

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

1. File Number: <b>11818</b>	2. Status Change Date:	3. Change Num: <b>1</b>	4. Field Office: <b>02</b>	5. GMD: <b>05</b>
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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: <b>3/24/21</b>
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8a. Applicant(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID <u><b>56712</b></u> Add Seq# <u><b>1</b></u>  <b>TONY G RHODES</b> <b>238 E NORTH STREET</b> <b>MULLINVILLE, KS 67109-7118</b>	8c. Landowner(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
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8b. Landowner(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID <u><b>57941</b></u> Add Seq# <u><b>1</b></u>  <b>VICTOR L &amp; JOYCE A COPELAND TRUST</b> <b>PO BOX 1926</b> <b>RANCHO SANTE FE, CA 92067-1926</b>	8d. WUC <input type="checkbox"/> New to system <input type="checkbox"/> Person ID <u><b>57941</b></u> Add Seq# <u><b>1</b></u>  <b>VICTOR L &amp; JOYCE A COPELAND TRUST</b> <b>PO BOX 1926</b> <b>RANCHO SANTE FE, CA 92067-1926</b>
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9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: \_\_\_\_\_  N & P Date to Comply: \_\_\_\_\_

Anti-Reverse Meter     Meter Seal     Check Valve     N & P Form     Water Tube     Driller Copy     H & E Letter

Conservation Plan    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

10. Use Made of Water    From: \_\_\_\_\_    To: \_\_\_\_\_

Date Prepared: **3/25/21**    By: **CRC**  
 Date Entered: \_\_\_\_\_    By: \_\_\_\_\_

File No. **11818**      11. County: **KIOWA** Basin: **RATTLESNAKE CREEK**      Stream: **N/A**      Formation Code: **180**  
**Undiff Kan/Neb**      Special Use: **NONE**

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
DEL	31107	NC	SW		33	28S	19W	2	---	---	N/A	280	96	280	96	none
ENT		NC	SW		33	28S	19W		1394	3977	N/A	280	96	280	96	none
MOD	4891	SE	NW	NW	33	28S	19W	1	4035	3997	N/A	275	95	275	95	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				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				
CHK	23140	33	28S	19W				1					35	35	35	35	35	35	35	35					280	See 8b.	NO	none

Base Acres: \_\_\_\_\_ Year: \_\_\_\_\_ Minimum Reasonable Quantity: \_\_\_\_\_  
 Comments: **Modifying PDIV ID#4891 qualifiers and feet distances based on GPS in file-well not being moved. Actual well re-drill on PDIV ID#31107.**

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



Phone: 620-234-5311  
Fax: 620-234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Mike Beam, Secretary

Laura Kelly, Governor

March 25, 2021

Tony G Rhodes  
238 E North St  
Mullinville, KS 67109-7118

Re: Water Right, File No(s). 11818

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 [www.ksda.gov/includes/document\\_center/dwr/Forms/ApprovalPack.pdf](http://www.ksda.gov/includes/document_center/dwr/Forms/ApprovalPack.pdf). 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.

Any abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

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 **25 March 2021**, I hereby certify that the attached Change in Place of Use & Point of Diversion, File No. 11818 dated 3/25/2021 was mailed to the following:

Tony G Rhodes  
238 E North St  
Mullinville, KS 67109-7118

pc: Water Rights Section  
GMD #5

*Faith Curtis*

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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



**WATER METER REQUIRED**

STATE OF KANSAS

RECEIVED  
 2:45  
 MAR 24 2021

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.

Stafford Field Office  
 DIVISION OF WATER RESOURCES

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

File No. 11818

RECEIVED  
 2:12  
 MAR 28 2021  
 Unacceptable for  
 Priority  
 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: Tony Rhodes  
238 E. North St. Mullinville KS. 67109

Phone Number: (620) 546-4398                      Email address: trhod1983@yahoo.com

Name and address of Water Use Correspondent: VICTOR L & JOYCE A COPELAND TRUST  
PO BOX 1926 RANCHO SANTA FE, CA 92067 - 1926

Phone Number: (852)243-1163                      Email address: vvvvvv@pacbell.net

3. The presently authorized place of use is:

Owner of Land ---- NAME: VICTOR L & JOYCE A COPELAND TRUST

ADDRESS: PO BOX 1926 RANCHO SANTA FE, CA 92067 - 1926

(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	
33	28S	19W	---	---	---	---	35	35	35	35	35	35	35	35	---	---	---	---	280

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: Not Changing

ADDRESS: \_\_\_\_\_

(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	
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

For Office Use Only: Code CLT Fee \$ 100- TR # \_\_\_\_\_ Receipt Date \_\_\_\_\_ Check # 7139

5. **Presently authorized point of diversion:**  
 One in the --- Quarter of the --- Quarter of the NC NW Quarter  
 of Section 33, Township 28 South, Range 19 W,  
 in Kiowa County, Kansas, --- feet North --- feet West of Southeast corner of section.  
 Authorized Rate 275 gpm Authorized Quantity 95 AF Depth of well ~167 (feet)  
**(DWR use only: Computer ID No. 1 GPS 4035 feet North 3997 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 SE Quarter of the NW Quarter of the NW Quarter  
 of Section 33, Township 28 South, Range 19 W,  
 in Kiowa County, Kansas, 4035 feet North 3997 feet West of Southeast corner of section.  
 Proposed Rate 275 gpm Proposed Quantity 95 AF Proposed well depth (feet) N.A.  
 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 NC SW Quarter  
 of Section 33, Township 28S South, Range 19 W,  
 in Kiowa County, Kansas, --- feet North --- feet West of Southeast corner of section.  
 Authorized Rate 280 gpm Authorized Quantity 96 AF Depth of well ~163 (feet)  
**(DWR use only: Computer ID No. 2 GPS 1409 feet North 3962 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 SE Quarter of the NW Quarter of the NC SW Quarter  
 of Section 33, Township 28 South, Range 19 W,  
 in Kiowa County, Kansas, 1394 feet North 3977 feet West of Southeast corner of section.  
 Proposed Rate 280 gpm Proposed Quantity 96 AF Proposed well depth (feet) ~160  
 This point is:  Additional Well  Geo Center List other water rights that will use this point none

7. The changes herein are desired for the following reasons?  
 (please be specific) Re-drilling South well, North well not being moved and just updating with GPS information. South well will be moved 15'S & 15'W of existing location. Old WU listed SW 163 feet and NW 167 feet deep.

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

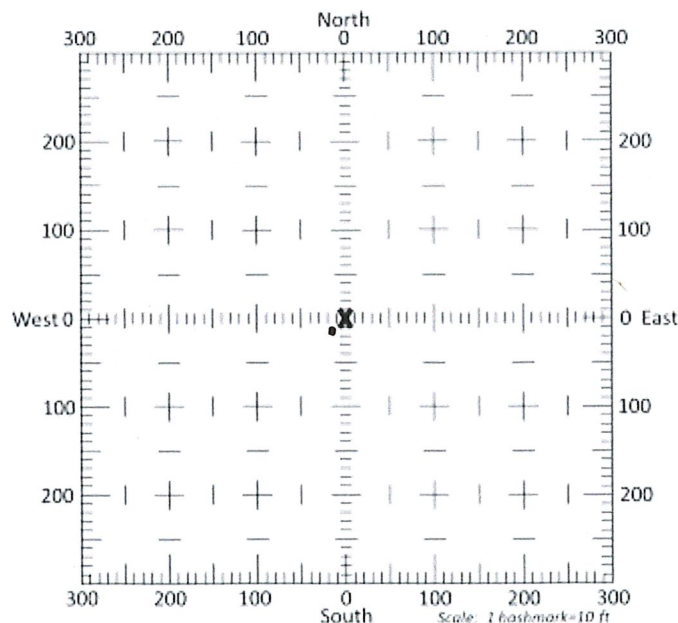
9. The change(s) (was)(will be) completed by?  
ASAP

10. If the point of diversion is a well:  
 (a) What are you going to do with the old well?  
Plug it.  
 (b) When will this be done? at time when New well is drilled.

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by MJM/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.)

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MAR 24 2021

Unacceptable for  
 Priority







**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. 11818.

1. A change application was received on March 24, 2021 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 50 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 71 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, 2021**, 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, 2021**, or within any authorized extension of time. By March 1, 2022 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. Conant  
Duly Authorized Designee of the Chief Engineer

(Print Name): Cameron R. Conant  
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: March 25, 2021

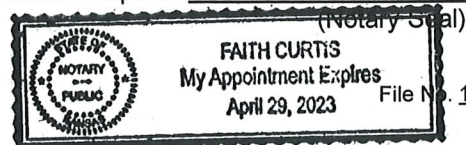
State of Kansas )  
County of Stafford ) SS

Acknowledged before me on March 25, 2021

by Faith Curtis

Signature: Faith Curtis  
Notary Public

My commission expires: \_\_\_\_\_



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MAR 24 2021

Stafford Field Office  
DIVISION OF WATER RESOURCES

DWR 1-121 (Revised 04/5/2018)

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**Unacceptable for Priority**  
MAR 18 2021

Stafford Field Office