

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). 6224; 11610; 18245 County OB

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.

An Advanced copy of a change application and the filing fee, to be processed at the field office. #743 6224-P/D+PIU
\$800.00 11610 + 18245-PIU

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

Other:


Assistant Water Commissioner

6-27-18
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

June 27, 2018

JOHN SIMPSON
219 S 5TH ST
OSBORNE, KS 67473

Re: Water Right, File No. 6,224

Dear Sir:

This is to advise you that Russell Mick 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 application.

You are notified on this proposed change in place of use so that you may furnish this office with any comments or other information you may want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

You can find the complete application posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices Should you have any questions, please feel free to call this office. If you would prefer, an appointment could be arranged for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

Mark Billinger
Assistant Water Commissioner

MB:rh

STATE OF KANSAS

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



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

June 27, 2018

GREG MICK
874 S 170TH AVE
OSBORNE, KS 67473

Re: Water Right, File No. 6,224

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Sincerely,

Mark Billinger
Assistant Water Commissioner

MB:rh

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

STATE OF KANSAS



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FAX: (785) 425-6842
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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

June 27, 2018

RJ FARMS
1607 W 79TH DR
OSBORNE, KS 67473

Re: Water Right, File No. 6,224

Dear Sir or Madam:

This is to advise you that Russell Mick 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 application.

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Sincerely,

A handwritten signature in black ink that reads "Mark Billinger".

Mark Billinger
Assistant Water Commissioner

MB:rh

STATE OF KANSAS

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



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

June 27, 2018

IRIS A HAHN TRUST
107 MERCURY AVE
OSBORNE, KS 67473

Re: Water Right, File No. 6,224

Dear Sir or Madam:

This is to advise you that Russell Mick 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 application.

You are notified on this proposed change in place of use so that you may furnish this office with any comments or other information you may want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

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Sincerely,

A handwritten signature in black ink, appearing to read "Mark Billinger".

Mark Billinger
Assistant Water Commissioner

MB:rh

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

File No. 6,224

**JUN 27 2018
 11:45 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: Russell Mick

1864 W 70th Dr., Alton, KS 67623

Phone Number: (785)346-6066 Email address: russellemick@gmail.com

Name and address of Water Use Correspondent: Eugene A Mick Trust No. 1, Russell E Mick Trust B Share, 1864 W 70th Dr., Alton, KS 67623

Phone Number: (785)346-6066 Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: Eugene A Mick Trust No. 1, Russell E Mick Trust B Share,

ADDRESS: 1864 W 70th Dr., Alton, KS 67623

(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	
13	07	14w	7	3	35	35													80

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: Eugene A Mick Trust No. 1, Russell E Mick Trust B Share,

ADDRESS: 1864 W 70th Dr., Alton, KS 67623

(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	
13	07	14			31.5	18.5	4.5	22	34.5	38.5	36	13							198.5

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

5. **Presently authorized point of diversion:**
 One in the CS Quarter of the NW Quarter of the NE Quarter of Section 13, Township 7 South, Range 14 (W), in OB County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate 1000 gpm Authorized Quantity 120 AF Depth of well _____ (feet)
 (DWR use only: Computer ID No. 01 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 SE Quarter of the NE Quarter of the NW Quarter of Section 13, Township 7 South, Range 14 (W), in OB County, Kansas, 4310 feet North 2880 feet West of Southeast corner of section.
 Proposed Rate 1000 gpm Proposed Quantity 120 AF Proposed well depth (feet) n/a
 This point is: Additional Well Geo Center List other water rights that will use this point 11,610 & 18,245 ID 3

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) overlap PU under pivot & overlap PD on existing pumpsite under Files 11,610 & 18,245

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

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

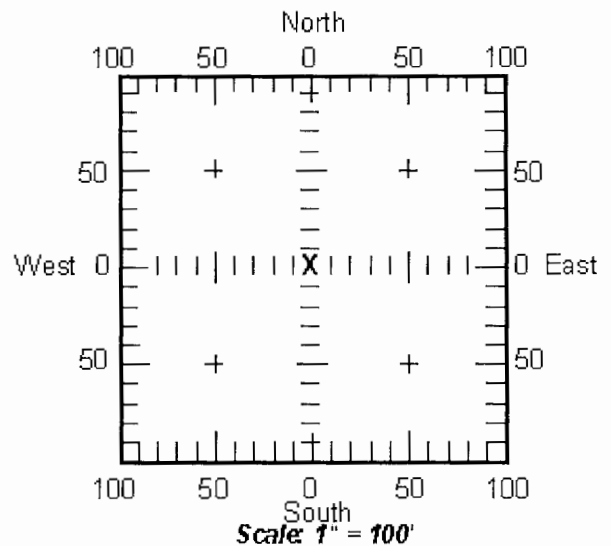
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
n/a

(b) When will this be done? n/a

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.

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 6224
MAKE ADDITIONAL COPIES AS NECESSARY

RECEIVED

JUN 27 2018

Stockton Field Office
Division of Water Resources

3. *Continued:* The presently authorized place of use is:

Owner of Land ---- NAME: John Simpson | Charles & Phyllis Simpson
ADDRESS: 219 S 5th St, Osborne, KS 67473 | 743 South 180th St, Alton, KS 67623

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	
13	07	14w					3	.5											3.5

Owner of Land ---- NAME: _____
ADDRESS: _____

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	

Owner of Land ---- NAME: _____
ADDRESS: _____

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	

4. *Continued:* 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: John Simpson | Charles & Phyllis Simpson
ADDRESS: 219 S 5th St, Osborne, KS 67473 | 743 South 180th St, Alton, KS 67623

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	
13	07	14w					3	.5											3.5

Owner of Land ---- NAME: Iris A Hahn Trust
ADDRESS: 107 Mercury Ave, Osborne, KS 67473

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	
13	07	14w													11	36			47

Owner of Land ---- NAME: _____
ADDRESS: _____

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	

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).

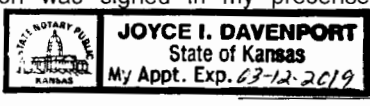
I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Osborne, Kansas, this 22 day of June, 2018.

<u>Russell E. Mick</u> (Owner)	
<u>Russell E. Mick</u> (Please Print)	

State of Kansas }
 County of Osborne } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 22nd day of June, 2018.



Joyce I. Davenport
 Notary Public

My Commission Expires 03-12-2019.

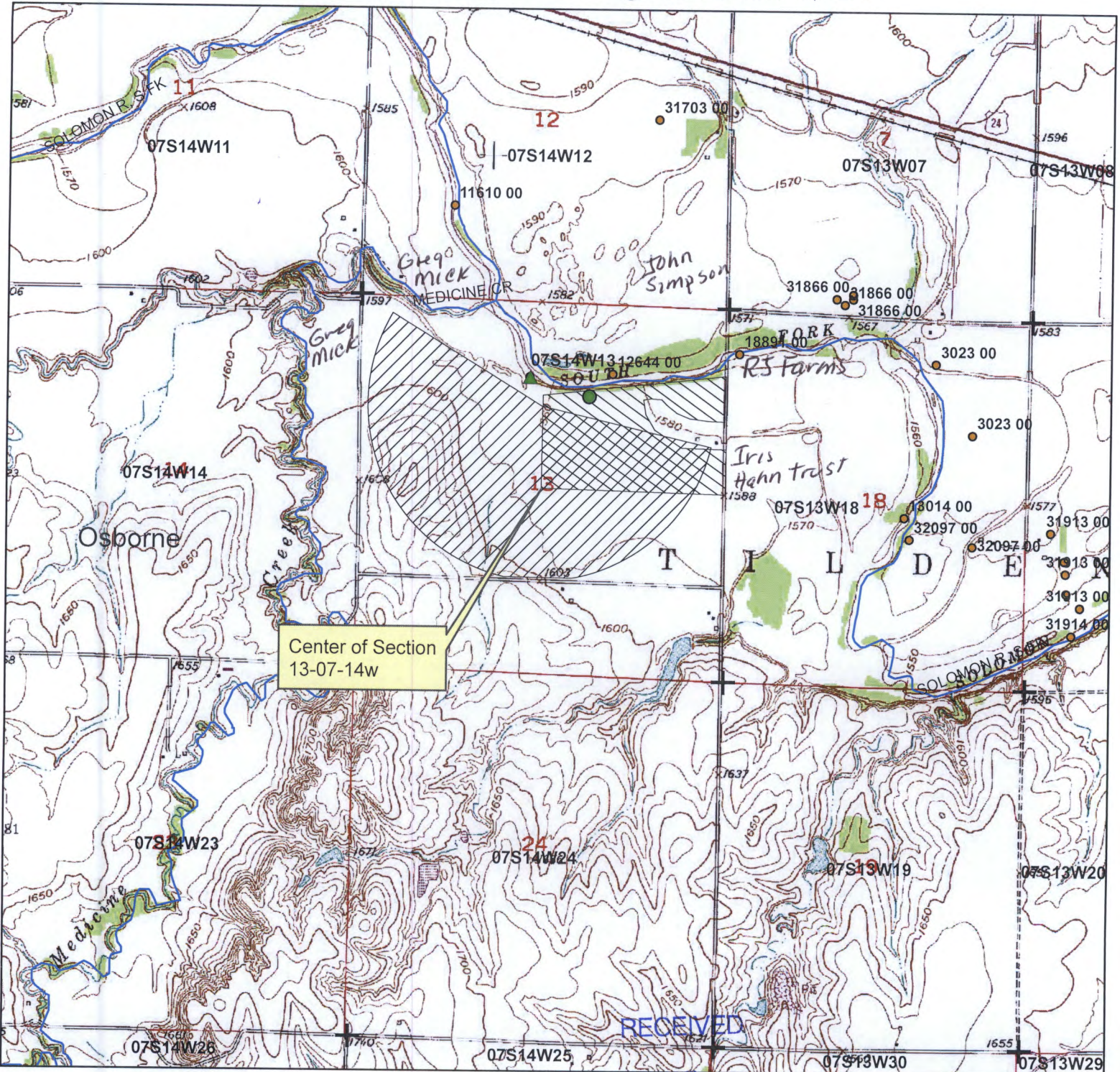
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate 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
 JUN 27 2018

Application for Change in Place of Use and Point of Diversion, Water Right, File No. 6,224



JUN 27 2018

1:24,000

- + Section Corners
- Presently Authorized Point of Diversion
- ▲ Proposed Point of Diversion
- Presently Authorized Place of Use
- Proposed Place of Use

Stockton Field Office
Division of Water Resources



To the best of my knowledge, names and addresses of all landowners within 1/2 mile upstream and downstream of the property lines are shown.

Russell E Mick
 Signature 6-26-18
 Date

Quitclaim Trustee's Deed

THIS INDENTURE, Made and entered into this 26th day of June, 2018, between Iris A. Hahn, as Trustee of the Iris A. Hahn Trust, under agreement dated October 1, 2017, which Trust has not been revoked and is in full force and effect on the date hereof, as Grantor, and Russell E. Mick Trust No. 1, as Grantee.

The Grantor, acting under express powers conferred upon her as Trustee of the Iris A. Hahn Trust, under agreement dated October 1, 2017, by these presents conveys unto **Russell E. Mick Trust No. 1, under agreement dated October 1, 1990**, all right, title and interest of the Iris A. Hahn Trust, under agreement dated October 1, 2017, in and to all of the following, to-wit:

Certificate of Appropriation for Beneficial Use of Water, issued pursuant to Application No. 6,224;

Certificate of Appropriation for Beneficial Use of Water, issued pursuant to application No. 11,610;

Certificate of Appropriation for Beneficial Use of Water, issued pursuant to application No. 18,245;

as the same may pertain to the North Half of the Southeast Quarter of Section 13, Township 7 South, Range 14, West of the 6th P.M., in Osborne County, Kansas,

(No real estate validation questionnaire required pursuant to K.S.A. 79-1437e(a), Exception #7.)

IRIS A. HAHN TRUST, dated October 1, 2017.

By Iris A. Hahn Trustee
IRIS A. HAHN, TRUSTEE

STATE OF KANSAS, OSBORNE COUNTY, SS:

The foregoing instrument was acknowledged before me on the 26th day of June, 2018, by Iris A. Hahn, as Trustee of the Iris A. Hahn Trust, under agreement dated October 1, 2017, on behalf of said trust.



Donald L. Koops
NOTARY PUBLIC

My appointment expires 2-9-2020

RECEIVED

JUN 27 2018

Stockton Field Office
Division of Water Resources

STATE OF KANSAS
OSBORNE COUNTY SS
Filed on the 27th day of June
A.D. 2018 at 11:32 o'clock A.M.
and duly Recorded in Deeds
Book A109 Page 57
REGISTER OF DEEDS
fee 21.00



Greg Mick
874 S 170th Ave
Osborne Ks 67473

John Simpson
219 S 5th ST
Osborne Ks 67473

Iris A Hahn Trust
107 Mercury Ave
Osborne, Ks 67473

RJ Farms
1607 W 79th Dr
Osborne Ks 67473

RECEIVED

JUN 27 2018

Stockton Field Office
Division of Water Resources

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.