

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

1. File Number: 49644	2. Status Change Date:	3. Change Num: 1	4. Field Office: 02	5. GMD:
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: 6/29/18
8a. Applicant(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		8c. Landowner(s) New to system <input type="checkbox"/>
8b. Landowner(s) New to system <input type="checkbox"/>		Person ID 65008 Add Seq# 1		8d. WUC New to system <input type="checkbox"/>
NAME CHANGE JACK E & DIANE M LIVING TRUST 11716 SW 80TH ST SPIVEY KS 67142		DAN THIMESCH 11716 SW 60TH ST SPIVEY KS 67142		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/18 <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter				
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: 7/17/18 Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 7/13/18				By: TJS
Date Entered:				By:

File No. **49644** 11. County: **KINGMAN** Basin: **Chikaskia River** Stream: --- Formation Code: **100** Special Use: ---

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

CHK 85337 1 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				
DEL	68544				3																				
MOD	67780	8	29S	9W	1					39		40	40									119	8b.	Yes	49842

Base Acres: Year: **Permit** Minimum Reasonable Quantity: **1.15 AF/acre**

Comments:

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
STAFFORD FIELD OFFICE
300 S. MAIN STREET
STAFFORD, KS 67578-1521



PHONE: (620) 234-5311
FAX: (620) 234-6900
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE MCCLASKEY, SECRETARY OF AGRICULTURE

July 17, 2018

Dan Thimesch
11716 SW 80th St
Spivey KS 67142

Re: Water Right, File No(s). 49644

Dear Water Right Owner:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number(s).

Your attention is directed to the enclosures and to the terms, conditions and limitations specified in this approval for change. An acceptable water flow meter must be installed on your well before any water is applied as authorized under this change approval. A copy of the approved list of Certified Water Flowmeters as well as the regulations regarding the installation of flowmeters, measurement tubes and check valves can be found at <http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-flowmeters>. If you do not have access to the internet, please contact this office and we will send you a paper copy of the referenced information.

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

Should you have any questions, please feel free to contact this office. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,


Jeff Lanterman
Water Commissioner

Enclosures
pc: Water Rights Section

CERTIFICATE OF SERVICE

On this **17th** day of **July, 2018**, I hereby certify that the attached Change in Place of Use for Water Right, File No. **49644**, dated **July 17, 2018** was mailed via Certified U.S. mail to the following:

Dan Thimesch
11716 SW 80th St
Spivey KS 67142


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

WATER METER REQUIRED

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
 4:00pm
 JUN 29 2018

File No. 49644

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: Dan Thimesch

11716 SW 80th St, Spivey KS 67142

Phone Number: (620)388-3582 Email address: _____

Name and address of Water Use Correspondent: Dan Thimesch

11716 SW 80th St, Spivey KS 67142

Phone Number: (620)388-3582 Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: A.) Jack E & Diane M Living Trust // B.) Judy Kinsler

ADDRESS: A.) 11716 SW 80th St, Spivey KS 67142 // B.) 2746 NW 30 St, Kingman KS 67068

(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		
A.) 8	29S	9W					39				39									78
B.) 8	29S	9W		39	39														78	
																Total: 156				

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: Jack E & Diane M Living Trust

ADDRESS: 11716 SW 80th St, Spivey KS 67142

(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		
8	29S	9W					39			40	40									119

For Office Use Only: Code _____ Fee \$ 200 -TR # _____ Receipt Date _____ Check # 791

5. **Presently authorized point of diversion:**
 One in the SE Quarter of the NE Quarter of the NW Quarter of Section 8, Township 29 South, Range 9 W, in Kingman County, Kansas, 4000 feet North 2650 feet West of Southeast corner of section. Authorized Rate 50 GPM Authorized Quantity 15 AF Depth of well _____ (feet)
(DWR use only: Computer ID No. 1 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 _____ (EW), 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 None

6. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (EW), 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 _____ (EW), 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) Correcting acreage to correspond with changes to the irrigation system

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

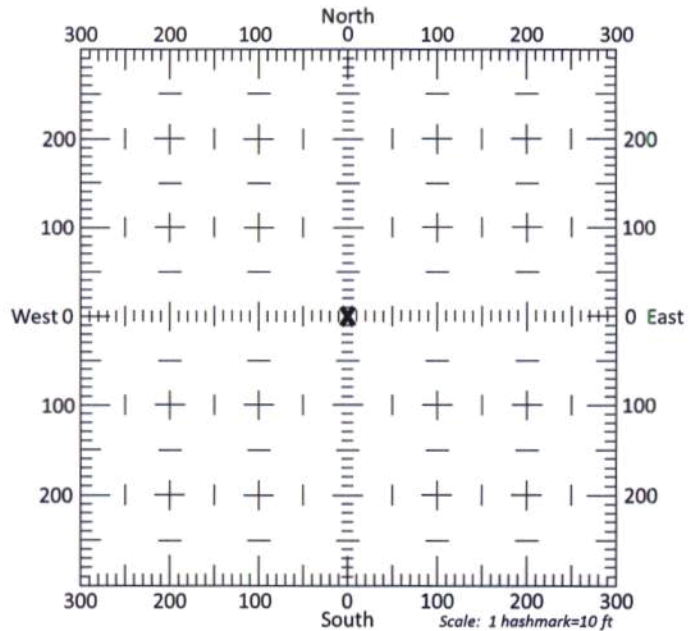
9. The change(s) (was)(will be) completed by?
Upon approval

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 TJS - SFFO

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 _____, Kansas, this _____ day of _____, 20_____.

<p><u>Jack Thimesch</u> (Owner)</p> <p>_____ (Spouse)</p>	<p>_____ (Spouse)</p>
<p><u>Jack Thimesch</u> (Please Print)</p> <p>_____ (Please Print)</p>	<p>_____ (Please Print)</p>
<p>_____ (Owner)</p> <p>_____ (Spouse)</p>	<p>_____ (Spouse)</p>
<p>_____ (Please Print)</p> <p>_____ (Please Print)</p>	<p>_____ (Please Print)</p>
<p>_____ (Owner)</p> <p>_____ (Spouse)</p>	<p>_____ (Spouse)</p>
<p>_____ (Please Print)</p> <p>_____ (Please Print)</p>	<p>_____ (Please Print)</p>

State of Kansas }
 County of Kingman } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 29th day of June, 2018.

Kathleen Albers
 Notary Public

My Commission Expires 3-9-22

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

JUL 13 2018

Stafford Field Office
 Division of Water Resources

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 Kingman, Kansas, this 5th day of June, 2018.

<u>Judy Kinsler</u> (Owner)	<u>Ross Kinsler</u> (Spouse)
<u>Judy Kinsler</u> (Please Print)	<u>Ross Kinsler</u> (Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)

State of Kansas }
 County of Kingman } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 5th day of June, 2018.

LORI MERTENS
 Notary Public - State of Kansas
 My Appt. Expires 11/28/2021

Lori Mertens
 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

RECEIVED
 JUN 29 2018

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. 49644.

1. A change application was received on 6/29/2018 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 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, 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
8. **Installation of the works for diversion of water shall be completed on or before December 31, 20____**, or within any authorized extension of time. By March 1, 20____ 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

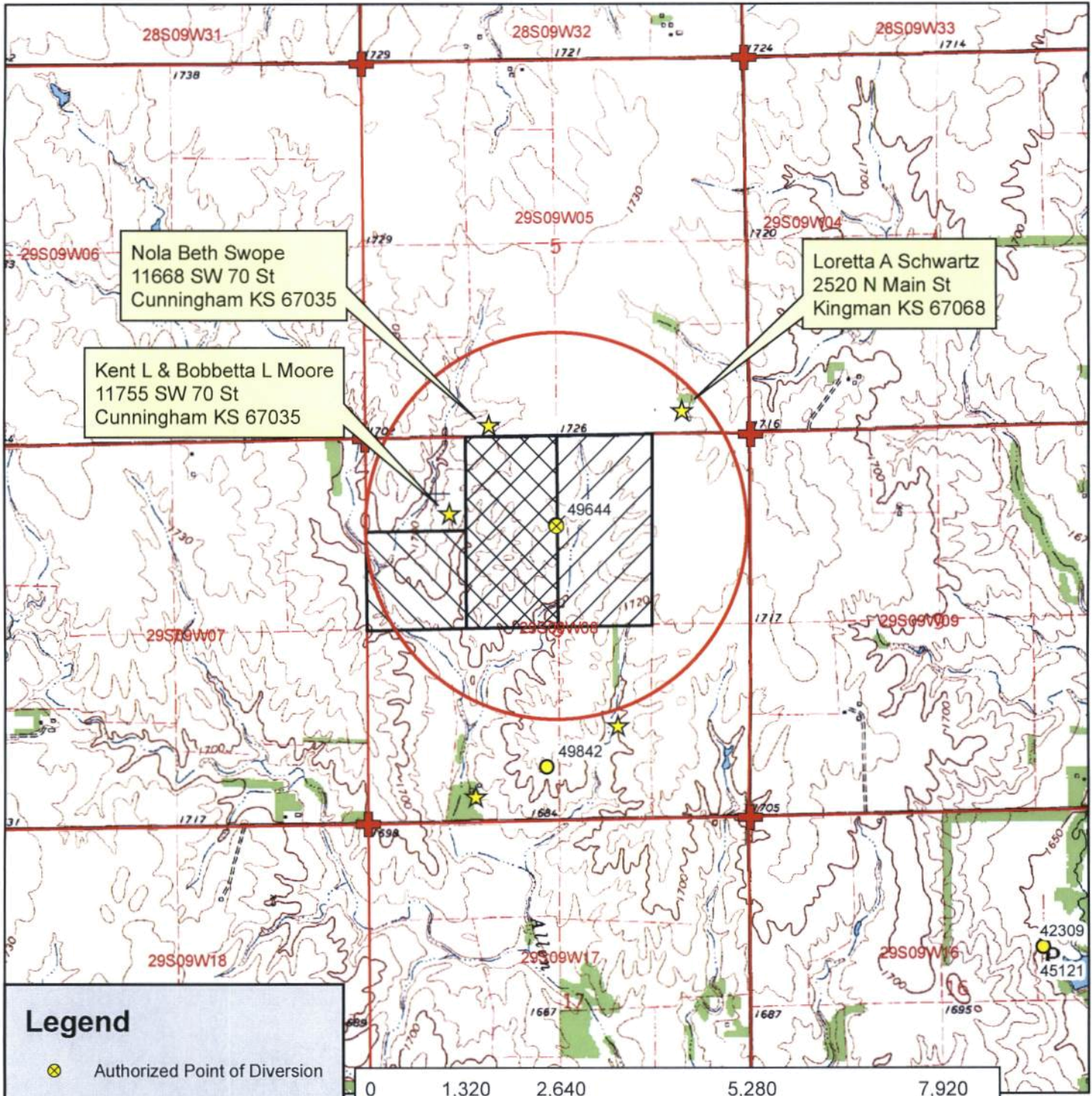
By: Cameron R. Conrad
Duly Authorized Designee of the Chief Engineer
(Print Name): Cameron R. Conrad
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: 7/17/18
State of Kansas)
County of Stafford) SS

Acknowledged before me on 7/17/2018
by Cameron Conrad
Signature: Jessica Engelbrecht

My commission expires _____


RECEIVED
JUN 29 2018



Legend

- ⊗ Authorized Point of Diversion
- Water Appropriations
- 1/2 Mile Buffer
- ★ Domestic Well
- Section Line
- ⊕ Section Corner
- Place of Use**
- ▨ Authorized
- ▩ Proposed



Water Appropriation, File No. 49,644
 Change in Place of Use, Application Map
 8-29S-9W // Kingman County

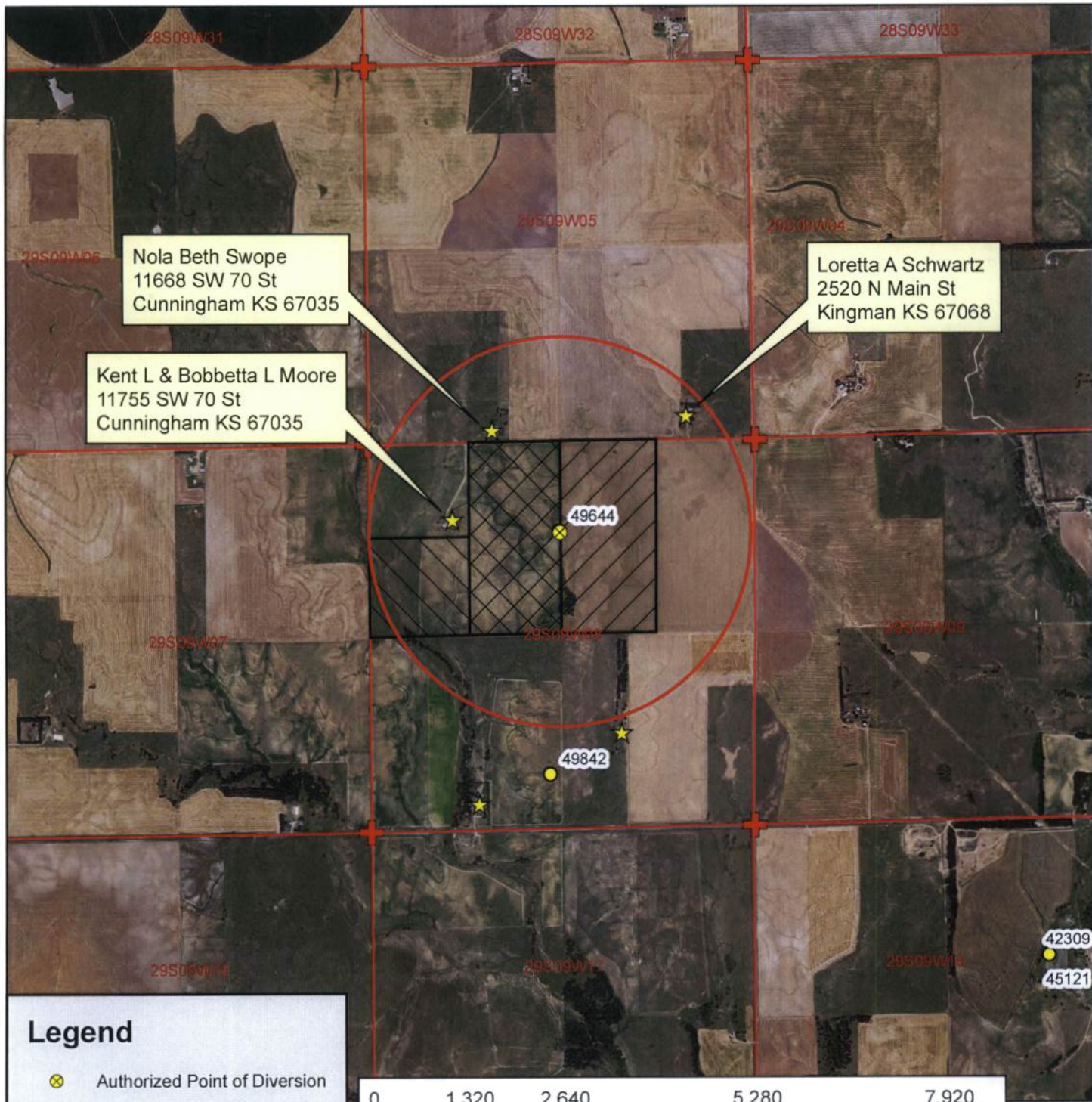


To the best of my knowledge, all water wells including domestic, within 1/2 mile of the authorized point of diversion have been shown.

RECEIVED
 JUN 29 2018

[Handwritten Signature] 6-28-18

Stafford Field Office
 Division of Water Resources



Legend

- ⊗ Authorized Point of Diversion
- Water Appropriations
- 1/2 Mile Buffer
- ★ Domestic Well
- Section Line
- ⊕ Section Corner

Place of Use

- ▨ Authorized
- ▩ Proposed



Water Appropriation, File No. 49,644

Change in Place of Use, Aerial Map
8-29S-9W // Kingman County



RECEIVED

JUN 29 2018

Stafford Field Office



KANSAS DEPARTMENT OF AGRICULTURE

Division of Water Resources

Stafford Field Office

MEMORANDUM

TO: File

DATE: 7/13/2018

FROM: Tyler Saryerwinnie

RE: File Nos. 49644 & 49842

This is a memorandum regarding surrounding well owner notification on irrigation field office PU changes and pertains to decisions made during the Water Commissioner meeting which took place on 11/16/2016. With directive from Lane Letourneau Program Manager.

This is applicable to field office changes to increase the place of use by 10 acres or 10% (whichever is less) or a change in place of use to create a complete overlap in which no new acres are being irrigated.

During that meeting it was determined that no surrounding well owner notification will be sent under this type of Place of Use change. All well rates and quantities will remain unchanged and the referenced change will not cause impairment or impact surrounding well owners.

The change in place of use applications filed on 6/29/2018 for the above referenced files meet this criteria and surrounding well owners will not be notified.

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
STAFFORD FIELD OFFICE
300 S. MAIN STREET
STAFFORD, KS 67578-1521



PHONE: (620) 234-5311
FAX: (620) 234-6900
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

April 27, 2018

Dan Thimesch
11716 SW 80th St
Spivey KS 67142

RE: Water Appropriation, File No(s). 49,644 & 49,842

Dear Mr. Thimesch,

You will find enclosed with this letter an application for approval to change the place of use under Water Right, File No(s). 49,644 & 49,842. The acres involved are located in Section 8 - Township 29 South - Range 9 West in Kingman County. These applications were completed based on a recent office visit with Elizabeth Fitch, where the plan is to remove the acreage authorized in the Northeast Quarter and add acreage in the Northwest Quarter, while still maintaining the complete overlap in place of use for these files.

Please review the applications and associated maps carefully and make any corrections as needed. Once you are satisfied everything is correct, an authorized representative of all owners of record (and spouse, if applicable) must sign the applications and have their signature notarized. In addition, all domestic wells within one-half mile of the authorized well locations need to be noted on the map. If there are any wells not shown, please add them and then sign the map.

The filling fees for the enclosed applications are \$200 per application for a total of \$400. Please return the signed applications to the Stafford Field Office and include a check made payable to the Kansas Department of Agriculture for the total amount. If I can be of any further assistance, or if you have any questions regarding the enclosed applications, please give me a call at (620)234-5311.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Saryerwinnie".

Tyler Saryerwinnie
Environmental Scientist
tyler.saryerwinnie@ks.gov

Enclosures Two (2) Change Applications