

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

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8:08

KS DEPT OF AGRICULTURE

File No. 6735

2. Name of applicant: Barton RWD 02

Address: 245 NE 30th Rd

City, State and Zip: Great Bend, KS 67530

Phone Number: ((620)792-9235 E-mail address: deanm@bartonccc.edu

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

Name of water use correspondent: Barton RWD 02

Address: 245 NE 30th Rd

City, State and Zip: Great Bend, KS 67530

Phone Number: (620)792-9235 E-mail address: deanm@bartonccc.edu

3. The change(s) proposed herein are desired for the following reasons (please be specific): Applicant would like to convert the irrigation right to water for municipal use, and would like a new well to accomplish this. This will also change the place of use to match the municipal PU of water right file no. 14747,25,231,35559.

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

For Office Use Only:														
F.O.	<u>2</u>	GMD	<u>5</u>	Meets K.A.R. 5-5-1 (YES/NO)	Use	<u>MUN</u>	Source	<u>G/S</u>	County	<u>BT</u>	By	<u>ALB</u>	Date	<u>9/30/22</u>
Code	<u>C-3</u>	Fee \$	<u>700</u>	TR #		Receipt Date	<u>9-29-22</u>	Check #	<u>1850</u>					

10/10/2022
LMoody

4. The presently authorized place of use is:

Owner of Land — NAME: CENTRAL KANSAS AG LLC

ADDRESS: PO BOX 894, GREAT BEND, KS 67530

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	
4	19S	13W	39	34	16	36													125

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: 1) BARTON RWD 02; 2) BARTON CO COMM COLLEGE

ADDRESS: 1) 245 NE 30TH RD, GREAT BEND, KS 67530, 2) Same as (1).

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	19S	13W	WITHIN BOUNDARIES OF BARTON RWD 02																
14	19S	13W	BARTON COUNTY COMMUNITY COLLEGE																

List any other water rights that cover this place of use. 14747, 25231, 35559

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 SW Quarter of the SE Quarter of the SE Quarter of Section 4, Township 19 South, Range 13 W, in Barton County, Kansas, — feet North — feet West of Southeast corner of section.
 Authorized Rate 502 GPM Authorized Quantity 134 AF (22'-26' WCIGUCA Alloc = 424 AF)
 (DWR use only: Computer ID No. 5 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 SE Quarter of the SE Quarter of the SE Quarter of Section 4, Township 19 South, Range 13 W, in Barton County, Kansas, 250 feet North 545 feet West of Southeast corner of section.
 Proposed Rate no change Proposed Quantity see item #13
 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. Plugging the old well.

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 Municipal purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
The consumptive use calculation is as follows: Authorized Quantity on file is 134 AF. The consumptive use % for BT county is 85.6%. 134 AF x .856 = 114.7 AF allocation for Municipal use. The place of use will simply be overlapped with other water rights covering the place of use mentioned in the application.

(Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to 114.7 AF (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to no reduction 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). 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.
It is not anticipated that this change will impair existing water rights. The test hole provided is to a depth of 50 feet. The current well depth is ~45 feet so a change in source of supply is not anticipated and the actual well will be drilled to a similar depth. The consumptive use will not be increased because a quantity reduction will be applied with the use-made-of-water change (See item 13).
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.
No waiver is anticipated for this change. The new well location will meet spacing to all domestic and irrigation wells.

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.

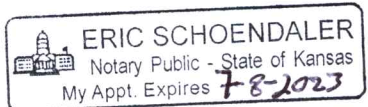
If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

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 Great Bend, Kansas, this 21 day of September, 2022.

<u>James Kuhlman</u> (Owner)	<u>BT RWD #2</u> (Spouse)
<u>James Kuhlman, Chairman</u> (Please Print)	 (Please Print)
 (Owner)	 (Spouse)
 (Please Print)	 (Please Print)
 (Owner)	 (Spouse)
 (Please Print)	 (Please Print)

State of Kansas }
County of Barton } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 21 day of September, 2022.

[Signature]
Notary Public

My Commission Expires 7-8-2023

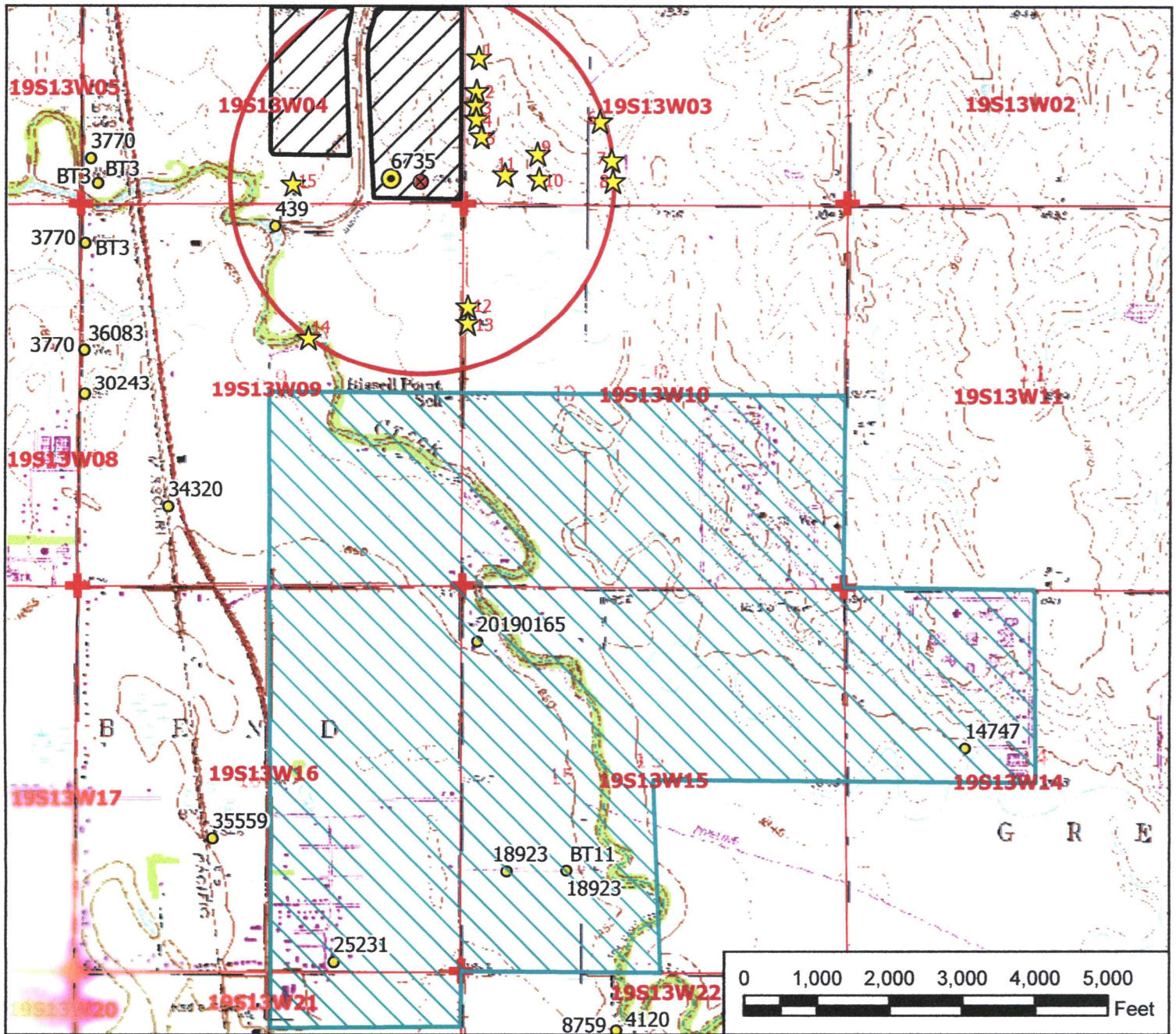
FEE SCHEDULE

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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Legend

- Water Appropriation
- ⊗ Proposed Point of Diversion
- ⊙ Authorized Point of Diversion
- ☆ Domestic Well
- Section Corner
- Section Line
- Half Mile Circle
- ▨ Authorized Place of Use (IRR)
- ▨ Proposed Place of Use (MUN)

Water Right, File No. 6735

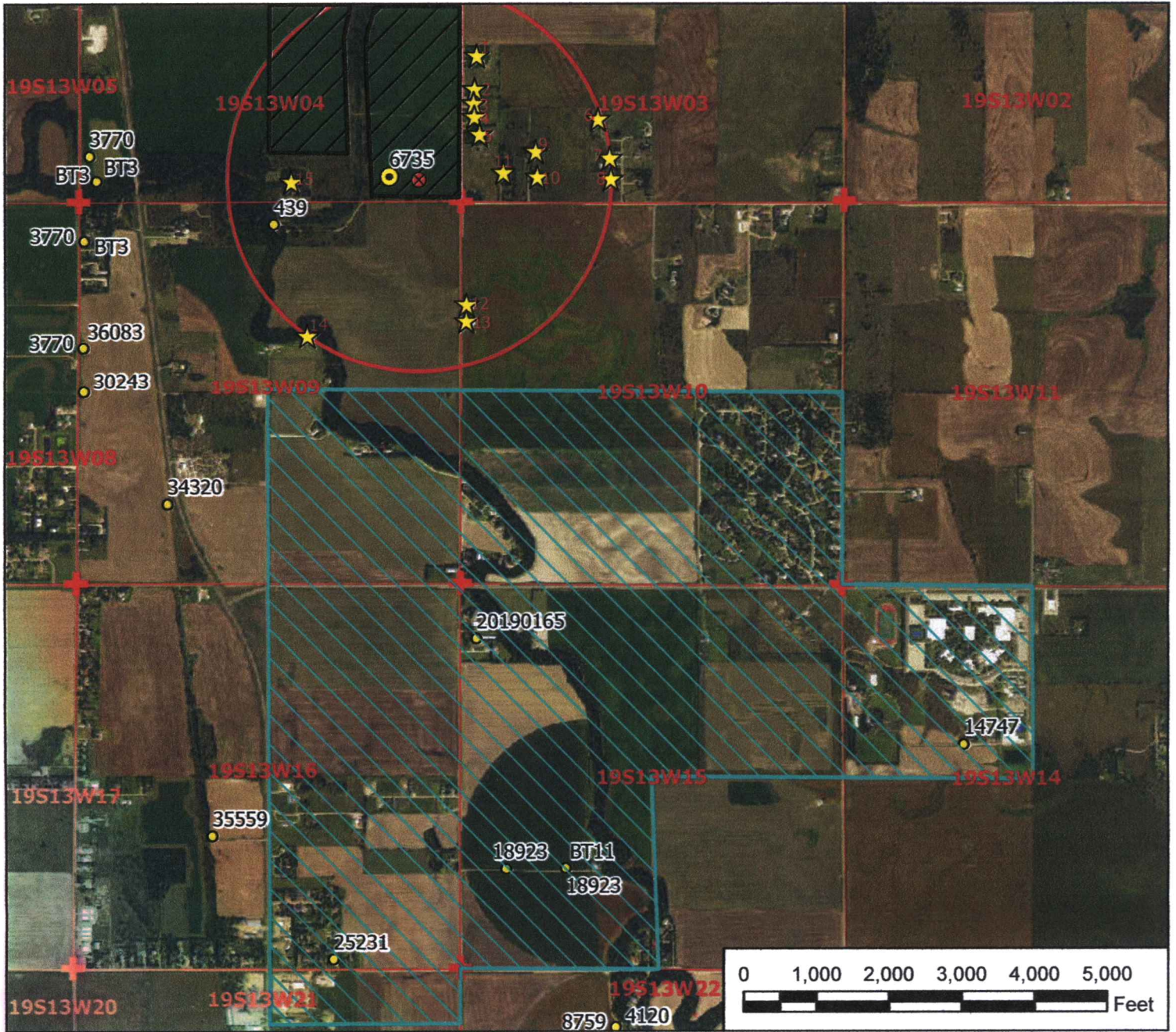
Change in Place of Use, Point of Diversion, and Use Made of Water Map 4, 10, 14-19-13W // Barton County

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To the best of my knowledge, the following represents an accurate representation of the place of use, proposed point of diversion, and use-made-of-water following the processing of this change application.

Signature / Date

09/02/2022 TMA/SFFO 1:24,000 scale



Legend

- Water Appropriation
- ⊗ Proposed Point of Diversion
- ⊙ Authorized Point of Diversion
- ☆ Domestic Well
- Section Corner
- Section Line
- Half Mile Circle
- ▨ Authorized Place of Use (IRR)
- ▨ Proposed Place of Use (MUN)

Water Right, File No. 6735

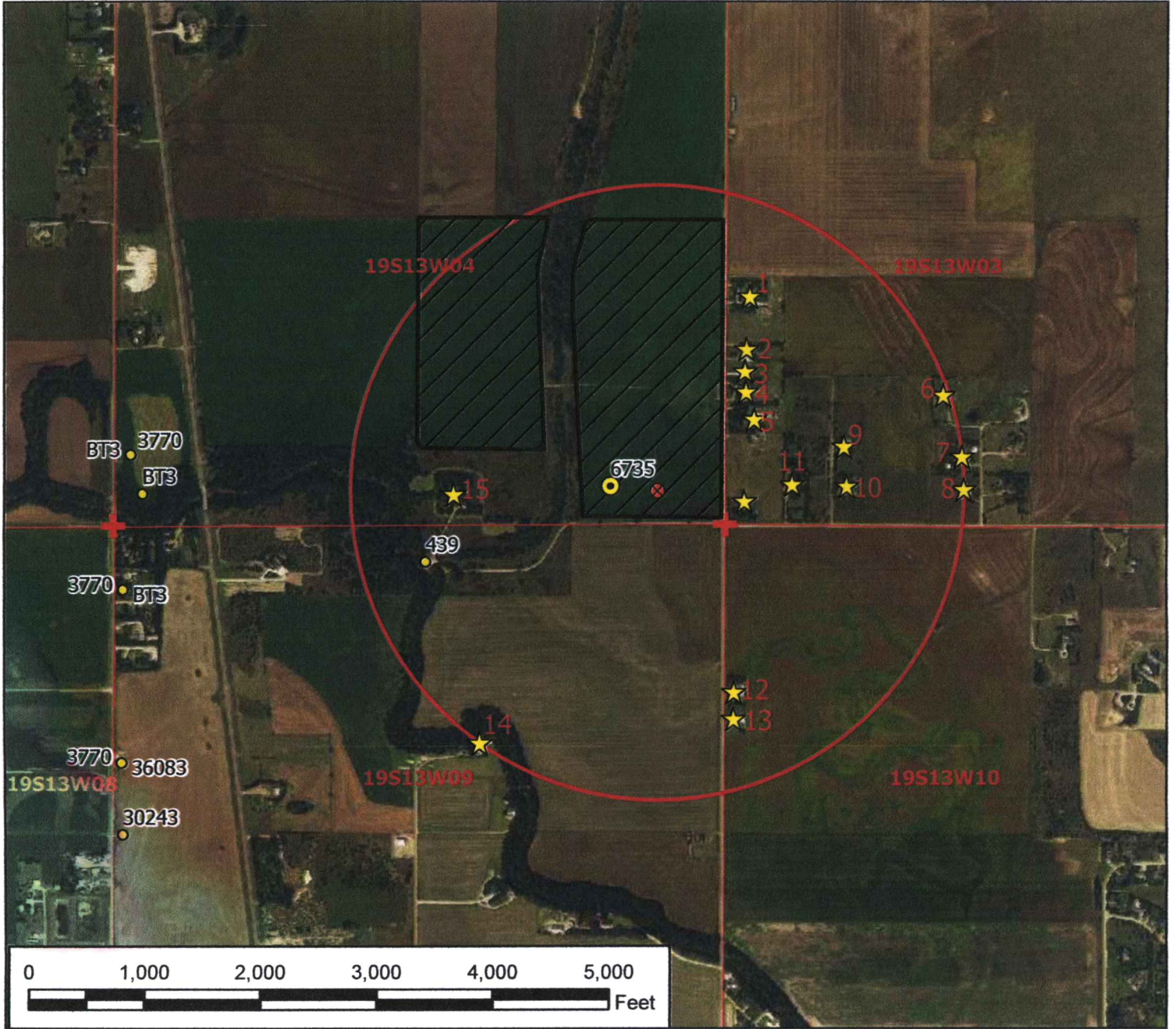
Change in Place of Use, Point of Diversion, and Use Made of Water Map
4,10,14-19-13W // Barton County

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To the best of my knowledge, the following represents an accurate representation of the place of use, proposed point of diversion, and use-made-of-water following the processing of this change application.

Signature / Date

09/02/2022 TMA/SFFO 1:24,000 scale



Legend

- Water Appropriation
- ⊗ Proposed Point of Diversion
- ⊙ Authorized Point of Diversion
- ☆ Domestic Well
- Section Corner
- Section Line
- Half Mile Circle
- ▨ Authorized Place of Use (IRR)

Water Right, File No. 6735

Change in Place of Use, Point of Diversion, and Use Made of Water Map
 4, 10, 14-19-13W // Barton County
 (Zoomed in Nearby well owner map)

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

N

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Signature / Date

09/02/2022 TMA/SFFO 1:24,000 scale

Water Right, File No. 6735 // NEARBY WELL OWNERS

Change in Place of Use & Point of Diversion & Use-Made-of-Water

The wells listed below are *possible* groundwater wells within a half-mile of the proposed point of diversion used for domestic use and they are marked with a star. If we are incorrect, feel free to modify the map and make any comments as necessary. Please check the box below to confirm there are no more wells, irrigation or domestic, within either red half-mile circle on the map. Please mark the locations of any other wells on the map should more exist. Water rights in the area are listed on the map and have their permit numbers listed on the map.

<u>DOMESTIC WELLS</u>	<u>OWNER</u>	<u>ADDRESS</u>
Well #1:	Dale E & Gina M Westhoff	436 NE 10 Ave Great Bend, KS 67530
Well #2:	Ronald D & Gwenna L Harms	428 NE 10 Ave Great Bend, KS 67530
Well #3:	Thomas M & Jodi L Cregger	424 NE 10 Ave Great Bend, KS 67530
Well #4:	Steven A & Joy A Hembree	418 NE 10 Ave Great Bend, KS 67530
Well #5:	<i>Same as #4</i>	
Well #6:	Jarred A & Nicole Horner	136 NE Santa Fe Trl Great Bend, KS 67530
Well #7:	Clark & Suzanne Moore	PO Box 452 Great Bend, KS 67530

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Well #8:	Sharolyn Bennett	405 NE Chisholm Trl Great Bend, KS 67530
Well #9:	Lily L Richards	408 NE Overland Trl Great Bend, KS 67530
Well #10:	Daniel L & Teresa K Murray	406 NE Overland Trl Great Bend, KS 67530
Well #11:	Raymond L & Vickie L Brown	110 NE 40 Rd Great Bend, KS 67530
Well #12:	Larami Elizabeth Klein	374 NE 10 Ave Great Bend, KS 67530
Well #13:	Richard F Wade	RR 3 Box 302 Great Bend, KS 67530
Well #14:	Kyle A Scheuerman	360 NE 5 Ave Great Bend, KS 67530-9411
Well #15:	Kansas Dept of Wildlife & Parks	512 SE 25 th Ave Pratt, KS 67124

Note: Nearby well owners will not be notified for a place of use change. This documentation is provided primarily to supplement the map with the application.

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Furthermore, the following are the water rights located within the ½ mile circle:

Water Right File No. 439

Kansas Department of Wildlife and Parks: Attn Steve Adams

1020 S Kansas Ave #2

Topeka, KS 66612

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