

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**



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

**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. 37th 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. Code	<u>2</u>	GMD	<u>2</u>	Meets K.A.R. 5-5-1 (YES / NO)	Use	<u>IRR</u>	Source	<u>G/S</u>	County	<u>RN</u>
Fee \$	<u>200</u>	TR #		Receipt Date	<u>12-20-21</u>	By	<u>BMM</u>	Date	<u>12/21/21</u>	Check #
	<u>CPU</u>									<u>1688</u>

12/27/2021
LMoody

12/22/2021 UPDATES LI/DWR

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4. The presently authorized place of use is:

Owner of Land — NAME: John Niemann

~~File # 19235~~

ADDRESS: _____

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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. _____

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 ^{LOT 3}	40 ^{LOT 4}	18.5					72.5

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

(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. 19235

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) ONE WELL
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) REMAIN AS AUTHORIZED ONE WELL
(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). 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.

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)

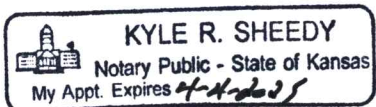
(Spouse)

(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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CHANGE IN PLACE OF USE FILE NO. 4558

FILES

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DEPARTMENT OF AGRICULTURE



FILE NO. 4558 AUTHORIZED PU 

HALF MILE AREA OF POINT OF DIVERSION 

FILE NOS. 4558 & 19235 PROPOSED PLACE OF USE (PU) 



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.

[Signature]
Notary Public

My appointment expires:

JOSHUA L. TAFOLLA
Notary Public - State of Kansas
My Appt. Expires 9/26/22

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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 6th 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