

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

Submit 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 Resources
 Received
APR 26 2018
STATE OF KANSAS
KS Dept Of Agriculture

Filing 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.

File No. 9249

RECEIVED
 11:11 AM
 APR 10 2018

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

Garden City Field Office
 Division of Water Resources

2. Name and address of Applicant: REDDHAWK LLC
PO BOX 296 SUBLETTE KS 67877
 Phone Number: () _____ Email address: _____
 Name and address of Water Use Correspondent: REDDHAWK LLC
PO BOX 296 SUBLETTE KS 67877
 Phone Number: () _____ Email address: _____

3. The presently authorized place of use is:
 Owner of Land ---- NAME: REDDHAWK LLC & JOHN L DIETZ ETAL & ZANE B EILERTS ETAL
 ADDRESS: _____
 (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	

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: no change to acres irrigated
 ADDRESS: _____
 (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	

For Office Use Only: Code _____ Fee \$ 2.00 TR # _____ Receipt Date 4/10/18 Check # 5013

4/26/18 DAW

5. **Presently authorized point of diversion:**
 One in the nw Quarter of the ne Quarter of the sw Quarter of Section 8 , Township 30 South, Range 32 W, in Haskell County, Kansas, 2600 feet North 3840 feet West of Southeast corner of section. Authorized Rate 3 Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. 3 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 nw Quarter of the sw Quarter of the nw Quarter of Section 8 , Township 30 South, Range 32 W, in Haskell County, Kansas, 3705 feet North 5082 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 se Quarter of the ne Quarter of the nw Quarter of Section 8 , Township 30 South, Range 32 W, in Haskell County, Kansas, 4505 feet North 2945 feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. 4 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) old well redrilled, then revoked,
now wish to re-approve redrilled well

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

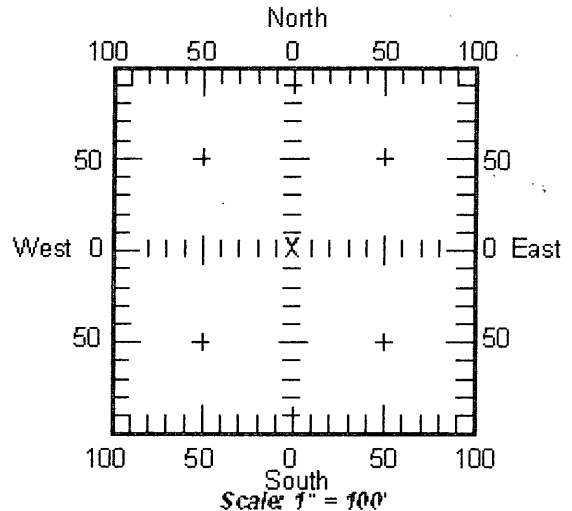
9. The change(s) (was)(will be) completed by?
upon approval

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

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by tpm

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from 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.

Water Resources
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KS Dept Of Agriculture

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. 9249.

1. A change application was received on _____ 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 300 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. 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
5. 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
6. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2018**, 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
7. **Installation of the works for diversion of water shall be completed on or before December 31, 2018**, or within any authorized extension of time. By March 1, 2019 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
8. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
9. 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
10. Additional Conditions are attached. Yes No
11. 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

FOR OFFICE USE ONLY
APPLICATION APPROVED AND SUMMARY ORDER ISSUED

By: _____
Duly Authorized Designee of the Chief Engineer

(Print Name): _____
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: _____

State of Kansas)
) SS
County of _____)

Acknowledged before me on _____
by _____

Signature: _____
Notary Public

My commission expires: _____
(Notary Seal)
File No. _____

**Water Resources
Received**

APR 26 2018

14. If the proposed groundwater point of diversion is 300 or fewer feet from 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 4/3/18, Kansas, this _____ day of _____, 20_____.

* David J. Dietz
 (Owner)

David J. Dietz
 (Please Print)

 (Owner)

 (Please Print)

 (Owner)

 (Please Print)

N/A
 (Spouse)

 (Please Print)

 (Spouse)

 (Please Print)

 (Spouse)

 (Please Print)

State of ~~Kansas~~ Ohio }
 County of Clermont } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3 day of April, 2018.



Melissa May Cordes
 Notary Public, State of Ohio
 My Commission Expires
 March 30th, 2022

Mel Cordes
 Notary Public

My Commission Expires _____

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

Water Resources
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APR 26 2018

4. If the proposed groundwater point of diversion is 300 or fewer feet from existing point of diversion, complete the following:

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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 regard 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 4/2/2018 Santa Ana, CALIFORNIA, Kansas, this 2nd day of APRIL, 2018.

[Signature]

(Owner)
ZANE EILERTS

(Please Print)

N.A.

(Spouse)

(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

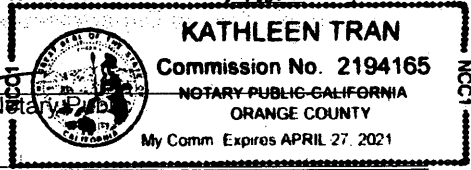
(Please Print)

State of ~~Kansas~~ California }
County of Orange } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 2nd day of April, 2018.

My Commission Expires April 27, 2021

[Signature]

Notary Public

KATHLEEN TRAN
Commission No. 2194165
NOTARY PUBLIC - CALIFORNIA
ORANGE COUNTY
My Comm Expires APRIL 27, 2021

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.

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Water Resources
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Dated at Flagstaff, Arizona, Kansas, this 27th day of March, 2018.

TAM BULLOCKS
(Please Print)
(Owner)

(Spouse)
(Please Print)

(Owner)
(Please Print)

(Spouse)
(Please Print)

(Owner)
(Please Print)

(Spouse)
(Please Print)

Arizona
State of ~~Kansas~~
County of Coconino } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 27th day of March, 2018.



[Signature]
Notary Public

My Commission Expires June 22, 2021

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.

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Water Resources
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APR 26 2018

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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 regard 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 Sublette, Kansas, this 9th day of April, 2018.

Kyle Simmons
 (Owner)
Kyle Simmons
 (Please Print)
Redhawk by Rick Redd
 (Owner)
Redhawk by Rick Redd
 (Please Print)

 (Owner)

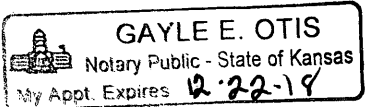
 (Please Print)

Heidi Simmons
 (Spouse)
HEIDI SIMMONS
 (Please Print)
Kathryn Redd
 (Spouse)
Kathryn Redd
 (Please Print)

 (Spouse)

 (Please Print)

State of Kansas }
County of Haskell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 10 day of April, 2018.

Gayle E Otis
Notary Public

My Commission Expires 12-22-19

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

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- (3) Application to change the place of use \$200

**Water Resources
Received**

APR 26 2018

T Brian Eilerts
2023 N Chipmunk Ct
Flagstaff, AZ 86004

April 10, 2018

Kansas Dept of Agriculture
Attn: Michael Meyer, L.G.
Division of Water Resources
Garden City Field Office

RE: Division of Water Resource file Numbers 3493, 9249, and 27107

Mr. Michael Meyer,

It has been brought to my attention that Mr. Rick Redd is attempting to file paperwork with your office regarding a re-drill and a diversion of water to the (re-drill) new well on 30-32-8 Haskell County, Kansas. As I informed you in an email, in a timely manner prior to the filing of these documents, my signature was revoked authorizing a re-drill and relocation of diversion.

My signature on these documents was predicated on an agreement that Mr. Redd would purchase 40 acres of property from me, my remaining water rights on 30-32-8, and my half interest of irrigation motors on both 30-32-17 and 30-32-8. As I had every intention of selling the 40 acres of land I would no longer have use for the remaining water rights on section 8, or the half interest in motors on section 8 and section 17.

I was presented with three separate signature pages only, with no legal body or description of activity that would take place, just the page where my signature was presented to me. I was told that it was the same document that was sent to me via mail and that I still have on file in my office to this day and that the extra signature pages were for copy purposes only and in no way had the legal body and issues addressed in these documents changed in any way from the original form sent to me in the mail by Mr. Redd.

Mr. Redd did not enter good faith negotiations to purchase the 40 acres of land or the remaining water rights on section 8. As Mr. Redd refused to enter into good faith negotiations, I immediately emailed the division of water resources, contacting you, and revoked my signature long before the diversion and re-drill documents were filed in your office.

I have been informed that there are three (3) different documents and water files being effected by Mr. Redds' attempted filings. I have no knowledge of these three files or what these documents being filed contain.

Mr. Redd has filed fraudulent documents with your office in the past with regards to my Mothers signature on water right document number 9,249. My mother did not own the minerals, nor the land,

Water Resources
Received

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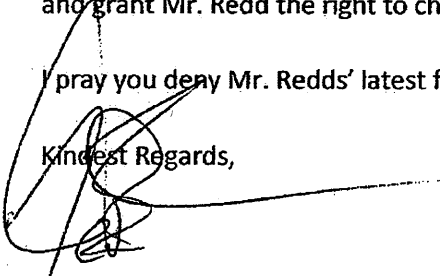
KS Dept Of Agriculture

at the time her signature was applied. Furthermore, Mr Redd claims no knowledge that Zane B Eilerts and I owned these rights at the time of my mothers' signature. This is an untrue statement by Mr. Redd. Rick Redd was aware of the transfer of land to myself and Zane B Eilerts in a warranty deed dated November 3, 2003. Performing due diligence was also the responsibility of Mr. Redd at the time these documents were signed by my mother and Mr. Redd failed to do so. My complaint filed for the filing on water right 9,249 was upheld and made null and void by the division of water resources as stated in a letter from the board dated March 12, 2018. As the proof showed Mr. Redd is known to file documents with your office that are not completed correctly and give economic benefit to himself.

I strongly urge you to error on the side of caution when making your decision. Mr. Redd has been known to file fraudulent and incomplete documents with the division of water resource offices. I am only aware of a single document that would have been filed in this case on which my signature was revoked in a timely manner prior to Mr. Redd filing. I have every right to read and inspect every document being filed prior to a valid signature being applied by my hand. Mr. Redd misrepresented his intentions with three separate signature sheets constituting fraud. My signature was revoked because Mr. Redd failed to complete the predetermined terms to my signature appearing on these documents. Furthermore, granting Mr. Redd the permissions and provisions that these documents must contain will give Mr. Redd an unfair economic advantage, render my remaining land and water resources valueless, and grant Mr. Redd the right to change water rights that were not discussed or agreed to.

I pray you deny Mr. Redds' latest filings with the division of water resources.

Kindest Regards,



T Brian Eilerts
MBA, CSSMBB

Water Resources
Division
March 12, 2018
Division of Water Resources