

File No. **BT 19** 11. County: **BARTON** Basin: **Walnut Creek** Stream: **---** Formation Code: **113** Special Use: **None**

12. Points of Diversion										Rate and Quantity							
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm/cfs	Quantity af/mgy	Additional Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
CHK	12327								4								32527

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										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID		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	17227	26	19S	14W	1									20	20			40	40	34	39					193	8b.	No	32528

Base Acres: **167** Year: **Vested** Minimum Reasonable Quantity: **1.18 AF/acre**

Comments:

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.

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 1:40pm
 FEB 19 2018

File No. BT-019

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: Robert H Essmiller
380 W Barton County RD, Great Bend, KS 67530

Phone Number: (620)793-7204 Email address: --

Name and address of Water Use Correspondent: Robert H Essmiller
380 W Barton County RD, Great Bend, KS 67530

Phone Number: (620)793-7204 Email address: --

3. The presently authorized place of use is:
 Owner of Land ---- NAME: *Robert H Essmiller ****City of Great Bend**
 ADDRESS: *380 W Barton County RD, Great Bend, KS 67530 ****PO Box 1168, Great Bend, KS 67530**
 (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	
*26	19S	14W			20	4.32					40	40	34	39					177.32
**26	19S	14W				15.68													15.68
																			(193 total)

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: Robert H Essmiller
 ADDRESS: 380 W Barton County RD, Great Bend, KS 67530
 (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	
26	19S	14W					20	20			40	40	34	39					193

For Office Use Only: Code _____ Fee \$ 200 - TR # _____ Receipt Date _____ Check # 5458

5. **Presently authorized point of diversion:**
 One in the SE Quarter of the NW Quarter of the SW Quarter of Section 26, Township 19 South, Range 14 (W), in Barton County, Kansas, 1,910 feet North 4,340 feet West of Southeast corner of section. Authorized Rate 1200 GPM Authorized Quantity 160 acre-feet Depth of well 73 (feet)
(DWR use only: Computer ID No. 4 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 32,527

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 _____

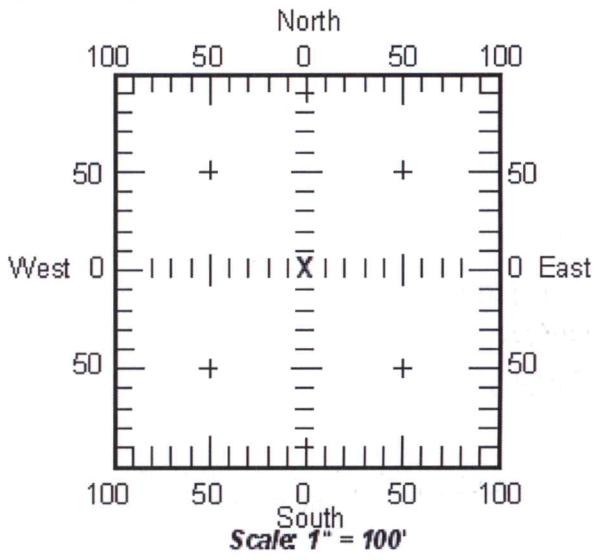
7. The changes herein are desired for the following reasons?
 (please be specific) move 40 acres to allow the proposed pivot under 16718 & 32527 to operate in a full circle w/out creating an incomplete overlap-also remove Great Bend ownership by removing land they own

8. If a well, is the test hole log attached? Yes No
9. The change(s) (was)(will be) completed by?
before 2018 irr season & when ownership changes are concluded
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
n/a
 (b) When will this be done? n/a

11. Groundwater Management District recommendation attached? Yes No 3/1/2018 TJS-SFFO

12. Assisted by CRC-SFFO

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.)



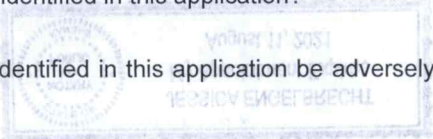
13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and 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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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 Great Bend, Kansas, this 13 day of February, 2018.

Robert H. Essmiller
(Owner)

Evelyn M. Essmiller
(Spouse)

Robert H. Essmiller
(Please Print)

Evelyn M. Essmiller
(Please Print)

(Owner)

(Spouse)

(Please Print)

(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 13 day of February, 2018.

My Commission Expires 7/12/2021

Ledgie D. Burgard
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

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FEB 19 2018

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.)
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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><i>[Signature]</i> _____ (Owner)</p> <p><i>Robert G. Sue Her Great Bend City Attorney</i> _____ (Please Print)</p> <p>_____ (Owner)</p> <p>_____ (Please Print)</p> <p>_____ (Owner)</p> <p>_____ (Please Print)</p>	<p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p>
---	---

State of Kansas)
 County of _____) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 9th day of January, 2018



Julie Urban

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

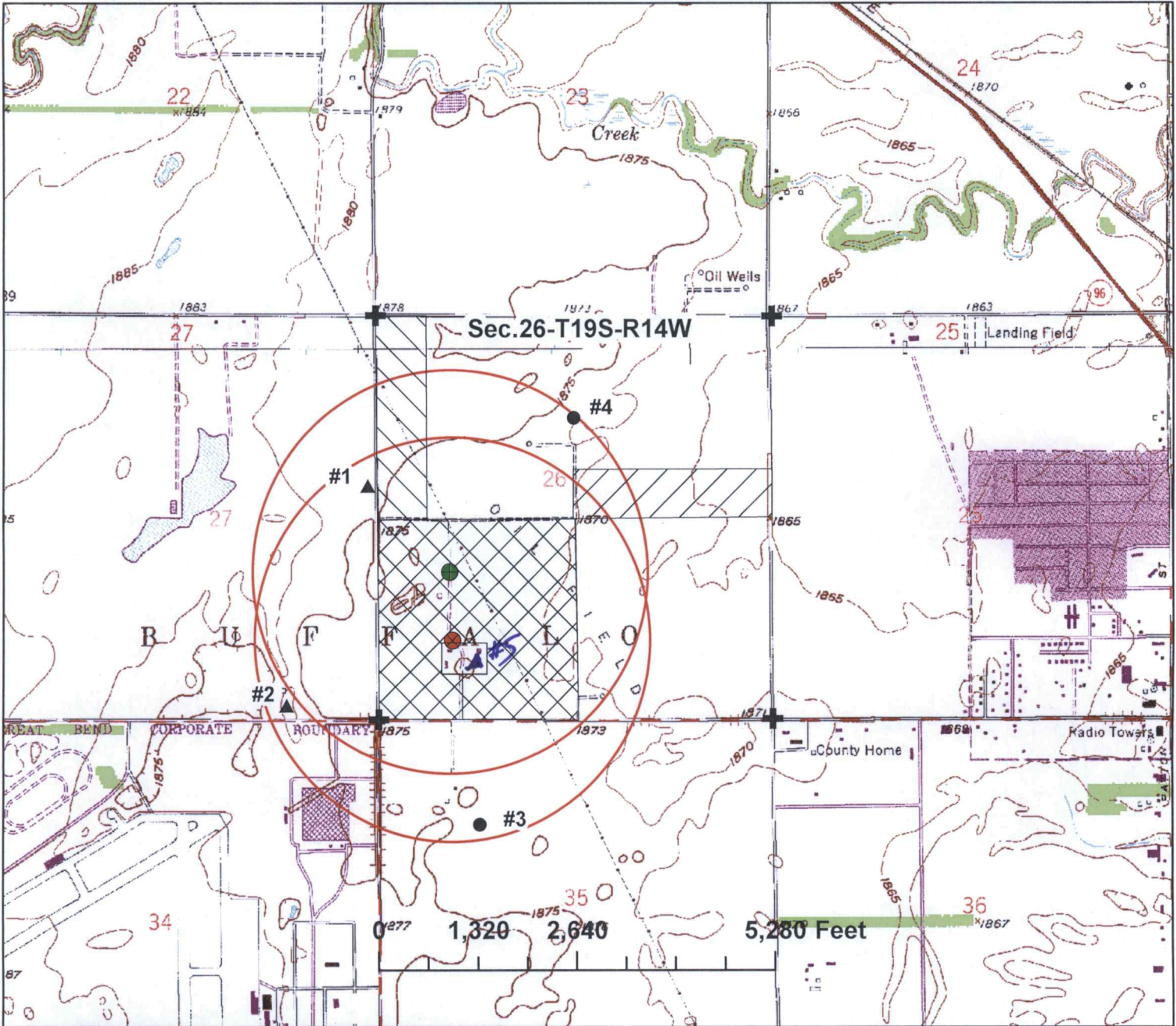
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- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200

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P/U Change Application Map, File No. BT-019 & 32,528
Sec.26-T19S-R14W in Barton County



- BT-19 & 32,527 located 1,910' N & 4,340' W
- ⊗ 32,528 located 1,025' N & 4,290' W
- nearby permitted wells ▲ nearby domestic wells
- currently authorized place of use covering 193 acres
- proposed place of use covering 193 acres
- + section corners 1/2 mile circles around auth p/d's

SEE ATTACHED LIST FOR NEARBY WELL OWNERS



By signing below I agree that all wells, including domestic, within 1/2 mile of the point of diversion have been shown on the map.

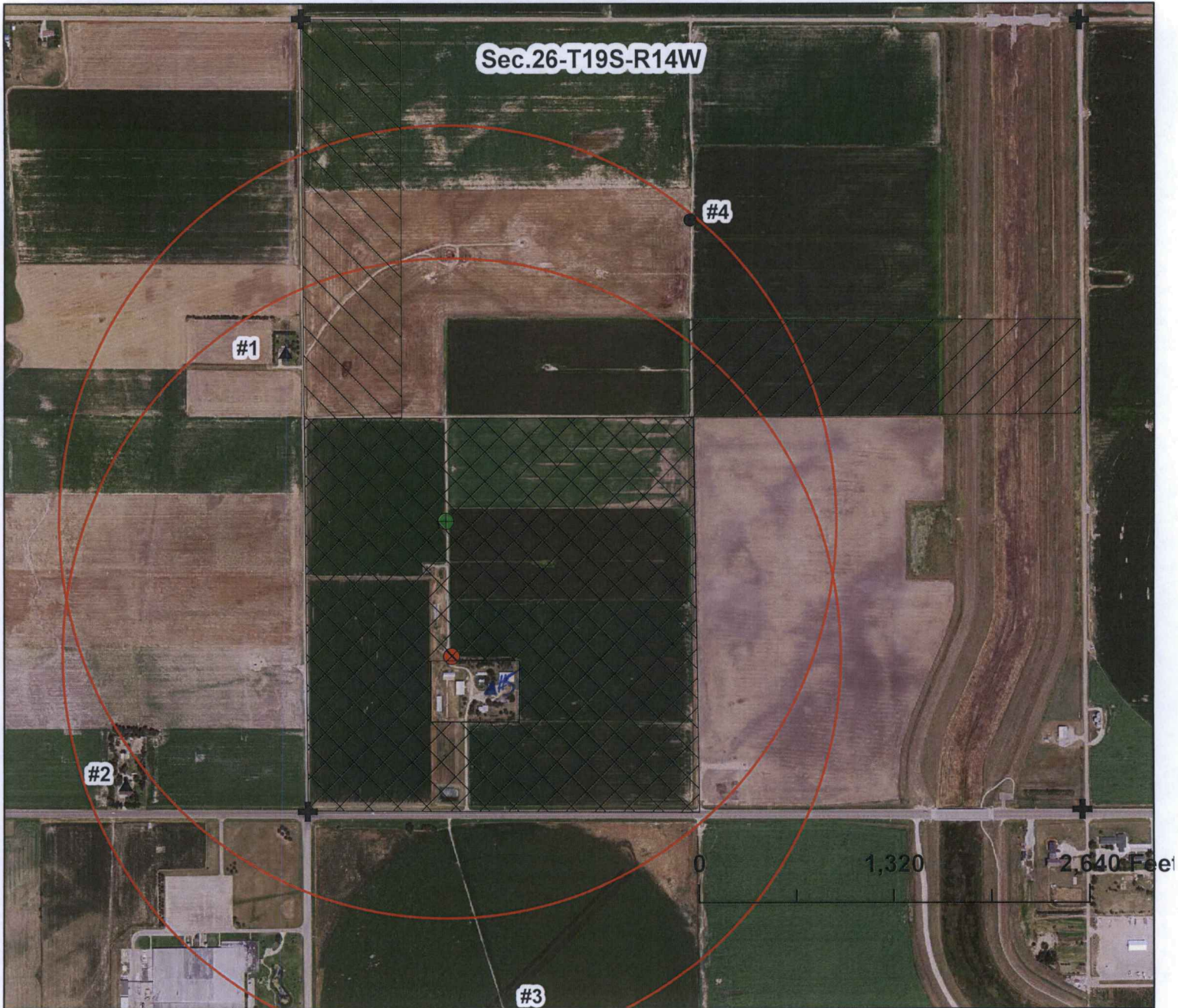
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Robert H. Connelly 1-9-18

FEB 19 2018

1 inch = 2,000 feet

P/U Change Application Map, File No. BT-019 & 32,528
Sec.26-T19S-R14W in Barton County



- BT-19 & 32,527 located 1,910' N & 4,340' W
- ⊗ 32,528 located 1,025' N & 4,290' W
- nearby permitted wells ▲ nearby domestic wells
- currently authorized place of use covering 193 acres
- proposed place of use covering 193 acres
- + section corners 1/2 mile circles around auth p/d's

SEE ATTACHED LIST FOR
NEARBY WELL OWNERS



By signing below I agree that all wells, including domestic, within 1/2 mile of the point of diversion have been shown on the map.

RECEIVED

Robert W Esomilly
signature

1-9-18
date

FEB 19 2018

Stafford Field Office
Division of Water Resources

1 inch = 1,000 feet

scale 1:12,000

map created on 1/9/18

CHANGE APPLICATION FOR FILE NOS. BT-019 & 32528

NEARBY WELL OWNER LIST
(see application map for locations)

#1 domestic well
Samuel R & Ashley R Trahan
57 NW 40 Avenue
Great Bend, KS 67530

#2 domestic well
Luis Hernandez Zalazar
424 W Barton County RD
Great Bend, KS 67530

#3 Water Right, File No. 28434
Brinning Land LLC
Robert D Brinning
215 S Monarch ST #203
Aspen, CO 81611-2916

#4 Water Right, File No. 16718
David D Essmiller
66 SW 30th Avenue
Great Bend, KS 67530

#5 *Domestic
owned by applicant*

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Stafford Office
Division of Water Resources



Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521

Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

Governor Jeff Colyer, M.D.

March 12, 2018

David D Esmiller
66 SW 30 Ave
Great Bend KS 67530-9707

Re: Vested Right, File No(s). BT-19

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,

A handwritten signature in black ink, appearing to read "Jeff Lanterman".

Jeff Lanterman
Water Commissioner

Enclosures

pc: Water Rights Section
Groundwater Management District No.5

CERTIFICATE OF SERVICE

On this **March** day of **12, 2018**, I hereby certify that the attached Change in Place of Use for Vested Right, File No. **BT-019**, dated **March 9, 2018** was mailed via Certified U.S. mail to the following:

David D Esmiller
66 SW 30 Ave
Great Bend KS 67530-9707

A copy of the letter was sent to the following:

GMD 5



Staff



KANSAS DEPARTMENT OF AGRICULTURE

Division of Water Resources

Stafford Field Office

MEMORANDUM

TO: File

DATE: 2/23/2018

FROM: Tyler Saryerwinnie

RE: File No. BT19 & 32528

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 2/19/2018 for the above referenced files meet this criteria and surrounding well owners will not be notified.

Saryerwinnie, Tyler [KDA]

From: Saryerwinnie, Tyler [KDA]
Sent: Tuesday, February 27, 2018 9:59 AM
To: Orrin Feril (oferil@gmd5.org)
Cc: Conant, Cameron [KDA]
Subject: GMD Recommendation Request - File Nos. BT19 & 32528
Attachments: BT19.32528.Cover Letter.pdf; BT019.Change App.pdf; 32528.Change App.pdf; BT19.32527.32528.base review.pdf

Orrin,

I have attached a cover letter and copies of two (2) change applications for GMD recommendation. I have also included a copy of the base acre review for each file. Please provide the GMD recommendation by no later than March 19, 2018.

Please let me know if you are needing anything else, or have any questions.

Thank you,

Tyler

Tyler Saryerwinnie, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
Stafford Field Office
Phone: (620)234-5311



1320 Research Park Drive
Manhattan, Kansas 66502
785-564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
785-296-3556

Secretary Jackie McClaskey

Governor Jeff Colyer, M.D.

February 27, 2018

Orrin Feril
Big Bend – GMD No. 5
125 S Main St.
Stafford, KS 67578

RE: Place of Use Change Application, File No. BT 19 & 32,528

Dear Mr. Feril,

We are enclosing a copy of the application, as referenced above, for your review and recommendation. At this time the application appears to be in proper form.

This office will delay any further action on this file for a period of 15 business days from the date of this letter to allow you time to submit your recommendation concerning the application. Please submit your recommendation within the allotted time, or any authorized extension of time thereof.

If you have any questions, please feel free to contact the office.

Sincerely,

Tyler Saryerwinnie
Environmental Scientist
Stafford Field Office
tyler.saryerwinnie@ks.gov

Enclosure

Saryerwinnie, Tyler [KDA]

From: Orrin Feril <oferil@gmd5.org>
Sent: Thursday, March 01, 2018 4:03 PM
To: Saryerwinnie, Tyler [KDA]
Subject: Application for Change, Water Right, File No. BT019, 16718, 32527, 32528
Attachments: BT019 16718 32527 32528 2018-03-01 Rec.pdf

Tyler,

I'm attaching the recommendation requested by your office in a letter dated February 27, 2018. Please let me know if you have any questions.

Thank you for your consideration in this matter,

Orrin

--

Orrin Feril

Manager
Big Bend GMD#5
Email: oferil@gmd5.org
Phone: (620) 234-5352
Mobile: (620) 388-0172
Fax: (620) 234-5718
www.gmd5.org

Darrell Wood - Edwards (Pres.)
Fred Grunder - Pratt (V Pres.)
John Janssen - Kiowa (Treas.)
Jerry Cullop - Rice (Sec.)
Justin Gatz - Reno
Kent Lamb - Stafford
Phil Martin - Barton
Kerry Froetschner - Pawnee
Tom Taylor - At-Large



Orrin Feril, Manager
125 South Main Street
Stafford, Kansas 67578
ph: (620) 234-5352
fx: (620) 234-5718
gmd5@gmd5.org
www.gmd5.org

March 1, 2018

Tyler Saryerwinnie
Division of Water Resources
Kansas Department of Agriculture
300 S Main St
Stafford, KS 67578

RE: Vested File No. BT019
Water Right File Nos. 32527, 32528
Change in the Place of Use
Water Right File No. 16718
Change in Point of Diversion and Place of Use

Dear Mr. Saryerwinnie,

Big Bend Groundwater Management District #5 has reviewed the above referenced applications to change the place of use and point of diversion. It is the understanding of the District that these changes are intended to clean up the ownership of the places of use and allow for a more efficient application of water through center pivot irrigation in the N2 of Section 26. The applications appear to be consistent with 5-25-20(b) and are recommended for approval.

The applications to change are subject to the District's well equipment regulation K.A.R. 5-25-5 for a required flow meter.

Please feel free to give me a call if you have any questions.

Sincerely,

Orrin Feril
Manager

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MAR 01 2018

Stafford Field Office
Division of Water Resources

Book: 620 Page: 1187

Receipt #: 143958

Total Fees: \$38.00

Pages Recorded: 2

Date Recorded: 2/8/2018 11:00:46 AM

Entered in Transfer Record in my office this

9th day of February, A.D., 2018
Deanna Zimmerman
County Clerk
by Bev Schneider, Assr. Deputy

TRUSTEES' DEED

This indenture made this 1st day of February, 2018, by and between David D. Essmiller and Deanna Essmiller, Trustees of the Revocable Inter Vivos Trust of David D. Essmiller dated October 5, 2011, Grantors, and Robert H. Essmiller and Evelyn M. Essmiller, husband and wife, as joint tenants with the right of survivorship and not as tenants in common, Grantees,

The Grantors, by virtue of the terms and provisions of said trust instrument, in consideration of the exchange of real estate, and for valuable but non-monetary consideration, do hereby grant, sell and convey to Grantees, the following described real estate in Barton County, Kansas:

The West 825 feet of the Northwest Quarter (NW/4) of Section Twenty-six (26), Township Nineteen (19) South, Range Fourteen (14) West, Barton County, Kansas, containing 50 acres more or less,

Except and subject to: leases, easements, covenants and restrictions of record and further reserving to the Grantors a right of first refusal in the event Grantees, their heirs or assigns, elect to sell said real estate to be exercised within thirty (30) days of receipt of written notice.

Grantors covenant that Grantors have good right to convey Grantors' interest in the property conveyed by this Deed (the "Property") and warrants the quiet possession of the Property against the claims of those claiming any right, interest or title through Grantors, except as may be described above, and further covenants that the Property is free from all encumbrances created by Grantors, except as may be described above, and Grantors will warrant and defend the Property against all lawful claims of those claiming any right, interest or title through Grantors, except as may be described above. By the acceptance hereof, it is agreed that Grantors are not and shall not be personally liable upon any covenant or warranty herein, whether express or implied, and that Grantors' liability as trustees shall be limited to the assets held by Grantors as trustees at the time any such liability may be determined.

Grantors certify that Grantors are the duly appointed, qualified and acting Trustees of the the Revocable Inter Vivos Trust of David D. Essmiller dated October 5, 2011, and have full power and authority to convey Grantors' interest in the Property, and have made this conveyance pursuant to the power and authority granted to Grantors of such Trust Agreement, which agreement is in full force and effect and has not been amended or revoked.

Index SD
Numerical SW
Cross _____
DC Book _____
Plat Book _____
Military Book _____
Art of Inc Book _____
Scanned _____

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FEB 19 2018

Standard Field

TO HAVE AND TO HOLD the Property, together with the appurtenances and hereditaments and every part thereof, unto the Grantees.

Revocable Inter Vivos Trust of David D. Essmiller
dated October 5, 2011

By: David D. Essmiller, Trustee
David D. Essmiller, Trustee

By: Deanna Essmiller, Trustee
Deanna Essmiller, Trustee

STATE OF KANSAS)
) ss.
COUNTY OF BARTON)

This instrument was acknowledged before me on the 1st day of February, 2018, by David D. Essmiller and Deanna Essmiller, as Trustees of the Revocable Inter Vivos Trust of David D. Essmiller dated October 5, 2011.

My Appointment Expires: 11-13-2020 Katherine S. Jonas
Notary Public



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FEB 19 2018

Stafford Field Office

sg14759a