

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, Secretary

Laura Kelly, Governor

August 1, 2022

William L Humphreys
610 Edison St Apt #4
Jetmore, KS 67854

Re: Water Right, File No(s). 5933

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 can be found at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-flowmeters. Regulations regarding the installation of flowmeters, measurement tubes and check valves can be found at <https://www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation>. 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 www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/change-applications. 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.

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.

CERTIFICATE OF SERVICE

On this **1 August 2022**, I hereby certify that the attached Change in Point of Diversion, File No. 5933 dated 8/1/2022 was mailed to the following:

William L Humphreys
610 Edison St Apt #4
Jetmore, KS 67854

pc: Water Rights Section
GMD #

Faith Curtis

Staff

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

NEW ADDRESS FOR LANDOWNER PER ORKA

1. File Number: 5933	2. Status Change Date: <i>8/1/2022</i>	3. Change Num: 1	4. Field Office: 02	5. GMD:	
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: 7/28/22	
8a. Applicant(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		8c. Landowner(s) New to system <input type="checkbox"/>	
8b. Landowner(s) New to system <input type="checkbox"/>		Person ID 8260 Add Seq# 1		8d. WUC New to system <input type="checkbox"/>	
WILLIAM L HUMPHREYS 610 EDISON ST APT#4 JETMORE KS 67854		<-UPDATE		8B	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/22 <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/22					
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input checked="" type="checkbox"/> Water Tube <input checked="" type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> H & E Letter					
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____					
10. Use Made of Water From: --- _____ To: --- _____					
				Date Prepared: 7/28/22 By: TMA	
				Date Entered: _____ By: _____	

File No. **5933** 11. County: **HG** Basin: **BUCKNER CREEK** Stream: --- Formation Code: **320** Special Use: ---

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
DEL			28658	NW SW SE	6	24S	24W	1	1000	2600		203	80	203	80	N
ENT				NW SW SE	6	24S	24W		1029	2625		203	80	203	80	N

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				7481	.6	24S	24W	1					30				30				40	40	5	145	8B	N	26699		

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



STATE OF KANSAS

WATER METER REQUIRED

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. 5933

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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: Cary J Tucker

23031 60 RD, Lebanon, KS 66952

Phone Number: (785)282-4437 Email address: ctucker@ruraltel.net

Name and address of Water Use Correspondent: William L Humphreys

15569 SW 213 RD, Jetmore, KS 67854-5558

Phone Number: () Email address: --

3. The presently authorized place of use is:

Owner of Land ---- NAME: William L Humphreys

ADDRESS: 15569 SW 213 RD, Jetmore, KS 67854-5558

(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					
6	24S	24W									30				30					40	40	5	145

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: NO CHANGE

(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 CLT Fee \$ 100 TR # _____ Receipt Date _____ Check # 1834

5. **Presently authorized point of diversion:**
 One in the NW Quarter of the SW Quarter of the SE Quarter of Section 6, Township 24 South, Range 24 (W), in Hodgeman County, Kansas, 1,000 feet North 2,600 feet West of Southeast corner of section. Authorized Rate 203 GPM Authorized Quantity 80 acre-feet Depth of well ~84 (feet)
(DWR use only: Computer ID No. 1 GPS 1029 feet North 2605 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 NW Quarter of the SW Quarter of the SE Quarter of Section 6, Township 24 South, Range 24 (W), in Hodgeman County, Kansas, 1029 feet North 2625 feet West of Southeast corner of section. Proposed Rate no change Proposed Quantity no change Proposed well depth (feet) ~90.
 This point is: Additional Well Geo Center List other water rights that will use this point none.

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) The old well casing has collapsed and the well is pumping sand and needs to be replaced.

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

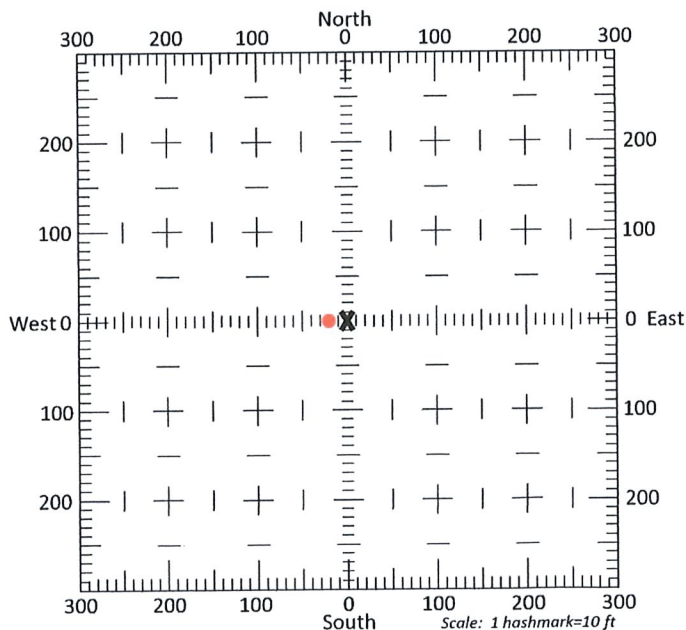
9. The change(s) (was)(will be) completed by?
as soon as possible

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 the new well is drilled

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by CRC-SFFO

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.)

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 DIVISION OF WATER RESOURCES

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 Beloit, Kansas, this 26 day of July, 20 22.

[Signature]

 (Owner)

Phyllis N. Pauls

 (Spouse)

Cary J. Tucker

 (Please Print)

Phyllis N. Tucker

 (Please Print)

 (Owner)

 (Spouse)

 (Please Print)

 (Please Print)

 (Owner)

 (Spouse)

 (Please Print)

 (Please Print)

State of Kansas }
 County of Mitchell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 26th day of July, 20 22.

Elizabeth M. Pauls

 Notary Public

My Commission Expires 8/24/2024.

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

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File No. 5933

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. 5933.

1. A change application was received on July 28, 2022 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 70 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, 2022**, 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, 2022**, or within any authorized extension of time. By March 1, 2023 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.

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DIVISION OF WATER RESOURCES

Administrative Appeal and Effective Date of Order

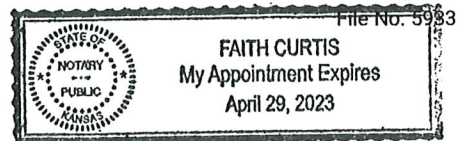
If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and 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: August 1, 2022
State of Kansas)
County of Stafford) SS
Acknowledged before me on 8/1/2022
by Faith Curtis
Signature: Faith Curtis
Notary Public

My commission expires: _____
(Notary Seal)



Conant, Cameron [KDA]

From: Conant, Cameron [KDA]
Sent: Monday, April 4, 2022 10:32 AM
To: ctucker@ruraltel.net
Subject: RE: Water Right, File Nos. 5933 & 26699 information
Attachments: 5933 pd change application.pdf

Cary, I've attached the change application we talked about. This change is only proposing to move the well south of the pivot, 20' straight west of the current well (this well is authorized by File No. 5933). Once we receive the change back from you, it will be processed and approved in our office. Once approved, this gives Clarke Well, the "permission" they need to complete an irrigation well.

If everything looks good, please print the change application, sign page 3 in the presence of a notary public, include a check for \$100, and mail the application back to my office at the following address.

Kansas Department of Agriculture
300 S Main Street
Stafford, KS 67578

Depending on how the new well turns out you have some options with the second well authorized by File No. 26699. You can re-drill it just like file no. 5933 or you can move it on paper to allow the new well to pump the additional rate and quantity authorized by 26699. If that doesn't make sense please tell me, I can explain more if needed. And, one last idea that might help you and the tenant out if the new well produces adequate water. You could enter a Multi-Year Flex Account (MYFA) which gives you a 5 year pool of water to use. You can "overpump" in any given year during the 5 year period but under no circumstances can you go over the total quantity at the end of the 5 year period. Might work pretty well for the milo/wheat rotation and allow you to dump extra water in some years knowing at the end of the 5 year period you might crop differently or pump less the final year to stay under the 5 year total.

Cameron

From: ctucker@ruraltel.net <ctucker@ruraltel.net>
Sent: Monday, April 4, 2022 9:46 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Re: Water Right, File Nos. 5933 & 26699 information

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

In the mail

On Mon Apr 04 2022 09:08:48 GMT-0500 (Central Daylight Time) Conant, Cameron [KDA]

<Cameron.Conant@ks.gov> wrote:

----- Original Message -----

Hello sir, please send me the information you have for the HG County land and I'll see what else we need to get the ownership tidied up.

I'll work on the change application and have it to you before lunch unless I run into unforeseen problems.

Cameron R. Conant
Assistant Water Commissioner
Kansas Department of Agriculture-DWR
Stafford Field Office
(620) 234-5311