

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

Document Signature LPL

1. File Number: 41,313	2. Status Change Date: 7/13/2017	3. Change Num: C1	4. Field Office: 03	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: 17-JAN-2017
8a. Applicant(s) New to system <input type="checkbox"/> DEBRA A ISTAS 1986 KEY ROAD AURORA KS 67417		8c. Landowner(s) New to system <input type="checkbox"/> Person ID <u>64046</u> Add Seq# <u>1</u>		8d. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
8b. Landowner(s) New to system <input type="checkbox"/> 8a.		8e. WUC New to system <input type="checkbox"/> No change		Person ID _____ Add Seq# _____
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/18</u> <input checked="" type="checkbox"/> N & P Date to Comply: <u>12/31/18</u> <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 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: 6/27/2017 By: AM Date Entered: 7/17/2017 By: LCM				

File No. **41,313** 11. County: **CD** Basin: **REPUBLICAN RIVER** Stream: Formation Code: 331 Special Use:

12. Points of Diversion
 T
 MOD
 DEL PDIV
 ENT
 Rate and Quantity
 Authorized
 Additional
 Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files
 Qualifier S T R ID 'N 'W Comment

DEL 20184

ENT 85851 SW NW SW 12 6S 2W 6 1324 4824 195 33 195 33 49760

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ 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 T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files		
						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						
NO CHANGE																						34758 & 49760					

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: June 27, 2017

FROM: Austin McColloch

RE: Change Application, File No. 41,313
New Application, File No. 49,760

Debra Istas has filed the referenced change and new applications to appropriate groundwater for irrigation use, located in the Republican River Basin. Both applications will overlap in point of diversion and place of use with Water Right, File No. 34,758 also overlapping the place of use. The applicant owns the entire place of use, and has signed the applications stating that they have access to the points of diversion.

File No. 41,313 – Change in Point of Diversion

The referenced file number do not appear to be abandoned as per K.S.A. 82a-718.

The currently authorized point of diversion is located as follows:

one (1) well located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 12, more particularly described as being near a point 2,600 feet North and 4,850 feet West of the Southeast corner of said section, in Township 6 South, Range 2 West, Cloud County, Kansas and is currently authorized 33 acre-feet at a diversion rate of 195 gpm.

The proposed point of diversion is located as follows:

one (1) well located in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 12, more particularly described as being near a point 1,324 feet North and 4,824 feet West of the Southeast corner of said section, in Township 6 South, Range 2 West, Cloud County, Kansas.

There is no proposed change in quantity or rate of diversion. The move is approximately 1,220 feet South, and because it is less than a half a mile as well as information obtained from well logs, it has been determined to be the same source of supply. Based on area well logs, it appears the local source of supply is to be unconfined Dakota Aquifer. Per K.A.R. 5-1-1(iii) "unconfined Dakota aquifer system" means that a portion of the Dakota aquifer system not overlain by a confining layer in which the aquifer is in equilibrium with atmospheric pressure. The static water level is estimated to be at 70 feet below ground surface where the primary sandstone layer is. This would indicate that the aquifer is not overlain by a confining layer and the aquifer is not under confining pressure. Other nearby wells within the area have similar depths to top of the sandstone aquifer as well, ranging from 70 to 90 feet. This would be consistent with senior File Nos. 44,321; 34,758 and 43,695.

The 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.

File No. 49,760 – New Application

The proposed point of diversion will overlap with Water Right, File No. 41,313. The applicant has requested 118.2 acre-feet at 800 gpm for irrigation use on 144 acres and limited to 800 gpm when combined with File No. 41,313. Combined with Water Right, File Nos. 34,758 and 41,313 this will provide a total of 187.2 acre-feet on 144 acres for a 1.3 acre-foot/acre (maximum allowed in Cloud County). It appears the quantity is reasonable.

The proposed point of diversion is approximately 2,143 feet from water right, File No. 34,758. This does not meet spacing requirements for unconfined Dakota wells of half mile. However, because both wells are operated by the applicant and the distance is just inside the half mile circle, the distance should be enough to prevent impairment. DWR staff located a possible domestic well within a half mile from the proposed point of diversion located approximately 1,400 feet away. Required well spacing to domestics in this aquifer is 1,320 feet. Nearby letter was sent out on June 9, 2017 notifying of the change in point of diversion and new appropriation. No response of any kind was received.

K.A.R. 5-3-11 applies to safe yield evaluations for all unconfined aquifers. One of the specific criteria is to determine the extent of the unconfined aquifer, which discussed above, it was determined that 6,736 acres should be considered from previous SY calculations and bearing in mind the Lower Republican restricted area. Using the 6,736 acres, 2.49 inches of recharge, and 75% available, safe yield was determined to be 1,048.29 acre-feet. Existing appropriations have appropriated 117 acre-feet (including File No. 41,313), leaving 931.29 acre-feet available for appropriation. Thus, both the applications meet safe yield.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 and K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. A rate greater than 100 gallons per minute has been proposed, so a water level measurement tube will be required.

In an e-mail message, dated June 27, 2017, Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated he had no objection to the approval of the referenced application.

Based on the above discussion, the area is open to new appropriations, safe yield requirements are met where applicable and well spacing is enough to prevent impairment to their own well, and approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that both of the referenced applications be approved.



Austin McColloch
Environmental Scientist

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback
FILE COPY

DEBRA A ISTAS
1986 KEY ROAD
AURORA KS 67417

July 17, 2017

RE: Water Right
File No. 41,313

Dear Sir or Madam:

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.

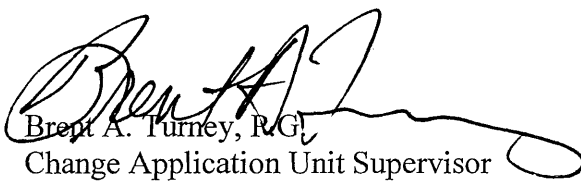
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flowmeter must be installed on the diversion works authorized. Please return the required and enclosed form, Notification of Completion of the Diversion Works and/or Installation of the Required Flowmeter, as soon as these actions are completed.

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.

Abandoned water wells 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 (KDHE). If the well is to be retained by the landowner for other purposes, a copy of the legal transfer of responsibility for maintenance of the well must be forwarded to the KDHE Geology Section, 1000 SW Jackson, suite 420, Topeka, Kansas, 66612, telephone (785) 296-5524. More information is available online at: <http://kdheks.gov/waterwell>

If you have any questions, please contact me at (785) 464-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,



Brent A. Turney, R.G.
Change Application Unit Supervisor
Division of Water Resources

BAT:am
Enclosure(s)
pc: Stockton Field Office



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN POINT OF DIVERSION
WATER RIGHT
FILE NO. 41,313**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application by Debra Istas, 1986 Key Road, Aurora, Kansas 67417, received in this office on January 1, 2017, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the point of diversion shall be:

one (1) well located in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 12, more particularly described as being near a point 1,324 feet North and 4,824 feet West of the Southeast corner of said section, at a diversion rate not in excess of 195 gallons per minute (0.43 c.f.s) and a quantity not to exceed 33 acre-feet of water per calendar year, in Township 6 South, Range 2 West, Cloud County, Kansas.

located substantially as shown on the topographic map accompanying the application to change the point of diversion.

Installation of the works for diversion of water shall be completed on or before December 31, 2018, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

The water right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 41,313, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated August 29, 2000.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 – 6777.

Ordered this 13th day of July, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau
Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
County of Riley) SS

The foregoing instrument was acknowledged before me this 13th day of July, 2017, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

CERTIFICATE OF SERVICE

On this 17th day of July, 2017, I hereby certify that the attached Approval of Application for the Change in Point of Diversion, File No. 41,313, dated July 13, 2017 was mailed postage prepaid, first class, US mail to the following:

DEBRA A ISTAS
1986 KEY ROAD
AURORA KS 67417

With photocopies to:

Stockton Field Office

Danielle Wilson
Division of Water Resources

6/21/17

Reviewer AM

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
www.ksda.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

WATER RESOURCES
RECEIVED

JAN 17 2017

1:16

KS DEPT OF AGRICULTURE

File No. 41,313

2. Name of applicant: Debra A. Istas

Address: 1986 Key Rd.

City, State and Zip: Aurora, KS 67417

Phone Number: (785)243-5722 E-mail address: _____

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

Name of water use correspondent: Same as applicant

Address: _____

City, State and Zip: _____

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): Old well does not produce the desired rate. Want to drill a new well and will also file a new application for additional rate and quantity.

The change(s) (was) (will be) completed by 12/31/18

(Date)

For Office Use Only:

F.O. 3 GMD 0 Meets K.A.R. 5-5-1 (YES/NO) Use TRR Source (G)S County CD By ASW Date 1/17/17
Code CGT Fee \$ 200 TR # _____ Receipt Date 1/17/17 Check # 1055

1/19/2017 UM

4. The presently authorized place of use is:

Owner of Land — NAME: Debra A. Istas

ADDRESS: 1986 Key Rd. Aurora, KS 67417

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	
12	6	2W									32	40	40	32					144

List any other water rights that cover this place of use. 34758

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 requested.

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. _____

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 one well.
(Provide description and number of points)

7. The proposed point(s) of diversion is one well.
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12, Township 6 South, Range 2 W, in Cloud County, Kansas, 2600 feet North 4850 feet West of Southeast corner of section.
 Authorized Rate 195 gpm Authorized Quantity 33 AF
 (DWR use only: Computer ID No. 4 GPS 2548 feet North 4771 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 Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12, Township 6 South, Range 2 W, in Cloud County, Kansas, 1324 feet North 4824 feet West of Southeast corner of section.
 Proposed Rate 195 gpm Proposed Quantity 33 AF
 This point is: Additional Well Geo Center List other water rights that will use this point new app will cover this well.

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ 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 _____ 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 _____ 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 _____ 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. Plug or cap it.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES RECEIVED

JAN 17 2017

SCANNED

KS DEPT OF AGRICULTURE

12. The presently authorized use of water is for irrigation purposes.

It is proposed that the use be changed to irrigation 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

(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 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.

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.

Test hole log attached. Well was originally approved as unconfined Dakota.

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.

Waiver of K.A.R. 5-4-4 requested. Does not meet 1/2 mile spacing from 34758, which is owned by applicant. Distance will not be decreased by more than 300 feet.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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 CNB Concordia, Kansas, this 11 day of Jan., 20 17.

Debra A Istas
(Owner)

William J Istas
(Spouse)

Debra A. Istas
(Please Print)

William J Istas
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

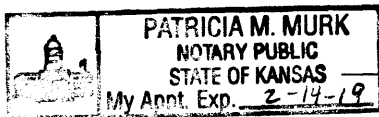
(Please Print)

(Please Print)

State of Kansas }
County of Cloud } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 11th day of January, 20 17.

My Commission Expires 2-14-19



Patricia M. Murk
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

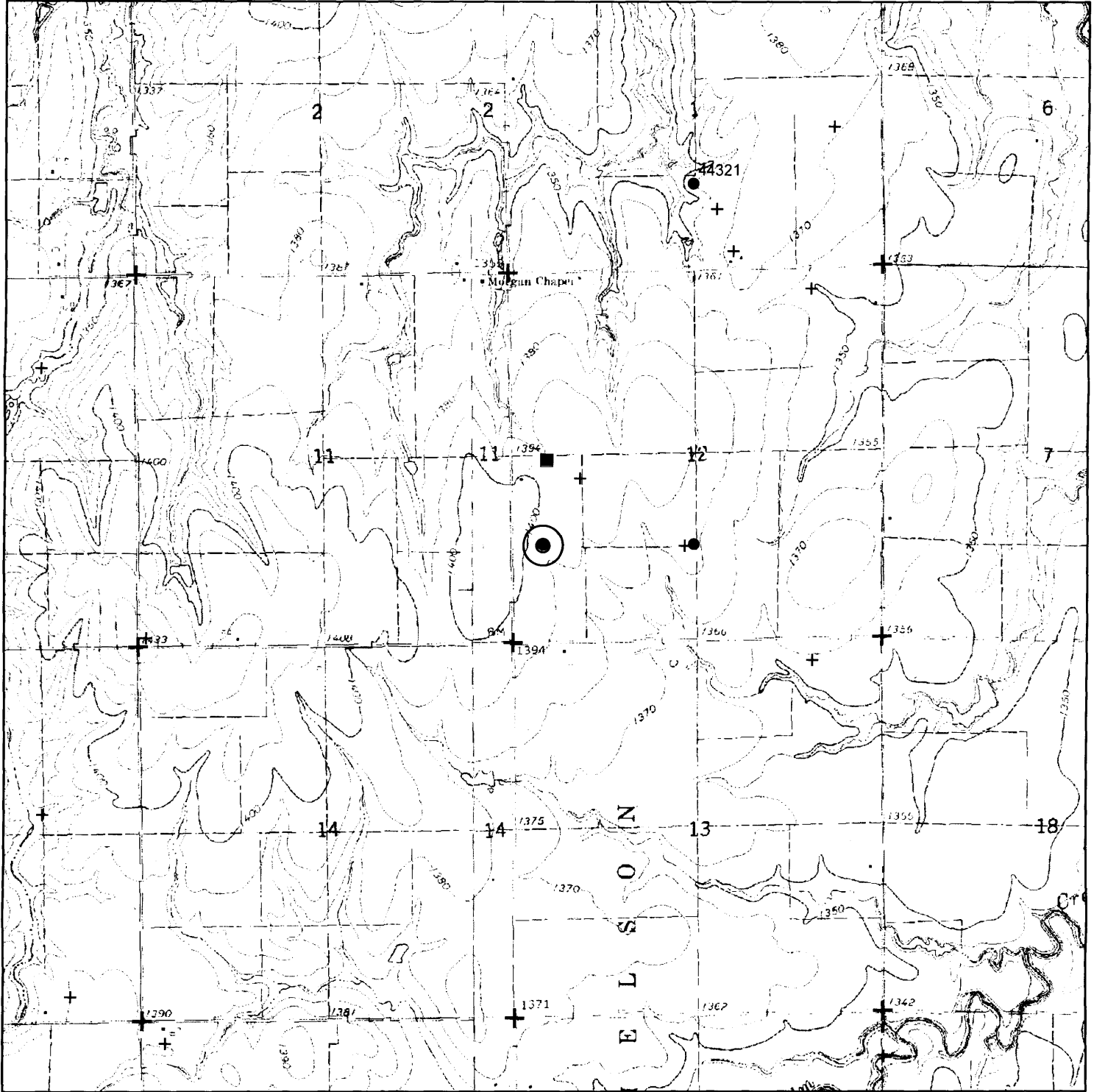
Make check payable to **Kansas Department of Agriculture.**

WATER RESOURCES
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JAN 17 2017

KS DEPT OF AGRICULTURE

SCANNED

Application to Change the Point of Diversion For Water Right File # 41,313



■ Authorized P/D

● Proposed P/D

○ 300 feet radius

○ 1/2 mile radius

+ WWC-5 Recods

▲ Surface Water Point of Diversion

● Groundwater Point of Diversion

1:24,000

WATER RESOURCES
RECEIVED

Signature Required

JAN 17 2017

Debra A. Sotas

By signing this I am stating that to the best of my knowledge
that all wells within 1/2 mile of proposed well location are
identified on this map.



SCANNED

Williams Drilling Co., Inc.
P. O. Box 327
Belvidere, Nebraska 68315
Phone 800-477-3745 Fax 402-768-6099

DEBBIE ISTAS
Test Hole Log
NW ¼ of SW ¼ of Sec 12 – T6S – R2W
CLOUD COUNTY
39* 32' 36.05"
97* 29' 48.09"

0 – 2	TOP SOIL
2 – 28	TAN CLAY
28 – 41	SAND STONE WITH SAND ROCK LAYERS
41 – 43	TAN CLAY
43 – 51	FIRE CLAY
51 – 53	SAND STONE
53 – 66	FIRE CLAY
66 – 67	HARD LAYER
67 – 72	GRAY AND BROWN CLAY
72 – 74	SAND ROCK – GRAY CLAY AND SAND STONE
74 – 78	SAND STONE WITH GRAY CLAY LAYERS
78 – 85	SAND ROCK AND YELLOW & GRAY CLAY
85 – 93	SAND STONE WITH SAND ROCK LAYERS
93 – 104	SAND STONE
104 – 108	SAND STONE WITH SAND ROCK LAYERS
108 - 175	SAND STONE
175	VERY HARD LAYER – CAN'T DRILL THROUGH IT

Depth to static water level - 67 feet

RECEIVED

JAN 03 2017

Stockton Field Office
Division of Water Resources

WATER RESOURCES
RECEIVED

JAN 17 2017

KS DEPT OF AGRICULTURE

Bill & Debbie Istas
1986 Key Rd.
Aurora, KS 67417

464-3513 Home
243-5777 Cell

SCA

McColloch, Austin

From: Stewart, Kelly
Sent: Tuesday, June 27, 2017 9:27 AM
To: McColloch, Austin
Cc: Billinger, Mark; Hageman, Rebecca
Subject: RE: Recommendation New & Change Apps - Istars

Austin,

I have no objection to the approval of the change in p/d for File No. 41,313 and the approval of the new application for File No. 49,760.

Kelly

From: McColloch, Austin
Sent: Tuesday, June 27, 2017 9:18 AM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>
Subject: Recommendation New & Change Apps - Istars

Kelly,

Attached is my draft memo and SY analysis for Change App File No. 41,313 and New App File No. 49,760. The apps will overlap in PD and PU. Well spacing is just under the requirement to File No. 34,758 but it is owned by the applicant and overlaps in PU with the two files. Let me know if you need more information.

Thanks,

Austin McColloch
Environmental Scientist
Ph: (785) 564-6643

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

DEBRA A ISTAS
1986 KEY RD
AURORA, KS

FILE COPY

January 18, 2017

RE: File No. 41313

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PD
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Brent A. Turney".

Brent A Turney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STOCKTON Field Office GMD 0



3
1 inch = 500 feet

17
N
WATER RESOURCES RECEIVED

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. **FEB 24 2017**

- ★ Domestic Wells
- ⊕ ProposedPD
- ▲ Water Rights
- ⊕ SFFOsec_corners

[Signature] _____ 2/22/17
Signature Date

KS DEPT OF AGRICULTURE
Created By: Matt Meier
F.O. 2
Date: 7/13/2016

ProposedPlaceOfUse



SCANNED

Equus Beds Groundwater Management District No. 2

Spacing Evaluation # 49704

SWSWNE (2811'N & 2547'W) 35-23S-02W, Harvey County

Prepared By: Stephen Flaherty Date: 1/18/2017



R2W

0 330 660 1,320 Feet

WATER RESOURCES RECEIVED
FEB 24 2017
KS DEPT OF AGRICULTURE

Map Legend

- Observation Well
- Bedrock
- ▨ Authorized Place of Use
- ▨ Proposed Place of Use

- Proposed Point of Diversion
- ▲ Authorized Location

- Burton IGUCA
- Hollow Nickel SWQUA
- McPherson IGUCA
- Enhanced Well Spacing Area



Equus Beds Groundwater Management District No. 2
313 Spruce Street, Halstead, KS 67056
316-835-2224, equusbeds@gmd2.org

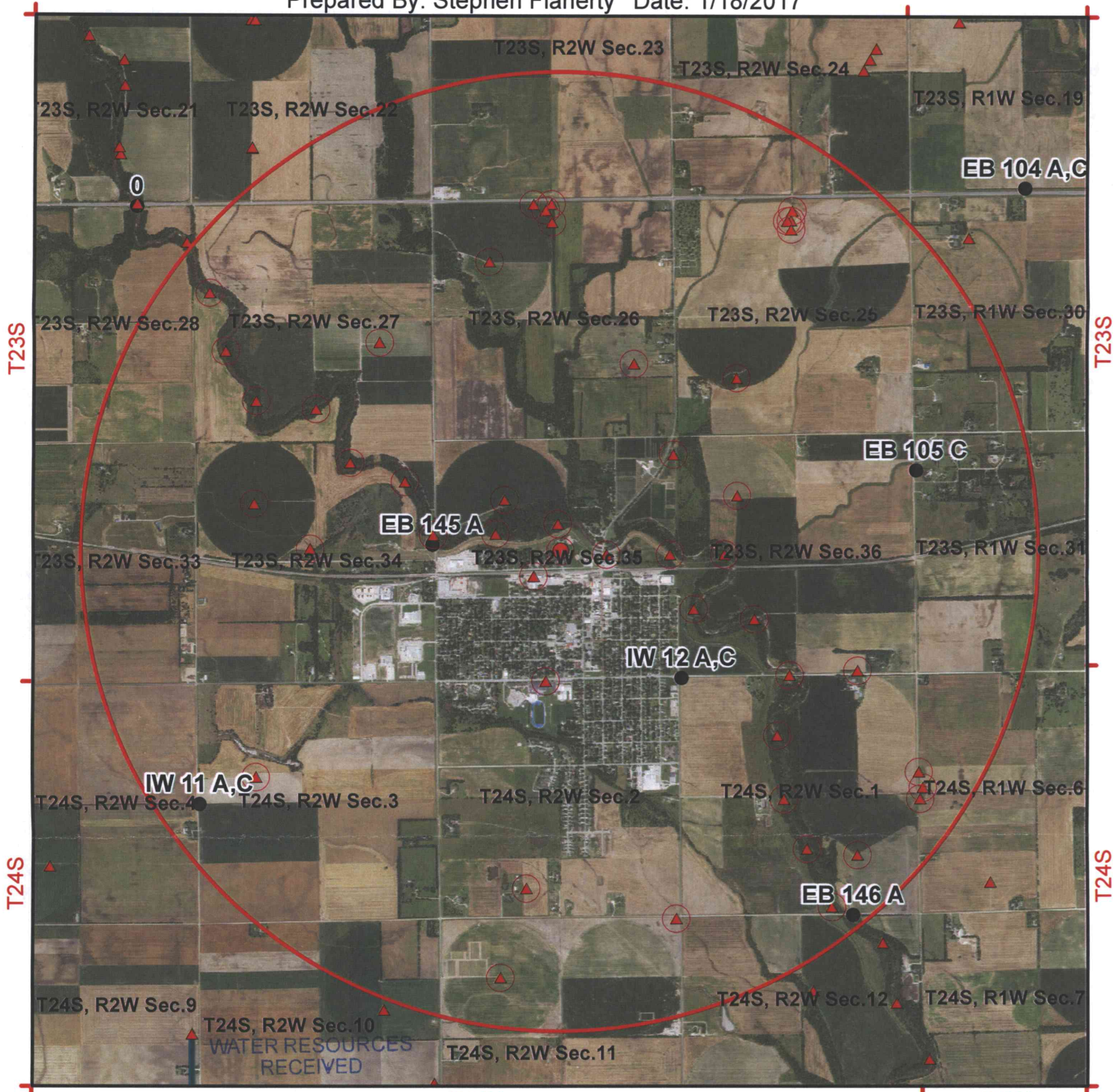
SCANNED

Equus Beds Groundwater Management District No. 2

Safe Yield Evaluation # 49704

SWSWNE (2811'N & 2547'W) 35-23S-02W, Harvey County

Prepared By: Stephen Flaherty Date: 1/18/2017



FEB 24 2017

R2W

R1W

0 1,320 2,640 5,280 Feet

Map Legend

- | | | | |
|---------------------------|-------------------------------|------------------------|----------------------------|
| ● Observation Well | ● Proposed Point of Diversion | KS DEPT OF AGRICULTURE | Burrton IGUCA |
| ■ Bedrock | ▲ Authorized Location | | Hollow Nikkel SWQUA |
| ▨ Authorized Place of Use | | | McPherson IGUCA |
| ▨ Proposed Place of Use | | | Enhanced Well Spacing Area |

Equus Beds Groundwater Management District No. 2
 313 Spruce Street, Halstead, KS 67056
 316-835-2224, equusbeds@gmd2.org

SCANNED

Application Map



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. ** See note below*

[Signature]
Signature

8/29/16
Date

New Application

Application No. _____ To Change:

- Point of Diversion
- Place of Use
- Use Made of Water

WATER RESOURCES RECEIVED

SEP 15 2016

KS DEPT OF AGRICULTURE

- Proposed Point of Diversion
- Existing Points of Diversion
- Proposed Place of Use
- Authorized Place of Use

SCANNED

See Attached for Points of Diversion within 1/2 mile of proposed point

** Due to the large number of wells within 1/2 mile, the applicant requests that a public notice be published in the area newspaper to notify nearby well owners*