

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
(Check one or more) Point of Diversion
 Use Made of Water

WATER RESOURCES
RECEIVED

APR 19 2019
UNACCEPTABLE FOR PRIORITY

File No. 21199

KS DEPT OF AGRICULTURE

2. Name of applicant: Wade Georg

Water Resources
Received

Address: 1773 CR 240

City, State and Zip: Rush Center, KS 67575-7509

APR 24 2019

Phone Number: (785)372-4545

E-mail address: _____

3:16
KS Dept Of Agriculture

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: Wade Georg

Address: 1773 CR 240

City, State and Zip: Rush Center, KS 67575-7509

Phone Number: (785)372-4545

E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): Proposing to move rate and quantity of the south well authorized by File No. 21199 (DWR ID#22) north to cover an existing well (DWR ID#15).

This application is submitted in conjunction with apps for File Nos. 148 & 11033 to swap DWR IDs 15 & 22. This change is proposed to help better distribute the quantity over the place of use.

The change(s) will be completed by upon approval.

(Date)

For Office Use Only:

F.O. 2 GMD 0 Meets K.A.R. 5-5-1 (YES / NO) Use RR Source @/S County RRH By DAW Date 4/24/19
Code CGT Fee \$ 200 TR # _____ Receipt Date 4/24/19 Check # 1319

4/25/2019
UM

4. The presently authorized place of use is:

Owner of Land — NAME: A/T Farms Inc

ADDRESS: 4110 Falcon Dr, Great Bend KS 67530

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	
30	18S	18W	28	32.5		34	23											117.5	
19	18S	18W														1	3	4	

List any other water rights that cover this place of use. RH 39, 148, 11033

Owner of Land — NAME: Steven D & Loretta Swartz

ADDRESS: 2266 Hwy 96, Rush Center KS 67575

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	
30	18S	18W		1.5														1.5	

List any other water rights that cover this place of use. RH 39, 148, 11033

(If there are more than two landowners, attach additional sheets as necessary.)

WATER RESOURCES RECEIVED

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: No Change

ADDRESS: _____

UNACCOUNTED FOR PRIORITY
APR 19 2019

KS DEPT OF AGRICULTURE

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	

List any other water rights that cover this place of use. _____

Owner of Land — NAME: No Change

ADDRESS: _____

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	

Water Resources Received
APR 24 2019
KS Dept Of Agriculture

List any other water rights that cover this place of use. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SCANNED

6. The presently authorized point(s) of diversion are two wells and diversion works

(Provide description and number of points)

7. The proposed point(s) of diversion are two wells and diversion works

(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NE Quarter of the NE Quarter of the NW Quarter of Section 30, Township 18 South, Range 18 W, in Rush County, Kansas, 4885 feet North 3277 feet West of Southeast corner of section.
 Authorized Rate 495 GPM Authorized Quantity 10 AF
 (DWR use only: Computer ID No. 18 GPS 4959 feet North 3241 feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NE Quarter of the NE Quarter of the NW Quarter of Section 30, Township 18 South, Range 18 W, in Rush County, Kansas, 4959 feet North 3241 feet West of Southeast corner of section.
 Proposed Rate No Change Proposed Quantity No Change
 This point is: Additional Well Geo Center List other water rights that will use this point 148 & 11033

9. **Presently authorized point of diversion:**
 One in the NW Quarter of the SE Quarter of the NE Quarter of Section 30, Township 18 South, Range 18 W, in Rush County, Kansas, 3830 feet North 862 feet West of Southeast corner of section.
 Authorized Rate 485 GPM Authorized Quantity 46 AF
 (DWR use only: Computer ID No. 22 GPS 3845 feet North 913 feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NC N2 NE Quarter of Section 30, Township 18 South, Range 18 W, in Rush County, Kansas, 4520 feet North 1320 feet West of Southeast corner of section.
 Proposed Rate No Change Proposed Quantity No Change
 This point is: Additional Well Geo Center List other water rights that will use this point ---

10. **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 _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 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 _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. N/A

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at 2-14-19, Kansas, this 14 day of February, 20 19.

[Signature]
(Owner)

(Spouse)

JAMES E ANSCHUTZ
(Please Print)

(Please Print)

[Signature]
(Owner)

(Spouse)

Joyce C. Anschutz
(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 14 day of February, 20 19.

ANGELA CAMPBELL
Notary Public - State of Kansas
My Appt. Expires 9-12-2022

[Signature]
Notary Public

My Commission Expires 9-12-2022

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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 **Water Resources** \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water **Water Resources** Received \$300

Make check payable to **Kansas Department of Agriculture.**

WATER RESOURCES RECEIVED

APR 24 2019

APR 19 2019
UNACCEPTABLE FOR PRIORITY
KS Dept Of Agriculture
KS DEPT OF AGRICULTURE

SCANNED

12. The presently authorized use of water is for Irrigation purposes.
It is proposed that the use be changed to No Change purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
N/A

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to --- (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to --- gallons per minute (--- c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- a. If a change in the location of the point(s) of diversion is proposed, show:
 - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

The proposed well is currently an existing irrigation well (DWR ID #15) and produces from the same local source of supply which is considered to be main stem alluvium.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

The proposed change location will not meet spacing requirements to a domestic well operated by the landowner. In addition, the proposed change for File No. 21199 will be moving quantity and rate >10% closer to Walnut Creek. However, when considering the cumulative changes as a whole, the proposed pd change for File Nos. 148/11033 will be moving a larger rate and quantity away from the stream. A waiver of K.A.R. 5-4-4(c)(1)(C) and K.A.R. 5-5-13 is requested.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Swartz

File No. 21199

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Rush Center, Kansas, this 13 day of March, 2019.

Steven Swartz (Owner)

Steven Swartz (Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

NA x (Spouse)

NA x (Please Print)

(Spouse)

(Please Print)

(Spouse)

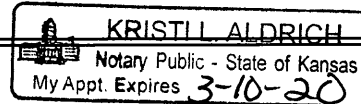
(Please Print)

State of Kansas County of Rush } ss

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 13 day of March, 2019.

Kristi Aldrich Notary Public

My Commission Expires 3-10-20



FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
(4) Application to change the use made of the water Water Resources \$300

Make check payable to Kansas Department of Agriculture.

Received APR 24 2019

WATER RESOURCES RECEIVED

KS Dept Of Agriculture

UNACCEPTABLE FOR PRIORITY APR 19 2019

KS DEPT OF AGRICULTURE

SCANNED

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



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

Mike Beam, Acting Secretary

Laura Kelly, Governor

WADE GEORG
1773 CR 240
RUSH CENTER KS 67575-7509

March 1, 2019

COPY

Re: Water Right, File No. 148; 11,033 and 21,199

Dear Mr. Georg:

In response to our phone conversation on February 28, 2019, please find enclosed additional signature pages for File Nos. 148 and 21,199. You indicated that you have all the signatures for File No. 11,033. As we discussed, since there are three (3) water rights involved in these changes, three(3) sets of signatures are required. As required by law, all owners (and spouses if married) of the authorized place of use must sign each application in the presence of a notary public. If there is no spouse, please indicate that on the signature page. Since water rights are real property rights, we need to make certain that all owners sign on each change application.

In addition, the Chief Engineer has extended until May 15, 2019, the time in which to return the original Application for Approval to Change the Point of Diversion, Water Right, File No. 11,033 received in the office of the Chief Engineer on March 22, 2018, along with the requested additional information.

If you do not return the referenced original application and attachments, along with the requested additional information by that date or do not request more time on or before May 15, 2019, or if your request is not granted, the application will be dismissed and its priority forfeited.

If you have any questions, please contact me at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT:rak
Enclosures

pc: Stafford Field Office
James E. and Joyce C. Anschutz
Steve Swartz

WATER RESOURCES
RECEIVED
UNACCEPTABLE FOR PRIORITY
APR 19 2019
KS DEPT OF AGRICULTURE

Water Resources
Received

APR 24 2019

KS Dept Of Agriculture

SCANNED

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



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

Mike Beam, Secretary

Laura Kelly, Governor

WADE GEORG
1773 CR 240
RUSH CENTER, KS 67575

April 25, 2019

RE: File No 21199

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PD
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

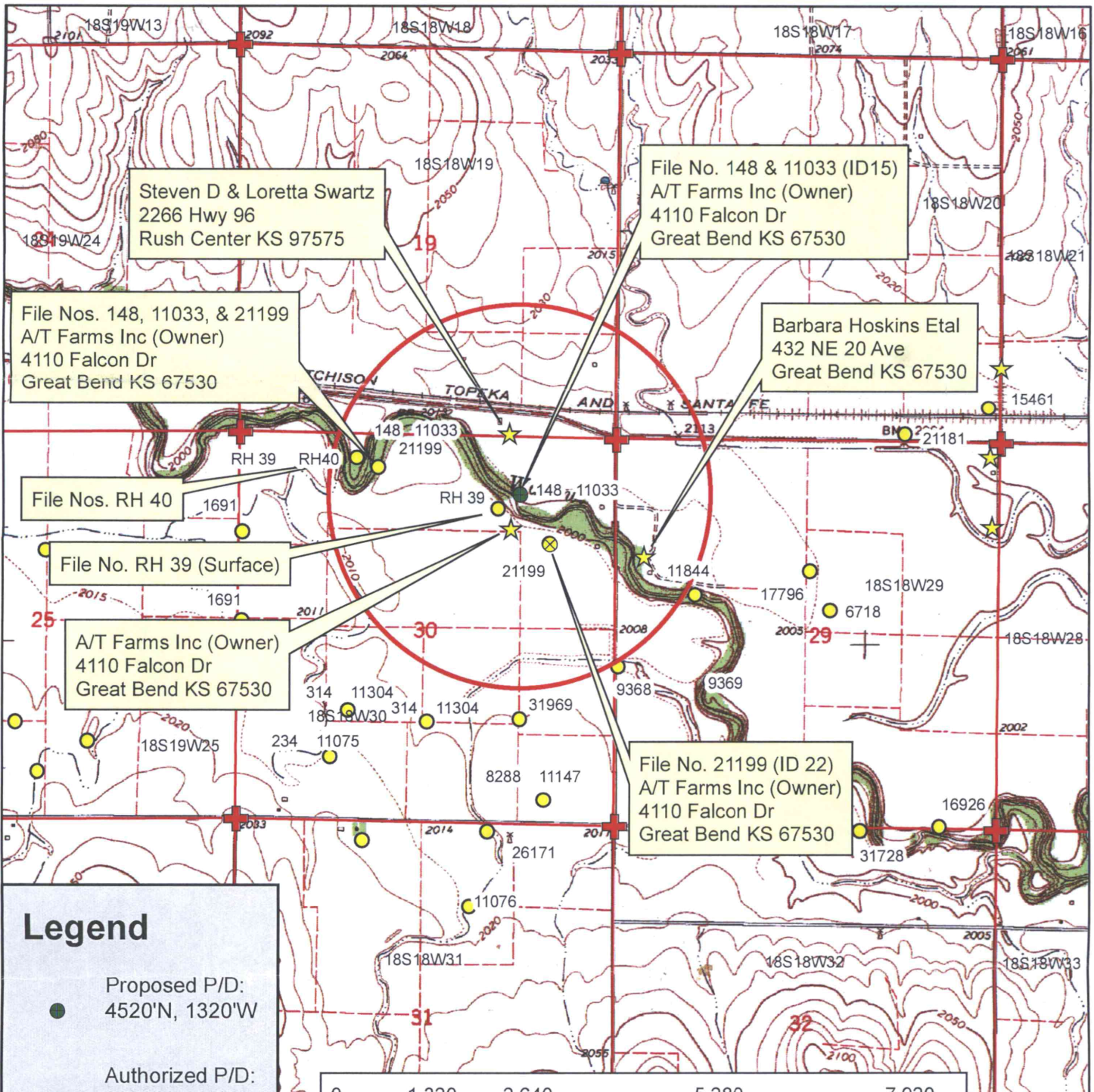
A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

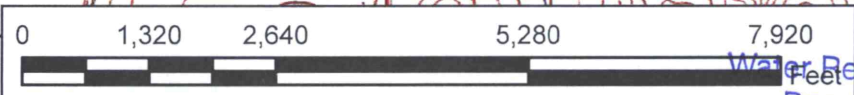
Brent Tournay, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW



Legend

- Proposed P/D:
4520'N, 1320'W
- ⊗ Authorized P/D:
3830'N, 862'W
- Water Appropriations
- ⊕ Section Corner
- ▭ Section Line
- ★ Domestic Well
- ⊞ 1/2 Mile Buffer



Water Right, File No. 21,199

Change in Point of Diversion, Application Map
30-18S-18W // Rush County

Water Resources Received
APR 24 2019
APR 19 2019
UNACCEPTABLE FOR PRIORITY Agriculture
KS DEPT OF AGRICULTURE

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

[Handwritten Signature]

Signature

