

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.

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File No. 18517

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use                       Point of Diversion

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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: Dustin Ferguson

2806 Meadowlark, Great Bend, KS 67530

Phone Number: (620)282-7854                      Email address: dferguson@gmail.com

Name and address of Water Use Correspondent: Kent J Romine - changing to Dustin Ferguson

674 SW 10 Rd, Great Bend, KS 67530-9319

Phone Number: (620)786-9564                      Email address: \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land ---- NAME: STANLEY R BOESE

ADDRESS: 9718 W BIRCH LN WICHITA, KS 67212

(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	
9	20S	14							35	40	40	35	35	21					206

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: NO CHANGE

ADDRESS: NO CHANGE

(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 CSF Fee \$ 200.00 TR # \_\_\_\_\_ Receipt Date 2/1/23 Check # 1153  
CGT

5. **Presently authorized point of diversion:**  
 One in the NW Quarter of the NW Quarter of the SW Quarter of Section 9, Township 20 South, Range 14 W, in Barton County, Kansas, 2,574 feet North 5,093 feet West of Southeast corner of section.  
 Authorized Rate 1221 gpm Authorized Quantity 180 AF (Limited) Depth of well 64 (feet)  
**(DWR use only: Computer ID No. 4 GPS 2,574 feet North 5,093 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 SW Quarter of the SE Quarter of the NW Quarter of Section 9, Township 20 South, Range 14 W, in Barton County, Kansas, 2,673 feet North 3,836 feet West of Southeast corner of section.  
 Proposed Rate no change Proposed Quantity no change Proposed well depth (feet) 101 ft.  
 This point is:  Additional Well  Geo Center List other water rights that will use this point None.

Please note: ID 4 is moving to ID 9 and ID 9 is moving to ID 4.

6. **Presently authorized point of diversion:**  
 One in the --- Quarter of the --- Quarter of the NC W2 Quarter of Section 9, Township 20 South, Range 14 W, in Barton County, Kansas, 2,665 feet North 3,863 feet West of Southeast corner of section.  
 Authorized Rate 921 gpm Authorized Quantity 129 AF (limited) Depth of well 101 (feet)  
**(DWR use only: Computer ID No. 9 GPS 2,673 feet North 3,836 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 NW Quarter of the NW Quarter of the SW Quarter of Section 9, Township 20 South, Range 14 W, in Barton County, Kansas, 2,574 feet North 5,093 feet West of Southeast corner of section.  
 Proposed Rate no change Proposed Quantity no change Proposed well depth (feet) 64.  
 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) Applicant would like to switch the quantities authorized by the two wells by effectively swapping the two authorized locations.

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

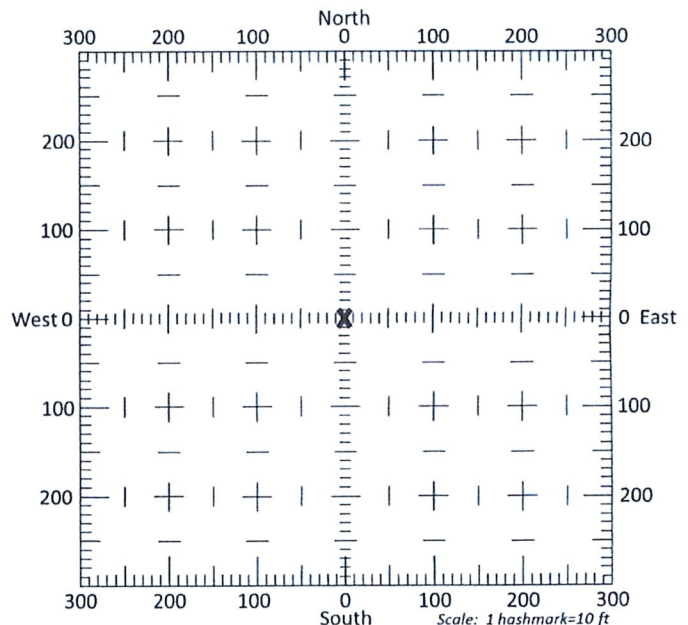
9. The change(s) (was)(will be) completed by?  
ASAP

10. If the point of diversion is a well:  
 (a) What are you going to do with the old well?  
No old well with this change, both wells remain active.  
 (b) When will this be done? N/A

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by TMA 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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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).

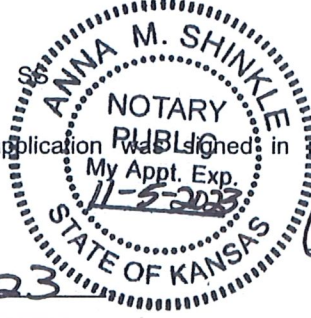
I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

 _____ (Owner)	_____ (Spouse)
Stanley R Boese (Please Print)	_____ (Please Print)
 _____ (Owner)	_____ (Spouse)
Roberta Osborn (Please Print)	_____ (Please Print)
 _____ (Owner)	_____ (Spouse)
Kevin J Boese (Please Print)	_____ (Please Print)

State of Kansas }  
 County of RENO }

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 17 day of AUGUST, 2022.



  
 \_\_\_\_\_  
 Notary Public

My Commission Expires 11-5-2023

**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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**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. 18517.

1. A change application was received on \_\_\_\_\_ 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 300 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 1,534 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, 2022**, 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, 2022**, or within any authorized extension of time. By March 1, 2023 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*

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**APPLICATION APPROVED AND  
SUMMARY ORDER ISSUED**

By: \_\_\_\_\_  
Duly Authorized Designee of the Chief Engineer

(Print Name): \_\_\_\_\_  
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: \_\_\_\_\_

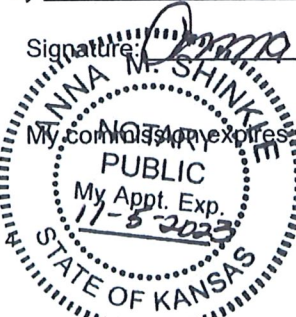
State of Kansas )  
County of RENO ) SS

Acknowledged before me on 8-17-2022

by \_\_\_\_\_

Signature: [Signature]  
Notary Public

My commission expires 11-5-2023  
(Notary Seal)



**WATER USE CORRESPONDENT CHANGE FORM**

ATTENTION LANDOWNER(S): COMPLETE ONLY IF A NON-OWNER IS TO REPORT WATER USE

To: Kansas Department of Agriculture  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, Kansas 66502  
<http://agriculture.ks.gov/dwr>

Re: Water Use Correspondent for

File No(s) 18517

I am aware that Kansas law (K.S.A. 82a-732) requires the owner of a water right or permit to appropriate water for beneficial use, except for domestic use, to file an annual water use report with the Division of Water Resources, Kansas Department of Agriculture on or before March 1 following the end of the previous calendar year. I understand that the law provides that failure to file the report or submission of an incomplete or inaccurate report could subject me, as owner (or part owner) of the above file number(s) to a civil penalty not to exceed \$1,000 and that any person falsifying the report could be charged with a class C misdemeanor.

I further understand that as water use correspondent my designee will be the only person who will receive an annual water use report from the Division of Water Resources concerning my water use reporting requirement.

Information of the new water use correspondent:

Name: Dustin G Ferguson

Address: 2806 Meadowlark Ln

City, State, Zip: Great Bend Ks 67530

E-mail: dfergusonfarm@gmail.com

Telephone: 6202827854

I designate the above as the water use correspondent for the above file number(s) until I rescind this authority in writing.

[Signature]  
Owner/Agent Signature

Stacy Boese Roberto Osborn Kavin  
Print Name

9718 W Birch Ln

Address

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Telephone

Wichita KS 67212

City, State, Zip

FEB 01 2023

State of Kansas )  
County of RENO )

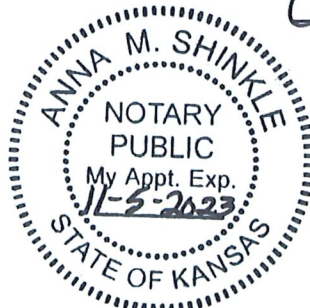
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I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this

17 day of AUGUST, 2022

[Signature]  
Notary Public

My Commission Expires: 11-5-2023



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DWR Initials

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Division of Water Resources

Water Right, File No. 18517 // NEARBY WELL OWNERS

Change in Point of Diversion

The domestic wells we were able to identify are listed below and labeled as stars on the attached maps. Please check the box below to confirm there are no more wells, irrigation or domestic, within either red half-mile circle on the map. Please mark the locations of any other wells on the map should more exist.

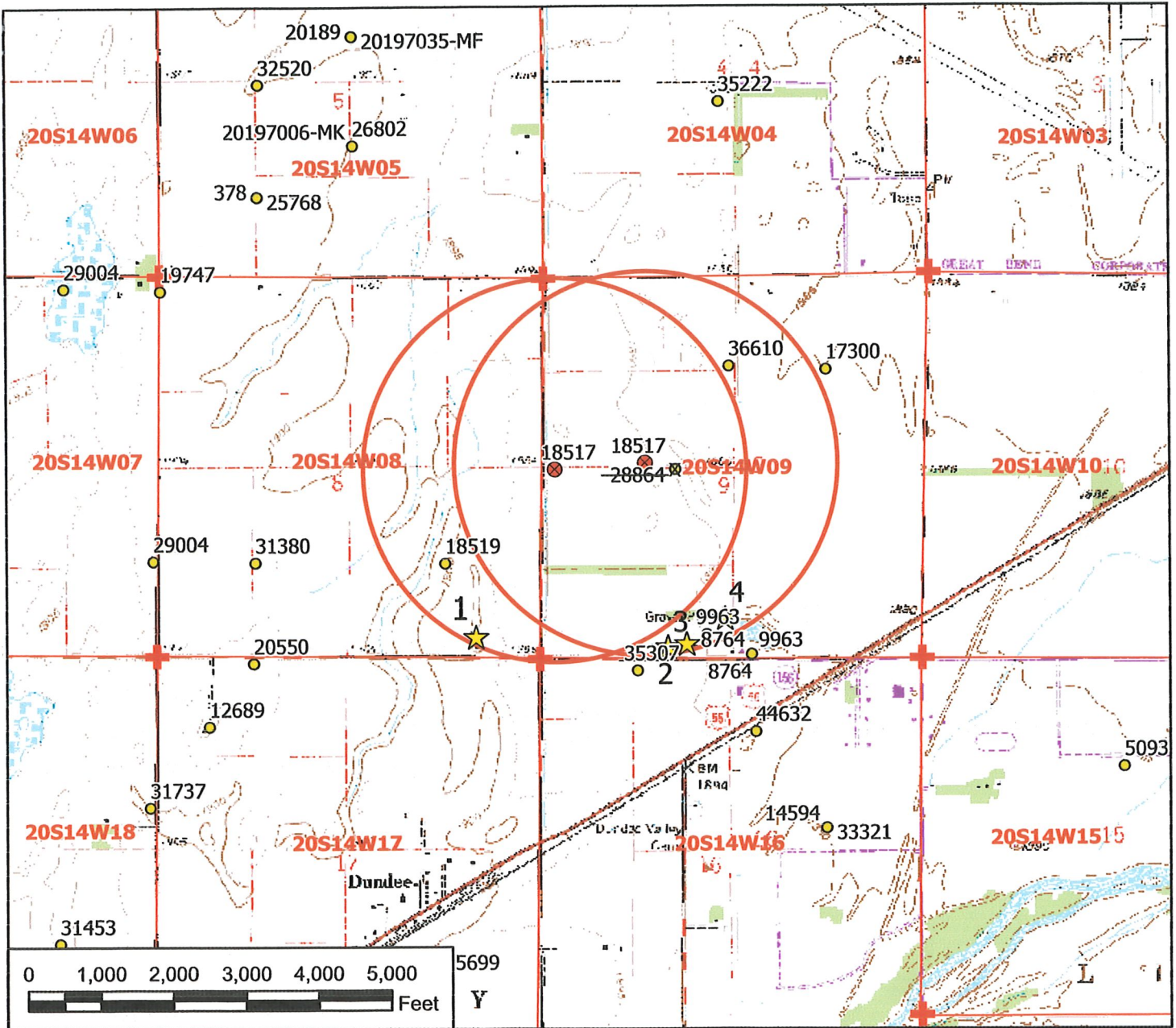
<u>DOMESTIC WELLS</u>	<u>OWNER</u>	<u>ADDRESS</u>
<b>Well #1:</b>	Ronald W Schawe Trust	7556 Glasshouse Walk Frisco, TX 75035-3131
<b>Well #2:</b>	Roberta A & Jay Osborn V	PO Box 793 Hesston, KS 67062-0793
<b>Well #3:</b>	Derek J & Tabitha J Schenk	560 SW 30 RD Great Bend, KS 67530
<b>Well #4:</b>	Stephanie Turner Holdings LLC	5761 Chelton Dr Oakland, CA 94611

<u>IRRIGATION RIGHTS</u>	<u>OWNER</u>	<u>ADDRESS</u>
<b>Water Right File No. 18519</b>	Ronald Schawe	618 SW 30 RD Great Bend, KS 67530-9333
<b>Water Right File No. 9963</b>	Stephanie Turner Holdings LLC	5761 Chelton Dr Oakland, CA 94611
<b>Water Right File No. 36610</b>	Clarke Farms LLC	8822 3 <sup>rd</sup> St Great Bend, KS 67530

Check this box if there are no other known domestic or irrigation wells within the red ½ mile circle.

cc

These two proposed points of diversion shown are both authorized. Their respective locations will be flipped such that Well ID #4 at authorized footages of 2,574' N and 5,093' W will now be authorized the footages of Well ID #9 at 2,665'N and 3,863' W and Well ID #9 is authorized the aforementioned footages for Well ID #4.



**Legend**

- Water Appropriation
- ⊗ Proposed Point of Diversion
- Authorized Point of Diversion
- ★ Domestic Well
- ⊕ Section Corner
- ▭ Section Line
- Half Mile Circle

# Water Right, File No. 18517

## Change in Point of Diversion Map 9-20-14W // Barton County



To the best of my knowledge, all points of diversion within one-half mile of the proposed point of diversion have been shown.

*DJG* 2/28/2023  
Signature / Date

07/19/2022 TMA/SFFO 1:24,000 scale

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Stafford Field Office