

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 **WATER METER REQUIRED**



STATE OF KANSAS

**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.

RECEIVED  
 9:00am  
 SEP 25 2024

File No. 39,206

Stafford Field Office  
 Division of Water Resources

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: Luke McClure

22548 SW Adams Rd, Douglass, KS 67039-8661

Phone Number: (316) 258-5571      Email address: mcclurebros@hotmail.com

Name and address of Water Use Correspondent: John D McClure Living Trust

2548 SW Adams Rd, Douglass, KS 67039-8661

Phone Number: (316) 258-5571      Email address: mcclurebros@hotmail.com

3. The presently authorized place of use is:

Owner of Land ---- NAME: McClure Brothers Farms LLC

ADDRESS: 10947 SW 230<sup>th</sup> St, Douglass, KS 67039

(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	
31	29	4E	24.0	40.0	40.0	40.0	33.0	2.0	13.0	40.0	34.0	4.0		4.0	30.0	40.0	11.0	2.0	357.0

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: \* McClure Brothers Farms LLC      \\ \*\* John D & Virginia D McClure

ADDRESS: 10947 SW 230<sup>th</sup> St, Douglass, KS 67039      \\ 2548 SW Adams Rd, Douglass, KS 67039-8661

(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	
*31	29	4E	24.0	40.0	40.0	40.0	33.0	2.0	13.0	40.0	34.0	4.0		4.0	30.0	40.0	11.0	2.0	357.0
*31	29	4E													15.0	15.0	15.0		30.0
**6	30	4E	Lot 4 25.5	Lot 4 25.5	32.0	32.0	2.0			2.0									119.0

506ac

<b>For Office Use Only:</b> Code <u>CPU</u> Fee \$ <u>200<sup>00</sup></u> TR # _____ Receipt Date _____ Check # <u>66626</u>
---

\* CRC 10/9/24

5. **Presently authorized point of diversion:**  
 One in the SE Quarter of the NE Quarter of the SE Quarter  
 of Section 31, Township 29 South, Range 4 EAST,  
 in Butler County, Kansas, 1680 feet North 200 feet West of Southeast corner of section.  
 Authorized Rate 1,890 GPM Authorized Quantity 503 AF Depth of well N/A (feet)  
**(DWR use only: Computer ID No. 1 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 \_\_\_\_\_

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) Applicant desires to create a complete  
place of use overlap between File Nos. 31,206 and  
41,617

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

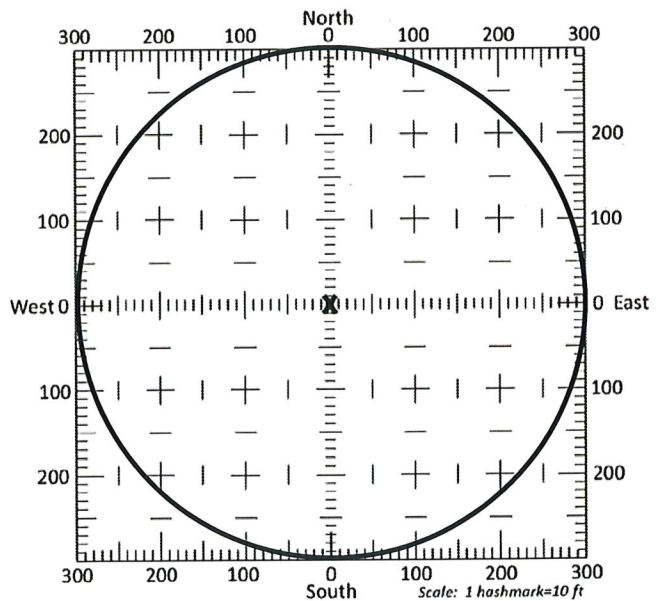
9. The change(s) (was)(will be) completed by?  
as soon as approved

10. If the point of diversion is a well:  
 (a) What are you going to do with the old well?  
N/A  
 (b) When will this be done? N/A

11. Groundwater Management District recommendation attached?  
 Yes     No

12. Assisted by JNE // 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 a 300  
foot radius of the existing point of diversion, indicate its location  
 on the diagram shown above in relation to the existing point of  
 diversion. The proposed point of diversion must be located  
 within the circle shown above. **(PLEASE NOTE: The "X" in**  
**center of diagram above represents the presently**  
**authorized point of diversion.)**



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 McClure Bros Farms LLC, OWNER, Kansas, this 23rd day of September, 2024.

<u>by Craig J. McClure</u> (Owner)	_____ (Spouse)
<u>Craig J. McClure</u> (Please Print)	_____ (Please Print)
<u>John McClure</u> (Owner)	_____ (Spouse)
<u>John McClure</u> (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)

State of Kansas }  
County of Butler } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of September, 2024.

**LARRY L. HOOVER**  
 Notary Public - State of Kansas  
 My Appt. Expires 9-4-2026

Larry L. Hoover  
Notary Public

My Commission Expires 9-4-2026

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

RECEIVED  
SEP 25 2024

**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. 39,206.

1. A change application was received on September 25, 2024 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 \_\_\_\_\_ 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 \_\_\_\_\_ 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, 2024**, 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, 20\_\_\_\_**, or within any authorized extension of time. By March 1, 20\_\_\_\_ 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.

**Administrative Appeal and Effective Date of Order**

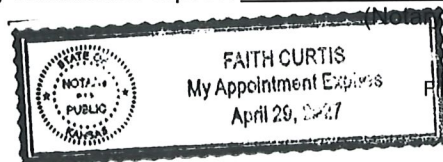
If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and 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*

RECEIVED  
SEP 25 2024  
Stafford Field Office  
Division of Water Resources

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: October 9, 2024  
State of Kansas \_\_\_\_\_ )  
County of Stafford \_\_\_\_\_ ) SS  
Acknowledged before me on 10/9/2024  
by Faith Curtis  
Signature: Faith Curtis  
Notary Public  
My commission expires: \_\_\_\_\_ (Notary Seal)







**Legend**

- Water Appropriations
- Authorized Point of Diversion
- + Section Corner
- Section Line
- Proposed Place Of Use
- Authorized Place of Use

**Water Appropriation, File No. 39,206**

Change in Place of Use Map  
31-29-4E // Butler County

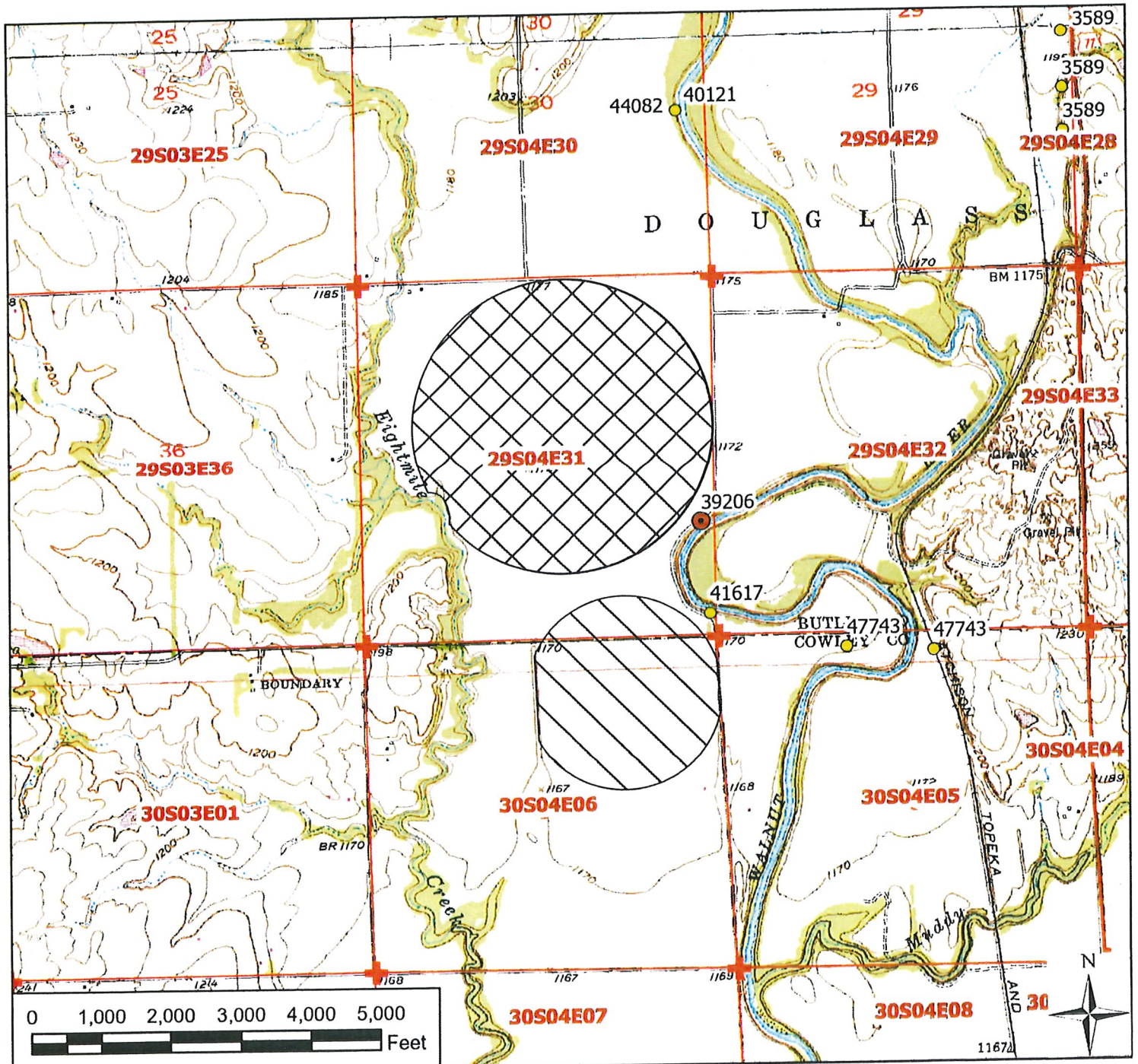
RECEIVED

SEP 25 2024

Stafford Field Office  
Division of Water Resources

08/20/2024 JNE/SFFO 1:12,000 scale





**Legend**

- Water Appropriations
- Authorized Point of Diversion
- ⊕ Section Corner
- ▭ Section Line
- ▨ Proposed Place Of Use
- ▩ Authorized Place of Use

**Water Appropriation, File No. 39,206**

Change in Place of Use Map  
31-29-4E // Butler County

RECEIVED

OCT 07 2024

To the best of my knowledge, all landowners within one half mile up stream and downstream of the property encompassing the proposed place of use have been shown.

*Craig McClure* 9/26/24

*John McClure* 9-26-24

Signature / Date

08/20/2024 JNE/SSFO 1:24,000 scale

Office  
Division of Water Resources

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

October 9, 2024

McClure Brothers Farms LLC  
10947 SW 230<sup>th</sup> St  
Douglass, KS 67039

Re: Water Right, File No(s). 39206 & 41617

Dear Water Right Owner:

Enclosed is an order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the 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 as well as <http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-flowmeters>. 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.

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 the referenced website.

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 that reads "Jeff Lanterman".

Jeff Lanterman  
Water Commissioner

Enclosures

pc: Water Rights Section  
Groundwater Management District No.



## CERTIFICATE OF SERVICE

On this **9th** day of **October, 2024**, I hereby certify that the attached Change in Place of Use for Water Right, File No. **39206 & 41617**, dated **October 9, 2024** was mailed via First Class U.S. mail to the following:

McClure Brothers Farms LLC  
10947 SW 230<sup>th</sup> St  
Douglass, KS 67039

A copy of the letter was sent via electronic mail to the following:

GMD

  
-----  
Staff