

CHECK SHEET Short Change

File No. 31,415

Field Office No. 3

GMD No. 2

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).** 2 **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	30439		21	18S	04W	3251	3042	MP	SW SE NW
ENT	NEW		21	18S	04W	3213	3057	MP	SE SE NW

- 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** SMOKY HILL RIVER **Is this correctly shown in WRIS?** Yes No

- e. **Formation Name & No.** EQUUS BEDS / 190 **Special Use Area** _____

5. **Distances from the previous/original p/d:** 38 ' S 15 ' W

6. **WATER RIGHT ACTION TRAIL COMMENTS**

12/04/2017 Change Application Received (date accepted for priority)
12/05/2017 Change Approved
 Notice and Proof by 12/31/2018
 _____ / _____ / _____ Completion Requirement Removed (Change No. C _____)

7. **METER ACTION TRAIL COMMENTS**

12/05/2017 DWR Meter Required by 12/31/2018

8. Base Acres _____ Year _____ Minimum Reasonable Quantity _____

Date Created **12/5/17** by **BILLINGER**
 Date Entered _____ by _____

CHECK SHEET ATTACHMENT

9. Changes to the place of use will be:

File Number 31,415

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		
NO CHG						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:
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:
a. Good, <u>microfilmable</u> 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 checked="" type="checkbox"/> | 4. Date stamp received and approved.
5. Complete ownership and WUC change information. |
|--|--|---|

CONDITIONS

ADDITIONAL PHOTOCOPIES

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

December 7, 2017

Troy & DeeAnne Johnson
2173 10th Ave
Lindsborg, KS 67456

Re: Water Right, File No. 31,415

Dear Mr. & Mrs. Johnson:

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, 2018**. 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,



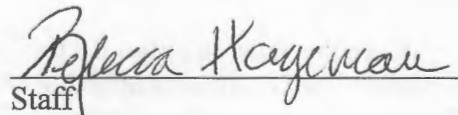
Mark Billinger
Assistant Water Commissioner

MB:rfh
Enclosures
pc: G.M.D. 2

CERTIFICATE OF SERVICE

On this 7th day of December, 2017, I hereby certify that the attached **SUMMARY ORDER APPROVING APPLICATION FOR CHANGE in POINT OF DIVERSION** for water right, File No. 31,415, dated on the 5th day of December, 2017, was mailed postage prepaid, first class, U.S. mail, to the following:

Troy & DeeAnne Johnson
2173 10th Ave
Lindsborg, KS 67456



Staff

A copy of the Change Approval was sent to the following:

Groundwater Management District No. 2
313 Spruce Street
Halstead, Kansas 67056-1925

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

APPLICATION COMPLETE

12/05/17

Reviewer ms

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

File No. 31.415

DEC 04 2017
 3:34 pm
 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: Troy & DeeAnne Johnson

2173 10th Ave Lindsborg, KS 67456 (Alt. ph: ~~620~~ ⁷⁸⁵ 452-2975)

Phone Number: (620)242-6049

Email address: tdjohnson@lrmutual.com

Name and address of Water Use Correspondent: _____

Phone Number: () _____

Email address: _____

3. The presently authorized place of use is:

Owner of Land --- NAME: L Dean & Lois Johnson

ADDRESS: 2080 8th Ave Marquette KS 67464-8834

(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	
21	18	04w					30		17	22								69	

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 in place of use

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 SW Quarter of the SE Quarter of the NW Quarter of Section 21, Township 18 South, Range 4 (W), in McPherson County, Kansas, 3250 feet North 3420 feet West of Southeast corner of section. Authorized Rate 990 gpm Authorized Quantity 102 AF Depth of well 105 (feet)
(DWR use only: Computer ID No. 2 GPS 3251 feet North 3042 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 SE Quarter of the SE Quarter of the NW Quarter of Section 21, Township 18 South, Range 4 (EW), in McPherson County, Kansas, 3213 feet North 3057 feet West of Southeast corner of section. Proposed Rate 990 gpm Proposed Quantity 102 AF Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point na

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) re-drill required due to decreased production/casing condition

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

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

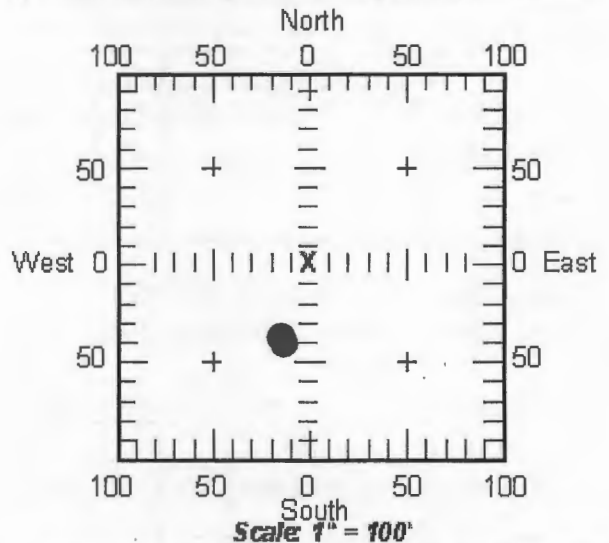
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
Plug

(b) When will this be done? ASAP

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by jkb-STOCK FO

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.

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 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_____.

L. Dean Johnson
 (Owner)
L. Dean Johnson
 (Please Print)

 (Owner)

 (Please Print)

 (Owner)

 (Please Print)

Lara Johnson
 (Spouse)
LARA JOHNSON
 (Please Print)

 (Spouse)

 (Please Print)

 (Spouse)

 (Please Print)

State of Kansas }
 County of McPherson } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 21 day of November, 2017.

Sandra S. Myers
 Notary Public

My Commission Expires 10-1-21

NOTARY PUBLIC STATE OF KANSAS	SANDRA S. MYERS NOTARY PUBLIC STATE OF KANSAS My Appt. Exp. 10-1-17
----------------------------------	--

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

DEC 04 2017

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. 31,415.

1. A change application was received on 12/05/17 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 ~~100~~ 50 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 _____ 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, 2018**, 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, 2018**, or within any authorized extension of time. By March 1, 2019 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

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

FOR OFFICE USE ONLY
APPLICATION APPROVED AND SUMMARY ORDER ISSUED

By: Mark Billinger
Duly Authorized Designee of the Chief Engineer

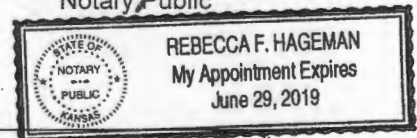
(Print Name): MARK BILLINGER
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: 12/05/17

State of Kansas)
County of ROOKS) SS

Acknowledged before me on 12-5-17
by Mark Billinger

Signature: Rebecca F. Hageman
Notary Public



My commission expires: 6-29-19

(Notary Seal)

File No. 31,415

Hageman, Rebecca

From: Stewart, Kelly
Sent: Wednesday, November 29, 2017 11:00 AM
To: Hageman, Rebecca; Billinger, Mark
Subject: Fwd: Proposed short move re-drill for WR#31,415

Sent from my iPhone

Begin forwarded message:

From: Tim Boese <tboese@gmd2.org>
Date: November 29, 2017 at 10:15:30 AM CST
To: "Stewart, Kelly" <Kelly.Stewart@ks.gov>
Subject: RE: Proposed short move re-drill for WR#31,415

Kelly - Sorry for the delay in getting back to you. I don't see Jodie's map that you reference, but if I am looking at this correctly, the certificate well footage measurements were off and the original well is located more than 300 feet from the certificate well location. This looks more of an error in the certificate, rather than the well being located in the wrong location. I am OK with a short change in PD application being approved. We normally do not review moves of less than 300 feet, but if you want us to review this one because the proposed well location appears to be more than 300 feet from the currently authorized location, we can review it if you send us a review request. I did a quick well spacing evaluation and it appears that the new well location, if it is close to the actual well location, should comply with our minimum well spacing requirements. If you want to send us a review request, I can turn it around back to you quickly. I'm good either way. Also, FYI, for change in PD applications in GMD2, the application needs either a completed Abandoned Well Plugging Agreement or Inactive Well Agreement submitted with the application per K.A.R. 5-22-8(a)(3), if the old well will not be converted to domestic use. I can send you the forms if you don't have them.

Thanks.

Tim Boese, Manager
Equus Beds GMD2
313 Spruce, Halstead, Kansas 67056
316-835-2224
Fax: 316-835-2225
tboese@gmd2.org
www.gmd2.org

-----Original Message-----

From: Stewart, Kelly [<mailto:Kelly.Stewart@ks.gov>]
Sent: Wednesday, November 15, 2017 2:55 PM
To: Boese, Tim
Subject: FW: Proposed short move re-drill for WR#31,415

Hi Tim,

Please see Jodie's map below. A number of years ago we discovered this well wasn't exactly located as authorized. The field office recommended that HQ do a findings and order to better describe the actual well location. The F&O was never issued. Now, the owner is wanting to move the p/d a short distance. I think the change approval would fix everything. You have any kind of problem with this?

Kelly

From: Barker, Jodie
Sent: Wednesday, November 15, 2017 2:17 PM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Subject: Proposed short move re-drill for WR#31,415

Kelly,

Per the operator, the proposed location would be to the south and west, within 50-60 feet of the current location. He's calling back with feet distances, but the red triangle represents a projected area within 100 feet to the south and west of the actual PD.

[[cid:image003.jpg@01D35E1C.6EB6DF10](#)]

Jodie Barker, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
Stockton Field Office
Phone: (785) 425-6787
Jodie.Barker@ks.gov <<mailto:Jodie.Barker@ks.gov>>
<http://agriculture.ks.gov/dwr>

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.