

Kansas Department of Agriculture
Division of Water Resources
CHANGE: P/U WORKSHEET

OWNERSHIP CHANGE – ADD NEW OWNER

1. File Number: 8732	2. Status Change Date: 5/12/23	3. Change Num: C1	4. Field Office: 02	5. GMD: 05
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 3/13/23
8a. Applicant(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		8c. Landowner(s) New to system <input checked="" type="checkbox"/>
		AD ASTRA ACRES LLC 207 JACK LN FORSYTH IL 62535		Person ID _____ Add Seq# _____
8b. Landowner(s) New to system <input checked="" type="checkbox"/>		Person ID _____ Add Seq# _____		8d. WUC New to system <input type="checkbox"/>
WILLIAM R & ROBIN D NIEDEREE 156 SE 20TH AVE GREAT BEND KS 67530		DAN THOMPSON 31624 NE 231 RD HANSTON KS 67849		Person ID 67495 Add Seq# 1
**SAID NEW DUE TO ETAL IN EXISTING PERSONID				
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/23 <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter				
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: --- _____ To: --- _____				
Date Prepared: 5/4/23 By: TMA Date Entered: _____ By: _____				

File No. 8732	11. County: PN	Basin: PAWNEE RIVER	Stream: ---	Formation Code: 180	Special Use: ---																				
12. Points of Diversion CHK MOD DEL ENT						Rate and Quantity Authorized Additional																			
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files												
MOD	61557	NW	NW	SW	19	21S	20W	6	2606	5131	1600	236	1600	236	N										
13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																									
14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____																									
Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____																									
15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____																									
16. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files				
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
MOD	17072	19	21S	20W	1								40	34.77	34.77	40						149.54	8B	N	25984, 28579
ENT		19	21S	20W					40	34.79	34.79	40										149.58	8C	Y	25984, 28579
Base Acres: 156 Year: MULT Minimum Reasonable Quantity: 1.25																									
Comments: L2-(NWNW & SWNW),L3-(NWSW),L4-(SWSW)																									

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.

RECEIVED
 9:30am
 MAR 13 2023

File No. 8732

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: Dan Thompson

31624 NE 231 Rd

Phone Number: (620)623-0605

Email address: danthomposn0605@gmail.com

Name and address of Water Use Correspondent: Dan Thompson

31624 NE 231 Rd

Phone Number: (620)623-0605

Email address: danthomposn0605@gmail.com

3. The presently authorized place of use is:

Owner of Land — NAME: William R & Robin D Niederee

ADDRESS: 156 SE 20th Ave, Great Bend KS 67530

(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	
19	21S	20W									39	39	39	39					156

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: William R & Robin D Niederee Ad Astra Acres LLC

ADDRESS: 156 SE 20th Ave, Great Bend KS 67530 // 207 Jack Ln, Forsyth IL 62535

(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	
19	21S	20W																	299.12
19	21S	20W					40	34.79	34.79	40	40	34.77	34.77	40					149.58

For Office Use Only: Code CPU Fee \$ 200.00 TR # _____ Receipt Date _____ Check # 1373

5. **Presently authorized point of diversion:**
 One in the NW Quarter of the NW Quarter of the SW Quarter of Section 19, Township 21 South, Range 20 W, in Pawnee County, Kansas, 2,607 feet North 5,100 feet West of Southeast corner of section. Authorized Rate 1,600 gpm Authorized Quantity 236 AF Depth of well 136 (feet)
(DWR use only: Computer ID No. 6 GPS 2,606 feet North 5,131 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 Lot 3 Quarter of the (NW Quarter of the SW Quarter) of Section 19, Township 21 South, Range 20 W, in Pawnee County, Kansas, 2,606 feet North 5,131 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 _____ 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) Create a place of use overlap with
File No. 25984 & 28579

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

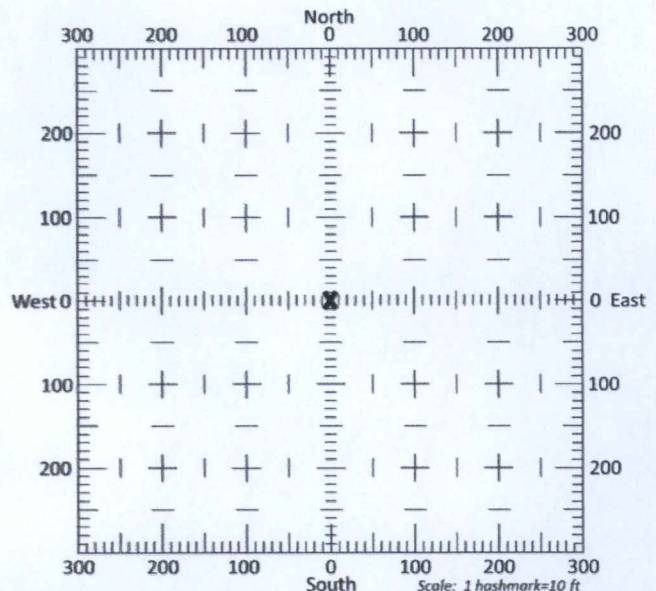
9. The change(s) (was)(will be) completed by?
Spring 2023

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
N/A
 (b) When will this be done? N/A

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by EKF/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.)

MAR 13 2023

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_____.

William R. Niederee

 (Owner)

Robin Niederee

 (Spouse)

William R. Niederee

 (Please Print)

Robin Niederee

 (Please Print)

 (Owner)

 (Spouse)

 (Please Print)

 (Please Print)

 (Owner)

 (Spouse)

 (Please Print)

 (Please Print)

State of Kansas }
 County of Barton } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 10th day of MARCH, 2023.

NOTARY PUBLIC - State of Kansas
 TIMOTHY R. KEENAN
 My Appt. Exp. 4/10/2023

Timothy R. Keenan

 Notary Public

My Commission Expires 4/10/2023.

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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MAR 13 2023

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. 8732.

1. A change application was received on March 13, 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 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, 2023, 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, 20 , 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.

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.

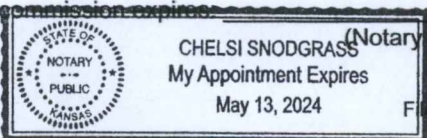
For Use by Register of Deeds

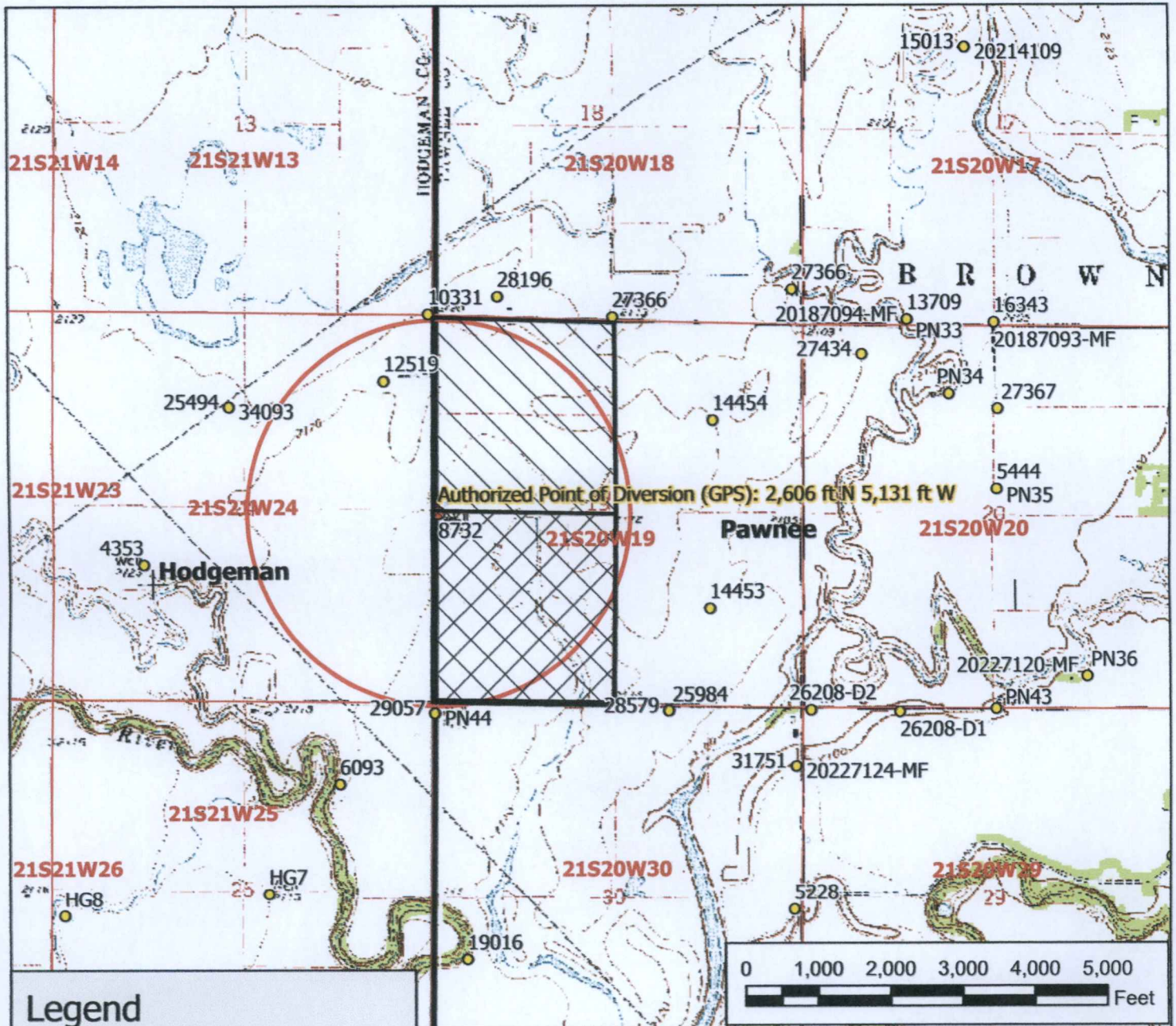
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MAR 13 2023

Stafford Field Office
Division of Water Resources

FOR OFFICE USE ONLY
**APPLICATION APPROVED AND
SUMMARY ORDER ISSUED**

By: Cameron R. Conard
Duly Authorized Designee of the Chief Engineer
(Print Name): Cameron R. Conard
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: May 12, 2023
State of Kansas)
County of Stafford) SS
Acknowledged before me on May 12, 2023
by Cameron Conard
Signature: Chelsi Snodgrass
Notary Public

My Commission Expires _____ (Notary Seal)

File No. 8732



Legend

- Water Appropriation
- Authorized Point of Diversion
- ★ Domestic Well
- ⊕ Section Corner
- Half Mile Circle
- Section Line
- ▭ County Line
- ▨ Proposed Place of Use
- ▩ Authorized Place of Use

Water Right, File No. 8732

**Change in Place of Use Map
19-21-20W // Pawnee County**



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

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MAR 13 2023

Stafford Field Office
Division of Water Resources

Signature / Date

0044000 5150500 404 000

Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

May 12th, 2023

Dan Thompson
31624 NE 231 RD
Hanston KS 67849

Re: Water Right, File No(s). 25984,28579 and 8732

Dear Water Right Owner:

Enclosed is an order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the referenced file number(s).

Your attention is directed to the enclosures and to the terms, conditions and limitations specified in this approval for change. An acceptable water flow meter must be installed on your well before any water is applied as authorized under this change approval. A copy of the approved list of Certified Water Flowmeters as well as <http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-flowmeters>. If you do not have access to the internet, please contact this office and we will send you a paper copy of the referenced information.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

This order requires that a notice and completion of works form be submitted once the diversion works are completed, including a properly installed flowmeter. This form is available at the referenced website.

Any abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

Should you have any questions, please feel free to contact this office. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

A handwritten signature in black ink that reads "Jeff Lanterman".

Jeff Lanterman
Water Commissioner

Enclosures

pc: Water Rights Section
Groundwater Management District No.

CERTIFICATE OF SERVICE

On this **12th** day of **May, 2023**, I hereby certify that the attached Change in Point of Diversion and Place of Use for Water Right, File No. **8732, 28579, 25984**, dated **May 12th, 2023** was mailed via First Class U.S. mail to the following:

Dan Thompson
31624 NE 231 RD
Hanston KS, 67849

A copy of the letter was sent via electronic mail to the following:

Was mailed on May 15th 2023

Chely Snodgrass
Staff