

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
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 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.

RECEIVED
 10:30am
 DEC 26 2023

Stafford Field Office
 Division of Water Resources

File No. 40653

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

2. Name and address of Applicant: Scott & Vicki A. Brooks

2552 N. Wilderness Circle, Wichita, KS 67226

Phone Number: (316) 213-8300

Email address: scott@drsbrooks.com

Name and address of Water Use Correspondent: Steven D. Jacob Ryan Speer

9733 N. 151st Street West, Sedgwick, KS 67135

Phone Number: (316) 796-1015

Email address: rym.speer7@gmail.com

3. The presently authorized place of use is:

Owner of Land ---- NAME: Scott & Vicki A. Brooks

ADDRESS: 2552 N. Wilderness Circle, Wichita, KS 67226

(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					
23	25S	2W									35				40								75

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: _____

(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 CGT Fee \$ 200⁰⁰ TR # _____ Receipt Date _____ Check # 2447

5. **Presently authorized point of diversion:**
 One in the NW Quarter of the NE Quarter of the SW Quarter of Section 23, Township 25 South, Range 2W (E/W), in Sedgwick County, Kansas, 2580 feet North 3389 feet West of Southeast corner of section. Authorized Rate 880 GPM (LTD) Authorized Quantity 45.5 AF (LTD) Depth of well 35-40 (feet)
 (DWR use only: Computer ID No. 13 GPS 2577 feet North 3431 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 NE CR-SE Quarter of the SW Quarter of Section 23, Township 25 South, Range 2W (E/W), in Sedgwick County, Kansas, 1246 feet North 2700 feet West of Southeast corner of section. Proposed Rate 880 GPM (LTD) Proposed Quantity 45.5 AF (LTD) Proposed well depth (feet) 35-40.
 This point is: Additional Well Geo Center List other water rights that will use this point 23350-D1.

6. **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 _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ 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 _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____.
 This point is: Additional Well Geo Center List other water rights that will use this point _____.

7. The changes herein are desired for the following reasons?
 (please be specific) Move well location to the south well authorized by No. 23350-D1 to convert from flood irrigation to center pivot.

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

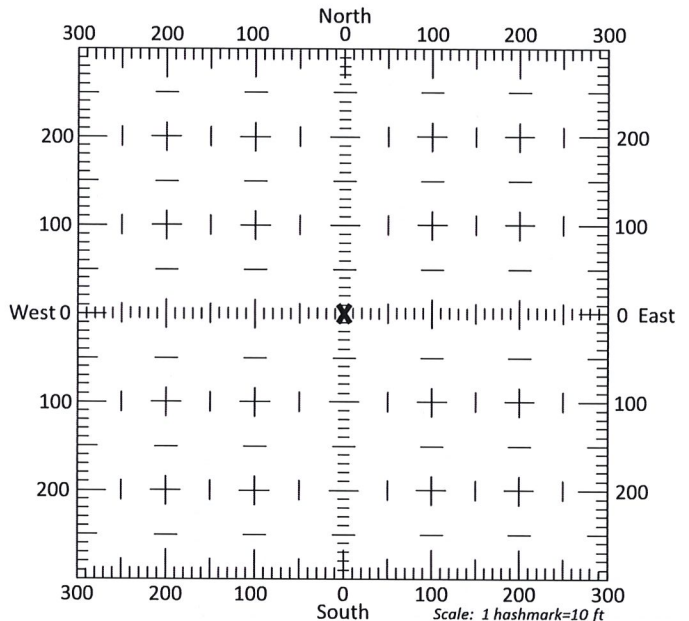
9. The change(s) (was)(will be) completed by?
ASAP

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
Plug it
 (b) When will this be done? ASAP after pivot installed.

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by D. Randolph, 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 7th day of Dec., 2023.

Vicki A. Brooks
 (Owner)

Scott A. Brooks
 (Spouse)

Scott Brooks
 (Please Print)

Vicki A. Brooks
 (Please Print)

 (Owner)

 (Spouse)

 (Please Print)

 (Please Print)

 (Owner)

 (Spouse)

 (Please Print)

 (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 7 day of December, 2023.

Kathrine Vieyra
 Notary Public

My Commission Expires 12-12-2023.

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. 40,653.

1. A change application was received on December 26, 2023 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 1819 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, 2024, 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, 2024, or within any authorized extension of time.** By March 1, 2025 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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 Division of Water Resources

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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)
) SS
 County of _____)

Acknowledged before me on _____
 by _____

Signature: _____
 Notary Public

My commission expires: _____
 (Notary Seal)

Application Map - File No. 40653



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.

Wanda Brooks
Signature

12/7/23
Date

- New Application
 Application No. 40653 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

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

- 1) See attached sheet for details
- 2)
- 3)

Well owners within ½ mile

- 1) Irrigation Well Water Right No. 22902
James E. Basore, ETAL
1725 Krameria St.
Denver, CO 80220-1554
- 2) Irrigation Well Water Right No. 33838
Phillipe A. Ciholas
14541 W. 93rd St. N.
Sedgwick, KS 67135-9624
- 3) Irrigation Well Water Right No. 26436
Philip R. & Joyce E. Dosien Rev. Trusts
8822 N. 151st St. W.
Sedgwick, KS 67135-9505
- 4) & 5) Domestic Well and Geothermal Well
Phillipe A. Ciholas
14541 W. 93rd St. N.
Sedgwick, KS 67135-9624
- 6) Domestic Well
Olivia A. Wilbur ETAL
11200 W. 85th St. N.
Valley Center, KS 67147-9187
- 7) Domestic Well
Gene W. & Donnita R. Warren
9559 N. 137th W.
Sedgwick, KS 67135-9509
- 8) Domestic Well
Alex Perez
9539 N. 137th St. Ct. W.
Sedgwick, KS 67135-9516
- 9) Domestic Well
Thomas T. Inkelaar
P.O. Box 316
Maize, KS 67101-0316
- 10) Domestic Well
Shawn D. King & John M. Canter
P.O. Box 176
Chauncey, OH 45719-0176
- 11) Domestic Well
Bruce G. Seiler Trust
8310 W. 199th St. W.
Colwich, KS 67030-9627
- 12) Domestic Well
Jerry W. Ashley & Shannon Brassier
9415 N. 137th St. W.
Sedgwick, KS 67135-9524
- 13) & 14) Domestic Well
Luis Enrique Granillo
9449 N. 137th St. W.
Sedgwick, KS 67135-9524
- 15) Domestic Well
Mary E. Jones
9501 N. 137th St. W.
Sedgwick, KS 67135-9516

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Well owners within ½ mile (cont.)

- 16) Domestic Well
Aurora Rocha & Manuel Humberto Rocha-Ledezma
9549 N. 137th St. Ct. W.
Sedgwick, KS 67135-9509
- 17) Domestic Well
John A. & Stephanie A. White
9560 N. 137th St. W.
Sedgwick, KS 67135-9508
- 18) Domestic Well
Larry D. Whaley
9540 N. 137th St. W.
Sedgwick, KS 67135-9508
- 19) Domestic Well
Michael D. & Charlene L. McGilvray
9520 N. 137th St. W.
Sedgwick, KS 67135-9508
- 20) Domestic Well
David M. Mayberry
9500 N. 137th St. W.
Sedgwick, KS 67135-9508
- 21) Domestic Well
Jeffrey L. & Jerrie D. Toler
9460 N. 137th St. W.
Sedgwick, KS 67135-9523
- 22) Domestic Well
John R. Burns
9 Frontier Ln.
Rose Hill, KS 67133-9445
- 23) Domestic Well
Jeff C. & Estelle Schiefelbein
13700 W. 93rd St. N.
Sedgwick, KS 67135-9604
- 24) Domestic Well
Kevin A. & Carol J. Straub
9430 N. 137th St. W.
Sedgwick, KS 67135-9523
- 25) Domestic Well
Loyd & Amy Wallis
705 N. Arapaho St.
Wichita, KS 67212-2803
- 26) Domestic Well
Charles H. Peaster
9453 N. 135th St. W.
Sedgwick, KS 67135-9669
- 27) Domestic Well
Nathaniel Alan Hershberger
8812 S. Halstead St.
Hutchinson, KS 67501-8342

RECORDED

DEC 26 2023

Stafford Field Office
Division of Water Resources

Equus Beds Groundwater Management District No. 2 Abandoned Well Plugging Agreement

I, Scott and/or Vicki A. Brooks, the undersigned and owner of an abandoned water well understand that an abandoned water well is a groundwater contamination threat and a public health and safety hazard.

The abandoned water well is located NW, NE, SW, Section 23, Township 25 South, Range 2W West, Sedgwick County which is approximately 2580 feet north and 3389 feet west of the apparent Southeast section corner. Total well depth is 35-40 feet and the diameter of the well is ~16 inches. Current depth to static water level in the well is 15-20 feet below land surface. The well was previously authorized by water permit no. 23350-D1 & 40653.

I agree to properly plug the abandoned well pursuant to the Equus Beds Groundwater Management District rules and regulations K.A.R. 28-30-200 through K.A.R. 28-30-207 and the following agreement provisions:

1. Well plugging operations will be supervised by either (a) a water well contractor licensed with the Kansas Department of Health and Environment, (b) a profession engineer or geologist licensed to practice in the State of Kansas, or (c) the abandoned water well owner or land owner of the property on which the water well or borehole is located.
2. The above described well will be plugged: a) by _____, _____, or b) within 30 days after the replacement well, approved by a change in point of diversion, becomes operational.
3. A completed WWC-5P form will be submitted to the Kansas Department of Health and Environment within 30 days after the abandoned well is plugged and a copy of the WWC-5P form will be furnished to the District within the same period of time.
4. The well owner or authorized agent will notify the District 48 hours before plugging operations occur.
5. Failure to comply with the provisions of this agreement shall constitute noncompliance of the groundwater management district rules and regulations K.A.R. 28-30-200 through K.A.R. 28-30-207.

Dated this 7th day of Dec, 2023 at 3:15 p.m.

Signature Vicki A. Brooks

Address 2552 N. Wilderness Circle

City, State, Zip Code Wichita, KS 67226

Telephone (316) 213-8300

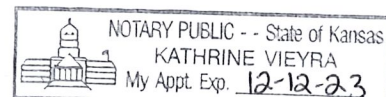
State of Kansas County of Sedgwick

Subscribed and affirmed to before me this 7 day of December, 2023,

by Kathrine Vieyra
(Notary Public)

My Commission Expires 12-12-2023

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Property Information Report

Owner Name: BROOKS VICKI A
PIN Number: 00259534
AIN: 087-046-23-0-31-00-001.00
Geocode: EA 001570001
Tax Unit: 04-15

Owner Address

Owner Name: BROOKS VICKI A
Owner Address: 2552 N WILDERNESS CIR
Owner City: WICHITA
Owner State: KS
Owner ZIP: 67226-2158

Property Address

Property Address:
Property City: *null*
Property State: KS
Property ZIP:

Appraised Values

Appraised Land Value: \$32,890
Appraised Improvement Value: \$0
Appraised Total Value: \$32,890

Assessed Values

Assessed Land Value: \$9,867
Assessed Improvement Value: \$0
Assessed Total Value: \$9,867

Land Information

Total Acres: 75.798
Total Square Feet: 3,301,770

**Abbreviated
Legal
Description:**

E1/2 SW1/4 EXC W 500 FT N 300 FT THEREOF SEC 23-25-2W

Improvement Information

Year Built:
Year Last Sold: N/A
Style: N/A
Basement Type: N/A
Arch Style Desc: N/A
Neighborhood Code: 728.0

Living Unit: N/A
Bedrooms: N/A
Bathrooms: N/A
Half Bath: N/A

Total Sq Ft: N/A
Ground Floor Sq Ft: N/A

Other Information

School District: 440