

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

1. File Number: <b>27861</b>	2. Status Change Date:	3. Change Num: <b>1</b>	4. Field Office: <b>02</b>	5. GMD:
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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: <b>2/26/21</b>
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8a. Applicant(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/>	Person ID <b>63376</b> Add Seq# <b>1</b>	8d. WUC New to system <input type="checkbox"/>	Person ID <b>63376</b> Add Seq# <b>1</b>
<b>JERRY E &amp; MARY E HODGES</b> <b>2817 CR E</b> <b>BUCKLIN, KS 67834-3504</b>		<b>8B</b>	

9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/21**     N & P Date to Comply: \_\_\_\_\_

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

Conservation Plan    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

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

Date Prepared: **3/3/21**    By: **EKF**  
 Date Entered: \_\_\_\_\_    By: \_\_\_\_\_

File No. **27861**      11. County: CA      Basin: BLUFF CREEK (CIMARRON)      Stream: N/A      Formation Code: ---      Special Use: N/A

12. Points of Diversion  
 CHK  
 MOD  
 DEL      PDIV  
 ENT  
 Qualifier      S      T      R      ID      'N      'W      Comment (AKA Line)      Rate gpm      Quantity af      Additional Rate gpm      Quantity af      Overlap PD Files

CHK 37812

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 CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						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	9699	10	30	21W	1	1.5	4	11	23.5	34			39	31.5	32	31	31		4	10.5		253	8B	N	NONE
MOD	1208	15	30	21W	1						2											2	8B	N	NONE

Base Acres: **245**      Year: **1978**      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.

File No. 27861

RECEIVED  
 11:09am  
 FEB 26 2021

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: Brian Pinkney

11817 125 Rd, Ford KS 67842

Phone Number: (620)369-0125

Email address: brianpinkney@live.com

Name and address of Water Use Correspondent: Jerry E & Mary E Hodges

2817 CR E, Bucklin KS 67834-3504

Phone Number: (620)826-5576

Email address: headmamma@live.com

3. The presently authorized place of use is:

Owner of Land --- NAME: Jerry E & Mary E Hodges

ADDRESS: 2817 CR E, Bucklin KS 67834-3504

(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		
10	30	21W	10	3	5	30	36			36	36	36	26			4	12			270
15	30	21W					5	5												10
																	Total	280		

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: Jerry E & Mary E Hodges

ADDRESS: 2817 CR E, Bucklin KS 67834-3504

(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		
10	30	21W	1.5	4	11	23.5	34			39	31.5	32	31	31		4	10.5			253
15	30	21W					2													2
																	Total	255		

For Office Use Only: Code CRU Fee \$ 200 TR # \_\_\_\_\_ Receipt Date \_\_\_\_\_ Check # 3797



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 2-23-21, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

<p style="font-size: 2em; margin: 0;"><i>Jerry E. Hodges</i></p> <p style="margin: 0;">(Owner)</p>	<p style="margin: 0;">(Spouse)</p>
<p style="margin: 0;">JERRY E. HODGES</p> <p style="margin: 0;">(Please Print)</p>	<p style="margin: 0;">(Please Print)</p>
<p style="font-size: 1.5em; margin: 0;"><i>Mary E Hodges</i></p> <p style="margin: 0;">(Owner)</p>	<p style="margin: 0;">(Spouse)</p>
<p style="margin: 0;">Mary E Hodges</p> <p style="margin: 0;">(Please Print)</p>	<p style="margin: 0;">(Please Print)</p>
<p style="margin: 0;">(Owner)</p>	<p style="margin: 0;">(Spouse)</p>
<p style="margin: 0;">(Please Print)</p>	<p style="margin: 0;">(Please Print)</p>

State of Kansas }  
 County of Ford } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23 day of February, 2021

CONNIE EVANS

Notary Public - State of Kansas

My Appt. Expires 3-23-2022

*Connie Evans*

Notary Public

My Commission Expires 3-23-2022

**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 |

RECEIVED

FEB 26 2021

Stafford Field Office  
 Division of Water Resources  
 File No. 47861



**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. 27861

1. A change application was received on February 26, 2021 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 \_\_\_\_\_ 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 \_\_\_\_\_ 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, 20\_\_\_\_\_, or within any authorized extension of time. By March 1, 20\_\_\_\_\_ 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.

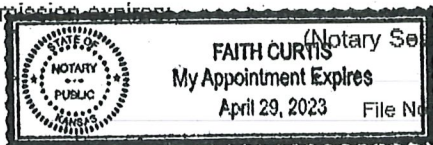
*For Use by Register of Deeds*

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

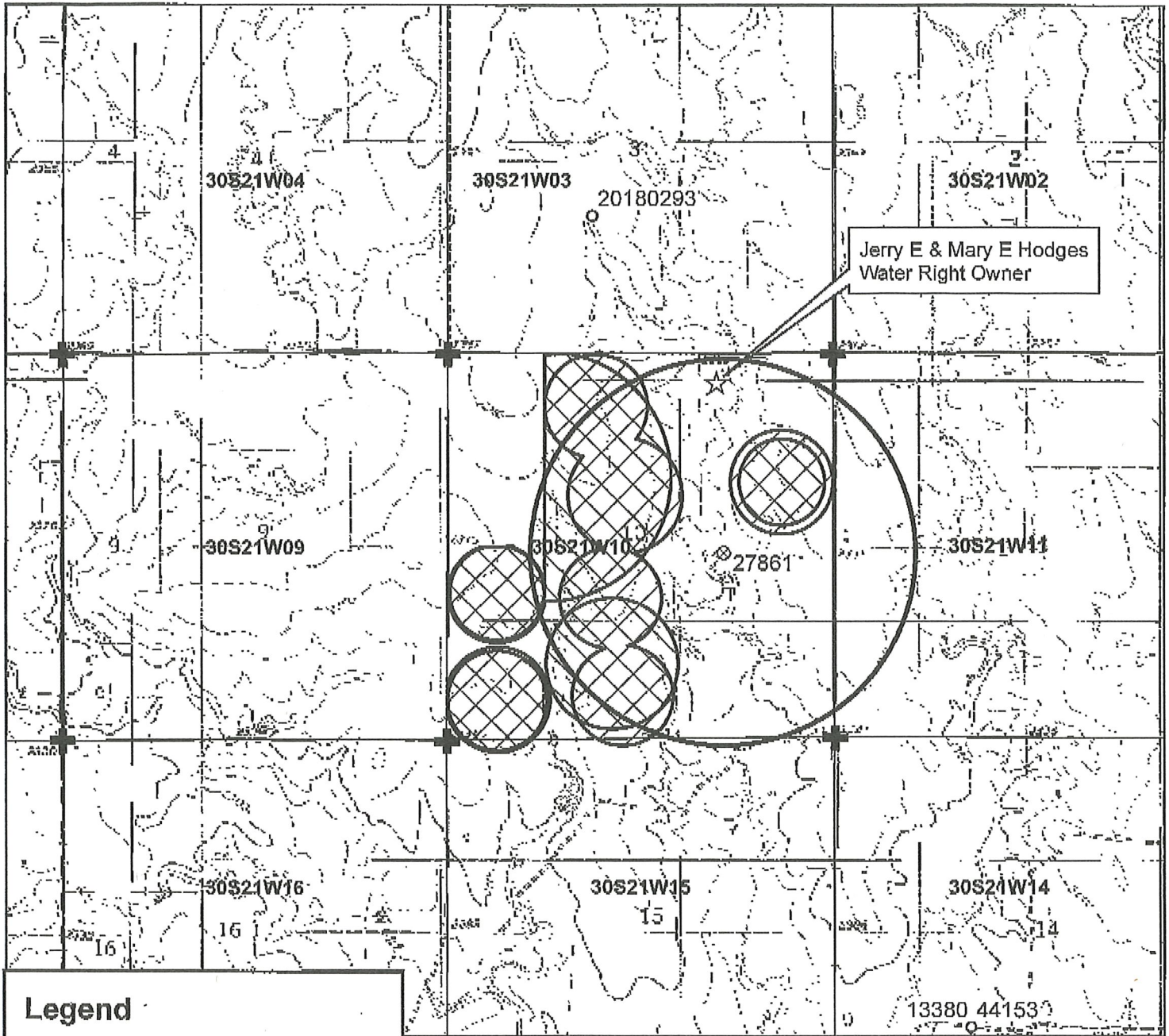
By: Cameron R. Conant  
Duly Authorized Designee of the Chief Engineer  
(Print Name): Cameron R. Conant  
Division of Water Resources - Kansas Department of Agriculture  
Date of Issuance: March 4, 2021  
State of Kansas \_\_\_\_\_ )  
County of Stafford ) SS  
Acknowledged before me on March 4, 2021  
by Faith Curtis  
Signature: Faith Curtis  
Notary Public

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FEB 26 2021





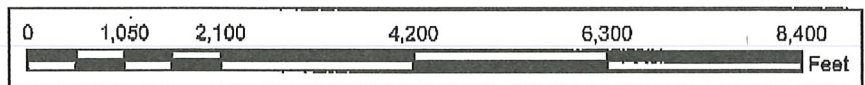


**Legend**

- Water Appropriations
- ⊗ Authorized Point of Diversion
- ☆ Domestic Well
- ⊕ Section Corner
- Half Mile Circle
- ▭ Section Line

**Place of Use**

- ▨ Authorized
- ▧ Proposed



**Water Right, File No. 27861**

Change in Place of Use Map  
 10 & 15-30S-21W // Clark County

To the best of my knowledge, all groundwater wells within 1/2 mile of the authorized point of diversion have been shown.

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FEB 26 2021

Stafford Field Office  
 Division of Water Resources

Signature

Feb. 23, 2021 10:04 AM Kansas Dept of Ag

No. 0517-P. 6

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



Phone: 620-234-5311  
Fax: 620-234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Mike Beam, Secretary

Laura Kelly, Governor

March 4, 2021

Jerry & Mary Hodges  
2817 Cr E  
Bucklin, KS 67834-3504

Re: Water Right, File No(s). 27861

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](http://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.

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 **4 March 2021**, I hereby certify that the attached Change in Place of Use, File No. 27861 dated 3/4/2021 was mailed to the following:

Jerry & Mary Hodges  
2817 Cr E  
Bucklin, KS 67834-3504

pc: Water Rights Section  
GMD #2

*Faith Curtis*

---

Staff



KANSAS DEPARTMENT OF AGRICULTURE  
Division of Water Resources

M E M O R A N D U M

**TO:** Files

**DATE:** March 3, 2021

**FROM:** Elizabeth K Fitch

**RE:** Water Right, File No. 27861

Brian Pinkney, on behalf of Jerry E and Mary E Hodges, the owners of the referenced water right authorized for irrigation use, has applied for approval to change the authorized place of use. All owners signed the application.

The referenced file appears to be in compliance with 82a-732 (Annual water use report required). A review of the application found that it complies with K.A.R. 5-5-1, *Filing an application for change*. The referenced file does not appear abandoned as per K.S.A. 82a-718.

The referenced file authorizes 280 acres, of which, 270 acres are in Section 10 and 10 acres are in the North Half of the Northwest Quarter (N $\frac{1}{2}$  NW $\frac{1}{4}$ ) of Section 15, all in Township 30 South, Range 21 West, Clark County. There are no overlapping water rights on the place of use or the point of diversion.

File No. 27861 authorizes one (1) well in the Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 10, more specifically described as 2,520 feet North and 1,550 feet West of the Southeast corner of said section, in Township 30 South, Range 21 West, Clark County. There are no recent field visits on file. No modifications are being made to the point of diversion description.

File No. 27861 authorizes 414 acre-feet (AF) at 900 gallons per minute. The file is certified.

The change application, received on February 26, 2021, proposes to change the authorized place of use to cover five (5) installed center pivot systems. This will cover unauthorized acres being irrigated. The "Base Acres," as defined by K.A.R. 5-5-11 are 245. The proposed 255 acres complies with part (b) of K.A.R. 5-5-11 and the 10 acre increase above the *Base Acres* is allowed by the regulation.

The proposed change will result in a quantity of 414 AF irrigating 255 acres, resulting in an irrigation ratio of 1.62 AF per acre. It would appear this irrigation ratio is reasonable as the ratio is less than the pre-2000 maximum quantity per acre of 2.0 AF for Clark County found in K.A.R. 5-3-19, *Maximum reasonable annual quantity for water for irrigation use*, thus complying with K.A.R. 5-3-23, *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right*. The generally accepted minimum quantity per acre for Clark County is 1.34 AF per acre, so the proposed quantity also meets this threshold.

The referenced application to change the place of use does not propose to add more than 10 acres or 10% of the base acres to the authorized place of use. Therefore, water well owners within one-half mile of the authorized point of diversion were not notified of the proposed change in place of use (EKF Memo dated 3/3/2021).

The referenced water appropriation is not in a special use area. The referenced water right is not in a groundwater management district.

No structures permit appears to be needed.

A water flow meter is required for the authorized point of diversion. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it has been recommended that application be approved.

Elizabeth K Fitch  
Environmental Scientist - SFFO