

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: PD WORKSHEET**

1. File Number: <b>29056</b>	2. Status Change Date: <b>3/16/2020</b>	3. Change Num: <b>C1</b>	4. Field Office: <b>03</b>	5. GMD: <b>04</b>
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: <b>11-30-2018</b>
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8a. Applicant(s) New to system <input type="checkbox"/>	Person ID <b>11330</b> Add Seq# <b>1</b>
<b>DAVID E &amp; BETTY MCCLAREN</b> <b>1676 M RD</b> <b>LEWIS, KS 67552-5227</b>	

8c. Landowner(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/>	Person ID <b>11330</b> Add Seq# <b>1</b>
<b>DAVID E &amp; BETTY MCCLAREN</b> <b>1676 M RD</b> <b>LEWIS, KS 67552-5227</b>	

8d. WUC New to system <input type="checkbox"/>	Person ID <b>11330</b> Add Seq# <b>1</b>
<b>DAVID E &amp; BETTY MCCLAREN</b> <b>1676 M RD</b> <b>LEWIS, KS 67552-5227</b>	

9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/20</b> <input checked="" type="checkbox"/> N & P Date to Comply: <b>12/31/20</b>	
<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 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: _____
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Date Prepared: <b>03/05/20</b> By: <b>RAK</b>	Date Entered: <span style="border: 1px solid blue; padding: 2px;"><b>3/19/2020</b></span> <b>L Moody</b>
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File No. **29056**      11. County **ED**      Basin **Arkansas River**      Stream:      Formation Code: **113**      Special Use

12. Points of Diversion											Rate and Quantity					
CHK											Authorized		Additional			
MOD	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate	Quantity	Rate	Quantity	Overlap PD Files	BATT ID	
DEL										gpm/cfs	af/mgy	gpm/cfs	af/mgy			
ENT																
MOD	61259	Lot 2	8	24	18W	19	3225	2731		650 gpm	165 AF	650 gpm	165 AF	NO	485	
GEO CTR-REPORT CIRCLE 12 HERE																
√	14435	Lot 2	8	24	18W	7	3240	2833	BATT 1 OF 3 WELLS					NO	485	
√	61260	Lot 2	8	24	18W	20	3235	2718	BATT 1 OF 3 WELLS					NO	485	
√	7942	Lot 2	8	24	18W	14	3200	2643	BATT 1 OF 3 WELLS					NO	485	
MOD	36028	NC W½ SW¼	8	24	18W	8	1348	4780		565 gpm	145 AF	565 gpm	145 AF	NO	279	
GEO CTR- REPORT CIRCLE 13 HERE																
√	13418	NC W½ SW¼	8	24	18W	10	1355	4845	BATT 1 OF 4 WELLS ✓					NO	279	
√	45832	NC W½ SW¼	8	24	18W	9	1355	4745	BATT 1 OF 4 WELLS ✓					NO	279	
√	10957	NC W½ SW¼	8	24	18W	15	1355	4645	BATT 1 OF 4 WELLS					NO	279	
√	48722	NC W½ SW¼	8	24	18W	11	1340	4915	BATT 1 OF 4 WELLS					NO	279	
MOD	61179	NC SE¼	8	24	18W	18	1300	1307		630 gpm	134 AF	630 gpm	134 AF	NO	481	
GEO CTR- REPORT CIRCLE 11 HERE																
√	61150	NCSE¼	8	24	18W	17	1311	1275	BATT 1 OF 2 WELLS					NO	481	
√	47950	NCSE¼	8	24	18W	13	1290	1340	BATT 1 OF 2 WELLS					NO	481	

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_  
 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																			Total	Owner	Chg?	Overlap Files									
CHK											NE¼				NW¼				SW¼				SE¼								
MOD											NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
DEL											¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼					
ENT	PUSE	S	T	R	ID																										
<b>no changes to pu</b>																															

Base Acres:      Year:      Minimum Reasonable Quantity:

Comments:

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**M E M O R A N D U M**

**TO:** Files  
**FROM:** Richelle A. Krueger

**DATE:** March 11, 2020  
**RE:** Water Right  
File No. 29,056

David E. and Betty McClaren filed an application for approval to change the authorized point of diversion for the referenced file number, authorized groundwater for irrigation use in the Arkansas River Basin.

The water right does not appear to be abandoned as per K.S.A. 82a-718.

The referenced application is authorized three (3) batteries of wells with assigned rates and quantities for irrigation of 332 acres located Sections 7 and 8, Township 24 South, Range 18 West, Edwards County, Kansas. There are no current overlaps in the authorized points of diversion or place of use, all wells are in Section 8. The applicant proposes to transfer 24 acre feet (and no rate) from the battery of four(4) wells (geocenter 1348'N, 4780'W) to the battery of three(3) wells (geocenter 3225'N, 2,731'W) so that a total of 165 acre-feet @ 650 gallons per minute will be authorized at the battery of three wells and 145 acre-feet and 565 gallons per minute will remain authorized on the battery of four wells. The proposal involves a distance move of approximately 2,777 feet between geocenters of existing well batteries authorized by the same file number. No changes proposed to the third point of diversion.

The proposed change in point of diversion does not appear to comply with K.A.R. 5-5-13 *Relocation of alluvial wells* since it appears that the proposal moves more quantity approximately 18.9 percent closer to the Arkansas River. The application was initially recommended for dismissal. However, after further discussions with Stafford Field Office staff it was decided to ask Tech Services to run a stream/GW interaction analysis to show what impact (if any) this change would have on the river since approval of the change would help alleviate an overpumping issue and help to balance the quantity to how they are now operating the file. Tech Services determined the range of maximum net daily impact of the change is 0.16 acre-feet to 0.17 acre-feet or 0.08 c.f.s. to 0.084 c.f.s. (see e-mails dated June 5, 2019 and February 7, 2020 from David Engelhaupt, Tech Services, for further information).

The proposed change also does not meet the requirements of K.A.R. 5-25-2a since it involves a distance move of over 2,640 feet. However, it appears that the same local source of supply will not change since both the authorized and proposed well batteries are already authorized under the same file number.

No other wells were identified in WRIS or the application map within one-half mile of the proposed existing geocenter.

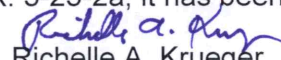
The same local source of supply will not change, previously determined to be Main Stem Alluvium (113).

In a letter dated February 24, 2020, Orrin Feril, Manager of Big Bend Groundwater Management District No. 5 indicated that the Board of Directors recommended a waiver of K.A.R. 5-25-2a and approval of the referenced application.

In an e-mail dated February 25, 2020, Jeff Lanterman, Water Commissioner of the Stafford Field Office, indicated no objections to approval of the referenced application and that the proposal should cause minimal impact to the stream.

Water flow meters are required. Check valves are required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur, and if the Chief Engineer grants waivers of K.A.R 5-5-13 and K.A.R. 5-25-2a, it has been recommended that the referenced application be approved.

  
Richelle A. Krueger  
Environmental Scientist

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  
 Point of Diversion  
 Use Made of Water

(Check one or more)

Water Resources  
Received  
NOV 30 2018  
11:37  
KS Dept Of Agriculture

File No. 29056

2. Name of applicant: David E & Betty McClaren

Address: 1676 M Rd

City, State and Zip: Lewis KS 67552-5227

Phone Number: (620)324-5453

E-mail address: \_\_\_\_\_

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

Name of water use correspondent: David E & Betty McClaren

Address: 1676 M Rd

City, State and Zip: Lewis KS 67552-5227

Phone Number: (620) 324-5453

E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific): This change proposes to move quantity around between the authorized wells.

The change(s) will be completed by December 31, 2018

(Date)

**For Office Use Only:**

F.O. 2 GMD 5 Meets K.A.R. 5-5-1 (YES / NO) Use IRR Source G S County ED By DAW Date 11/30/18  
Code CGT Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 11/30/18 Check # 1867

RECEIVED

APPLICATION COMPLETE  
2/24/20

Reviewer RAK

NOV 27 2018

Stafford Field Office  
Division of Water Resources

Assisted by: EKF/SFFO

SCANNED

12/4/2018 UM

4. The presently authorized place of use is:

Owner of Land — NAME: David E & Betty McClaren

ADDRESS: 1676 M Rd, Lewis KS 67552-5227

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		
7	24	18W													23				21	44
8	24	18W					5			24	4	34	15	7	31.25	36.25	31.25	31.25	219	

List any other water rights that cover this place of use. none

Owner of Land — NAME: David E & Betty McClaren

ADDRESS: 1676 M Rd, Lewis KS 67552-5227

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	
				Lot 1	Lot 2					Lot 2		Lot 3	Lot 4						
8	24	18W		3	30					7	9	2	18						69
																		Total	332

List any other water rights that cover this place of use. none

(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

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: \_\_\_\_\_

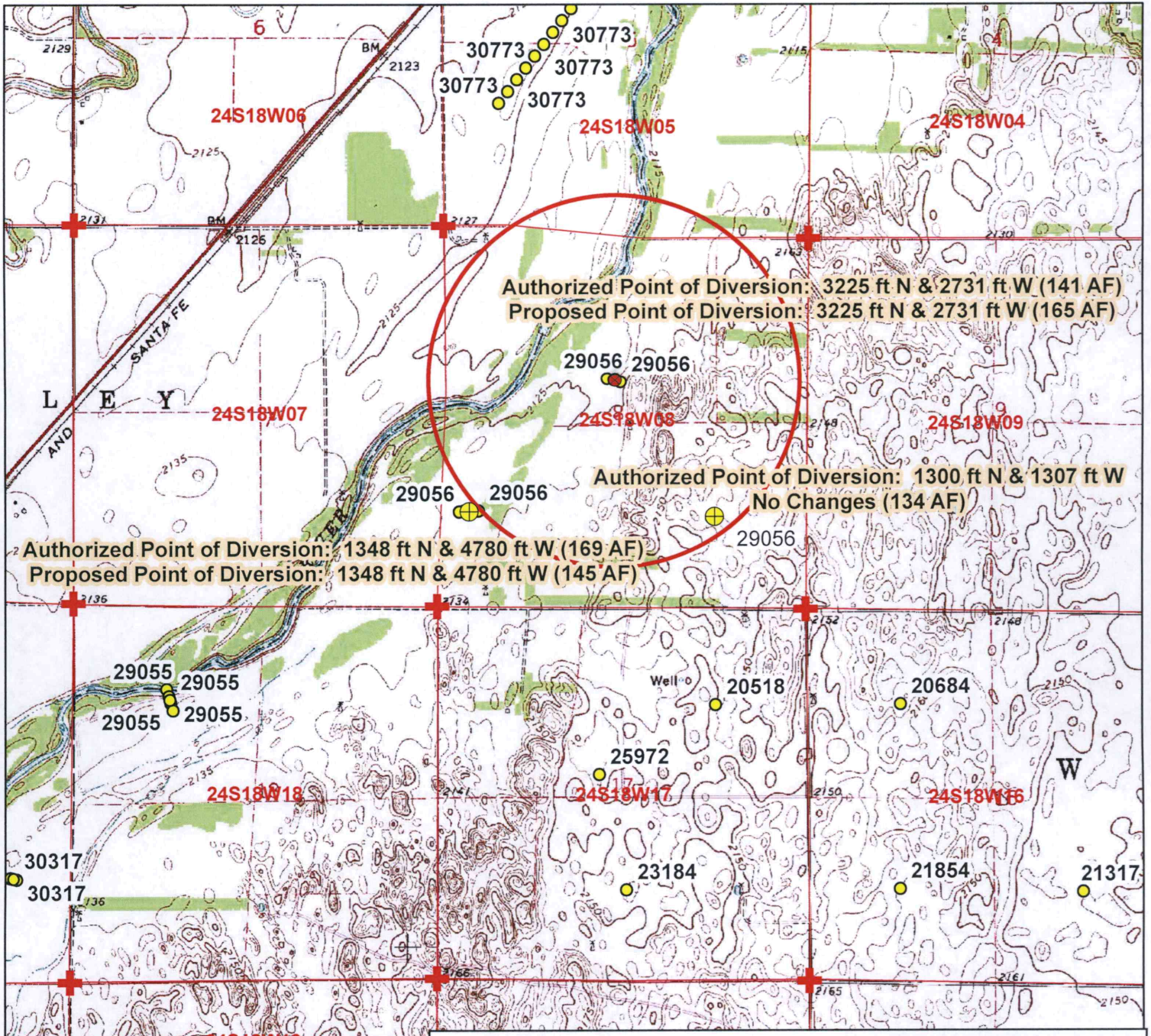
ADDRESS: \_\_\_\_\_

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. \_\_\_\_\_

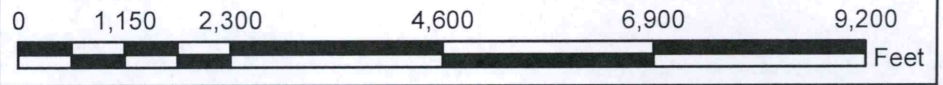
RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY **NOV 27 2018**



**Legend**

- Water Appropriations
- ⊗ Authorized Point of Diversion
- Proposed Point of Diversion
- ★ Domestic Well
- ⊕ Section Corner
- Half Mile Circle
- ▭ Section Line



## Water Right, File No. 29056

Change in Point of Diversion Application Map  
 8-25S-18W // Edwards County

To the best of my knowledge, all wells within 1/2 mile of the proposed point of diversion have been shown.

*David McClain*  
 Signature

Water Resources  
 Received  
 NOV 30 2018  
 SCANNED  
 KS Dept Of Agriculture  
 11/27/18 EKF-SFFO 1:24,000 scale



- 6. The presently authorized point(s) of diversion are A Battery of 2 Wells, a Battery of 3 Wells and a Battery of 4 Wells  
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) No Change  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion: GeoCenter of A Battery of 4 (SW Circle)**  
 One in the \_\_\_ Quarter of the \_\_\_ Quarter of the NC W2 SW Quarter of Section 8, Township 24 South, Range 18 W, in Edwards County, Kansas, 1348 feet North 4780 feet West of Southeast corner of section.  
 Authorized Rate 565 gpm Authorized Quantity 169 AF  
 (DWR use only: Computer ID No. 8 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): GeoCenter of A Battery of 4 (SW Circle)**  
 One in the \_\_\_ Quarter of the \_\_\_ Quarter of the NC W2 SW Quarter of Section 8, Township 24 South, Range 18 W, in Edwards County, Kansas, no change feet North no change feet West of Southeast corner of section.  
 Proposed Rate no change Proposed Quantity 145  
 This point is:  Additional Well  Geo Center List other water rights that will use this point none

9. **Presently authorized point of diversion: GeoCenter of A Battery of 2 (E Circle)**  
 One in the \_\_\_ Quarter of the \_\_\_ Quarter of the NC SE Quarter of Section 8, Township 24 South, Range 18 W, in Edwards County, Kansas, 1300 feet North 1307 feet West of Southeast corner of section.  
 Authorized Rate 630 gpm Authorized Quantity 134 AF  
 (DWR use only: Computer ID No. 18 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): GeoCenter of A Battery of 2 (E Circle)**  
 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: GeoCenter of A Battery of 3 (N Circle)**  
 One in the \_\_\_ Quarter of the \_\_\_ Quarter of the Lot 2 Quarter of Section 8, Township 24 South, Range 18 W, in Edwards County, Kansas, 3225 feet North 2731 feet West of Southeast corner of section.  
 Authorized Rate 650 gpm Authorized Quantity 141 AF  
 (DWR use only: Computer ID No. 19 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): GeoCenter of A Battery of 3 (N Circle)**  
 One in the \_\_\_ Quarter of the \_\_\_ Quarter of the Lot 2 Quarter of Section 8, Township 24 South, Range 18 W, in Edwards County, Kansas, no change feet North no change feet West of Southeast corner of section.  
 Proposed Rate no change Proposed Quantity 165  
 This point is:  Additional Well  Geo Center List other water rights that will use this point none

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used N/A

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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 NOV 30 2018  
 NOV 27 2018  
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 Station Field Office  
 Division of Water Resources  
 KS Dept Of Agriculture

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

It is proposed that the use be changed to no change purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

Not Applicable

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to --- (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to --- 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](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.

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.

The two points of diversion involved with the proposed change authorized by Water Right, File No. 29056 have their source as main stem alluvium. The battery of wells in the Southeast Quarter appear to be undifferentiated Kansan/Nebraskan.

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.

The proposed change does not appear to meet K.A.R. 5-5-13. Relocation of alluvial wells. Rough calculations show the change proposes to move quantity from ~1,485 feet away from the Arkansas River to ~1205 feet away. This moves the quantity 280 feet closer, which is a decrease in the distance from the centerline of the river by 18.9%. In addition, the proposed change would move quantity ~2,778 feet between the two points of diversion under the same file number.

A waiver is requested.

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

RECEIVED  
NOV 27 2018



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 11-26-18, Kansas, this 27<sup>th</sup> day of November, 20 18.

David McLaren  
(Owner)

\_\_\_\_\_  
(Spouse)

David McLaren  
(Please Print)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

State of Kansas }  
County of Stafford } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 27<sup>th</sup> day of November, 20 18.

My Commission Expires



Jessica Engelbrecht  
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  
Received  
NOV 30 2018

RECEIVED  
NOV 27 2018

KS Dept Of Agriculture  
SCANNED  
Stafford Field Office  
Division of Water Resources

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 11-28-18, Kansas, this 28<sup>th</sup> day of November, 20 18.

David McClaren  
(Owner)

Betty McClaren  
(Spouse)

David McClaren  
(Please Print)

Betty McClaren  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

Water Resources  
Received

DEC 03 2018

KS Dept Of Agriculture

State of Kansas }  
County of EDWARDS } SS



VIRGINIA SMITH  
NOTARY PUBLIC  
STATE OF KANSAS  
My App. Exp. 7-16-22

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 28<sup>th</sup> day of November, 20 18.

Virginia Smith  
Notary Public

My Commission Expires 7-16-2022

**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.**

DEC 03 2018

KS Dept Of Agriculture

SCANNED

## Krueger, Richelle [KDA]

---

**From:** Krueger, Richelle [KDA]  
**Sent:** Tuesday, February 25, 2020 12:08 PM  
**To:** Lanterman, Jeff [KDA]  
**Cc:** Conant, Cameron [KDA]  
**Subject:** RE: Request for Recommendation Change in PD File No. 29056 David McClaren

Okay, thanks Jeff, I'll send it up the line!

---

**From:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Sent:** Tuesday, February 25, 2020 12:05 PM  
**To:** Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>  
**Cc:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Subject:** RE: Request for Recommendation Change in PD File No. 29056 David McClaren

Ya. Richelle. I am OK approving this as is. Impact is very minimal in my opinion.

---

**From:** Krueger, Richelle [KDA] <[Richelle.Krueger@ks.gov](mailto:Richelle.Krueger@ks.gov)>  
**Sent:** Tuesday, February 25, 2020 11:14 AM  
**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Cc:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** Request for Recommendation Change in PD File No. 29056 David McClaren

Hi Jeff,

Attached is a draft memo for the referenced change for File No. 29056. I sent David Engelhaupt's analyses to you a week or two ago....looks like to have zero effect the applicants would have to reduce their rate to 508 gpm - not sure if depletion effect significant enough to warrant a reduction, what do you think?

Do you recommend approval of this application?

Thanks,

Richelle

## Krueger, Richelle [KDA]

---

**From:** Orrin Feril <oferil@gmd5.org>  
**Sent:** Monday, February 24, 2020 10:48 AM  
**To:** Krueger, Richelle [KDA]  
**Subject:** Application for Change, Water Right, File No. 29056  
**Attachments:** 29056 2020-02-24 Rec.pdf

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

Richelle,  
I'm attaching the recommendation requested by your office in a letter dated January 17, 2020. Please let me know if you have any questions.

Thank you for your consideration in this matter,

Orrin

--

*Orrin Feril*

Manager  
Big Bend GMD#5  
Email: [oferil@gmd5.org](mailto:oferil@gmd5.org)  
Phone: (620) 234-5352  
Mobile: (620) 388-0172  
Fax: (620) 234-5718  
[www.gmd5.org](http://www.gmd5.org)  
Facebook/Twitter: @BigBendGMD5

WATER RESOURCES  
RECEIVED  
FEB 24 2020  
KS DEPT OF AGRICULTURE

Darrell Wood - Edwards (Pres.)  
Fred Grunder - Pratt (V Pres.)  
John Janssen - Kiowa (Treas.)  
Jerry Cullop - Rice (Sec.)  
Justin Gatz - Reno  
Marlyn Spare - Stafford  
Phil Martin - Barton  
Kerry Froetschner - Pawnee  
Tom Taylor - At-Large



Orrin Feril, Manager  
125 South Main Street  
Stafford, Kansas 67578  
ph: (620) 234-5352  
fx: (620) 234-5718  
gmd5@gmd5.org  
www.gmd5.org

February 24, 2020

Richelle Krueger  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS 66502

RE: Water Right File No. 29,056  
Change the Point of Diversion

Dear Ms. Krueger,

The Big Bend Groundwater Management District #5 has reviewed the above referenced application to change the point of diversion. The application was presented to the Board of Directors at the February regular board meeting for review.

As presented, this application does not meet the requirements for movement of water per K.A.R. 5-25-2a from the source location. The applicant is requesting to move 24 AF approximately 2776 feet northeast to an existing well battery. Additionally, the proposed destination is closer to the Arkansas River than the source location. Based upon information received in the District office and provided at the board meeting, the Board voted to recommend a waiver of K.A.R. 5-25-2a and recommend approval of this application.

The application to change is subject to the District's well equipment regulation K.A.R. 5-25-5 for a required flow meter.

Please feel free to give me a call if you have any questions.

Sincerely,

Orrin Feril  
Manager

WATER RESOURCES  
RECEIVED  
FEB 24 2020  
KS DEPT OF AGRICULTURE

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

DAVID E & BETTY MCCLAREN  
1676 M RD  
LEWIS, KS 67552-5227

March 20, 2020

RE: Water Right, File No. 29,056

Dear Mr. and Mrs. McClaren:

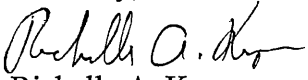
Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

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 flow meter must be installed on the diversion works authorized under the referenced file number. Please return the required notification of completion of the diversion works and/or installation of the required meter as soon as these actions are completed.

Since the order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

  
Richelle A. Krueger  
Environmental Scientist  
Division of Water Resources

RAK

pc: Stafford Field Office  
Groundwater Management District No. 5

FILE COPY

# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Christopher W. Beightel, Acting Chief Engineer

## **APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION WATER RIGHT FILE NO. 29,056**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of David and Betty McClaren, 1676 M Road, Lewis, Kansas, 67552-5227, received in this office on November 30, 2018, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated July 15, 1997, approving the application to change the point of diversion, by the Order of the Chief Engineer dated August 6, 1997, approving the application to change the place of use, and by the Order of the Chief Engineer dated August 21, 1997, approving the application to change the point of diversion, 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 locations of the points of diversion shall be:

a battery of three (3) wells with a geographic center located in Lot 2 of Section 8, more particularly described as being near a point 3,225 feet North and 2,731 feet West of the Southeast corner of said section, at a rate of diversion not in excess of 650 gallons per minute (1.45 c.f.s.) and a quantity not to exceed 165 acre-feet of water per calendar year,

a battery of four (4) wells with a geographic center located near the center of the West Half of the Southwest Quarter ( $W\frac{1}{2}$  SW $\frac{1}{4}$ ) of Section 8, more particularly described as being near a point 1,348 feet North and 4,780 feet West of the Southeast corner of said section, at a rate of diversion not in excess of 565 gallons per minute (1.26 c.f.s.) and a quantity not to exceed 145 acre-feet of water per calendar year, and

a battery of two (2) wells with a geographic center located near the center of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 8, more particularly described as being near a point 1,300 feet North and 1,307 feet West of the Southeast corner of said section, at a rate of diversion not in excess of 630 gallons per minute (1.40 c.f.s.) and a quantity not to exceed 134 acre-feet of water per calendar year,

all in Township 24 South, Range 18 West, Edwards County, Kansas,

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

The points of diversion described herein as batteries of wells are further limited such that the wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply.

Installation of the works for diversion of water shall be completed on or before December 31, 2020, 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.

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. 29,056, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated July 13, 1987, as modified and amended by the aforementioned orders.

#### **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 *16<sup>th</sup>* day of *March*, 2020, in Manhattan, Riley County, Kansas.



*Christopher W. Beightel*  
Christopher W. Beightel, P.E.  
Acting Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas        )  
                                  ) SS  
County of Riley        )

The foregoing instrument was acknowledged before me this *16<sup>th</sup>* day of *march*, 2020, by Christopher W. Beightel, P.E., Acting Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



*Katie N. Anderson*  
Notary Public

**CERTIFICATE OF SERVICE**

On this *20* day of *march*, 2020, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 29,056, dated *march 16, 2020* was mailed postage prepaid, first class, US mail to the following:

DAVID E & BETTY MCCLAREN  
1676 M RD  
LEWIS, KS 67552-5227

With photocopies to:

Stafford Field Office  
Groundwater Management District No. 5

*Ashlee Turner*  
Division of Water Resources

RECEIVED  
OFFICE OF THE  
DIRECTOR OF THE  
BUREAU OF  
LAND MANAGEMENT  
WASHINGTON, D.C.



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
Christopher W. Beightel, Acting Chief Engineer

WAIVER OF REGULATION  
K.A.R. 5-5-13 Relocation of alluvial wells


Date: 3/16/2020

RE: Water Right, File No. 29,056

1. That K.A.R. 5-5-13 states in part: "If an authorized point of diversion is a well that has its source of supply an alluvium in a reach of a basin that is fully appropriated or closed to new appropriations, the approval of a change in point of diversion, and any subsequent approvals of changes in points of diversion, shall not authorize the distance between the well and the centerline of the stream to be decreased by more than 10 percent as measured from the following: (1) The authorized well location when the basin became fully appropriated or was closed to new appropriations; and (2) the centerline of the stream when the change application was filed."
2. Water Right, File No. 29,056, located in the Arkansas River Basin, is in an area in which the groundwater has been determined to be fully appropriated. File No. 29,056 is authorized irrigation use from three batteries of wells with assigned diversion rates and quantities located in Section 8, Township 24 South, Range 18 West, Edwards County, Kansas. There are no present overlaps in the authorized points of diversion or places of use.
3. That the application to change the point of diversion for Water Right, File No. 29,056 was received in the office of the Chief Engineer on November 30, 2018. The applicant proposes to transfer 24 acre feet (and no rate) from the battery of four(4) wells to the battery of three(3) wells so that a total of 165 acre-feet and 650 gallons per minute will be authorized at the battery of three(3) wells (geocenter 3,225 feet North and 2,731 feet West of the Southeast corner of Section 8) and 145 acre-feet and 565 gallons per minute will be authorized at the battery of four (4) wells (1,348 feet North and 4,780 feet West of the Southeast corner of Section 8). The proposal does not appear to comply with K.A.R. 5-5-13 *Relocation of alluvial wells* since the proposal appears to decrease the distance between the currently authorized well and the centerline of the stream by more than 10 percent (approximately 18.9 percent).
4. The water right owners request a waiver of K.A.R. 5-5-13. Streamflow analyses conducted by DWR Tech Services indicates the net maximum daily depletion would be approximately 0.084 c.f.s. or a minimal impact.
5. That in a letter dated February 24, 2020, Big Bend Groundwater Management District No. 5 recommended approval of the referenced change application.
6. That a waiver of K.A.R. 5-5-13 will neither prejudicially nor unreasonably affect the public interest and it will not impair an existing water right.

Comments:



  
Christopher W. Beightel, P.E.  
Acting Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Christopher W. Beightel, Acting Chief Engineer

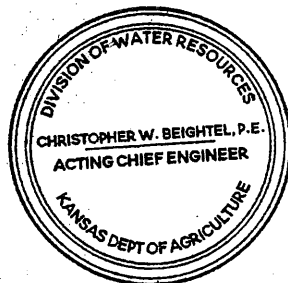
## WAIVER OF REGULATION K.A.R 5-25-2a


Date: 3/16/2020

Re: Water Right, File No. 29,056

1. That K.A.R. 5-25-2a(a) *Change in point of diversion* states in part that the location of a well requested in an application to change a point of diversion shall be no more than 2,640 feet from the point of diversion currently authorized by a vested right, appropriation right, or an application to appropriate water for beneficial use.
2. Water Right, File No. 29,056, located in the Arkansas River Basin, is authorized irrigation use from three(3) batteries of wells with assigned diversion rates and quantities located in Section 8, Township 24 South, Range 18 West, Edwards County, Kansas. There are no present overlaps in the authorized points of diversion or places of use.
3. That the application to change the point of diversion for Water Right, File No. 29,056 was received in the office of the Chief Engineer on November 30, 2018. The applicant proposes to transfer 24 acre feet (and no rate) from the battery of four(4) wells to the battery of three(3) wells so that a total of 165 acre-feet and 650 gallons per minute will be authorized at the battery of three(3) wells (geocenter 3,225 feet North and 2,731 feet West of the Southeast corner of Section 8) and 145 acre-feet and 565 gallons per minute will be authorized at the battery of four (4) wells (1,348 feet North and 4,780 feet West of the Southeast corner of Section 8).
4. The proposal does not appear to comply with K.A.R. 5-25-2a since the proposed change involves a distance move of approximately 2,777 feet. However, the proposed move is between wells authorized by the same file number, so the same local source of supply will not change.
5. That K.A.R. 5-25-20(d) states in part that the district may submit to the chief engineer a written recommendation of an exemption from or waiver of a regulation.
6. In a letter dated February 24, 2020, the Board of Directors of Big Bend Groundwater Management District No. 5 recommended a waiver of K.A.R. 5-25-2a and approval of the referenced change application.
7. That the application to change the point of diversion for Water Right, File No. 29,056 should be approved with a waiver of KA.R. 5-25-2a.
8. That a waiver of K.A.R. 5-25-2a will not prejudicially or unreasonably affect the public interest and it will not impair an existing water right.

Comments:



  
Christopher W. Beightel, P.E.  
Acting Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

Kansas Department of Agriculture  
 Division of Water Resources  
**WAIVER REQUEST & WAIVER RULE WORKSHEET**

File Number: 29,056

FO: 2

GMD: 5

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	11/30/18	57	Statewide	Change Approval	Location of Alluvial Wells
Rule Number	Date Granted	Date Denied	Justification:	Streamflow depletion analyses indicates minimal additional effect on the stream.	
K.A.R. 5-5-13	3/16/2020				

**WAIVER RULE:**

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
57	Statewide	Change Approval	Location of Alluvial Wells	K.A.R 5-5-13		

Date Prepared 03/04/20 By RAK

Date Entered 6/29/2020 By LMoody

Kansas Department of Agriculture  
 Division of Water Resources  
**WAIVER REQUEST & WAIVER RULE WORKSHEET**

File Number: 29,056

FO: 2

GMD: 5

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	11/30/18	42	GMD 5	Change Approval	Exceeds Move Distance
Rule Number	Date Granted	Date Denied	Justification:	GMD No. 5 recommends a waiver of K.A.R. 5-25-2a and approval of the application. Wells in question are authorized by same file number.	
K.A.R. 5-25-2a	3/16/2020				

**WAIVER RULE:**

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared 03/04/20 By RAK

Date Entered 6/29/2020 By LMoody