

# 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

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

**Ownership needs  
 updated to Andy  
 Zwick**

**3/22/2021  
 BMM**

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 MAR 23 2021  
 12:36  
 KS DEPT OF AGRICULTURE

File No. 33735

2. Name of applicant: Andrew C Zwick

Address: 2230 23<sup>rd</sup> Road

City, State and Zip: Sterling, KS 67579

Phone Number: (620)680-0442

E-mail address: andyzwick@icloud.com

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

Andy is providing the proper documetation (copy of title/deed) to show he is the new owner of this property.

Name of water use correspondent: Andy Zwick

Address: 2230 23<sup>rd</sup> Road

City, State and Zip: Sterling, KS 67579

Phone Number: (620)680-0442

E-mail address: andyzwick@icloud.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): We want to completely overlap this file on top of the existing point of diversion for File No. 33055. The files are already have a complete place of use overlap that will remain after 2 requests for reduction are approved on this file and on file 33055. This app should be processed and approved only upon approval of the two reductions and new borrow pit application that will be filed.  
 The change(s) (will be) completed by ASAP

(Date)

For Office Use Only:															
F.O. Code	<u>2</u>	GMD	<u>5</u>	Meets K.A.R. 5-5-1 (YES/NO)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Use	<u>IRR</u>	Source	<input type="checkbox"/> G <input checked="" type="checkbox"/> S	County	<u>RC</u>	By	<u>BMM</u>	Date	<u>3/22/21</u>
Fee \$	<u>200</u>	TR #		Receipt Date	<u>3.22.21</u>	Check #	<u>1694</u>								

**3/23/2021  
 LMoody**

4. The presently authorized place of use is: (pending approval of reductions noted in #3)

Owner of Land — NAME: Andrew C Zwick

ADDRESS: 2230 23<sup>rd</sup> Road, Sterling, KS 67579

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	
23	21S	7W							28.5	32.5									61

List any other water rights that cover this place of use. 33055 will continue to be a complete overlap after reduction.

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 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: NO CHANGE

ADDRESS: NO CHANGE

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: \_\_\_\_\_

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**

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- 6. The presently authorized point(s) of diversion is 1 well, 1 pump, 1 motor  
(Provide description and number of points)
- 7. The proposed point(s) of diversion is 1 well, 1 pump, 1 motor  
(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 NW Quarter of the NW Quarter of Section 23, Township 21 South, Range 7 (W), in Rice County, Kansas, 4625 feet North 5200 feet West of Southeast corner of section.  
 Authorized Rate 405 GPM Authorized Quantity 19 acre-feet  
 (DWR use only: Computer ID No. 2 GPS n/a feet North n/a 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 CS Quarter of the NW Quarter of Section 23, Township 21 South, Range 7 (W), in Rice County, Kansas, 2700 feet North 3950 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 33055

9. **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 \_\_\_\_\_

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. The old well will be plugged or capped for potential domestic stock use in the future.

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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.  
Not changing the PU or UMW, just stacking this file on top of an existing point of diversion. There will be no additional water use above what has always been authorized. This application is to be processed in conjunction with reductions and a new application to cover evaporative losses from a borrow pit about 3.5 miles away. We are in effect moving 60 AF from the well this application proposes to move 19 AF to, so we are lessing impact from pumping in this local area.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to no change (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to no change 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.

There should be no impairment. Authorized use will actually be decreasing at the proposed location and we are going from 2 wells to a single well.

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.

5-5-13 relocation of alluvial wells-this proposes to move closer than 10% to Cow Creek. When looking at the totality of this change and the associated new application and reductions, we are actually decreasing the authorized use at the proposed location by 41 AF. If everything is approved, this application meets the intent of and limits concern for 5-5-13.

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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 Lyons, Kansas, this 15 day of March, 2021.

Andrew Zwick (Owner)
Andrew Zwick (Please Print)

Debra Randolph-Zwick (Spouse)
Debra Randolph-Zwick (Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

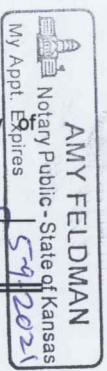
(Please Print)

State of Kansas
County of Rice } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 15 day of March, 2021.

Amy Feldman
Notary Public

My Commission Expires 5-9-2021.



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:

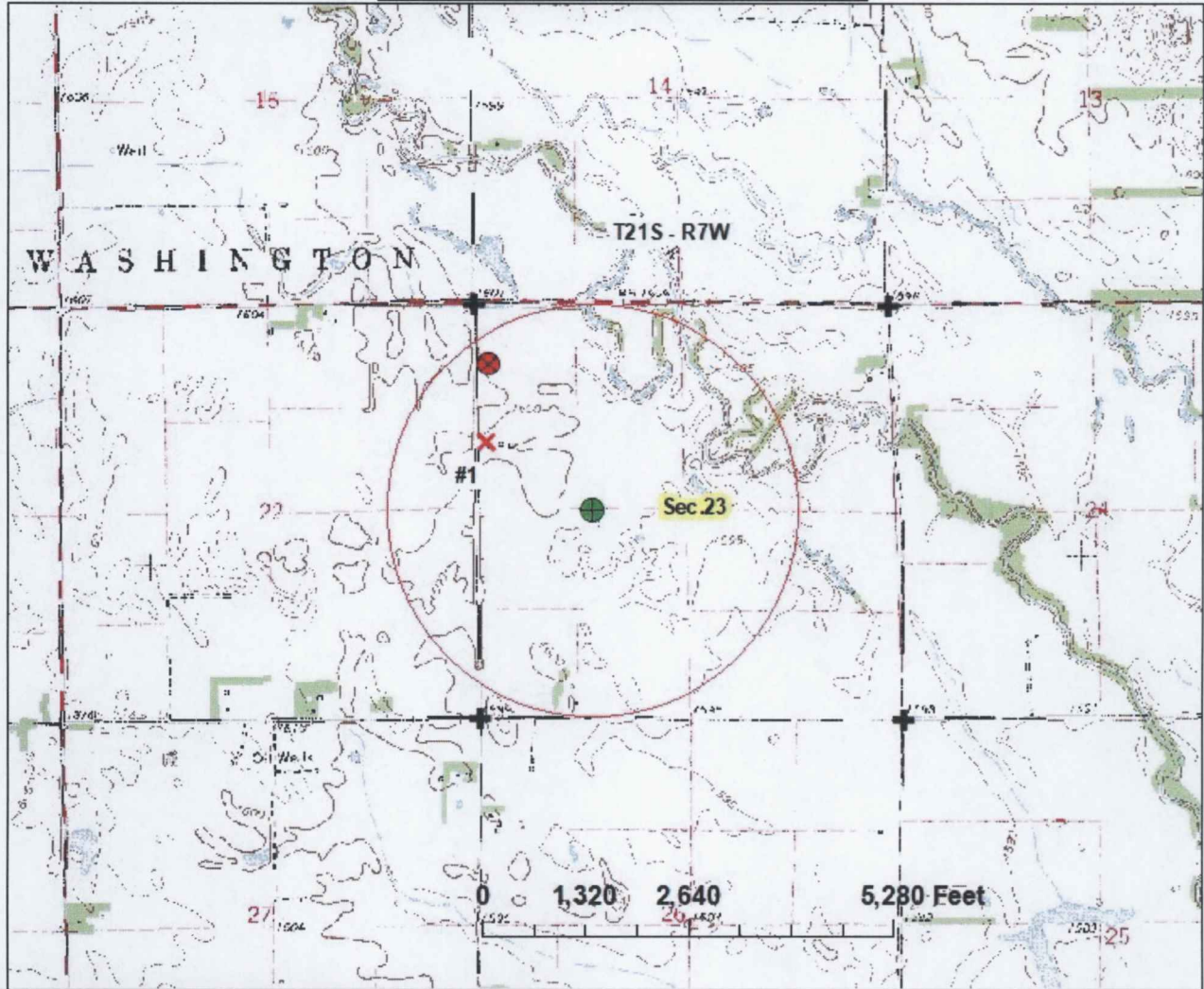
- (1) Application to change a point of diversion 300 feet or less \$100
(2) Application to change a point of diversion more than 300 feet \$200
(3) Application to change the place of use \$200
(4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

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**Change in Point of Diversion Map  
Water Right, File No. 33735  
Section 23-21S-7W in Rice County**



- currently authorized p/d for 33735 (4625' N & 5200' W of SE corner)
- proposed p/d for 33735 completed pd overlap with 33055 (2700' N & 3950' W of SE corner)
- permitted water rights w/in 1/2 mile
- X domestic wells w/in 1/2 mile
- + section corners
- 1/2 mile circle around proposed well

Nearby wells within 1/2 mile of the proposed well:  
#1: Domestic well owned by applicant



*By signing below I agree that all wells, including domestic, and owners names and addresses within 1/2 mile of the proposed point of diversion have been shown on the map and attached list.*

*[Handwritten Signature]*  
signature

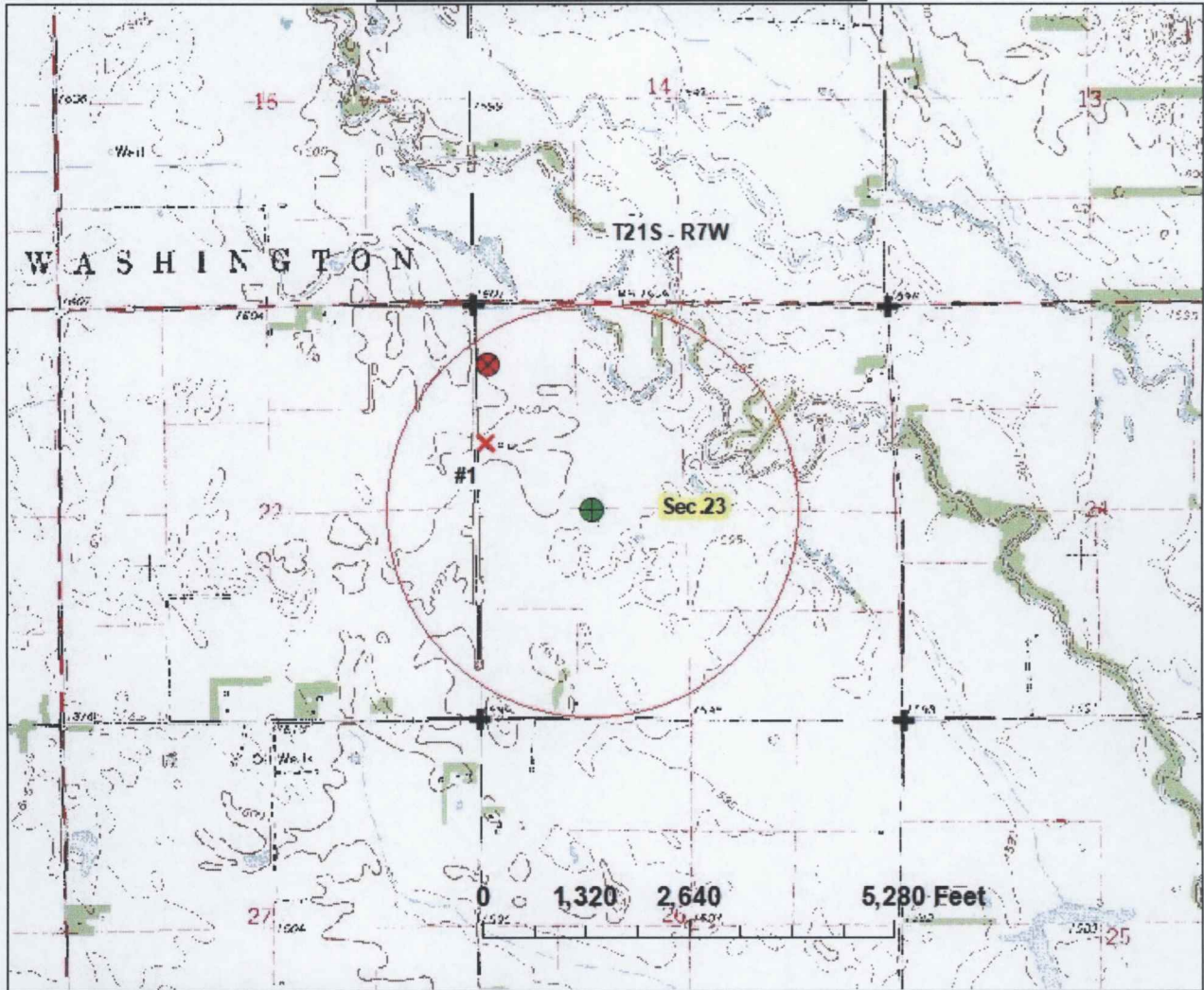
3-15-2021  
date

1 inch = 2,000 feet  
map created on 2/11/21 scale 1:24,000  
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**Change in Point of Diversion Map  
Water Right, File No. 33735  
Section 23-21S-7W in Rice County**



- currently authorized p/d for 33735 (4625' N & 5200' W of SE corner)
- proposed p/d for 33735 completed pd overlap with 33055 (2700' N & 3950' W of SE corner)
- permitted water rights w/in 1/2 mile
- X domestic wells w/in 1/2 mile
- + section corners
- 1/2 mile circle around proposed well

Nearby wells within 1/2 mile of the proposed well:  
#1: Domestic well owned by applicant



*By signing below I agree that all wells, including domestic, and owners names and addresses within 1/2 mile of the proposed point of diversion have been shown on the map and attached list.*

*Ande Ziel*  
signature

3-15-2021  
date

1 inch = 2,000 feet  
map created on 2/11/21 scale 1:24,000  
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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

March 24, 2021

ANDREW C. ZWICK  
2230 23RD ROAD  
STERLING KS 67579

RE: File No(s). **33735**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) to change the place of use, point of diversion or use made of water for the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation(s) Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen Baum  
New Applications and Changes Supervisor  
Water Appropriation Program