

# 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**



12/22/2021

State of Kansas

Water Resources  
Received

12:45 PM

KS Dept Of Agriculture

*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  
 Point of Diversion  
 Use Made of Water

(Check one or more)

Needs updated  
ownership records

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1:25

KS DEPT OF AGRICULTURE

File No. ~~19235 and 4558~~

12/21/2021  
BMM

2. Name of applicant: John Niemann

Address: 30800 W. 37<sup>th</sup> St N

City, State and Zip: Mt. Hope KS 67108

Phone Number: 316-371-9009 E-mail address: jj\_niemann@msn.com

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

John Niemann is the new land owner. Please see attached Deed for verification.

Name of water use correspondent: Same

Address: \_\_\_\_\_

City, State and Zip: \_\_\_\_\_

Phone Number: (\_\_\_\_) \_\_\_\_\_

E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific): We are wanting to add an additional 10 acres to the base acres of file # 19235 and 7.25 acres to the base acres of file # 4558. We also are wanting to overlap file # 19235 and file # 4558 for a total of 219.25 acres. Currently these files relate to 2 different center pivots but those are being replaced with a more water efficient sub-surface drip irrigation system that has the capability to cover more acres.

The change(s) (was) (will be) completed by \_\_\_\_\_ 6-1-2022  
(Date)

For Office Use Only:  
F.O. 2 GMD 2 Meets K.A.R. 5-5-1 (YES / NO) Use IRR Source G/S County RN By BMM Date 12/21/21  
Code CPU Fee \$ 200 TR # PY00034612 Receipt Date 12/22/2021 Check # \_\_\_\_\_

12/27/2021  
LMoody

DEC 20 2021

4. The presently authorized place of use is:

Owner of Land — NAME: John Niemann

**File # 19235**

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 |             |
| 31   | 24   | 7W    |     |     |     |     | 11  | 6   | 38  | 40  | 22.5 | 22.5 |     |     |     |     |     |     | 140         |
|      |      |       |     |     |     |     |     |     |     |     |      |      |     |     |     |     |     |     |             |

List any other water rights that cover this place of use. NONE

Owner of Land — NAME: John Niemann

~~File # 4558~~

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 |             |
| 31   | 24   | 7W    |     |     |     |     |     |     |     |     | 4   | 10  | 40  | 18.5 |     |     |     |     | 72.5        |
|      |      |       |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |             |

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

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

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

Owner of Land — NAME: John Niemann

Combined File

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 |             |
| 31   | 24   | 7W    |     |     |     |     | 15  | 7.5 | 36.5 | 39  | 32.5 | 31.75 | 40  | 17  |     |     |     |     | 219.25      |
|      |      |       |     |     |     |     |     |     |      |     |      |       |     |     |     |     |     |     |             |

List any other water rights that cover this place of use. 4558

Owner of Land — NAME: \_\_\_\_\_

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 |             |
|      |      |       |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |             |
|      |      |       |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |             |

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

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

6. The presently authorized point(s) of diversion (is) (are) \_\_\_\_\_  
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) \_\_\_\_\_  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**  
 One in the NW Quarter of the NE Quarter of the SW Quarter of Section 31, Township 24 South, Range 7 (E/W) in Reno County, Kansas, 2575 feet North 3960 feet West of Southeast corner of section.  
 Authorized Rate 475 GPM Authorized Quantity 105 AF  
 (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 \_\_\_\_\_

~~9. **Presently authorized point of diversion:**  
 One in the SW Quarter of the SE Quarter of the SW Quarter of Section 31, Township 24 South, Range 7 (E/W) in Reno County, Kansas, 640 feet North 3730 feet West of Southeast corner of section.  
 Authorized Rate 449 GPM Authorized Quantity 105 AF  
 (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 \_\_\_\_\_~~

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. \_\_\_\_\_

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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12. The presently authorized use of water is for IRRIGATION USE 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.

Presently there are 2 water permits that cover the water applied through 2 center pivots. We would like to combine these 2 permits as the water will be applied through 1 sub-surface drip irrigation system.

We will be watering more acres but the irrigation system is more efficient so the same or a lesser amount of water will be applied

(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](http://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.

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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.

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**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.

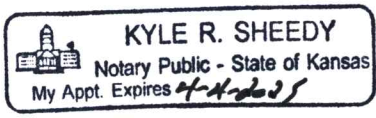
I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application 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 \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

John A Nieman  
(Owner)  
John A Nieman  
(Please Print)  
\_\_\_\_\_  
(Owner)  
\_\_\_\_\_  
(Please Print)  
\_\_\_\_\_  
(Owner)  
\_\_\_\_\_  
(Please Print)

Jennifer Nieman  
(Spouse)  
Jennifer Nieman  
(Please Print)  
\_\_\_\_\_  
(Spouse)  
\_\_\_\_\_  
(Please Print)  
\_\_\_\_\_  
(Spouse)  
\_\_\_\_\_  
(Please Print)

State of Kansas }  
County of Sedgewick } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 9 day of December, 2021.

Kyle Sheedy  
Notary Public

My Commission Expires 4-21-2025

**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 . . . . .               | \$300 |

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

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KANSAS DEPT OF AGRICULTURE

CHANGE IN PLACE OF USE FILE NO. 19235



DEC 20 2021

CLERK OF COURSE

FILE NO. 19235 AUTHORIZED PLACE OF USE 

HALF MILE AREA OF POINT OF DIVERSION 

FILE NOST 4558 & 19235 PROPOSED PLACE OF USE 



State of Kansas, Reno County

Michelle Updegrave

Book: 684 Page: 150

Receipt #: 118910

Recording Fee: \$38.00

Pages Recorded: 2

Authorized By *Michelle Updegrave*

Date Recorded: 7/27/2021 10:34:02 AM

[ELECTRONICALLY FILED]

ENTERED IN TRANSFER RECORD IN MY OFFICE, COUNTY CLERK

*Donna Patton*

FILE NOS 4558 & 19,235

## STATUTORY WARRANTY DEED

(Joint Tenancy)

Grantor(s): **Dale A. Love and Kelly A. Love, husband and wife**

Convey(s) and Warrant(s) to **John A. Niemann and Jennifer Niemann**, as joint tenants with the right of survivorship, and not as tenants in common.

The following described premises, to-wit:

**SEE ATTACHED EXHIBIT A**

For the sum of One Dollar and other good and valuable consideration.

Subject to: easements and restrictions of record, if any

Dated this 26 day of July, 2021

*Dale A. Love*  
Dale A. Love

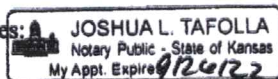
*Kelly A. Love*  
Kelly A. Love

State of Kansas, Reno County} ss.

This instrument was acknowledged before me on July 26, 2021 by Dale A. Love and Kelly A. Love, husband and wife.

*J. Tafolla*  
Notary Public

My appointment expires:



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DEPT. OF AGRICULTURE

Security 1st Title  
File No. 2455118

E-Recorded by Security 1st Title LLC  
By: J. Tafolla  
Phone # 620-669-8289  
File No. 2455118



File No.: 245511E

**EXHIBIT A**

The Land is described as follows:

**The West Half of Section 31, Township 24 South, Range 7 West of the 6th P.M., Reno County, Kansas,**

**EXCEPT the South Half of the Southeast Quarter of the Southwest Quarter of Section 31, Township 24 South, Range 7 West of the 6th P.M., Reno County, Kansas; and**

**EXCEPT a tract commencing at the Northwest corner of the Southwest Quarter of Section 31, Township 24 South, Range 7 West of the 6<sup>th</sup> P.M., Reno County, Kansas; thence South along the West line of said Southwest Quarter 623.00 feet for a point of beginning; thence with a deflection angle 89°40'10" left-East parallel with the North line of said Southwest Quarter 660.00 feet; thence with a deflection angle 89°40'10" right-South parallel with the West line of said Southwest Quarter 365.00 feet; thence with a deflection angle 90°19'50" right-West parallel with the North line of said Southwest Quarter 660.00 feet to the West line of said Southwest Quarter; thence with a deflection angle 89°40'10" right-North along the West line of said Southwest Quarter 365.00 feet to the point of beginning; and**

**EXCEPT a tract of land described as follows: Beginning at the intersection of the southeasterly right-of-way line of the Chicago, Rock Island & Pacific Railroad and the west line of the Northwest Quarter of Section 31; thence south 421.2 feet along said west line; thence east at right angles to said west line 40.0 feet; thence north parallel to said west line 283.8 feet; thence northeasterly to a point on the north line of said quarter section 125.0 feet southeasterly, measured at right angles from said railroad right-of-way line; thence west along said north line to said railroad right-of-way line; thence southwesterly along said right-of-way line to the place of beginning; and**

**EXCEPT the following described tract: Beginning at the northeast corner of the Northwest Quarter of Section 31, Township 24 South, Range 7 West of the 6th P.M.; thence south along the east line of said Northwest Quarter 389.00 feet; thence with a deflection angle 89°21'07" right-west 338.79 feet; thence with a deflection angle 60°57'34" right-northwest 462.68 feet to the north line of said Northwest Quarter; thence with a deflection angle 120°36'29" right-east along the north line of said Northwest Quarter 568.00 feet to the place of beginning; and**

**EXCEPT a portion of the Southwest Quarter of Section 31, Township 24 South, Range 7 West of the 6th P.M., Reno County, Kansas, more particularly described as follows: Beginning at the Southeast Corner of the North Half of the Southeast Quarter of the Southwest Quarter of Section 31, Township 24 South, Range 7 West of the 6th P.M.; thence West along the South line of the North half of the Southeast Quarter of said Southwest Quarter 30.00 feet; thence with a deflection angle 89°32'25" right-North parallel with the East line of said Southwest Quarter 931.96 feet; thence with a deflection angle 90°00'00" left-West 387.62 feet; thence with a deflection angle 45°00'00" right-Northwesterly 158.94 feet; thence with a deflection angle 45°00'00" right-North 250.37 feet; thence with a deflection angle 45°00'00" right-Northeasterly 247.00 feet; thence with a deflection angle 45°00'00" right-East 355.35 feet to the East line of said Southwest Quarter; thence with a deflection angle 90°00'00" right-South along the East line of said Southwest Quarter 1469.60 feet to the point of beginning.**

WATER RESOURCES  
DIVISION

DEC 20 2021

PLATT ROAD DISTRICT