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). 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 A Compliance Check Inspection on Other Other
In Compliance Not in Compliance, why
 An application and judgment sheet with recommendation. A memorandum dated
Violation Date An ownership change (name(s) and address(es) below).
A letter dated
A copy of an <u>Approval</u> to Change the place of use and/or point of diversion, Filing Fee attached.
An Advanced <u>copy</u> of a change application and the filing fee, to be processed at the field office. $#743$ $6224 - P/D + P/U$ Second 11610 + 18245 - P/U
An original field office change <u>application</u> and the filing fee needing headquarters office review and further processing.
Other:
(h/h/ B/h/ 6-27-18
Assistant Water Commissioner Date

ę

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

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 <u>www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices</u> 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

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

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GREG MICK 874 S 170TH AVE OSBORNE, KS 67473

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Department of Agriculture Division of Water Resources Stockton Field Office 820 S. Walnut Stockton, KS 67669-0192

STATE OF KANSAS



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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

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STATE OF KANSAS

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

June 27, 2018

IRIS A HAHN TRUST 107 MECURY AVE OSBORNE, KS 67473

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Sincerely,

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.

						F	File No	. <u>6,22</u>	4								JUN	27	2018
1.	Application is hereby made for approval of the Chief Engineer to change the (check one or both):											d Office							
	under th	e water	right w	vhich i	s the s	ubject	of this	applic	ation i	n acco	rdance	e with f	the cor	ndition	s desc	ribed b	elow.		
	The sou	rce of sı	upply i	s:			Fround	water		\boxtimes	Surfac	e wate	ər						
2.	Name ar <u>1864 W</u>					ussell	Mick					- 10							
	Phone N	lumber:	<u>(785)</u>	346-6	066				Email	addre	ss: <u>rus</u>	sellen	nick@g	mail.c	om				
	Name ar	nd addre	ess of	Water	Use C	orresp	onden	t: <u>Euc</u>	<u>ene A</u>	Mick	Trust N	lo. 1 <u>, F</u>	Russel	E Mic	k Trus	t B Sh	are, 18	364 W	70th Dr.,
Alton, KS 67623																			
	Phone N	lumber:	<u>(785)</u>	346-6	066				Email	addre	ss:								- Berne - Berne -
3.	The pres	sently au	uthoriz	ed pla	ce of u	ise is:													
	Owner o										Mick 7	rust B	Share	<u>,</u>		_	_		
		ŀ	ADDRI	ESS:	1864 \	V 70th	Dr., A	lton, K	<u>(S 676</u>	323									
	(If there is	s more th	an one	landov	vner, at	tach su	ippleme	ental sh	ieets as	neces	sary.)								
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Se	c. Twp.	Range	NE¼	NW1⁄4	SW1⁄4	SE¼	NE¼	NW¼	SW1⁄4	SE¼	NE¼	NW¼	SW1⁄4	SE¼	NE¼	NW¼	SW1⁄4	SE¼	ACRES
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4.	lf this ap Owner o				•	•		•	•		•				ged to				
		/	ADDRI	ESS:	1864 \	V 70th	Dr., A	lton, K	(S 676	523									
	(If there is	s more th	ian one	landov	vner, at	tach su	ippleme	ental sh	eets as	neces	sary.)								
																	-1/		TOTAL

				NE	Ξ¼			NW¼				SW¼				SE	TOTAL		
Sec.	Twp.	Range	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW1⁄4	SE¼	NE¼	NW1⁄4	SW¼	SE¼	ACRES
13	07	14			31.5		4.5		34.5			13							198.5

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

5.	Presently author	ized 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 <u>OB</u>	Co	unty, Kansas,	_ feet North _	feet West of S	outheast cor	ner of section.	
	Authorized Rate _	1000 gpm	Authorized Quantity	120 AF	Depth of well	vell (feet)		
	(DWR use only:	Computer ID	No. <u>01</u> GP	S	feet North	feet \	Nest)	
	This point will no	t be changed	This point will be change	ed as follows: [No change, point better de	escribed with (GPS as follows:	
	Proposed point of	of diversion:	(Complete only if chang	<u>le is requeste</u>	ed or if existing point is t	better descr	ibed 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 <u>OB</u>	Co	unty, Kansas, <u>4310</u>	_ feet North _	feet West of S	outheast cor	ner of section.	
	Proposed Rate	1000 gpm	Proposed Quantity	120 AF	Proposed well depth (feet)	n/a	
	This point is:	Additional Wel	I 🗌 Geo Center List o	ther water rig	hts that will use this point	11,610 & 18,2	245 ID 3	

6.	Presently authorized p	oint 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 So	outheast corner of section.
	Authorized Rate	Authorized Qua	ntity	Depth of well	(feet)
	(DWR use only: Comp	outer ID No.	GPS	feet North	feet West)
	This point will not be ch	anged	hanged as follows: 🗌	No change, point better des	cribed with GPS as follows:
	Proposed point of dive	ersion: (Complete only if c	hange is requested	or if existing point is b	etter 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 So	outheast corner of section.
	Proposed Rate	Proposed Quan	tity	Proposed well depth (feedback in the second seco	eet)
	This point is: Additio	nal Well 🔲 Geo Center	List other water right	s 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
- The change(s) (was)(will be) completed by? on appoval
- 10. If the point of diversion is a well:

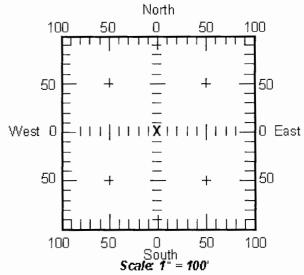
(a) What are you going to do with the old well?

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.

RECEIVED

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

FILE NO. <u>6224</u>

MAKE ADDITIONAL COPIES AS NECESSARY

Stockton Field Office Division of Water Resources

JUN 27 2018

Lee Twp. Range NEX NWX SEX NEX NWX SWX SEX NEX NWX<			d: The Land -	NA	AME:		Simpso	on		S 674	73				<u>Cha</u> 743	arles & South	Phylli 180 th	<u>s Simp</u> St, Al	son ton, KS	67623	
Normal Network Normal SW2 SW2 NW2 SW2 NW2 SW2 NW2 SW2 NW2 SW2 NW2 SW2					NE	1/4			NV	N1⁄4			SV	V¼			SI	E¼		TOTAL	
Number Number<	Sec.	Twp.	Range	NE¼	NW1⁄4	SW1⁄4	SE1⁄4	NE1/4	NW1⁄4	SW1⁄4	SE¼	NE¼	NW¼	SW1⁄4	SE¼	NE¼	NW1/4	SW1⁄4	SE¼	AGRES	
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Owner of Land NAME: John Simpson Charles & Phyllis Simpson ADDRESS: 219 S 5th St, Osborne, KS 67473 743 South 180th St, Alton, KS 67623 NE% NW% SW% SE% ToTAl Access iec. Twp. Range NE% NW% SW% SE% NE% NW% 13 07 14w 3 5 0	ec.	Twp.	Range	NE¼	NW¼	SW1⁄4	SE¼	NE¼	NW¼	SW1/4	SE¼	<u>NE¼</u>	NW1⁄4	SW¼	SE¼	NE¼	NW1/4	SW1/4	SE¼		
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13 07 14w 3 .5 3.5 3.5 Owner of Land NAME: ADDRESS: Iris A Hahn Trust 107 Mercury Ave, Osborne, KS 67473 SE¼ TOTAL ACRES NE¼ NW¼ SW¼ SE¼ TOTAL ACRES NE¼ NW¼ SW¼ SE¼ TOTAL ACRES NE¼ NW¼ SW¼ SE¼ TOTAL ACRES Owner of Land NAME: ADDRESS: Owner of Land NAME: ADDRESS: NE¼ NW¼ Owner of Land NAME: ADDRESS: NE¼ NW¼ <th></th> <th>-</th> <th></th> <th></th> <th></th> <th></th> <th>051/</th> <th></th> <th></th> <th></th> <th>051/</th> <th></th> <th></th> <th></th> <th>051/</th> <th></th> <th></th> <th></th> <th>651/</th> <th>TOTAL ACRES</th>		-					051/				051/				051/				651/	TOTAL ACRES	
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					ESS:	=1/4					SE ¹ ⁄4	NE¼			SE¼	NE¼			SE¼		

1

- 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?
 - (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	Osborne	, Kansas, this _	22	day of <u>Jvr</u>	15	20_18
Rus	OWNER OWNER OWNER OWNER (OWNER)					
	(Owner)			(S	Spouse)	
Kusse	ell E. MICK					
	(Please Print)			(Plea	ase Print)	
	(Owner)			(S	Spouse)	
	(Please Print)			(Ple	ase Print)	<u> </u>
	(Owner)			(S	Spouse)	
	(Please Print)			(Plea	ase Print)	
State of Kansas)					
County of 01	forne SS					
I hereby cert	ify that the foregoing application	Was signed in my JOYCE I. DA State of K My Appt. Exp.	VENPORT	and sworn to Fau		s 23 to day of
My Commission	Expires <u>03-12-2019</u>	-		/ Nota	ary Public	

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

Page 3

Stockton Field Office

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. <u>6,224</u>

- 1. A change application was received on ______ 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
- 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 _____ feet from the previously authorized point(s) of diversion.
 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, 20_____, 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.
- 7. Installation of the works for diversion of water shall be completed on or before December 31, 20_____, or within any authorized extension of time. By March 1, 20_____ 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. The completed well log shall be submitted with the required notice.
- 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

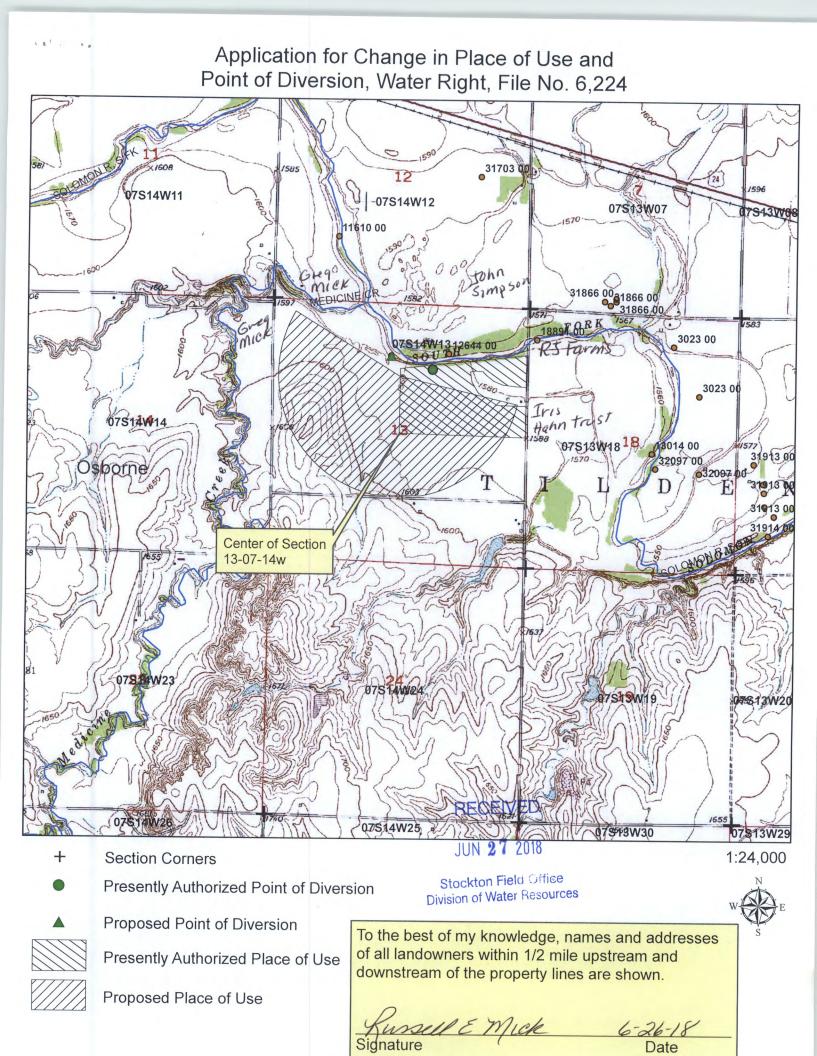
If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and 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 <u>APPLICATION APPROVED AND</u> <u>SUMMARY ORDER ISSUED</u>

By:
Duly Authorized Designee of the Chief Engineer
(Print Name): Division of Water Resources - Kansas Department of Agriculture
Date of Issuance:
State of Kansas)) SS
County of)
Acknowledged before me on
ЭУ
Signature:Notary Public

My commission expires:



A109 54

Quitclaim Trustee's Deed

THIS INDENTURE, Made and entered into this 2bthday of 1auded, 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,

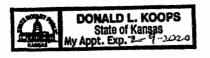
(No real estate validation questionnaire required pursuant to K.S.A. 79-1437e(a), Exception #7.)

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

IRIS A HAHN TRUSTEE

STATE OF KANSAS, OSBORNE COUNTY, SS:

The foregoing instrument was acknowledged before me on the 2b+h day of 3u-b+h, 2018, by Iris A. Hahn, as Trustee of the Iris A. Hahn Trust, under agreement dated October 1, 2017, on behalf of said trust.



ld Co. Koops

My appointment expires <u>2-9-2020</u>

RECEIVED

JUN 27 2018

Stockton Field Office Division of Water Resources

STATE OF KANSAS OSBORNE COUNTY .at // 10

Greg Mick 874 S 170th Ave Osborne Ks 67473

John Simpson 219 5 5th ST Osborne Ks 67473

Iris A Hahn Trust 107 Mecury Ave Osborne, Ks 67473

RJ Farms 1607 W 79th Dr Osborne Ks 67473

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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.