

File No. **3884** 11. County: FI Basin: ARKANSAS RIVER Stream: Formation Code: 211 Special Use:

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

DEL 43054
ENT SENENE 21 23S 33W 4418 343 840 320 840 320 NONE

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 | | | | |
| MOD 10622 | | | | | | 36 | 40 | 40 | 40 | | | | | | | | | | | | 156 | 8a | YES | NO | |
| DEL 58712 | | | | | | | | | | | | | | | | | | | | | | | | | |
| CHK 62529 | | | | | | | | | | | | | | | | | | | | | | 8b | YES | NO | |
| CHK 62530 | | | | | | | | | | | | | | | | | | | | | | 8c | YES | NO | |
| | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | |

Base Acres: Year: Minimum Reasonable Quantity:
 Comments: OWNERSHIP AS PER DEED AND APPRAISAL INFORMATION AND APPLICANT

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

March 31, 2022

MICHAEL ROTH
670 CHEMELKA RD
GARDEN CITY KS 67846

RE: Field Office Application for Change
Water Right, File No. 3884

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 the enclosures and to the terms, conditions, and limitations specified in this approval for change. Conditions of these approvals are that an acceptable water flow meter 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.

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.

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 contact this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

A handwritten signature in blue ink that reads "Michael A. Meyer".

Michael A. Meyer
Water Commissioner

MAM
enclosures

pc: Michael Klaus
Ronald Thiele
Tabitha & Dustin Penick
Groundwater Management District No. 3

CERTIFICATE OF SERVICE

On this 31st day of March 2022, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 3,884 dated 31st day of March 2022 was mailed postage prepaid, first class, US mail to the following:

MICHAEL ROTH
670 CHEMELKA RD
GARDEN CITY KS 67846

Pc:

MICHAEL L. KLAUS
PAULA S MCGEE
802 W CAMPBELL ST
GARDEN CITY KS 67846-4132

RONALD THIELE
6385 N SHERLOCK RD
GARDEN CITY KS 67846-7013

MICHAEL ROTH
670 CHEMELKA RD
GARDEN CITY KS 67846

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. 3884

RECEIVED
 11:54 am
 MAR 30 2022

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

Place of Use Point of Diversion

Garden City Field Office
 Division of Water Resources

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: MICHAEL ROTH
670 CHEMELKA RD., GARDEN CITY, KS 67846

Phone Number: () Email address: DECEASED

Name and address of Water Use Correspondent: DONALD J & HELEN J KLAUS MICHAEL ROTH
4235 W 5 MILE RD, GARDEN CITY, KS 67846-9723 670 CHEMELKA RD

Phone Number: () Email address: GARDEN CITY

3. The presently authorized place of use is:
 Owner of Land ---- NAME: No change
 ADDRESS: _____

ROBBY ROTH 620-272-2991

(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 3/30/22 Check # 6010

5. **Presently authorized point of diversion:**
 One in the SE Quarter of the NE Quarter of the NE Quarter of Section 21, Township 23 South, Range 33 W, in FI County, Kansas, 4333 feet North 406 feet West of Southeast corner of section. Authorized Rate NO CHANGE Authorized Quantity NO CHANGE Depth of well ~ 255 (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 SE Quarter of the NE Quarter of the NE Quarter of Section 21, Township 23 South, Range 33 W, in FI County, Kansas, 4418 feet North 343 feet West of Southeast corner of section. Proposed Rate NO CHGANGE Proposed Quantity NO CHANGE Proposed well depth (feet) 323.
 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) _____

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

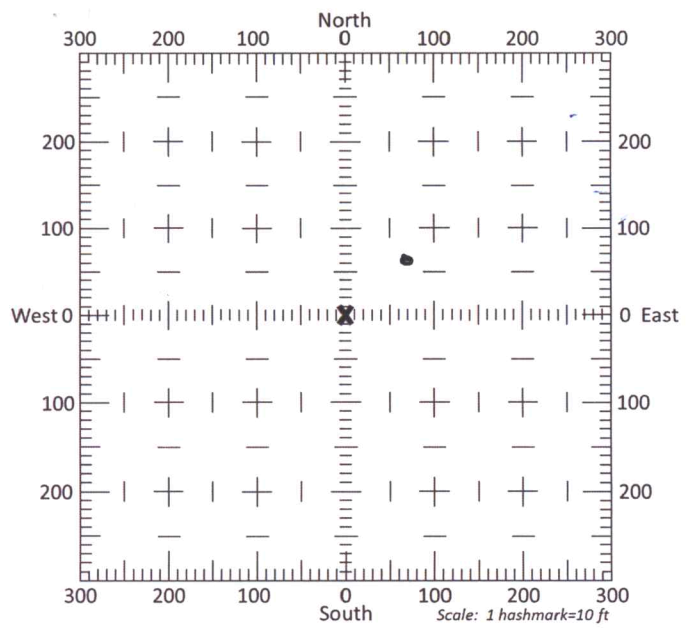
9. The change(s) (was)(will be) completed by?

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

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by mdf/GCFO

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.)

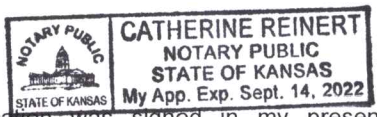
If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized 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 GARDEN CITY, Kansas, this 30th day of MARCH, 2022.

| | |
|----------------------|----------------|
| <u>X Robert Roth</u> | |
| (Owner) | (Spouse) |
| <u>Robert Roth</u> | |
| (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 30th day of MARCH, 2022.

My Commission Expires 9-14-22

Catherine Reinert
 Notary Public

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. 3884.

1. A change application was received on March 30, 2021 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 300 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, 2022**, 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, 2022**, or within any authorized extension of time. By March 1, 2023 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: MARCH 31, 2022

State of Kansas)

County of Stinson) SS

Acknowledged before me on March 31, 2022

by Michael A. Meyer

Signature: Julie Jones

My commission expires: _____
Notary Public



Kansas Water Wells inc.

Customer Name Robert Roth Date 3-24-22

Street Address Sherlock 5 mile Test# 1 E. Log NO

City/State Holcomb KS Driller Marshal

County Finney Quarter NE Section 21 Township 23 Range 33

GPS Format: 38.04481 N 100.93982 65' EAST, 63' NORTH of EXISTING WELL

Static Water Level 190 Proposed Well Depth 323' Rig# 874-1

Footage WELL LOCATION Hole Diameter 5"
20' sump

From Pay To Description Of Strata

| From | Pay | To | Description Of Strata |
|------|-----|-----|---|
| 0 | | 2 | Top Soil |
| 2 | | 55 | Brown Sandy clay |
| 55 | | 124 | tan/grey clay w/ fine sand streaks |
| 124 | | 126 | Fine cemented sand (hard) |
| 126 | | 137 | Sand fine to medium |
| 137 | | 175 | Grey clay w/ cemented sand streaks (hard) |
| 175 | | 194 | Fine to medium sand (loose) (used water) |
| 194 | | 196 | Cemented fine sand (hard) |
| 196 | 40 | 236 | Fine to med sand w/ small gravel (loose) |
| 236 | 9 | 245 | large sand / med gravel (very loose) |
| 245 | | 248 | Fine cemented sand (hard) |
| 248 | 4 | 252 | medium gravel |
| 252 | | 257 | Fine to medium sand w/ clay streaks (hard) |
| 257 | 9 | 266 | med to large gravel, white & tan rock (loose) |
| 266 | 11 | 277 | Fine sandy clay (hard) |
| 277 | | 286 | white clay / soap stone (soft) |
| 286 | 17 | 303 | Fine to medium sand / w/ couple clay streaks |
| 303 | 9 | 312 | white / tan sandy clay |

312 314 Shale
 Bags Of High Yield 6 Bags Of Hole Plug 2 Polymer no

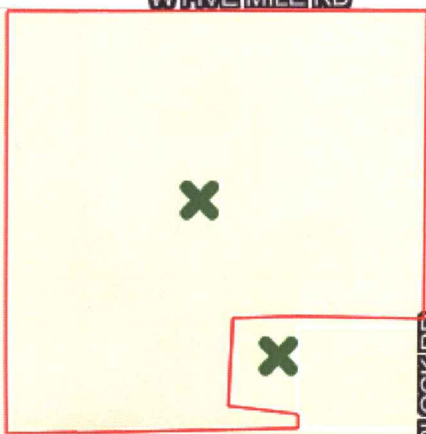
Seal Placement _____ Casing Size _____ Feet Of Perf. _____ From _____ To _____

Signature _____ License # 874

N
N Sherlock Rd

W FIVE MILE RD

N
N Sherlock Rd
N SHERLOCK RD



Parcel Summary (For [Full Report click here](#))

Add to Multi-Parcel Report

Parcel ID : 0282352100000001000

Owner Name : Klaus, Michael Leroy
McGee, Paula

Location : N Sherlock RD, Garden
City, KS 67846.

Boundary Desc : S21, T23, R33W, ACRES
34.74, NE4 NE4 EX TR
BEG SE COR NE4 NE4
TH N 312' TH W 419' TH
S 312' TH E 419' TO
POB LESS & EX TR BEG
996.7' S & 419' W NE
COR NE4 TH 203.3' W
TH 273.6' S TH 218.9' E
TH 269' N TO POB ALL
LESS RD/RW.

Owner Information

Owner : Klaus, Michael Leroy

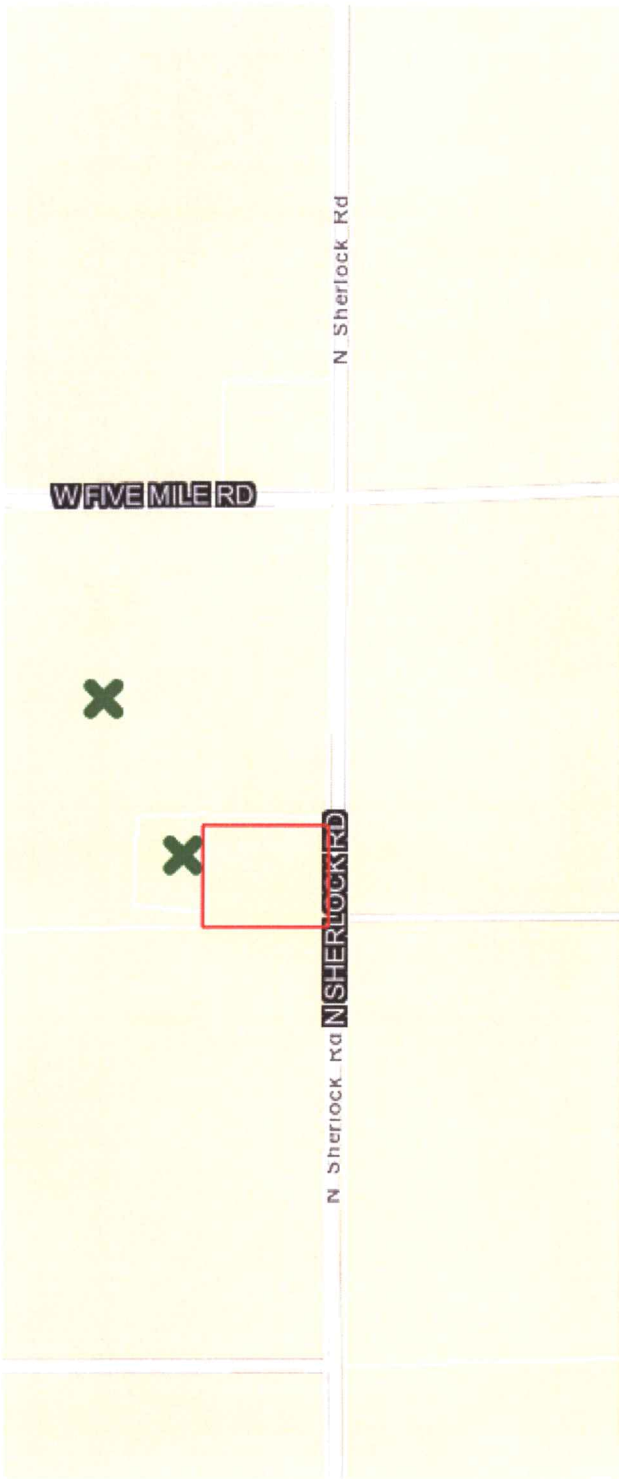
Mailing Address : 802 W Campbell ST
Garden City, KS 67846-
4132

Property Details

Zoom...

Full R...





Parcel Summary (For [Full Report click here](#))

[Add to Multi-Parcel Report](#)

Parcel ID : 0282352100000003000

Owner Name : THIELE, RONALD GENE

Location : 6385 N Sherlock RD,
Garden City, KS 67846.

Boundary Desc : S21, T23, R33W, ACRES
2.68, A TR BEG 30 W SE
COR NE4 NE4 TH N
307.2 TH W 388.1 TH S
300 TH E 382.5 TO POB.

Owner Information

Owner : THIELE, RONALD GENE

Mailing Address : 6385 N SHERLOCK RD
GARDEN CITY, KS
67846 7013


Property Details

Property Type : Residential

Property Status : Active

Zoom... Full R...



 **Add to Multi-Parcel Report**

Parcel ID : 0282352100000001010

Owner Name : PENICK, TABITHA & DUSTIN

Location : 6385 N Sherlock RD, Garden City, KS 67846.

Boundary Desc : S21, T23, R33W, ACRES 1.3, A TR NE4 NE4 BEG 996.7' S & 419' W NE COR NE4 TH 203.3' W TH 273.6' S TH 218.9' E TH 269' N TO POB LESS RD/RW.

Owner Information

Owner : PENICK, TABITHA & DUSTIN

Mailing Address : 6385 N Sherlock RD Garden City, KS 67846-7013

Property Details

Property Type : Residential

 Zoom...

 Full R...