

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

1. File Number: 5162	2. Status Change Date: 6-11-2020	3. Change Num: C1	4. Field Office: 04	5. GMD: 03
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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: 6/10/2020
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8a. LANDOWNER, applicant, New to system <input type="checkbox"/> Person ID 27508 Add Seq# _____ OTIS H & MARY LEE MOLZ LIVING TRUST 2359 ROAD 200 DEERFIELD, KS 67838-3818	8c. Correspondent New to system <input type="checkbox"/> Person ID 66205 Add Seq# _____ TODD PLOEGER 1948 ROAD Z DEERFIELD, KS 67838
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8b. Landowner(s), New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	8d. correspondent New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/2020** N & P Date to Comply: **3/1/2021**

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter
 Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **6/11/2020** By: **MAM**
 Date Entered: _____ By: _____

File No. **5162** 11. County: **KE** Basin: **ARKANSAS RIVER** Stream: _____ Formation Code: **211** Special Use: _____

12. Points of Diversion										Rate and Quantity				
CHK MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files
										Rate gpm	Quantity af	Rate gpm	Quantity af	
ENT		NWNWNE	35	23	35W		5119	2507		1320	320	1320	212.8	NONE

DEL 5700

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

14. Limitation: _____ af/yr at _____ 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 CHK 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				
CHK	27469																								
CHK	29742																								

Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____
 Comments: _____

Garden City Field Office
4532 W. Jones, Suite B
Garden City, KS 67846



Phone: 620-276-2901
Fax: 620-276-9315
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

June 11, 2020

OTIS H & MARY LEE MOLZ LIVING TRUST
2359 ROAD 200
DEERFIELD, KS 67838-3818

RE: Water Right, File No. 5162

Dear Sir and Madam:

Enclosed is an order executed by the designee of 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 this enclosure and to the terms, conditions, and limitations specified in the approval for change. Conditions of the approval is that acceptable water flowmeter must be installed on the diversion works authorized under the referenced file number and meet current specifications. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed. Please note the additional conditions of the order is a reminder of past requirements for the water flowmeter. No additional attention is needed unless the physical meter components have changed since the last requirement.

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

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.

Should you have any questions, please feel free to call this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael A. Meyer".

Michael A. Meyer
Water Commissioner

MAM:
enclosures

pc:
TODD PLOEGER
1948 ROAD Z
DEERFIELD, KS 67838

GMD3

CERTIFICATE OF SERVICE

On this 11th day of June 2020, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 5,162 dated 11th day of June 2020 were mailed postage prepaid, first class, US mail to the following:

OTIS H & MARY LEE MOLZ LIVING TRUST
2359 ROAD 200
DEERFIELD, KS 67838-3818

With photocopies to:

TODD PLOEGER
1948 ROAD Z
DEERFIELD, KS 67838

GROUNDWATER MANAGEMENT DISTRICT NO. 3



Division of Water Resources Staff

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



STATE OF KANSAS

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. 5162

RECEIVED
 1:20 PM
 JUN 10 2020

Garden City Field Office
 DIVISION OF WATER RESOURCES

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: Otis Molz

2359 Rd. 200 Deerfield, KS 67838

Phone Number: () Email address: _____

Name and address of Water Use Correspondent: Todd Ploeger

1948 Road Z Deerfield KS 67838

Phone Number: (620)355-1672 Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: Otis Molz

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: _____

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 \$ 100.00 TR # _____ Receipt Date 6-10-20 Check # 1151

5. **Presently authorized point of diversion:**
 One in the NW Quarter of the NW Quarter of the NE Quarter of Section 35, Township 23 South, Range 35 (W), in KE County, Kansas, 5144 feet North 2553 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well 404 (feet)
 (DWR use only: Computer ID No. 04 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 NW Quarter of the SE NE Quarter of Section 35, Township 23 South, Range 35 (W), in KE County, Kansas, 5119 feet North 2507 feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) 405
 This point is: Additional Well Geo Center List other water rights that will use this point _____

6. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

7. The changes herein are desired for the following reasons?
 (please be specific) well failed

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

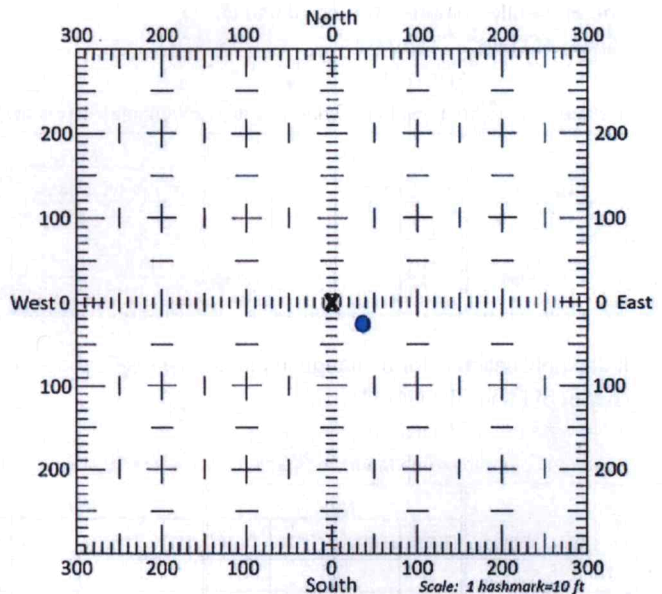
9. The change(s) (was)(will be) completed by?
Downey Drilling

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
abandon
 (b) When will this be done? 2020

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by AT

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines



13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:
- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
 - (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
 - (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Warden City, Kansas, this 10th day of June, 2020.

Agent - Todd Plaeger
 (Owner)

 (Spouse)

Todd Plaeger
 (Please Print)

 (Please Print)

 (Owner)

 (Spouse)

 (Please Print)

 (Please Print)

 (Owner)

 (Spouse)

 (Please Print)

 (Please Print)

State of Kansas }
 County of Finney } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 10th day of June, 2020.



Julie Jones
 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

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. 5162

1. A change application was received on June 10, 2020 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 50 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than _____ feet from the previously authorized point(s) of diversion. Applicable Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2020, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.**
 Applicable Not Applicable
8. **Installation of the works for diversion of water shall be completed on or before December 31, 2020, or within any authorized extension of time. By March 1, 2021 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e.**
 Applicable Not Applicable
9. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
11. **Additional Conditions are attached.** Yes No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

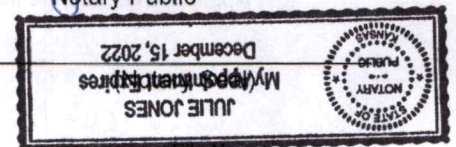
Administrative Appeal and Effective Date of Order

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

FOR OFFICE USE ONLY
**APPLICATION APPROVED AND
 SUMMARY ORDER ISSUED**

By: Michael A. Meyer
 Duly Authorized Designee of the Chief Engineer
 (Print Name): MICHAEL A. MEYER
 Division of Water Resources - Kansas Department of Agriculture
 Date of Issuance: June 11, 2020
 State of Kansas)
 County of Finney) SS
 Acknowledged before me on June 11, 2020
 by Michael A. Meyer
 Signature: Julie Jones
 Notary Public
 My commission expires: _____

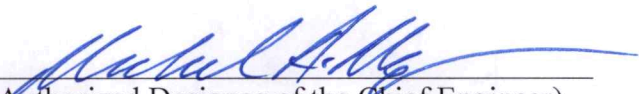


ADDITIONAL CONDITIONS TO
SUMMARY ORDER APPROVING APPLICATION FOR CHANGE
AND IMPOSING CONDITIONS,
Water Right, File Nos. 5162

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the following condition is included as a condition of the approval of this application for change in point of diversion.

The owner of the Water Right shall install an anti-reverse totalizing water flowmeter on each of the well listed above for the Water Right, which flowmeter and its installation meets or exceeds specifications adopted by the Chief Engineer.

A seal shall be placed on the water flowmeter for the subject well by the Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. If the seal is broken without the written permission of the Chief Engineer, a written order may be issued by the Chief Engineer stating the nature of the violation and the civil penalty, suspension of water right or modification to the water right, or any combination of these to be imposed.

By: 
(Duly Authorized Designee of the Chief Engineer)

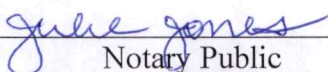
(Print Name): MICHAEL A. MEYER
Division of Water Resources - Kansas Department of Agriculture

Dated of Issuance: JUNE 11, 2020

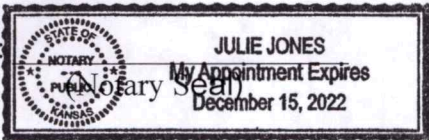
State of Kansas)
) SS
County of Finney)

Acknowledged before me on the 11th day of June 2020

By Michael A. Meyer

Signature 
Notary Public

My Commission expires:



OTIS MOLZ

Write a description for your map.

Legend

N 38.01704 W 101.13004



Fas 294

X



1000 ft

Google Earth

© 2020 Google

Map of WWC5 Wells



MIDWEST WELL & PUMP

PO BOX 692, Garden City, Kansas 67846

(620)275-1920

Owner Name:	Otis Molz	Date: 6/20
Address:	2359 Rd. 200	Test Hole: 1-20
City, St. Zip:	Deerfield, KS 67838	Driller: Soukup
GPS:	N.38.01704 W.101.13004	
Contact #:	Todd 620-355-1672	Dig Safe#20258739
Location:	NE ¼ 35-23-35 Kearny County	Static Water Level About:136'
From Old Well:	About 150' South East	Total Depth: 405' Black Shale

FROM:	TO:	STRATA:
0	2	Top Soil
2	24	Sandy Brown Clay
24	32	Brown Clay
32	34	Fine Sand
34	42	Brown Clay With Fine To Medium Sand Streaks
42	54	Brown Sandy Clay With Fine To Medium Sand Streaks Few Cemented Sand Streaks
54	74	Brown Clay
74	92	Brown Clay With Few Fine To Medium Sand Streaks
92	104	Medium To Coarse Sand Small Gravel Few Small Brown Clay Streaks
104	112	Soft Sandy Brown Clay With Fine To Medium Sand Streaks
112	126	Coarse Sand Small To Medium Gravel
126	150	Brown Clay With Coarse Sand Small To Medium Gravel
150	198	Blue Sticky Clay
198	206	Brown Clay
206	212	Fine Sand
212	220	Brown Clay With Fine Sand Streaks
220	222	Fine Sand
222	235	Brown Clay With Fine To Medium Sand Mix 50/50
235	242	Fine To Medium Sand Some Small Gravel
242	254	Brown Clay With Fine To Medium Sand 75/25
254	260	Brown Clay Few Small Fine To Medium Sand Streaks
260	266	Fine To Medium Sand Few Small Brown Clay Streaks
266	274	Fine To Medium Sand
274	280	Brown Clay Fine To Medium Sand
280	286	Fine To Medium Sand
286	287	Brown Clay
287	311	Fine To Medium Sand Few Very Small Brown Clay Streaks
311	318	Medium Sand Some Small Gravel
318	324	Brown Clay With Medium Sand Small Gravel Streaks
324	336	Medium Sand Some Small Gravel

