

# 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.

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

WATER RESOURCES  
RECEIVED

JAN 21 2021

12:30

KS DEPT OF AGRICULTURE

File No. 46121

2. Name of applicant: Larry L. Stucky

Address: 1528 Cimarron Road

City, State and Zip: McPherson, KS 67460

Phone Number: (620) 504-4701

E-mail address: cstucky@mtelco.net

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

Name of water use correspondent: Larry L. & Cindy Lou Stucky

Address: 1528 Cimarron Road

City, State and Zip: McPherson, KS 67460

Phone Number: (620) 504-4701

E-mail address: cstucky@mtelco.net

3. The change(s) proposed herein are desired for the following reasons (please be specific): \_\_\_\_\_

Filing a new application for additional water at a higher pumping rate. Therefore, changing the existing one well to a battery of two wells.

The change(s) (was) (will be) completed by ASAP

(Date)

**For Office Use Only:**

F.O. 2 GMD 2 Meets K.A.R. 5-5-1 (YES / NO) Use IRR Source  G/S County MP By BMM Date 1/22/21  
Code \_\_\_\_\_ Fee \$ 100 TR # \_\_\_\_\_ Receipt Date 12-21-21 Check # 12242

JAN 21 2021

4. The presently authorized place of use is:

Owner of Land — NAME: CNS Land LLC, Attn: Larry & Cindy Stucky

ADDRESS: 1528 Cimarron Road, McPherson, KS 67460 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	
11	21S	3W													34	34	34	27.9	129.9
14	21S	3W	38	1	40	32.5	35	37	27	40									250.5

List any other water rights that cover this place of use. 40517, 41185, 42508, 46119, 47209, 47467, 48341

Owner of Land — NAME: Harold D. & Pearl L. Zerger

ADDRESS: 1674 Cherokee Road, Moundridge, KS 67107

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	
11	21S	3W															3	7.5	10.5
14	21S	3W	38																38

List any other water rights that cover this place of use. 40517, 41185, 42508, 46119, 47209, 47467, 48341

(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: 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. \_\_\_\_\_

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

- 6. The presently authorized point(s) of diversion (is) (are) one well  
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) a battery of two wells  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**  
 One in the NW Quarter of the SE Quarter of the SE Quarter of Section 11, Township 21 South, Range 3W (E/W), in McPherson County, Kansas, 1111 feet North 1167 feet West of Southeast corner of section.  
 Authorized Rate 470 GPM Authorized Quantity 29.5 AF  
 (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)** Geo-center  
 One in the NE Quarter of the SW Quarter of the SE Quarter of Section 11, Township 21 South, Range 3W (E/W), in McPherson County, Kansas, 1226 feet North 1434 feet West of Southeast corner of section.  
 Proposed Rate 470 GPM (LTD) Proposed Quantity 29.5 AF  
 This point is:  Additional Well  Geo Center List other water rights that will use this point 46119

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)** East well  
 One in the NW Quarter of the SE Quarter of the SE Quarter of Section 11, Township 21 South, Range 3W (E/W), in McPherson County, Kansas, 1111 feet North 1167 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 46119

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)** west well  
 One in the SE Quarter of the NW Quarter of the SE Quarter of Section 11, Township 21 South, Range 3W (E/W), in McPherson County, Kansas, 1341 feet North 1701 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 46119

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. NA - No well to be abandoned by change.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES RECEIVED

JAN 21 2021

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

It is proposed that the use be changed to NO CHANGE purposes.

WATER RESOURCES RECEIVED

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

JAN 21 2021

KS DEPT OF AGRICULTURE

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to NO CHANGE (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to NO CHANGE 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 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.

Change relates to the same local source of supply – Equus Beds Aquifer.

Change will not impair existing water rights as minimum well spacing requirements will be met.

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.

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

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 Moondridge, Kansas, this 18<sup>th</sup> day of January, 20 21.

Larry L. Stucky  
(Owner)  
Larry L. Stucky for CNS Land, LLC  
(Please Print)

\_\_\_\_\_  
(Spouse)  
\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)  
\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Spouse)  
\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)  
\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Spouse)  
\_\_\_\_\_  
(Please Print)

State of Kansas }  
County of McPherson } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 18 day of January, 20 21.

[Signature]  
Notary Public

My Commission Expires 6-27-24

**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  
JAN 21 2021  
KS DEPT OF AGRICULTURE

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 Manawdridge, Kansas, this 18<sup>th</sup> day of January, 20 21.

Harold D. Zerger  
(Owner)

Pearl L. Zerger  
(Spouse)

Harold D. Zerger  
(Please Print)

Pearl L. Zerger  
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }  
County of McPherson } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 18 day of January, 20 21.

[Signature]  
Notary Public

My Commission Expires 6-27-24

**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

JAN 21 2021

KS DEPT OF AGRICULTURE

# Application Map - File No. 46121



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

*Larry J. Study*  
Signature

1-18-21  
Date

- New Application
- Application No. 46121 To Change:

- Point of Diversion
- Place of Use
- Use Made of Water
- Proposed Point of Diversion
- ▲ Existing Points of Diversion
- Proposed Place of Use
- Authorized Place of Use

Water wells within 1/2 mile of proposed point of diversion include: (type use, owner, address)

- 1) *See Attached*
- 2)
- 3)

WATER RESOURCES RECEIVED

**JAN 21 2021**

KS DEPT OF AGRICULTURE



Wells Within ½ Mile – No. 46121

1. Domestic Well  
Harold D. & Pearl L. Zerger  
1674 Cherokee Road  
Moundridge, KS 67107
  
2. Irrigation Well – No. 47209  
CNS Land LLC  
Attn: Larry & Cindy Stucky  
1528 Cimarron Road  
McPherson, KS 67460
  
3. Irrigation Well – Nos. 40517, 41185, 42508, 47467  
CNS Land LLC  
Attn: Larry & Cindy Stucky  
1528 Cimarron Road  
McPherson, KS 67460
  
4. Domestic Well  
Roger L. & Barbara E. Messenger Family Trust  
1720 Cherokee Road  
Moundridge, KS 67107

WATER RESOURCES  
RECEIVED

JAN 21 2021

KS DEPT OF AGRICULTURE

**DOMESTIC WATER WELL OWNER  
WATER WELL SPACING CONSENT FORM**

K.A.R. 5-22-2(e)(4)

I, Harold D. and/or Pearl L. Zerger, own a domestic well at 1674 Cherokee Rd,  
Name Domestic Water Well Owner Address  
Moundridge, KS, 67107,  
City State Postal Code Telephone

to supply water for domestic needs and use. That said water well was drilled and constructed on 12 / 19 / 1997.  
MM DD YYYY

I understand and acknowledge that Larry L. Stucky has either filed a change in  
Applicant Name  
point of diversion application on existing water permit #46121 or new application #       for a water permit to withdraw or appropriate groundwater for non-domestic beneficial use.

That the application described the location of a proposed non-domestic water well or water well battery in the NE 1/4 SW 1/4 SE 1/4 of Section 11, Township 21 South, Range 3 West, McPherson County, and will allow the withdrawal of 29.5 acre-feet per year at 470 gallons per minute for irrigation use.

The applicant has informed me that the proposed non-domestic water well or water well battery is within the minimum required spacing interval of 660 or 960 feet, respectively, of my domestic well.

Having full knowledge of the above and without waiving any right to file an impairment complaint with the Chief Engineer, Division of Water Resources, I grant my permission to locate said well or well battery less than the minimum required spacing interval from my domestic well.

Dated at Moundridge, Kansas, this 18<sup>th</sup> day of January 2021.

Signed by: Harold D. Zerger  
Domestic Well Owner

Witnessed by: Larry L. Stucky

Address: 1528 Cimarron Rd  
McPherson, KS 67460

Telephone: 620-504-4701

WATER RESOURCES  
RECEIVED  
JAN 21 2021  
KS DEPT OF AGRICULTURE

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

January 26, 2020

LARRY L STUCKY  
1528 CIMARRON ROAD  
MCPHERSON KS 67460

RE: File No(s). **46121**

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,

A handwritten signature in black ink that reads "Kristen Baum". The signature is written in a cursive style.

Kristen Baum  
New Applications and Changes Unit Supervisor  
Water Appropriation Program