89846943	-99.35052032
NW	37.91311748	-99.35045913
NE	37.91310239	-99.33245363
SE	37.89827044	-99.33220971
Degrees Longitude per Foot		3.46572574E-06
Degrees Latitude per Foot		2.74613903E-06
Target Point Distances from Corners using NAD83		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	161	-3279
NW	-5173	-3261
NE	-5167	1934
SE	234	2004

Loaded Section Data From LEOBASE using <b>NAD27</b>		
Corner	Corner Latitudes	Corner Longitudes
SW	37.89845300	-99.35012800
NW	37.91310100	-99.35006700
NE	37.91308600	-99.33206200
SE	37.89825400	-99.33181800
Degrees Longitude per Foot		3.46572497E-06
Degrees Latitude per Foot		2.74598553E-06
Target Point Distances from Corners using NAD27		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	167	-3166
NW	-5167	-3148
NE	-5162	2047
SE	240	2117

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Division of Water Resources



25522-D1

Drilled Footage				Indicate Test Location by an X							
From	To	Description of Strata									
0	3	Sandy top soil									
3	22	Soft sandy clay									
22	30	Gravel- fine to small, some med, clean									
30	42	Gravel- small, med, clean, coarse									
42	50	Tan clay w/ fine to small gravel									
50	82	Gravel- small, med, pea size, clean									
82	90	Brown tan clay w/ caliche									
90	95	White clay									
95	100	Gravel- small, med, clean, coarse									
100	103	White clay									
103	110	Gravel- fine to small, clean									
110	137	Gravel- fine, small, med, clean w/ broken white rock						X			
137	140	Fire clay	Static Water Level:            44            Ft								
			Remarks:      Supply well for Rig #8								
			<b>Garmin GPS: NAD 83</b>								
			Latitude: 37.898912 N								
			Longitude: 99.339156 W								
			Elevation:								
			Driller: Luis Luna								
			Spot Location: SE/ SW/ SW/ SE								


  
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ED Stafford Field Office  
DIVISION OF WATER RESOURCES

FEB 26 2021

Stafford Field Office  
Division of Water Resources

To: Kansas Department of Agriculture  
Division of Water Resources  
1320 Research Park Dr  
Manhattan KS 66502  
Telephone: (785) 564-6640

Re: Domestic Well Spacing  
Consent Form

I, James McClaren, own a well in the SW  
Quarter of the SW Quarter of the SE Quarter of Section 6,  
Township 25 South, Range 18 West, Edwards County, Kansas.  
Water from this well is used only for domestic purposes as follows:

- household use;
- watering of livestock, poultry, farm and domestic animals used in operating a farm; and/or
- irrigation of lands not exceeding a total of two (2) acres in area for the growing of gardens, orchards and lawns.

I understand that an application for a permit to appropriate water, Application, File No. 25522-D1, has been filed with the Division of Water Resources and that the applicant seeks to use water from a well proposed to be located closer to my domestic well than allowed by the rules and regulations of the Chief Engineer, in particular K.A.R.

5-4-4. I hereby give my permission to the applicant to install a well at a location approximately 350 feet from my domestic well if the same is allowed and permitted by the Chief Engineer.

By giving my permission, I do not waive any right I may have to file a complaint with the Chief Engineer or to make a written request to secure water, pursuant to K.A.R. 5-4-1, if the use of my well becomes impaired such that I am unable to exercise my domestic water right, nor do I waive any other rights I may have under the Kansas Water Appropriation Act or the rules and regulations of the Chief Engineer.

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I acknowledge that my permission has been given freely and voluntarily. I further acknowledge that I have not entered any agreement either oral or in writing with any person(s) including the Applicant, land owner, or any representative or agent of the applicant or land owner that condition my permission on giving up any of my rights under the Kansas Water Appropriation Act or the rules and regulations of the Chief Engineer or that condition my permission on reliance on any person or entity other than the Chief Engineer to investigate any claims of impairment I may make with respect to my domestic well or to secure water to satisfy my domestic water right.

James McClaren  
Signature

1345 US Highway 50  
Address (please print)

Kinsley, KS 67547  
City/Town, State (please print)

(620)-546-5166  
Phone

State of Kansas

County of Edwards

Signed or attested before me on February 25, 2021

by James McClaren  
(Please print name of signatory)

Kristin E. McClaren  
Notary Public

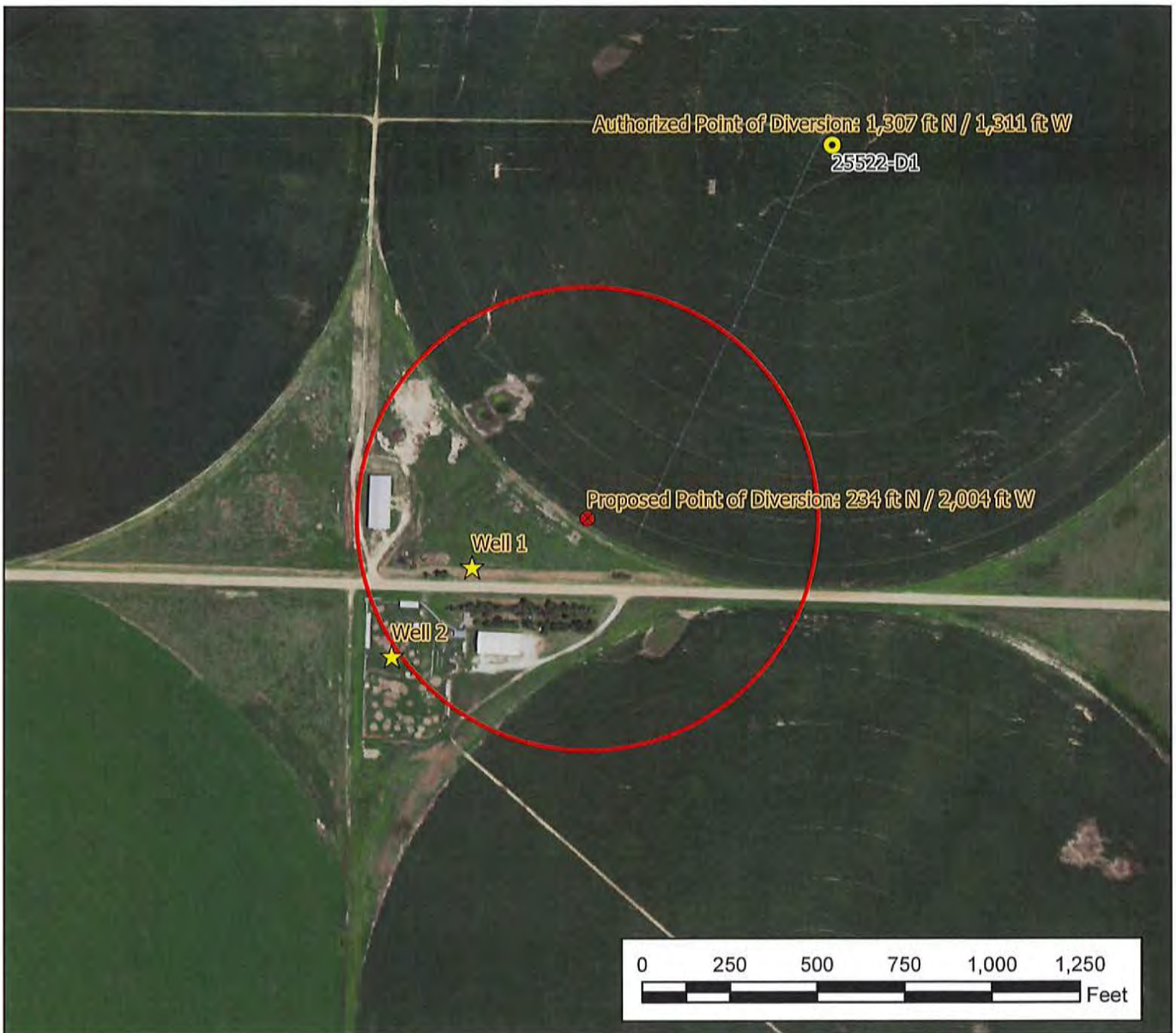
[My appointment expires: 2-14-22]



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Stafford Field Office  
Division of Water Resources



## Legend

- Water Appropriation
- Proposed Point of Diversion
- Authorized Point of Diversion
- ★ Domestic Well
- ✚ Section Corner
- Section Line
- Half Mile Circle

## Water Right, File No. 25522-D1

Domestic Well Spacing Map

6-25-18W

Edwards County



2/26/2021 EKF/SFFO 1:5,000 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

March 3, 2021

JAMES MCCLAREN  
1345 US HIGHWAY 50  
KINSLEY KS 67547

RE: File No(s). **25522**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) to change the place of use, point of diversion or use made of water for the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation(s) Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen Baum  
New Applications and Changes Supervisor  
Water Appropriation Program