

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.

WATER RESOURCES
RECEIVED

JUL 26 2021

8:20 AM

KS DEPT. OF AGRICULTURE



State of Kansas

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**

*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. 50166

2. Name of applicant: Kevin Kohls

Address: 76 27th Avenue

City, State and Zip: Moundridge, KS 67107-7467

Phone Number: (316)680-2186 E-mail address: KohlsKevinN@outlook.com

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

Name of water use correspondent: Kevin N & Kim C Kohls

Address: 76 27th Avenue

City, State and Zip: Moundridge, KS 67107-7467

Phone Number: (316-680-2186) E-mail address: KohlsKevinN@outlook.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): After the completion of additional test holes it has been decided that there may be better water at this new location, so all 4 battery wells will be relocated and the geo-center must be moved accordingly.

The change(s) (was) (will be) completed by as soon as app is approved and we can get scheduled with the well drillers.
(Date)

For Office Use Only:															
F.O.	<u>2</u>	GMD		Meets K.A.R. 5-5-1	(YES / NO)	Use	<u>IRR</u>	Source	<u>G / S</u>	County	<u>MP</u>	By	<u>BMM</u>	Date	<u>7/26/21</u>
Code		<u>CGT</u>		Fee \$	<u>200</u>	TR #		Receipt Date	<u>7/26/21</u>	Check #	<u>1047</u>				

7/26/2021
LMoody

4. The presently authorized place of use is:

Owner of Land — NAME: Kevin N & Kim C Kohls

ADDRESS: 76 27th Avenue, Moundridge, KS 67107-7467

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	
34	21S	1W					40	34	40	40									154

List any other water rights that cover this place of use. 13560, 29889, 32154 (complete p/u overlap with all files)

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: NO CHANGE

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 1 geo-center comprised of 4 pumps, 4 wells, and 4 motors

(Provide description and number of points) AGRICULTURE

7. The proposed point(s) of diversion is 1 geo-center comprised of 4 pumps, 4 wells, and 4 motors

(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion: (GEOCENTER)**
One in the NW Quarter of the SE Quarter of the NW Quarter of Section 34, Township 21 South, Range 1 (W), in McPherson County, Kansas, 3834 feet North 3790 feet West of Southeast corner of section. Authorized Rate 200 acre-feet (limited) Authorized Quantity 800 GPM
(DWR use only: Computer ID No. 3 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) (GEOCENTER)
One in the SE Quarter of the NW Quarter of the NW Quarter of Section 34, Township 21 South, Range 1 (W), in McPherson County, Kansas, 4048 feet North 4395 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. There have not been any wells fully completed at the currently authorized location, so nothing needs done. Test holes 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-The place of use and the use made of water will not change with this application.

(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 (n/a 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 ½ 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 ½ 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) ½ mile downstream and ½ 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 change is moving the geo-center 642' NW, so this is considered same local source. Also, the new test holes show shale at ~60-70 feet deep which is the same as the original log sent with the new app. See additional spacing comments on #18.
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.
K.A.R. 5-4-4 (c) (1) (C) Well Spacing. The location at the original application did not meet spacing to other water rights that share this same place of use. A waiver was granted as this is common ownership and unlikely the water rights will be split from one another in the future based on the low rate and quantity associated with the senior rights. The proposed location is moving closer to two domestic wells, but the proposed location meets spacing to the nearby domestic wells by a wide margin. We request a waiver of the above req based on the same reasoning which allowed approval of the original file.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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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 Newton, Kansas, this 19 day of July, 2021.

Kevin N. Kohls (Owner) _____ (Spouse) _____

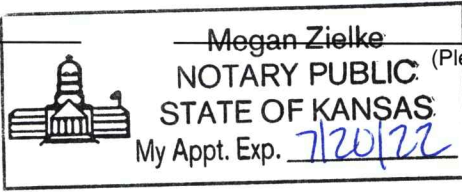
Kevin N. Kohls (Please Print) _____ (Please Print) _____

Kim C Kohls (Owner) _____ (Spouse) _____

Kim C Kohls (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 19 day of July, 2021.

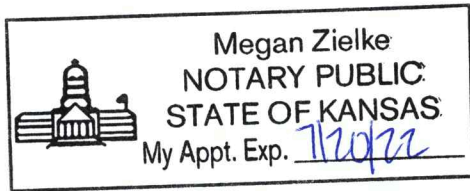
My Commission Expires 7/20/22 _____
Notary Public

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:

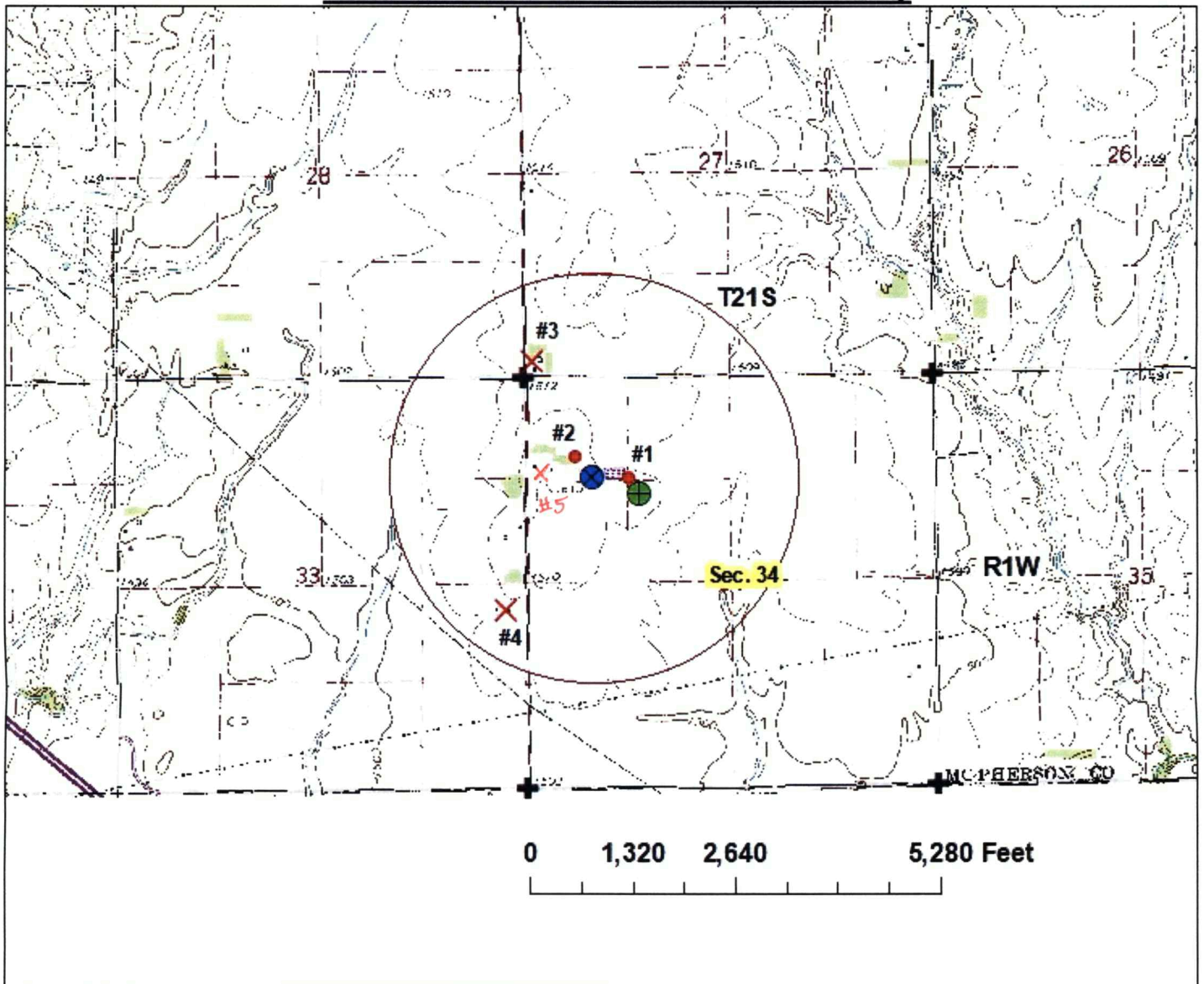
- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300







Make check payable to Kansas Department of Agriculture.



JUL 26 2021

Point of Diversion Change Application Map
Appropriation of Water, File No. 50166
Section 34-21S-1W in McPherson County



-  current geo-center for 50166 (3834'N & 3790'W)
-  proposed geo-center for 50166 (4048'N & 4395'W)
-  domestic wells
-  permitted water rights
-  section corners
-  1/2 mile circle around proposed p/d

nearby wells w/in 1/2 mile of existing well:

- #1: Water Right, File No. 13560-owned by applicant**
- #2: Water Right, File No. 29889 & 32154-owned by applicant**
- #3: Domestic well**
Ron Schmitt
102 27th Avenue, Moundridge, KS 67107
- #4: Domestic well**
Leon Cockrum
45 27th Avenue, Moundridge, KS 67107
- #5: Domestic well*
Owned by applicant



By signing below I agree that all wells, including domestic, within 1/2 mile of the point of diversion have been shown on the map.

signature

Kevin N. Kohb

19-JUL-2021

date

1 inch = 2,000 feet

map created on 7/12/21 scale 1:24,000

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Point of Diversion Change Application Map
Appropriation of Water, File No. 50166
Section 34-21S-1W in McPherson County



- current geo-center for 50166 (3834'N & 3790'W)
- proposed geo-center for 50166 (4048'N & 4395'W)
- domestic wells
- permitted water rights
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- 1/2 mile circle around proposed p/d

nearby wells w/in 1/2 mile of existing well:

- #1: Water Right, File No. 13560-owned by applicant**
- #2: Water Right, File No. 29889 & 32154-owned by applicant**
- #3: Domestic well
Ron Schmitt
102 27th Avenue, Moundridge, KS 67107**
- #4: Domestic well
Leon Cockrum
45 27th Avenue, Moundridge, KS 67107**
- #5: Domestic well
owned by applicant*



By signing below I agree that all wells, including domestic, within 1/2 mile of the point of diversion have been shown on the map.

signature

Kevin N. Kohls

19-JUL-2021

date

1 inch = 1,167 feet

map created on 7/12/21 scale 1:14,000