Kansas Department of Agriculture / Division of Water Resources <u>Stockton</u> Field Office

TO: HEADQUARTERS
RE Usested Right; Water Right; Appropriation of Water; Application
File No(s), <u>3588</u> County <u>MP</u>
Enclosed are the following checked items:
AFIR Full Partial Inspection Return to Field Office Proposed Certificate to deliver to Certificate Unit
Meter Order: GMD#4
A Compliance Check Inspection on Other
☐ 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 field investigation report.
Notice of Non-Compliance
Violation Date An ownership change (name(s) and address(es) below).
A water use report for
☐ A copy of an <u>Approval</u> to Change the ☐ place of use and/or ☐ point of diversion, ☐ Filing Fee attached.
An Advanced copy of a change application and the filing fee, to be processed at the fie office. \$3224
An original field office change <u>application</u> and the filing fee needing headquarters office review and further processing.
Other:
Bleur Wageman For Mark Billinger 9-19-18 Assistant Water Commissioner Date

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE DIVISION OF WATER RESOURCES STOCKTON FIELD OFFICE 820 S. WALNUT STOCKTON, KS 67669-0192



PHONE: (785) 425-6787 FAX: (785) 425-6842 www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.

JACKIE McClaskey, Secretary of Agriculture

September 18, 2018

LARRY E & EDITH DAHLSTEN FAMILY TRUST 922 SHAWNEE RD LINDSBORG, KS 67456

RE: Appropriation of Water, File No.3,588

Dear Sir or Madam:

This is to advise you that Duane Johnson has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced file number.

The application proposes the following change in the location of the point of diversion.

from: one (1) surface water diversion located in the Northeast Quarter of the Southeast Quarter of the Southeast Quarter (NE¼ SE¼ SE¼) of Section 34, more particularly described as being near a point 835 feet North and 49 feet West of the Southeast corner of said section, in Township 17 South, Range 4 West, McPherson County, Kansas.

to: one (1) surface water diversion located in the Southeast Quarter of the Northwest Quarter of the Southeast Quarter (SE¼ NW¼ SE¼) of Section 35, more particularly described as being near a point 1405 feet North and 1640 feet West of the Southeast corner of said section, in Township 17 South, Range 4 West, McPherson County, Kansas.

You are being notified of this proposed change in the point of diversion so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office by **October 4, 2018**.

If you have any questions, please feel free to contact me at this office.

Sincerely,

Wall Bil

Mark Billinger

Assistant Water Commissioner

MB:rfh
Enclosure(s)

Nearby Land owners:

PATRICK FAMILY REV TRUST 920 E STATE ST LINDSBORG, KS 67456

TOLL FARMS INC $2453\ 10^{\mathrm{TH}}\ \mathrm{AVE}$ LINDSBORG, KS 67456

IONE & MARLIN TOLL REV TRUST 116 W GREEN ST LINDSBORG, KS 67456

CHRISTIAN N HOFFMAN III TRUST PO BOX 288 LINDSBORG, KS 67456

LARRY E & EDITH DAHLSTEN FAMILY TRUST 922 SHAWNEE RD LINDSBORG, KS 67456

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

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 SEP 17 2018 File No. 3,588 1. Application is hereby made for approval of the Chief Engineer to change the (check one or both): Stockton Field Office Division of Water Resources ☐ Place of Use Point of Diversion under the water right which is the subject of this application in accordance with the conditions described below. ☐ Groundwater The source of supply is: Surface water 2. Name and address of Applicant: DUANE JOHNSON 1078 SHAWNEE RD LINDSBORG, KS 67456 Phone Number: (785)227-2519 Email address: Name and address of Water Use Correspondent: SAME AS ABOVE Email address: Phone Number: (____) The presently authorized place of use is: Owner of Land ---- NAME: DUANE R JOHNSON REVOCABLE TRUST ADDRESS: 1078 SHAWNEE RD LINDSBORG, KS 67456 (If there is more than one landowner, attach supplemental sheets as necessary.) NW1/4 NF1/4 SW1/4 TOTAL **ACRES** NE14 NW14 SW14 SE14 NE' NW' SW' SE' Range NE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 SE1/4 Twp. 35 17S 4W 28 21 32 32 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.) TOTAL ACRES NE1/4 NW1/4 SW1/4 SE1/4 NW1/4 SW1/4 SE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 Sec. Twp. Range For Office Use Only: Code _____ Fee \$____ TR #_____ Receipt Date _____ Check #___

5.	Presently authorized point of diversion:							
	One in the	NE	Quarter of the	SE	Quarter of the	SE	Quarter	
	of Section	34	, Township	17	South, Range	4	WEST,	
	in MCPHERSON	Cou	inty, Kansas,	feet North	feet West of S	Southeast corne	er of section.	
	Authorized Rate750 GPM Authorized Quantity							
					feet North49			
		-			No change, point better d		•	
	Proposed point of d	liversion: (Complete only if chan	ge is requested	d or if existing point is	better describe	ed by GPS)	
	One in the	SE	Quarter of the	NW	Quarter of the	SE	Quarter	
	of Section	35	, Township	17	South, Range	4	WEST,	
	in MCPHERSON	Cοι	inty, Kansas, <u>1405</u>	feet North	1640 feet West of S	Southeast corne	er of section.	
					Proposed well depth			
	This point is: Add	itional Well	☐ Geo Center List of	other water right	s that will use this point	MP11, 9605		
_								
6.	Presently authorize	d point of	diversion:					
-	One in the	NE	Quarter of the	SW	Quarter of the	SW	Quarter	
					South, Range			
					feet West of S			
			•		Depth of well			
					feet North			
					No change, point better de			
	Proposed point of d	liversion: (Complete only if chan	ge is requeste	d or if existing point is	better describe	ed by GPS)	
					Quarter of the			
					South, Range			
					feet West of S			
					Proposed well depth			
					ts that will use this point			
7.			for the following reason					
			CESS RIVER FROM		North			
	SITE. WILL GO FROM 3 SITES TO 1 SITE THAT IS ALSO USED BY MP11 AND 9605			300 PT	200 100 0	100 200	300 ПППЦ	
	ALSO USED BT WIFT	I AIND 9000		<u> </u>	' <u> </u> ' <u> </u> ' <u>‡</u>		' 🗐	
8.	If a well, is the test hol	le log attach	ed? 🗌 Yes 🔲 No	-a-E	. + + =	. 1 . 1	1 = 000	
				200	·	1 + 1 +	200	
9.	The change(s) (was)(v	will be) com	oleted by?	E			7	
	UPON APPROVAL			100	-1 + 1 + 1 = -1	1 + 1 +	= 100	
40	1611			Ē			=	
10.	If the point of diversion							
	(a) What are you going	ng to do with	the old well?	West 0 H	нվнифинфинфинфин ж т =	111111111111111111111111111111111111111	IIIIIII O East	
	PUMPSITE TO BE RE	MOVED		E			7	
			N ADDDOVAL	100	-1 + 1 + 1 =	1 + 1 +	100	
	(b) When will this be	done? UPO	N APPROVAL	· <u>E</u>	<u> </u>		<u>=</u>	
				=	<u> </u>		. =	
11.			recommendation attache	ed? 200 =	1 + 1 + 1 =	1 + 1 +	200	
	∐ Yes	∐ No						
12	Assisted by MARK BIL	LINGER		<u> </u>	<u>uluuluuluuluuluu</u>		أحسلس	
				300	200 100 0 South	100 200 Scale: 1 hashmo	300 ark=10 ft	
13a. If the proposed point of diversion will be relocated <u>more than 300</u> feet but within 2,640 feet of the existing point of diversion, attach 13b. If the proposed point of diversion will be relocated <u>within 300 feet</u>								
	a topographic map of	or aerial ph	sting point of diversion, a otograph. For groundv	uach 13b.ltthe; vater of the	proposed point of diversion existing point of diversi	n will be relocated on, indicate its	a <u>witnin 300 tee</u> location on th	
	sources, show all well	s (including	domestic) within one-half	mile diagra	m shown above in rel	ation to the ex	xisting point of	

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.)

lines

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

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

SEP 17 2018 FILE NO. <u>3,588</u> Stocke

1	ca point of c	<u>liversion:</u>			Division of Water P
One in the	SW	Quarter of the	NE	Quarter of the	Division of Water Resounted SW
of Section	35	, Township	17	South, Range	4WEST,
in MCPHERSON	Cou	nty, Kansas,	feet North	feet West of	Southeast corner of section.
				Depth of well	
(DWR use only: C	Computer ID I	No. <u>4</u>	GPS	feet North	feet West)
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Proposed point of	f diversion: (0	Complete only if cha	ange is requeste	d or if existing point is	better described by GPS)
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of Section		, Township		South, Range	(E/W),
in	Cou	nty, Kansas,	feet North	feet West of	Southeast corner of section.
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This point is: A	dditional Well	☐ Geo Center Lis	st other water righ	ts that will use this point	
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					Southeast corner of section.
				Depth of well	
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14. If the proposed groundwater point of diversion	n is 300 or fewer feet from	n the existing point of d	iversion, complete the follow	owing:
(a) Does the undersigned represent all owned ☐ Yes ☐ No (If no, all own	ers of the currently autho ers must sign this applica		entified in this application?	
(b) Will the ownership interest of any owner affected if this application is approved as ☐ Yes ☐ No (If yes, all ownership)			ntified in this application b	oe adversely
(c) If this application is not approved expedit ☐ Yes ☐ No (If no, all own	tiously, will there be subs ers must sign this applica		erty, public health or safety	/?
If the application proposes a surface water changor a change in place of use, the application must agent (attach notarized statement authorizing representation)	be signed by all owners			
I hereby verify, being first duly sworn upo age and the owner, the spouse of the own their behalf, in regards to the water right contained in this application are true, cor	ner, or a duly authoria (s) to which this app	zed agent of the owr	ner(s) to make this app	plication or
Dated at Lindsborg, K	, Kansas, this	day of	September	20_18
Duane 12 Jahrs (Owner)	, Kanada, tino	Dowall,	Spousé)	
(Please Print)			(Please Print)	
(Owner)			(Spouse)	
(Please Print)			(Please Print)	
(Owner)			(Spouse)	
(Please Print)			(Please Print)	
State of Kansas County of McPkerson SS		KIMBERLY	- State of Kansas (A. SNELL 7 (2) (2)	
I hereby certify that the foregoing applica	ition was signed in m	My Appt Expires		day
of September, 20 ff.		1/		
My Commission Expires 7.12.23		Mimboly A	Notary Public	
ONLY COMPLETE APPLICATIONS WILL BE PROCES accurate information; maps, if necessary, must be included the appropriate fee must be paid.	SED. To be complete, all odded; signatures of all the ap	f the applicable portions of propriate owners' must be	the application form must be affixed to the application and	completed wit notarized; and
	FEE SCHEDU	<u>LE</u>		
Each application to change the place of use or the forth in the schedule below: Make checks payable (1) Application to change a point of diver (2) Application to change a point of diver (3) Application to change the place of us	e to: Kansas Departmersion 300 feet or less rsion more than 300 feet	nt of Agriculture		\$100
		SEP 17		

Stockton Field Office Division of Water Resources

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. 3,588 requesting that the place of use and / or point of A change application was received on diversion authorized under the above-referenced file number be changed as described in the application. 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 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 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 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 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 Not Applicable ☐ Applicable 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. ☐ Not Applicable Applicable 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 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.

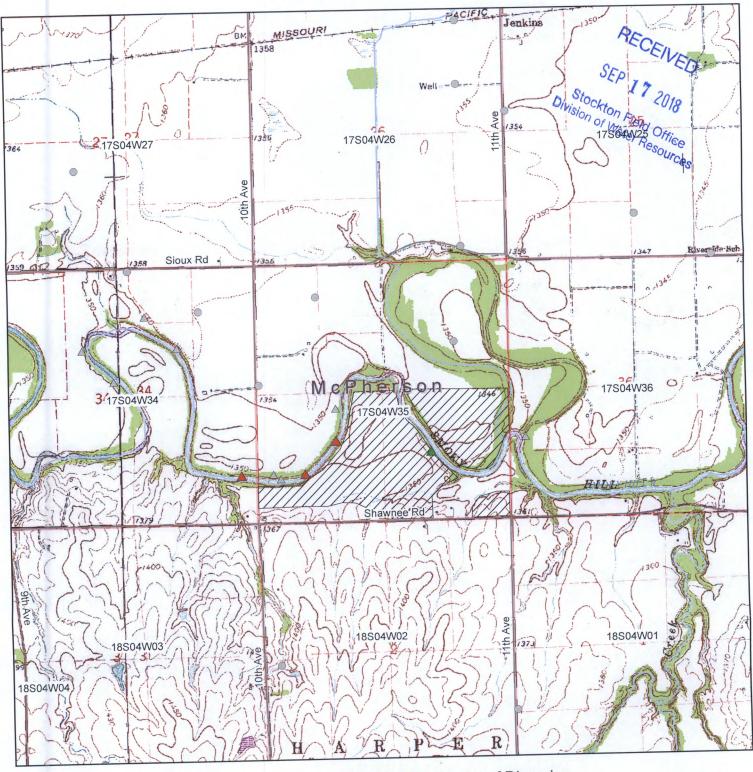
Yes 12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this 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 FOR OFFICE USE ONLY APPLICATION APPROVED AND If you are aggrieved by this order, pursuant to K.S.A. 1901, **SUMMARY ORDER ISSUED** 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 Duly Authorized Designee of the Chief Engineer administrative review by the Secretary must be filed within 30 days pursuant to K.S.A. 77-531. Any request for administrative (Print Name): review must state a basis for review pursuant to K.S.A. 77-527. File any request with Kansas Department of Agriculture, Division of Water Resources - Kansas Department of Agriculture Date of Issuance: Legal Division, 1320 Research Park Drive, Manhattan, KS 66502. Failure to timely request a hearing or review may State of Kansas preclude review under the Kansas Judicial Review Act.) SS For Use by Register of Deeds County of ____ Acknowledged before me on _____ by _____ Signature: _____ Notary Public My commission expires: _____ (Notary Seal)

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File No. ____

Application to Change the Point of Diversion For Water Right File # 3588





Authorized Place of Use

- Authorized Point of Diversion
- Proposed Point of Diversion

1:24,000

Signature Required

By signing this I am stating that to the best of my knowledge that all landowners within 1/2 mile upstream and downstream of the place of use are identified on this map (or listed in attachment).



LANDOWNERS WITHIN ½ MILE UPSTREAM AND DOWNSTREAM OF PLACE OF USE IN REGARD TO CHANGE OF POINT OF DIVERSION FOR FILE 3,588.

LARRY E & EDITH DAHLSTEN FAMILY TRUST

922 SHAWNEE RD

LINDSBORG, KS 67456

CHRISTIAN N HOFFMAN III TRUST

PO BOX 288

LINDSBORG, KS 67456

IONE & MARLIN TOLL REV TRUST

116 W GREEN ST

LINDSBORG, KS 67456

TOLL FARMS INC

2453 10TH AVE

LINDSBORG, KS 67456

JON W & SUZANNE THOLE TRUSTS

2005 SUNRISE ST

MARION, KS 66861

PATRICK FAMILY REV TRUST

920 E STATE ST

LINDSBORG, KS 67456

SEP 17 2018

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