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

TO: HEADQUARTERS	
RE Vested Right; Water Right; Appropri	riation of Water; 🔲 Application
File No(s). 3588	County
Enclosed are the following checked items:	
AFIR Full Partial Proposed Certificate to deliver to Certificate Un A Compliance Check Inspection on Meter Install New App Chg App C In Compliance Not in Compliance, why Modify Point of Diversion No Yes, docum Indicate all overlapping p/d files	Meter Order: GMD#4 Lower Smoky Other Dther Dther
 An application and judgment sheet with recommend A memorandum dated A request for an extension of time to perfect or comp A verified report. A closure request. A field investigation report. 	
Violation	Date
 An ownership change (name(s) and address(es) bell A water use report for A letter dated 	
A copy of an <u>Approval</u> to Change the place of us Filing Fee attached. Fee sent via advance	/
An Advanced <u>copy</u> of a change application and the office.	he filing fee, to be processed at the field
An original field office change <u>application</u> and the review and further processing.	ne filing fee needing headquarters office
Other:	· · · · · · · · · · · · · · · · · · ·
Will Bolan	10/8/18
Assistant Water Commissioner	Date

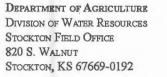
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Kansas Department of Agriculture Division of Water Resources CHANGE: P/D WORKSHEET

1. File Number: 3,588	2. Status Change Date:	3. Change Num: C1	4. Field Office: 03	5. GMD:
6. Status: Approved Der	nied by DWR/GMD	Dismiss by Reques	t/Failure to Return	7. Filing Date of Change:
8a. Applicant(s) New to system □ DUANE JOHNSON 1078 SHAWNEE RD LINDSBORG, KS 67456	Person ID 23913 Add Seq#	8c. Landown New to sy		Person IDAdd Seq#
8b. Landowner(s) New to system SIDNEY A JOHNSON REVOCABLE LIVING TF 1078 SHAWNEE RD LINDSBORG, KS 67456	Person ID <u>38531</u> Add Seq#	1078 S	stem □ E JOHNSON HAWNEE RD BORG, KS 67456	Person ID 23913 Add Seq#
9. Documents and Enclosure(s):	WR Meter(s) Date to Comp	ly:	N & P Date to	Comply:
Anti-Reverse Meter Meter		N & P Form		Driller Copy 🔲 H & E Letter
10. Use Made of Water From:		То:		
			Date Prepared: 10/8/ Date Entered:	18 By: BILLINGER By:

	11. Count	y: MP	Ba	sin: SM	NOKY	HILL R	VER			Str	eam: \$	SMO	(Y HII	LL RIV	/ER			Fo	ormation Cod	e:	Special Use:
12. Points of Diversion CHK															and Qu	uantity		٨	dditional		
MOD DEL PDIV ENT Qualifier	S	т	R	ID	4	N	ʻW		Comm	ient (A	KA L	ine)		Rate	•	Quantity af	/	Rate	e Quant		Overlap PD Files
DEL 12378 NE SE SE	34	17S	4W	11										750)	88		750	88		
DEL 20377 NE SW SW	35	175	4W	5										750)	88		750	88		
DEL 30167 SW NE SW	35	175	4W	4										750)	88		750) 88		
ENT 54675 SE NW SE	35	17S	4W	1	140)5	1640							750)	88		750	88	MF	P11, 9605
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4. Limitation: Limitation:															umber(umber(
														-							
15. 5YR Allocation: Allocation	Туре	S	tart Yea	r	-	5 YR A	mount		_	Amou	nt Un	it	-	Base	Acres		- Co	omment		_	
16. Place of Use	Туре	Si	_	E ¹ /4	_	5 YR A	NW3			Amou	nt Un SW		_	Base		E1/4	_ Co	Total	1		Overlap Files
16. Place of Use CHK MOD DEL		NE 34	NI		SE 1/4		NW3						SE 1/4	NE 1%			SE 1/4		1		
I6. Place of Use CHK MOD DEL ENT PUSE S T R	ID	NE	NI	E ¹ /4	SE	NE	NW3	/4 SW	SE	NE	SW	11/4 SW	SE	NE	S	E¼ sw	SE		Owner		
16. Place of Use CHK MOD DEL ENT PUSE S T R	ID	NE	NI	E ¹ /4	SE	NE	NW3	/4 SW	SE	NE %	SW	5W 54	SE ¼	NE 1%	S NW 1/4	5W 1/4	SE ¼	Total	Owner	Chg?	Overlap Files
16. Place of Use CHK MOD DEL ENT PUSE S T R	ID	NE	NI	E ¹ /4	SE	NE	NW3	/4 SW	SE	NE %	SW	5W 54	SE ¼	NE 1%	S NW 1/4	5W 1/4	SE ¼	Total	Owner	Chg?	Overlap Files
16. Place of Use CHK MOD DEL ENT PUSE S T R	ID	NE	NI	E ¹ /4	SE	NE	NW3	/4 SW	SE	NE %	SW	5W 54	SE ¼	NE 1%	S NW 1/4	5W 1/4	SE ¼	Total	Owner	Chg?	Overlap Files
15. 5YR Allocation: Allocation 16. Place of Use CHK MOD DEL ENT PUSE S T R CHK 24100 35 17S 4V	ID	NE	NI	E ¹ /4	SE	NE	NW3	/4 SW	SE	NE %	SW	5W 54	SE ¼	NE 1%	S NW 1/4	5W 1/4	SE ¼	Total	Owner	Chg?	Overlap Files

STATE OF KANSAS



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

GOVERNOR JEFF COLYER, M.D. JACKIE MCCLASKEY, SECRETARY OF AGRICULTURE

October 8, 2018

SIDNEY A JOHNSON REVOCABLE LIVING TRUST C/O DUANE JOHNSON 1078 SHAWNEE RD LINDSBORG KS 67456

Re: Water Right, File No. 3,588

Dear Mr. 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, 2019**. 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: <u>http://kdheks.gov/waterwell</u>

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.

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

CERTIFICATE OF SERVICE

On this 8th day of October, 2018, I hereby certify that the attached <u>SUMMARY ORDER</u> <u>APPROVING APPLICATION FOR CHANGE in POINT OF DIVERSON</u> for water right, File No. 3,588, dated on the 8th day of October, 2018, was mailed postage prepaid, first class, U.S. mail, to the following:

SIDNEY A JOHNSON REVOCABLE LIVING TRUST C/O DUANE JOHNSON 1078 SHAWNEE RD LINDSBORG KS 67456

Blena F. Kayman

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Kansa Divisio Field Call fo S S	as Depa on of W Office f or addr opeka tafford tocktor arden	oleted ap artment /ater Re or your <i>ass:</i> (785) (785) (785) (785) City (1 <u>riculture</u>	of Agr source area. 296-5 234-5 234-5 24-5 20) 2 2. ks.go	733 5311 6787 76-290	e)1 Fee M	W lust Ad	TO ATE		TIO NG SE A NT C ME			APP PLAC THE RSIC EQ		DF ED	is ame		AP		
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							File No	. <u>3,58</u>	8								S	EP 1	7 2018
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P	hone N	lumber:	()					Email	addre	SS:								
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(1					=1/4				N1/4			SI	V1/4			SI	E1/4		TOTAL
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Presently authori	zed point of	diversion:				
One in the	NE	Quarter of the	SE	Quarter of the	SĘ	Quarter
of Section	34	, Township	17	South, Range	4	WEST,
in MCPHERSON	Cou	unty, Kansas,	feet North	feet West	of Southeast corn	er of section.
Authorized Rate	750 GPM	Authorized Quantity	88 AF	Depth of well	(fe	et)
(DWR use only:	Computer ID	No. 11 GF	PS 835	feet North	49 feet W	est)
This point will not	be changed	⊠This point will be chang	jed as follows:	No change, point bette	er described with G	PS as follows:
Proposed point o	f diversion: (Complete only if chan	ge is requeste	d or if existing point	is better describ	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	Cou	unty, Kansas, <u>1405</u>	feet North	1640 feet West	of Southeast corn	er of section.
Proposed Rate	750 GPM	Proposed Quantity	88 AF	Proposed well dep	oth (feet)	
This point is:						

Presently authori	zed point of a	diversion:				
One in the	NE	Quarter of the	SW	Quarter of the	SW	Quarter
of Section	35	, Township	17	South, Range	4	WEST,
in MCPHERSON	Cou	inty, Kansas,	_ feet North	feet West of S	Southeast corne	er of section.
Authorized Rate	750 GPM	Authorized Quantity	88 AF	Depth of well	(fee	et)
(DWR use only:	Computer ID	No. <u>5</u> GP	s	feet North	feet We	est)
This point will not	t be changed	This point will be change	ed as follows:	No change, point better de	scribed with GP	S as follows:
Proposed point o	f diversion: (Complete only if chang	e is requested	or if existing point is	better describ	ed by GPS)
One in the		Quarter of the		Quarter of the		Quarter
of Section		, Township		South, Range		(E/W),
in	Cou	inty, Kansas,	_ feet North	feet West of S	Southeast corne	er of section.
Proposed Rate		Proposed Quantity		Proposed well depth (feet)	
This point is:	dditional Well	Geo Center List o	ther water right	s that will use this point		

7.	The changes herein are desired for the following reasons?
	(please be specific) CANNOT ACCESS RIVER FROM
	SITE. WILL GO FROM 3 SITES TO 1 SITE THAT IS
	ALSO USED BY MP11 AND 9605

- If a well, is the test hole log attached? Yes No No 8.
- The change(s) (was)(will be) completed by? 9. **UPON APPROVAL**
- 10. If the point of diversion is a well:
 - (a) What are you going to do with the old well?
 - PUMPSITE TO BE REMOVED
 - (b) When will this be done? UPON APPROVAL
- 11. Groundwater Management District recommendation attached? Yes No
- 12. Assisted by MARK BILLINGER
- 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

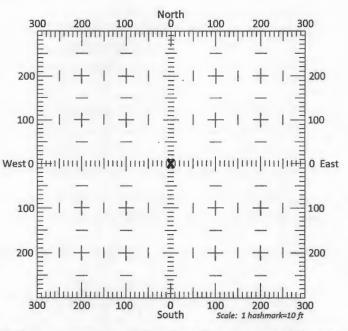


diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

RECEIVED

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET FILE NO. 3,588

SEP	1	7	2018
			2010

Presently authorized point of diversion: Since(or) Water Regurders One in the SW Quarter of the NE Quarter of the SW One in the SW Quarter of the SW WEST, In MCPHERSON County, Kansas, feet North feet North feet North feet West) [This point will not be changed. GPm the Change, point batter described with OPS as follows: For posed point of diversion: Feet North feet West) [This point will not be changed. Computer ID No. 4. GPS GPm the Quarter of the						Stockton
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of section				NE	Quarter of the	SW Water Resourcer
Im County, Kanasa,feet Northfeet West of Southeast comer of section. Authorized Rate50 GPM Authorized Quantity84 FDetech of well(feet) [ftels point will not be changed @Thils point will be changed as follows:]No change, point better described with GPS as follows: Proposed Joint of diversion: [Complete only if change is requested or if existing point is better described by GPS) One in the	of Section	35	Townshin	17	South Range	A WEST
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Page _____

- 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?

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 Lindsborg, K. Kansas, th	nis 11 day of September 2018
Duane Rofahrs	Dinua Mohuson
/ (Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas County of <u>McPler.son</u> SS	NOTARY PUBLIC - State of Kansas KIMBERLY A. SNELL My Appt Expires 712-22
I hereby certify that the foregoing application was signed in of, 20, 20 My Commission Expires	Himbaly A Shell Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, accurate information; maps, if necessary, must be included; signatures of all the the appropriate fee must be paid.	all of the applicable portions of the application form must be completed with e appropriate owners' must be affixed to the application and notarized; and
FEE SCHE	DULE
 Each application to change the place of use or the point of diversion up forth in the schedule below: Make checks payable to: Kansas Depar (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 f (3) Application to change the place of use	tment of Agriculture \$100 eet\$200
	SEP 17 2018

DWR 1-121 (Revised 04/5/2018)

Page 3

Stockton Field Office Division of Water Resources File No.

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

- 9-17-18 requesting that the place of use and / or point of A change application was received on " diversion authorized under the above-references me 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. 2.
- 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 wradius of the authorized point(s) of diversion. Applicable of Not Applicable 3.
- 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 4.
- The point(s) of diversion authorized herein shall not actually be located more than _ feet from the previously 5. Applicable Not Applicable authorized point(s) of diversion.
- Applicable
- 7. 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. 8. Applicable Not Applicable
- 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 IN Not Applicable
- 11. Additional Conditions are attached. Yes No No

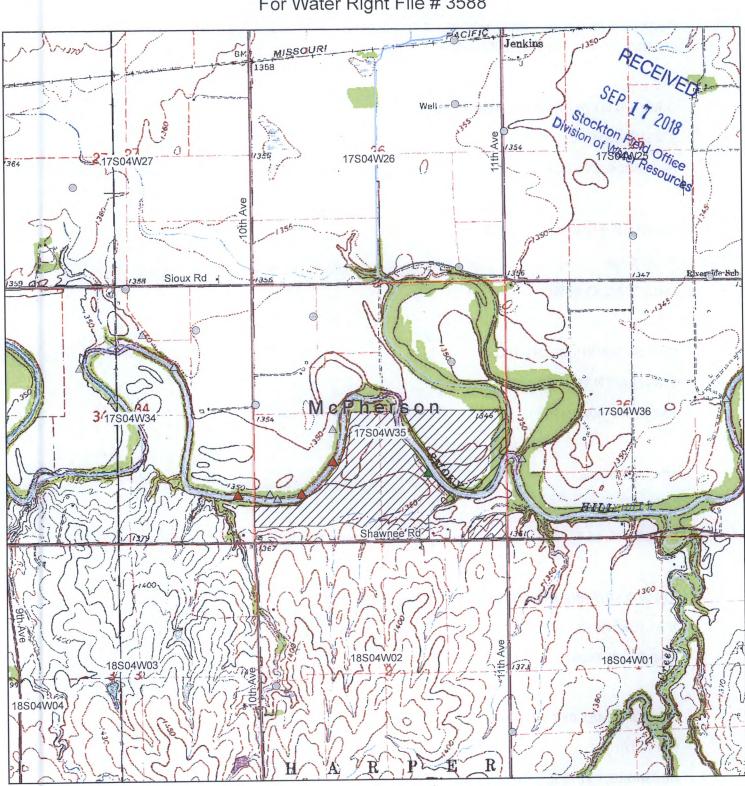
A MOTADY DURING STATISTICS AT A

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.

For Use by Register of Deeds

FOR OFFICE USE ONLY	
APPLICATION APPROVED	AND
SUMMARY ORDER ISSUE	D
By:	Engineer
(Print Name): Mark Billinger Division of Water Resources - Kansas Departm	
Date of Issuance: 10-8-18	
State of Kansas)	
County of Rooks) SS	
Acknowledged before me on 10-8-19	
by Mark Billinger	
Signature: Blecco F. Harmen Notary Public	w
NotaryPublic	
6-29-19 (Notara	CCA F. HAGEMAN Somailent Expires une 29, 2019

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

6 . 1 1

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

RECEIVED

SEP 17 2018 Stockton Field Office Division of Water Resources

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

TO: HEADQUARTERS
RE Vested Right; Water Right; Appropriation of Water; Application
File No(s). 3588 County MP
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 A Compliance Check Inspection on Other Other Neter Install New App Chg App Other In Compliance Not in Compliance, why
Modify Point of Diversion No Yes, document attached
 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 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 field office. # 3224 \$ 200.00
An original field office change <u>application</u> and the filing fee needing headquarters office review and further processing.
Other:
Assistant Water Commissioner Mark Billinger 9-19-18 Date

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,

Which 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 10TH 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

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.