

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.

RECEIVED
 10:00am
 MAR 12 2018

File No. 47896

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: Daniel Andrew

4605 S. Ridge Road, Sedgwick, KS 67135

Phone Number: (316) 283-1776

Email address: _____

Name and address of Water Use Correspondent: Daniel & Barbara Andrew

4605 S. Ridge Road, Sedgwick, KS 67135

Phone Number: (316) 283-1776

Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: Daniel & Barbara Andrew

ADDRESS: 4605 S. Ridge Road, Sedgwick, KS 67135

(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		
	04	24S	1W																	52

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: Daniel & Barbara Andrew

ADDRESS: 4605 S. Ridge Road, Sedgwick, KS 67135

(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		
	04	24S	1W																	57

For Office Use Only: Code _____ Fee \$ 200 TR # _____ Receipt Date _____ Check # 1709

5. **Presently authorized point of diversion:** Geo-Center of battery of 3 wells

One in the NW Quarter of the SE Quarter of the SE Quarter of Section 04, Township 24 South, Range 1W (E/W), in Harvey County, Kansas, 900 feet North 1150 feet West of Southeast corner of section. Authorized Rate 800 GPM Authorized Quantity 67.6 AF Depth of well _____ (feet)

(DWR use only: Computer ID No. _____ GPS 906 feet North 889 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 SE Quarter of the SE Quarter of Section 04, Township 24 South, Range 1W (E/W), in Harvey County, Kansas, 906 feet North 889 895* feet West of Southeast corner of section. Proposed Rate 800 GPM Proposed Quantity 67.6 AF 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 _____ 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:

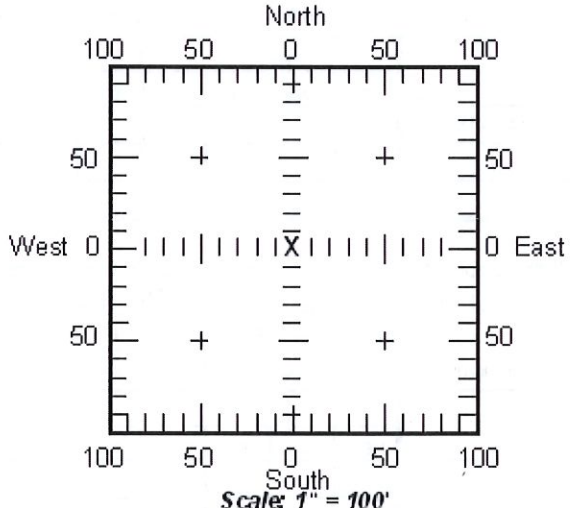
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)

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) Changing place of use to authorize place of use as actually being irrigated and include possible future irrigation area

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.)



8. If a well, is the test hole log attached? Yes No
9. The change(s) (was)(will be) completed by? Upon approval of this change application
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 T. Boese, GMD2

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.

+ TJS-SFFO

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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. 47,896.

1. A change application was received on 3/12/2018 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 _____ 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, 2018 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 _____)
County of _____) SS

Acknowledged before me on _____
by _____

Signature: _____
Notary Public

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MPR-122 (Revised 07/10/2017)

My commission expires: _____
(Notary Seal)
File No. 47896

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 Sedgwick, Kansas, this 26th day of Feb, 2018.

[Signature]

 (Owner)
 Daniel Andrew

 (Please Print)

 (Owner)

 (Please Print)

 (Owner)

 (Please Print)

[Signature]

 (Spouse)
 Barbara Andrew

 (Please Print)

 (Spouse)

 (Please Print)

 (Spouse)

 (Please Print)

State of Kansas }
 County of Harvey } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 26th day of Feb, 2018.

My Commission Expires Aug 31 2021 [Signature] Notary Public

 AMY WARD
 NOTARY PUBLIC
 STATE OF KANSAS
 My Appt. Exp. 8/31/21

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

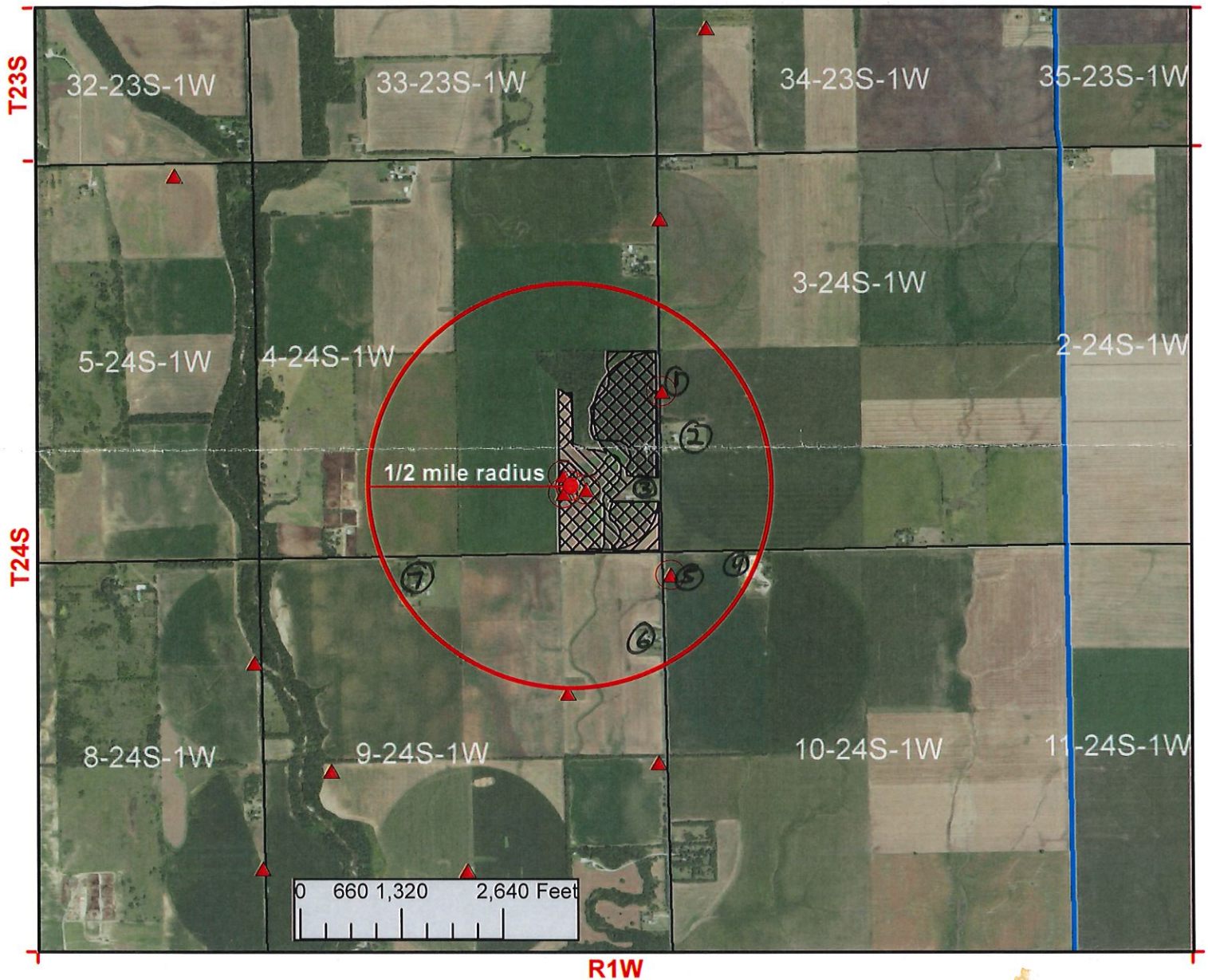
Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: **Make checks payable to: Kansas Department of Agriculture**

- (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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DWR 1-121 (Revised 07/10/2017)
 MAR 12 2018

Change in Place of Use Application Map No 47896



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

[Handwritten Signature]

Signature

26 Feb 2018

Date

N



- New Application
- Application No. 47896 To Change:
 - Point of Diversion
 - Place of Use
 - Use Made of Water

- Permit no 47896 Point of Diversion
- Existing Points of Diversion
- Proposed Place of Use
- Authorized Place of Use

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See attached for well owners within 1/2 mile

Completed By GMD2 Staff
S. Flaherty - 1/15/2018

Water Wells Within ½ Mile

1. Irrigation Well – Water Permit No. 47110
Margie K. Busenitz
5095 S. Woodlawn Rd.
Newton, KS 67114
2. Domestic Well
Christopher Hahn
4426 S. Ridge Rd.
Sedgwick, KS 67135
3. Domestic Well
Daniel P. & Barbara Andrew
4605 S. Ridge Rd.
Sedgwick, KS 67135
4. Domestic Well
John D. & Margaret Schmidt
613 Fern St.
Sedgwick, KS 67135
5. Irrigation Well – Water Right No. 41475
John D. & Margaret Schmidt
613 Fern St.
Sedgwick, KS 67135
6. Domestic Well
Rodney D. & Glenda Smith
5015 S. Ridge Rd.
Sedgwick, KS 67135
7. Domestic Well
Quintin S. Taylor
c/o Shawn Taylor
1505 W. 7th St.
Newton, KS 67114

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MAR 05 2018

Stafford Field Office
Division of Water Resources

**ADDITIONAL CONDITION 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 the authorized location of the point(s) of diversion currently described as:

A battery of three (3) wells with a geographic center located in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 4, more particularly described as being near a point 900 feet North and 1,150 feet West of the Southeast Corner of said section, Township 24 South, Range 1 West, Harvey County, Kansas.

has been found to be more accurately located and will be hereafter described as:

one (1) well located in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 04, more particularly described as being near a point 906 feet North and ^{895*}~~889~~ feet West of the Southeast Corner of said section, Township 24 South, Range 1 West, Harvey County, Kansas.

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*TJS-SFFO

DWR 1-121-3 (Rev. 01/23/2008)

Stafford Field Office
Division of Water Resources

File No. 47896

9 Mar 2018

Ref: File no. 47896

Elizabeth,

Per our conversation this morning, 9 Mar 2018.
Attached is the letter referencing a "battery"
of wells. As discussed there is and never
was, nor was there intended, to be a battery
of wells. There is only one well as clearly
visible on a satellite view. The bottom half
of the attached is correct.

Thank you for your time and patience with me.

Dan Andrew
Sedgwick, Ks


9 Mar 2018

P.S. Enclosed please find the requisite ransom.

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MAR 12 2018

Stafford Field Office
Division of Water Resources