

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.

File No. 22901

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 9:45 am
 JUN 07 2021

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

Stafford Field Office
 Division of Water Resources

2. Name and address of Applicant: Olivia A. Wilbur Living Trust

11200 W. 85th Street North, Valley Center, KS 67147

Phone Number: (316) 393-8087 Email address: tony@sodshops.com

Name and address of Water Use Correspondent: Olivia A. Wilbur Living Trust

11200 W. 85th Street North, Valley Center, KS 67147

Phone Number: (316) 393-8087 Email address: tony@sodshops.com

3. The presently authorized place of use is:

Owner of Land ---- NAME: A) Olivia A. Wilbur Living Trust ETAL B) James E. Basore

ADDRESS: A) 11200 W. 85th Street N, Valley Center, KS 67147 B) 1725 Krameria St. #1, Denver, Co 80220

(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) 26	25S	2W	34	34	34	34													258
B) 26	25S	2W																14	14
																			272

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: A) Olivia A. Wilbur Living Trust ETAL B) James E. Basore

ADDRESS: A) 11200 W. 85th Street N, Valley Center, KS 67147 B) 1725 Krameria St #1, Denver, Co 80220

(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) 26	25S	2W	30	30	38.5	38.5													264
B) 26	25S	2W																10	10
																			274

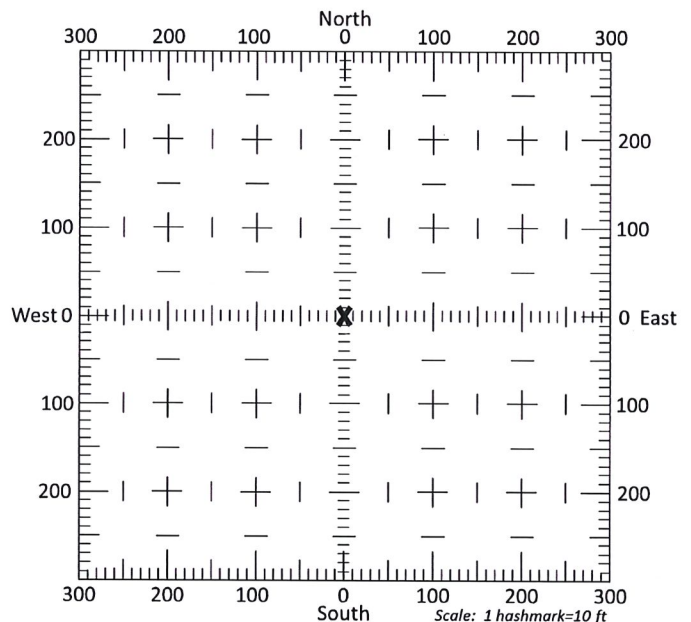
For Office Use Only: Code CPU Fee \$ 200 TR # _____ Receipt Date _____ Check # 9445

5. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the NC-SS-NE Quarter
 of Section 26, Township 25 South, Range 2W (E/W),
 in Sedgwick County, Kansas, 2660 feet North 1320 feet West of Southeast corner of section.
 Authorized Rate 1375 GPM Authorized Quantity 239 AF Depth of well _____ (feet)
 (DWR use only: Computer ID No. K4 GPS 2,671 feet North 1,341* 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 CS NE Quarter
 of Section 26, Township 25 South, Range 2 (E/W),
 in McPherson Sedgwick County, Kansas, 2,671 feet North 1,341 feet West of Southeast corner of section.
 Proposed Rate no change Proposed Quantity no change 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-NE Quarter
 of Section 26, Township 25 South, Range 2W (E/W),
 in Sedgwick County, Kansas, 4015 feet North 1320 feet West of Southeast corner of section.
 Authorized Rate 1425 GPM Authorized Quantity 159 AF Depth of well _____ (feet)
 (DWR use only: Computer ID No. 06 GPS 3,942 feet North 1,315* 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 NC NE Quarter
 of Section 26, Township 25 South, Range 2 (E/W),
 in Sedgwick County, Kansas, 3,942 feet North 1,315 feet West of Southeast corner of section.
 Proposed Rate no change Proposed Quantity no change Proposed well depth (feet) N/A
 This point is: Additional Well Geo Center List other water rights that will use this point none

*Per file EX71 DWR 6/16/2021

7. The changes herein are desired for the following reasons?
 (please be specific) Changing place of use to authorize
acres actually being irrigated.
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?
NA
 (b) When will this be done? NA



11. Groundwater Management District recommendation attached? Yes No
7/9/21 CPC
12. Assisted by T. Boese, GMD2

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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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 Wichita, Kansas, this 21st day of May, 2021.

Olivia A. Williams POA for
James C. Basore, POA
 _____ (Owner) _____ (Spouse)
 _____ (Please Print) _____ (Please Print)
 _____ (Owner) _____ (Spouse)
 _____ (Please Print) _____ (Please Print)
 _____ (Owner) _____ (Spouse)
 _____ (Please Print) _____ (Please Print)

State of Kansas }
 County of SEDGWICK } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 21st day of MAY, 2021.

My Commission Expires 9/11/2022

Renee Roma Williams
 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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 Division of Water Resources

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 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. 22901

1. A change application was received on June 7, 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 _____ 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, 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, 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.

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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
 JUN 07 2021
 Stafford Field Office
 Division of Water Resources

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: July 9, 2021

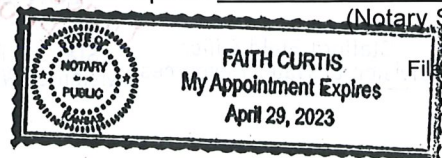
State of Kansas)
) SS
 County of Stafford)

Acknowledged before me on 7/9/2021
 by Faith Curtis

Signature: Faith Curtis
 Notary Public

My commission expires: _____ (Notary Seal)

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 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:
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Dated at Wichita, Kansas, this 21st day of May, 2021.

Olivia A. Wilbur _____ Tony K. Wilbur _____
(Owner) (Spouse)

Olivia A. Wilbur (Please Print) _____ Tony K. Wilbur (Please Print) _____

Wade A. Wilbur POA for _____ _____
(Owner) (Spouse)

Wade Wilbur (Please Print) _____ Olivia A. Wilbur (Please Print) _____

Leah A. Alpers POA for _____ Tyler J. Alpers POA for _____
(Owner) (Spouse)

Leah A. Alpers (Please Print) _____ Tyler J. Alpers (Please Print) _____

State of Kansas }
County of SEDGWICK } SS



I hereby certify that the foregoing application was signed personally in my presence and sworn to before me this 21st day of MAY, 2021.

Renee Roma Williams
Notary Public

My Commission Expires 9/11/22.

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- (3) Application to change the place of use \$200

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Application Map - File No. 22901



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

Signature

Date

- New Application
- Application No. 22901 To Change:

- Point of Diversion
- Place of Use
- Use Made of Water
- Proposed Point of Diversion
- Existing Points of Diversion
- Proposed Place of Use
- Authorized Place of Use

Water wells within 1/2 mile of proposed point of diversion include: (type use, owner, address)

- 1) See Attached
- 2)
- 3)

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