

WATER RESOURCES RECEIVED

MAR 11 2024

16:01

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. 13078

2. Name of applicant: Elliott & Sons, Inc.

Address: 10250 N. 263<sup>rd</sup> St. West

City, State and Zip: Mount Hope, KS 67108

Phone Number: (316) 209-4390 E-mail address: Rodney.Elliott@pathwaychurch.com

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

Name of water use correspondent: Robert L. Elliott ETAL

Address: 26104 W. 101<sup>st</sup> Street North

City, State and Zip: Mount Hope, KS 67108

Phone Number: (316) 209-4390 E-mail address: Rodney.Elliott@pathwaychurch.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): Old well needs to be redrilled and will be moved and changed to battery of 4 wells for installing new center pivot system. Change in place of use is needed to add additional acres for center pivot installation. Proposed well battery location and place of use overlap new application being filed.

The change(s) (was) (will be) completed by ASAP and when new application is approved  
(Date)

For Office Use Only:															
F.O. Code	<u>2</u>	GMD	<u>2</u>	Meets K.A.R. 5-5-1	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Use	<u>IRR</u>	Source	<u>G.S</u>	County	<u>SG</u>	By	<u>ALB</u>	Date	<u>3/12/24</u>
Fee \$	<u>700</u>	TR #		Receipt Date	<u>3-11-24</u>	Check #	<u>6496</u>								

3/26/2024  
KAnderson

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4. The presently authorized place of use is:

Owner of Land — NAME: Elliott & Sons, Inc.

ADDRESS: 10250 N. 263<sup>rd</sup> St. West, Mount Hope, KS 67108

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	
30	25S	2W			1.5													25.5	27

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 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: Elliott & Sons, Inc.

ADDRESS: 10250 N. 263<sup>rd</sup> St. West, Mount Hope, KS 67108

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			
30	25S	2W			40	40					18.5	1.5					26	30	1	6	163

List any other water rights that cover this place of use. Pending New Application

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) (are) 1 well  
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) Battery of 4 Wells  
(Provide description and number of points)

KS Dept. of Agriculture

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**  
 One in the NW Quarter of the NW Quarter of the SE Quarter of Section 30, Township 25 South, Range 2W (E/W), in Sedgwick County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate 605 GPM Authorized Quantity 35 AF  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS 2388 feet North 2634 feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: - Geo Center of Battery of 4 Wells**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the NC-E/2 Quarter of Section 30, Township 25 South, Range 2W (E/W), in Sedgwick County, Kansas, 2640 feet North 1320 feet West of Southeast corner of section.  
 Proposed Rate 605 GPM Proposed Quantity 35 AF  
 This point is:  Additional Well  Geo Center List other water rights that will use this point Pending New Application

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) - NW Well of Proposed 4 Well Battery**  
 One in the SE Quarter of the SW Quarter of the NE Quarter of Section 30, Township 25 South, Range 2W (E/W), in Sedgwick County, Kansas, 2840 feet North 1520 feet West of Southeast corner of section.  
 Proposed Rate See Geo-Center Proposed Quantity See Geo-Center  
 This point is:  Additional Well  Geo Center List other water rights that will use this point Pending New Application

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) - NE Well of Proposed 4 Well Battery**  
 One in the SW Quarter of the SE Quarter of the NE Quarter of Section 30, Township 25 South, Range 2W (E/W), in Sedgwick County, Kansas, 2840 feet North 1120 feet West of Southeast corner of section.  
 Proposed Rate See Geo-Center Proposed Quantity See Geo-Center  
 This point is:  Additional Well  Geo Center List other water rights that will use this point Pending New Application

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY



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List all presently authorized point(s) of diversion:

11. **Presently authorized point of diversion:** KS Dept. of Agriculture

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in Sedgwick 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) - SW Well of Proposed 4 Well Battery**

One in the NE Quarter of the NW Quarter of the SE Quarter of Section 30, Township 25 South, Range 2W (E/W), in Sedgwick County, Kansas, 2440 feet North 1520 feet West of Southeast corner of section. Proposed Rate See Geo-Center Proposed Quantity See Geo-Center

This point is:  Additional Well  Geo Center List other water rights that will use this point Pending New Application.

12. **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) - SE Well of Proposed 4 Well Battery**

One in the NW Quarter of the NE Quarter of the SE Quarter of Section 30, Township 25 South, Range 2W (E/W), in Sedgwick County, Kansas, 2440 feet North 1120 feet West of Southeast corner of section. Proposed Rate See Geo-Center Proposed Quantity See Geo-Center

This point is:  Additional Well  Geo Center List other water rights that will use this point Pending New Application.

13. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. \_\_\_\_\_  
Existing well will be plugged and abandoned upon drilling the new/replacement wells.

14. The presently authorized use of water is for Irrigation purposes.  
It is proposed that the use be changed to NO CHANGE purposes.

15. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  
Change in place of use is being filed for sole purpose of overlapping the place of proposed by a new application being filed.  
Therefore, there will not be an increase in consumptive use when combined with the new application.

(Please show any calculations here.)

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

17. It is requested that the maximum rate of diversion of water be reduced to NO CHANGE gallons per minute (\_\_\_\_ c.f.s.).

18. 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.

19. 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. The change will not impair existing water rights as minimum well spacing requirements will be met and the new application will have to meet safe yield requirements.

20. 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**

WATER RESOURCES RECEIVED

MAR 11 2024

File No. 13078

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 Halstead, Kansas, this 8th day of March, 2024.

Robert Elliott

(Owner)

(Spouse)

Robert Elliott, Elliott and Sons, Inc.

(Please Print)

(Please Print)

(Owner)

(Spouse)

(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 8th day of MARCH, 2024.

Rebecca Wilson
Notary Public

My Commission Expires 06/21/2026

FEE SCHEDULE

NOTARY PUBLIC - State of Kansas
REBECCA WILSON
My Appt. Exp. 06/21/2026

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.



# Application Map - File No. 13078

KS Dept of Agriculture



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.

*Robert L. Elliott*

Signature

*3-8-2024*

Date

- New Application
- Application No. 13078 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) Domestic Well  
Steven J. Strunk  
9200 N. 199th W.  
Colwich, KS 67030-9623
- 2)
- 3)

MAR 11 2024

**Equus Beds Groundwater Management District No. 2**  
**Abandoned Well Plugging Agreement** KS Dept. of Agriculture

I, Robert Elliott, Elliott and Sons, Inc., the undersigned and owner of an abandoned water well understand that an abandoned water well is a groundwater contamination threat and a public health and safety hazard.

The abandoned water well is located, NW-NW-SE, Section 30, Township 25 South, Range 2W West, SG County which is approximately 2388 feet north and 2634 feet west of the apparent Southeast section corner. Total well depth is 107 feet and the diameter of the well is 6 inches. Current depth to static water level in the well is 40 feet below land surface. The well was previously authorized by water permit no. 13078.

I agree to properly plug the abandoned well pursuant to the Equus Beds Groundwater Management District rules and regulations K.A.R. 28-30-200 through K.A.R. 28-30-207 and the following agreement provisions:

1. Well plugging operations will be supervised by either (a) a water well contractor licensed with the Kansas Department of Health and Environment, (b) a profession engineer or geologist licensed to practice in the State of Kansas, or (c) the abandoned water well owner or land owner of the property on which the water well or borehole is located.
2. The above described well will be plugged: a) by \_\_\_\_\_, \_\_\_\_\_, or b) within 30 days after the replacement well, approved by a change in point of diversion, becomes operational.
3. A completed WWC-5P form will be submitted to the Kansas Department of Health and Environment within 30 days after the abandoned well is plugged and a copy of the WWC-5P form will be furnished to the District within the same period of time.
4. The well owner or authorized agent will notify the District 48 hours before plugging operations occur.
5. Failure to comply with the provisions of this agreement shall constitute noncompliance of the groundwater management district rules and regulations K.A.R. 28-30-200 through K.A.R. 28-30-207.

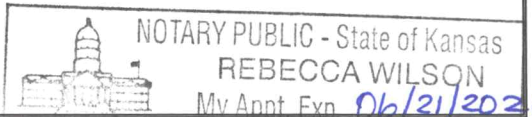
Dated this 8<sup>th</sup> day of March, 2024 at Halstead, KS

Signature Robert J. Elliott

Address 10250 N. 263<sup>rd</sup> St. West

City, State, Zip Code Mount Hope, KS 67108

Telephone (316) 209-4390

State of Kansas	County of <u>HARVEY</u>
Subscribed and affirmed to before me this <u>8<sup>th</sup></u> day of <u>March</u> , 20 <u>24</u> ,	
by <u>Rebecca Wilson</u>	(Notary Public)
My Commission Expires <u>06/21/2026</u>	



MAR 11 2024

KS Dept. of Agriculture

INPUTS	
Target Section Definition	
Section	30
Township	25
Range	2
Range Direction	W
Target Point Coordinates (NAD27 or NAD83)	
Target Longitude	-97.582780
Target Latitude	37.846260

NAD83

Load Data and Compute

**Instructions**

1. Enter values for section, township, range and range direction.
2. Enter *NAD27* or *NAD83* longitude and latitude of target point.
3. Click "Load Data and Compute" button.
4. Use feet distances corresponding to datum of target point.

#13078  
existing irrigation well

UTM-NAD83

4189704  
624690.6

8/26/2022

Loaded Section Data From LEOBASE using NAD83		
Corner	Corner Latitudes	Corner Longitudes
SW	37.83987054	-97.59212074
NW	37.85435162	-97.59219652
NE	37.85435162	-97.57373320
SE	37.83970257	-97.57365742
Degrees Longitude per Foot		3.46297809E-06
Degrees Latitude per Foot		2.74616459E-06
Target Point Distances from Corners using NAD83		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	2327	-2697
NW	-2947	-2719
NE	-2947	2612
SE	2388	2634

Loaded Section Data From LEOBASE using NAD27		
Corner	Corner Latitudes	Corner Longitudes
SW	37.83985900	-97.59179700
NW	37.85434000	-97.59187300
NE	37.85434000	-97.57341000
SE	37.83969100	-97.57333400
Degrees Longitude per Foot		3.46297755E-06
Degrees Latitude per Foot		2.74598553E-06
Target Point Distances from Corners using NAD27		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	2331	-2604
NW	-2942	-2626
NE	-2942	2706
SE	2392	2728

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

March 15, 2024

ELLIOTT & SONS INC  
10250 N 263RD ST WEST  
MOUNT HOPE KS 67108

RE: File No(s). **13078**

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,

Kristen Baum  
New Applications and Changes Supervisor  
Water Appropriation Program