

Kansas Department of Agriculture / Division of Water Resources
Stockton Field Office

TO: HEADQUARTERS

RE Vested Right; Water Right; Appropriation of Water; Application

File No(s). 49,266 County OT

Enclosed are the following checked items:

A _____ FIR Full Partial Inspection Return to Field Office

Proposed Certificate to deliver to Certificate Unit

Meter Order: GMD#4

Lower Smoky

Other _____

A Compliance Check Inspection on _____

Meter Install New App Chg App Other _____

In Compliance Not in Compliance, why _____

Modify Point of Diversion No Yes, document attached

Indicate all overlapping p/d files _____

An application and judgment sheet with recommendation.

A memorandum dated _____

A request for an extension of time to perfect or complete.

A verified report.

A closure request.

A field investigation report.

Notice of Non-Compliance _____

Violation

Date

An ownership change (name(s) and address(es) below).

A water use report for _____

A letter dated _____

A copy of an **Approval** to Change the place of use and/or point of diversion,

Filing Fee attached. *Fee sent 7-18-16*

An Advanced **copy** of a change application and the filing fee, to be processed at the field office.

An original field office change **application** and the filing fee needing headquarters office review and further processing.

Other: _____


Water Commissioner

8-8-16
Date

**CHECK SHEET
Short Change**

File No. 49,266

Field Office No. 3

GMD No. _____

1. **Plugging agreement obtained for GMD?** Yes No Non Applicable
2. **Is Landowner correct as currently shown in WRIS?** Yes No **Address Change?** NO
If applicable, list Place of Use Overlap File Nos. _____
3. **Is Water Use Correspondent correct as currently shown in WRIS?** Yes No **Address Change?** NO
Name of Former WUC _____ Name of New WUC _____
4. a. **Point of diversion computer ID No(s).** 5 **for point(s) being changed.**

b. **Show feet distances from the** SE **corner of the section for the new point(s) of diversion:**

Action	PDIV ID	Geo Ctr?	Sec	Twp	Rng	'N	'W	County	Qualifiers
ENT	NEW	NO	29	10	3w	1693	1464	Ottawa	SE NW SE
ENT	NEW	NO	29	10	3w	1693	1044	Ottawa	SW NE SE
ENT	NEW	NO	29	10	3w	1293	1464	Ottawa	NE SW SE
ENT	NEW	NO	29	10	3w	1293	1044	Ottawa	NW SE SE
ENT	NEW	YES	29	10	3w	1493	1254	Ottawa	SW NE SE

c. **If multiple points of diversion exist and rates and quantities are individually assigned, show:**

Old PDIV ID	Authorized Rate	Additional Rate	Authorized Quantity	Additional Quantity
_____	_____ gpm/cfs	_____ gpm/cfs	_____ af/mgy	_____ af/mgy
_____	_____ gpm/cfs	_____ gpm/cfs	_____ af/mgy	_____ af/mgy
_____	_____ gpm/cfs	_____ gpm/cfs	_____ af/mgy	_____ af/mgy

d. **Name of Drainage Basin** Solomon River **Is this correctly shown in WRIS?** Yes No

e. **Formation Name & No.** 330 - Unconfined Dakota **Special Use Area** _____

5. **Distances from the original p/d:** _____ 503 _____ ' N _____ 264 _____ ' W

6. WATER RIGHT ACTION TRAIL COMMENTS

07/18/16 Change Application Received (date accepted for priority)
08/08/16 Change Approved
 Notice and Proof by 12/31/17
NA/_____/_____ Completion Requirement Removed (Change No. C_____)

7. METER ACTION TRAIL COMMENTS

08/08/16 DWR Meter Required by 12/31/17

8. Base Acres _____ Year _____ Minimum Reasonable Quantity _____

Date Created **8/8/16** by **KCS/STKFO**

Date Entered _____ by _____

**CHECK SHEET
Short Change**

File No. 49,266

Field Office No. 3

GMD No. _____

1. **Plugging agreement obtained for GMD?** Yes No Non Applicable

2. **Is Landowner correct as currently shown in WRIS?** Yes No **Address Change?** NO

If applicable, list Place of Use Overlap File Nos. _____

3. **Is Water Use Correspondent correct as currently shown in WRIS?** Yes No **Address Change?** NO

Name of Former WUC _____ Name of New WUC _____

4. a. **Point of diversion computer ID No(s).** 5 **for point(s) being changed.**

b. **Show feet distances from the** SE **corner of the section for the new point(s) of diversion:**

Action	PDIV ID	Geo Ctr?	Sec	Twp	Rng	'N	'W	County	Qualifiers
DEL	83968	NO	29	10	3w	1190	1190	Ottawa	NW SE SE
DEL	83969	NO	29	10	3w	1190	790	Ottawa	NW SE SE
DEL	83970	NO	29	10	3w	790	1190	Ottawa	NW SE SE
DEL	83971	NO	29	10	3w	790	790	Ottawa	NW SE SE
DEL	83956	YES	29	10	3w	990	(990)	Ottawa	NW SE SE

c. **If multiple points of diversion exist and rates and quantities are individually assigned, show:**

Old PDIV ID	Authorized Rate	Additional Rate	Authorized Quantity	Additional Quantity
_____	_____ gpm/cfs	_____ gpm/cfs	_____ af/mgy	_____ af/mgy
_____	_____ gpm/cfs	_____ gpm/cfs	_____ af/mgy	_____ af/mgy
_____	_____ gpm/cfs	_____ gpm/cfs	_____ af/mgy	_____ af/mgy

d. **Name of Drainage Basin** Solomon River **Is this correctly shown in WRIS?** Yes No

e. **Formation Name & No.** 330 - Unconfined Dakota **Special Use Area** _____

5. **Distances from the original p/d:** _____ 503 ' N _____ 264 ' W

6. WATER RIGHT ACTION TRAIL COMMENTS

07/18/16 Change Application Received (date accepted for priority)

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Notice and Proof by 12/31/17

NA/_____/_____ Completion Requirement Removed (Change No. C _____)

7. METER ACTION TRAIL COMMENTS

08/08/16 DWR Meter Required by 12/31/17

8. Base Acres _____ Year _____ Minimum Reasonable Quantity _____

Date Created **8/8/16** by **KCS/STKFO**

Date Entered _____ by _____

CHECK SHEET ATTACHMENT

9. Changes to the place of use will be:

File Number 49,266

Action	Owner Person ID	Place Use ID #	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		
					Acres Authorized																	
					New Acres																	
					Acres Authorized																	
					New Acres																	
					Acres Authorized																	
					New Acres																	
					Acres Authorized																	
					New Acres																	

Names and Address:

1. Person ID # _____ _____ _____ _____ _____	2. Person ID # _____ _____ _____ _____ _____	3. Person ID # _____ _____ _____ _____ _____
--	--	--

GENERAL INSTRUCTIONS

- | | | |
|---|--|---|
| 1. Give to Applicant: <ul style="list-style-type: none"> a. <u>Original</u> application/approval b. Original receipt (one for <u>each</u> application) c. Information packet containing: <ul style="list-style-type: none"> • Notice and Proof form • Water Meter Specifications • Acceptable Meter list • Water level measurement tube specifications • Check Valve specifications • Pink Sheet - K.S.A. 82a-728 letter • Form stating to record in Register of Deeds Office (OPTIONAL AS NEEDED) | 2. Send to headquarters: <ul style="list-style-type: none"> a. Good, microfilmable copy of application and/or approval and this check sheet b. Original check and copy of receipt c. Test hole log d. GMD recommendation, if any e. Map or aerial photograph, if any 3. Send to KDHE: Letter (KDHE.LT) advising of location of abandoned well. <input type="checkbox"/> NA | 4. Date stamp received and approved.
5. Complete ownership and WUC change information. |
|---|--|---|

ADDITIONAL PHOTOCOPIES

CONDITIONS

1. Insert notice and proof date.
2. Type or print applicant's/owner's name on line.
3. Complete notary statement.



Stockton Field Office
820 S. Walnut
Stockton, Kansas 67669-0192

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Kelly Stewart, Water Commissioner

Phone: (785) 425-6787
Fax: (785) 425-6842
www.agriculture.ks.gov
Sam Brownback, Governor

August 8, 2016

JAMES M BEHRENDT TRUST
JAMES BEHRENDT TRUSTEE
277 STONEYKIRK DR
BELLA VISTA AR 72715

Re: Appropriation of Water, File No. 49,266

Dear Mr. Behrendt:

Enclosed is the order executed by David W. Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the terms, conditions, and limitations specified in this approval for change. Also, the approval of the order requires the installation of a water flow meter(s) on the point(s) of diversion authorized under the above referenced file number by **December 31, 2016**. Please complete and return the enclosed Notice of Completion of Diversion Works when a water flow meter has been installed. A copy of the Chief Engineer's specifications for the water flow meters are found in K.A.R. 5-1-4 through K.A.R. 5-1-12 along with a partial list of those flow meters found to be acceptable for installation in Kansas can be found on our website at the following web address:

<http://agriculture.ks.gov/meters>

Please note that all meters must be installed and maintained in accordance with the specifications for water flow meters referenced above.

The abandoned water 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 (KDHE). If the well is to be retained by the landowner for other purposes, a copy of the legal transfer of responsibility for maintenance of the well must be forwarded to KDHE Geology Section, 1000 SW Jackson, Suite 420, Topeka, Kansas 66612, telephone number (785) 296-5524. More information is available online at: <http://kdheks.gov/waterwell>

Since this order modifies the original certificate, it should be recorded with the Register of Deeds just as other legal documents affecting real estate. Such records are maintained at the Register of Deeds Office in the county wherein the place of use is located.

This document is a summary order by this agency regarding this matter. This order shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order.

(Over)

If you have any questions, please feel free to contact this office at (785)425-6787. 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 "Kelly C. Stewart". The signature is written in a cursive style with a long horizontal line extending to the right.

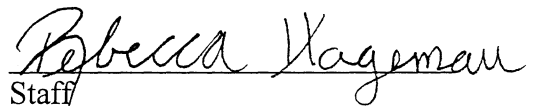
Kelly C. Stewart
Water Commissioner

KCS:rfh
Enclosures

CERTIFICATE OF SERVICE

On this 8th day of August, 2016, I hereby certify that the attached **SUMMARY ORDER APPROVING APPLICATION FOR CHANGE in POINT OF DIVERSION** for appropriation of water, File No. 49,266, dated on the 8th day of August, 2016, was mailed postage prepaid, first class, U.S. mail, to the following:

JAMES M BEHRENDT TRUST
JAMES BEHRENDT TRUSTEE
277 STONEYKIRK DR
BELLA VISTA AR 72715


Staff

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

APPLICATION COMPLETE
 8 8 16
 REVIEWER KCS

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

File No. 49,266

JUL 18 2016
 10:43 am.
 Stockton Field Office
 Division of Water Resources

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: JAMES M BEHRENDT

277 STONEYKIRK DR BELLA VISTA AR, 72715

Phone Number: (785)392-7640

Email address: jmbehrendt@hotmail.com

Name and address of Water Use Correspondent: JAMES M BEHRENDT TRUST

JAMES BEHRENDT TRUSTEE 277 STONEYKIRK DR BELLA VISTA, AR 72715

Phone Number: (785)392-7640

Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: JAMES M BEHRENDT TRUST

ADDRESS: JAMES BEHRENDT TRUSTEE 277 STONEYKIRK DR BELLA VISTA, AR 72715

(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					
29	10S	03W																	31	31	31	31	124

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 _____ Fee \$ _____ TR # _____ Receipt Date _____ Check # _____

5. **Presently authorized point of diversion:**
 One in the NW Quarter of the SE Quarter of the SE Quarter
 of Section 29 , Township 10 South, Range 03 WEST,
 in OTTAWA County, Kansas, 990 feet North 99.0 feet West of Southeast corner of section.
 Authorized Rate 800 GPM Authorized Quantity 160 AF Depth of well (feet)
(DWR use only: Computer ID No. 5 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 SW Quarter of the NE Quarter of the SE Quarter
 of Section 29 , Township 10 South, Range 03 WEST,
 in OTTAWA County, Kansas, 1493 feet North 1254 feet West of Southeast corner of section.
 Proposed Rate 800 GPM Proposed Quantity 160 AF Proposed well depth (feet)
 This point is: Additional Well Geo Center List other water rights that will use this point

6. **Presently authorized point of diversion: BATT 1 OF 4**
 One in the NW Quarter of the SE Quarter of the SE Quarter
 of Section 29 , Township 10 South, Range 03 WEST,
 in OTTAWA County, Kansas, 1190 feet North 1190 feet West of Southeast corner of section.
 Authorized Rate Authorized Quantity Depth of well (feet)
(DWR use only: Computer ID No. 1 GPS feet North feet West)
 This point will not be changed This point will be changed as follows: **BATT 1 OF 4**
Proposed point of diversion: (Complete only if change is requested)
 One in the SE Quarter of the NW Quarter of the SE Quarter
 of Section 29 , Township 10 South, Range 03 WEST,
 in OTTAWA County, Kansas, 1693 feet North 1464 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. Why do you need a new point of diversion? ORIGINAL
LOCATIONS DID NOT PRODUCE

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

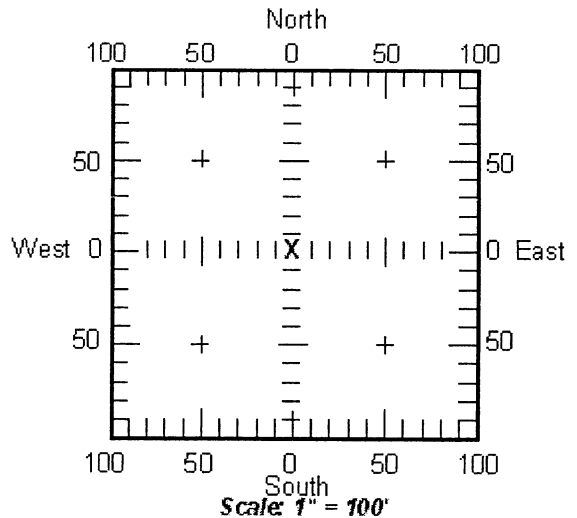
9. When do you propose to complete the new point of diversion?
UPON APPROVAL

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
N/A NO WELL DRILLED AT ORIGINAL LOCATION
 (b) When will this be done?

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by M. BILLINGER

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from 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.

RECEIVED

JUL 18 2016

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 49,266

JUL 18 2016

Stockton Field Office
Division of Water Resources

Presently authorized point of diversion:
 One in the NW Quarter of the SE Quarter of the SE Quarter of Section 29, Township 10 South, Range 03 WEST, in OTTAWA County, Kansas, 1190 feet North 790 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. 2 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: UPDATE point of diversion better described with GPS as:
Proposed point of diversion: (Complete only if change is requested) BATT 1 OF 4
 One in the SW Quarter of the NE Quarter of the SE Quarter of Section 29, Township 10 South, Range 03 WEST, in OTTAWA County, Kansas, 1693 feet North 1044 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 _____

Presently authorized point of diversion:
 One in the NW Quarter of the SE Quarter of the SE Quarter of Section 29, Township 10 South, Range 03 WEST, in OTTAWA County, Kansas, 790 feet North 1190 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. 3 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: UPDATE point of diversion better described with GPS as:
Proposed point of diversion: (Complete only if change is requested) BATT 1 OF 4
 One in the NE Quarter of the SW Quarter of the SE Quarter of Section 29, Township 10 South, Range 03 WEST, in OTTAWA County, Kansas, 1293 feet North 1464 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 _____

Presently authorized point of diversion:
 One in the NW Quarter of the SE Quarter of the SE Quarter of Section 29, Township 10 South, Range 03 WEST, in OTTAWA County, Kansas, 790 feet North 790 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. 4 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: UPDATE point of diversion better described with GPS as:
Proposed point of diversion: (Complete only if change is requested) BATT 1 OF 4
 One in the NW Quarter of the SE Quarter of the SE Quarter of Section 29, Township 10 South, Range 03 WEST, in OTTAWA County, Kansas, 1293 feet North 1044 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 _____

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: UPDATE point of diversion better described with GPS as:
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 _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

14. If the proposed groundwater point of diversion is 300 or fewer feet from 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 regard 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 BELLA VISTA, AR, Kansas, this 14th day of JULY, 20 16.

James M Behrenist

 (Owner)
JAMES M BEHRENIST

 (Please Print)

 (Spouse)

 (Please Print)

 (Owner)

 (Please Print)

 (Spouse)

 (Please Print)

 (Owner)

 (Please Print)

 (Spouse)

 (Please Print)

ARKANSAS (Please Print)
 State of Kansas }
 County of BENTON } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 14th day of JULY, 20 16.

Elaine Grace Oray-Pere

 Notary Public

My Commission Expires Sept. 25 2022.

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

RECEIVED

JUL 18 2016

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. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, K.A.R. 5-1-1 *et. seq.* With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 49,266.

1. A change application was received on 7-18-16 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 authorized herein shall not actually be located more than NA feet from the previously authorized point(s) of diversion. Applicable Not Applicable
5. 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
6. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2017**, 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
7. **Installation of the works for diversion of water shall be completed on or before December 31, 2017**, or within any authorized extension of time. By March 1, 2018 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
8. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
9. 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
10. Additional Conditions are attached. Yes No
11. 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.

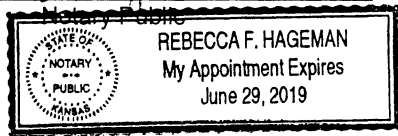
Administrative Appeal and Effective Date of Order

You have the right to a hearing in accordance with K.A.R. 5-14-3 before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the **Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502**, within 15 days after the date shown on the Certificate of Service attached hereto. If a hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15th day after the date shown on the Certificate of Service.

For Use by Register of Deeds

FOR OFFICE USE ONLY
APPLICATION APPROVED AND SUMMARY ORDER ISSUED

By: Kelly G. Stewart
Duly Authorized Designee of the Chief Engineer
(Print Name): Kelly G. Stewart
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: 8-8-16
State of Kansas)
County of Rooks) SS
Acknowledged before me on 8-8-16
by Kelly Stewart
Signature: Rebecca Hageman



My commission expires: 6-29-19 (Notary Seal)

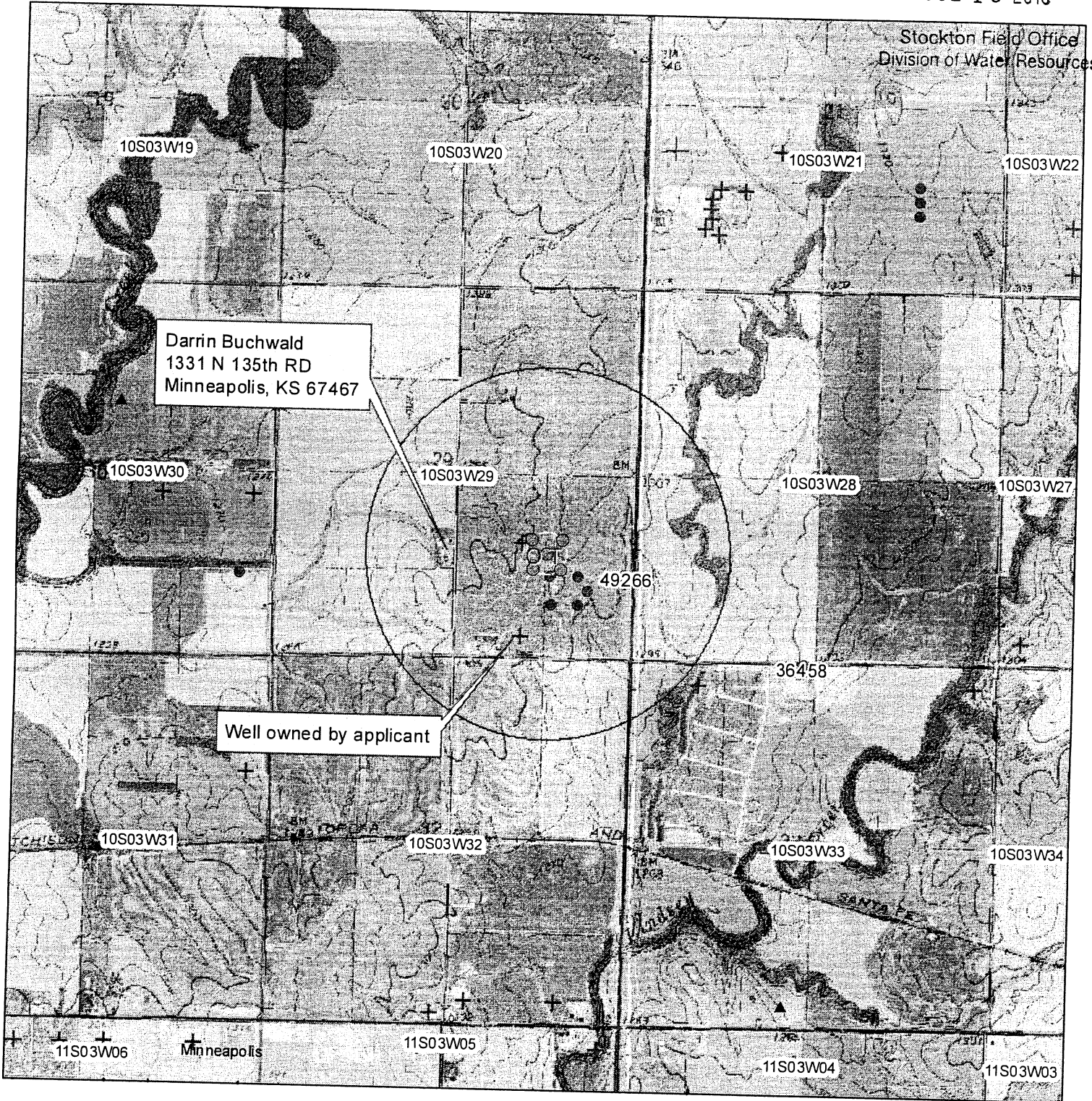
RECEIVED
JUL 18 2016

Application to Change the Point of Diversion
For Water Right File # 49,266

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Stockton Field Office
Division of Water Resources



● Proposed geocenter & battery wells

▲ Surface Water Point of Diversion

1:24,000

300 ft

● Groundwater Point of Diversion

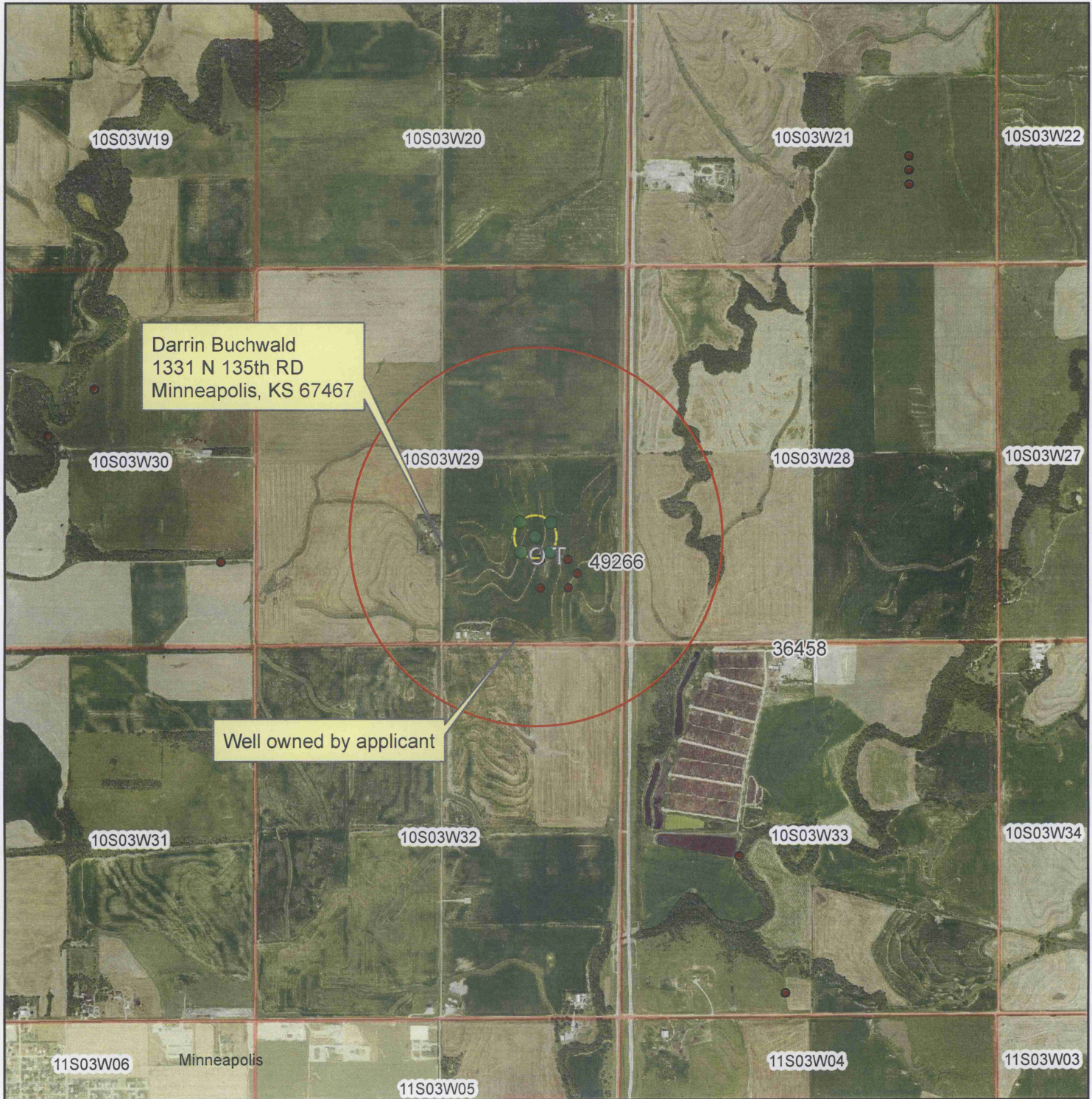
○ 1/2 mile

+ WWC-5 Records

Signature Required
James M Behrendt
By signing this I am stating that to the best of my knowledge
that all wells within 1/2 mile of proposed well location are
identified on this map.



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