

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 METER REQUIRED**



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. 35,141

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 11:05 am
 DEC 20 2017

Stafford 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: David D Essmiller
66 SW 30 Avenue, Great Bend, KS 67530-9707

Phone Number: (620)786-0349 Email address: _____

Name and address of Water Use Correspondent: David D Essmiller
66 SW 30 Avenue, Great Bend, KS 67530-9707

Phone Number: (620)786-0349 Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: David D Essmiller Revocable Inter Vivos Trust

ADDRESS: 66 SW 30 Avenue, Great Bend, KS 67530-9707

(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						
35	19S	14W																	39.5				39.5	79

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: David D Essmiller Revocable Inter Vivos Trust

ADDRESS: 66 SW 30 Avenue, Great Bend, KS 67530-9707

(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	
35	19S	14W									38.9	37.8	37.7	38.6	0.6	33.8	38.9	0.6	226.9

For Office Use Only: Code _____ Fee \$ _____ TR # _____ Receipt Date _____ Check # 6418

5. **Presently authorized point of diversion:**
 One in the -- Quarter of the NC Quarter of the SE Quarter
 of Section 35, Township 19 South, Range 14 (W),
 in Barton County, Kansas, 1,300 feet North 1,290 feet West of Southeast corner of section.
 Authorized Rate 1215 GPM Authorized Quantity 118 acre-feet Depth of well 90 (feet)
(DWR use only: Computer ID No. 2 GPS 1,290 feet North 1,354 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 NC Quarter of the SW Quarter
 of Section 35, Township 19 South, Range 14 (W),
 in Barton County, Kansas, 1,290 feet North 3,984 feet West of Southeast corner of section.
 Proposed Rate no change Proposed Quantity no change Proposed well depth (feet) 85-90.
 This point is: Additional Well Geo Center List other water rights that will use this point none.

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) Installing wipe pivot on better ground,
making a complete p/u overlap with 19251 and relocating the
existing well to be closer to the proposed wipe pivot.

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

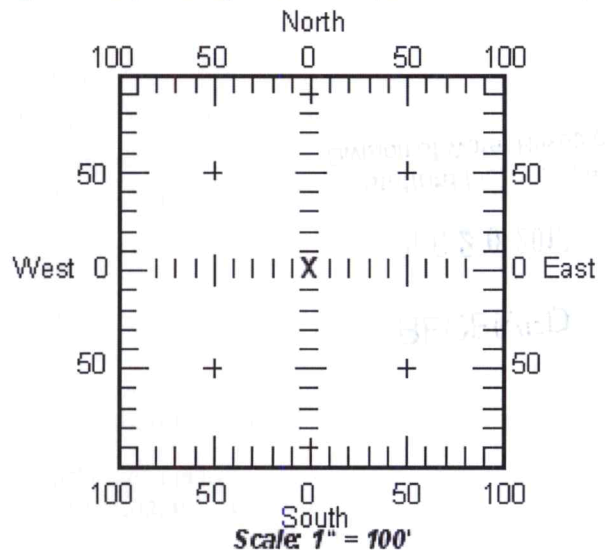
9. The change(s) (was)(will be) completed by?
as soon as possible

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

11. Groundwater Management District recommendation
 attached? Yes No

12. Assisted by CRC-Stafford Field Office

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.

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 Division of Water Resources

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 Stafford, Kansas, this 19th day of December, 2017.

David Essmiller
 (Owner)

David Essmiller
 (Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

Seanna Essmiller
 (Spouse)

Seanna Essmiller
 (Please Print)

(Spouse)

(Please Print)

(Spouse)

(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 19th day of December, 2017.



Jessica Engelbrecht
 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

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Stafford Field Office
 Division of Water Resources

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- (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.)
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Dated at Great Bend, Kansas, this 20th day of December, 2017.

	<u>Heanna Essmiller</u> (Spouse)
(Owner)	(Please Print)
	<u>Heanna Essmiller</u> (Please Print)
(Please Print)	(Spouse)
(Owner)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)

State of Kansas }
 County of Barton } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 20 day of December, 2017.

Constance L. Dunlap
Notary Public

My Commission Expires Oct 5, 2018.

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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**ADDITIONAL CONDITIONS TO SUMMARY ORDER APPROVING
APPLICATION FOR CHANGE AND IMPOSING CONDITIONS**

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which Water Right, File No. 35,141 shall be subject to the following conditions:

- 10a. The completed well authorized by this change application will meet minimum spacing requirements to all nearby wells. Specifically, the completed well will maintain at least 1320' spacing to the well authorized by Water Right, File No. 19,251.
- 10b. The completed well will be no more than 2640' from the well previously authorized by Water Right, File No. 35,141.

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Application to Change the Point of Diversion & Place of Use for 35,141

Nearby Well Owners List (within ½ mile of proposed well)

#1) Water Right, File No. 19251-owned by applicant

#2) domestic well

Brinning Land LLC
Robert Brinning
215 S Monarch ST #203
Aspen, CO 81611-2916

#3) domestic well

Derek K & Christina M Genova
9047 6th ST, Great Bend, KS 67530

#4) Larry L & Mary Sloan

PO Box 70
Albert, KS 67511

#5) Water Right, File No. 28434

Brinning Land LLC
Robert Brinning
215 S Monarch ST #203
Aspen, CO 81611-2916

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Station: Fort Collins
Division of Water Resources