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

Assistant Water Commissioner	Date
Why Billeri	12-28-18
Other:	
An original field office change <u>application</u> and review and further processing.	the filing fee needing headquarters offi
An Advanced <u>copy</u> of a change application and office.	the filing fee, to be processed at the fie
A copy of an <u>Approval</u> to Change the <b>X</b> place of Filing Fee attached. Fee Sent Via 9442	use and/or 図 point of diversion. nad copy 12~27~18
A water use report forA letter dated	
Violation  An ownership change (name(s) and address(es) b	
A field investigation report. —  Notice of Non-Compliance	
☐ A verified report. ☐ A closure request.	
A request for an extension of time to perfect or con	mplete.
<ul><li>☐ An application and judgment sheet with recommer</li><li>☐ A memorandum dated</li></ul>	
,	•
☐ In Compliance ☐ Not in Compliance, why Modify Point of Diversion ☐ No ☐ Yes, document of Diversion ☐ No ☐ Yes, document of the Diversion ☐ Yes, document ☐	ument attached
☐ A Compliance Check Inspection on ☐ Meter Install ☐ New App ☐ Chg App ☐	Other
•	Meter Order: ☐ GMD#4 ☐ Lower Smoky
A FIR Full Parti	ial Inspection
Enclosed are the following checked items:	
File No(s). 6,224;11,610;18,245	County OB
RE	opriation of Water;
TO: HEADQUARTERS	

### Kansas Department of Agriculture Division of Water Resources

#### CHANGE: P/D P/U WORKSHEET

1. File Number: <b>6,224</b>	2. Status Change Date:	3. Change Num:	4. Field Office: 03	5. GMD:
6. Status: ☐ Approved ☐ Den	ied by DWR/GMD	Dismiss by Reques	st/Failure to Return	7. Filing Date of Change: 6/27/18
8a. Applicant(s)  New to system □	Person ID 64580 Add Seq#	8d. Landown	. ,	Person ID 28999 Add Seq#
RUSSELL MICK 1864 W 70 <sup>TH</sup> DR ALTON, KS 67623		743 SC ALTON	LES & PHYLLIS OUTH 180TH ST I, KS 67623 ICLAIM DEED TO	
8b. Landowner(s)  New to system □	Person ID 61472 Add Seq#	8e. Landown New to sy	• •	Person IDAdd Seq#
EUGENE A MICK TRUST RUSSELL E MICK TRUS 1864 W 70 <sup>TH</sup> DR ALTON, KS 67623		107 ME OSBOR	HAHN TRUST** ERCURY AVE RNE, KS 67473 ICLAIM DEED TO	O RIGHTS
8c. Landowner(s)  New to system □	Person ID	8f. WUC	vstem 🗌	Person ID <b>61472</b> Add Seq#
JOHN SIMPSON** 219 S 5TH ST OSBORNE, KS 67473 ** QUITCLAIM DEED TO	RIGHTS	RUSSE 1864 W	NE A MICK TRUS ELL E MICK TRU V 70 <sup>TH</sup> DR N, KS 67623	
9. Documents and Enclosure(s): D			☑ N & P Date to	
☐ Anti-Reverse Meter ☐ Meter☐ Conservation Plan Date Requir				Oriller Copy
10. Use Made of Water From:		To:		
			Date Prepared: רב/בון Date Entered:	<i>lı</i> ⊮ By: <b>BILLINGER</b> By:

File N	No. <b>6,2</b> 2	24		1	1. Cc	ounty:	ОВ	В	asin: S	F SOI	OMO	N RIV	ER		s	tream:	sou <sup>.</sup>	TH FC	RK S	OLON	ON RIV	/ER	Fo	rmation Co	de:	Special Use:	
12. I CHK	Points of D	iversi	on																Rate	and Q	uantity						
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																					-			,			
13. S	torage: Ra	ate				^	IF	Qua	intity _					ac/ft	Α	ddition	al Rat	e				NF	Addi	tional Quan	tity _		ac/ft
14. L	mitation: _				e	af/yr a	t				gpm (_				cfs) w	hen co	mbine	d with	file n	umber	(s)						
L	imitation: _				2	af/yr a	t				gpm (_				cfs) w	hen co	mbine	d with	file n	umber	(s)						
15. 5	YR Allocat	ion:	Alloca	ation Ty	pe _		. St	art Yea	ır		5 YR	Amou	nt		Amo	ount Ui	nit	_	Base	Acres		C	omment .				
CHK		e				-		N	E¼			NV	V1/4			sv	V1/4			S	E¼	-	Total	Owner	Chg	? Overlap Files	
MOD DEL ENT		S	т	R	ID		NE	NW 1/4	sw 1/4	SE ¼	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE ¼	NW 1/4	SW 1/4	SE ¼	NE 1/4	NW 1/4	SW 1/4	SE 1/4					
	32652								31.5	18.5	4.5	22	34.5	38.5	36	13							198.5	8b.	N	11610 & 18245	
ENT	63367	13	3 7S	147	V 5						3	0.5			-								3.5	8c.&8d.	N	11610 & 18245	
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Comr	nents: LA	ND	OWN	ERS	8c.,	, 8d.	, &	8e. H	AVE	SIG	NED	QU	IT CI	LAIM	DE	EDS	то	OW	NER	SHIF	OF	WAT	ER RI	GHTS			

#### 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

December 28, 2018

EUGENE A MICK TRUST NO 1 RUSSELL E MICK TRUST B SHARE 1864 W 70TH DR ALTON KS 67623

Re:

Water Right, File No. 6,224

Dear Mr. Mick:

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 <u>December 31, 2019</u>. 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: <a href="http://kdheks.gov/waterwell">http://kdheks.gov/waterwell</a>

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 28<sup>th</sup> day of December, 2018, I hereby certify that the attached <u>SUMMARY ORDER</u> <u>APPROVING APPLICATION</u> FOR CHANGE in POINT OF DIVERSION for water right, File No. 6,224, dated on the 27<sup>th</sup> day of December, 2018, was mailed postage prepaid, first class, U.S. mail, to the following:

EUGENE A MICK TRUST NO 1 RUSSELL E MICK TRUST B SHARE 1864 W 70TH DR ALTON KS 67623

Robecca Hagemere

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

12 27 18 MB

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.

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						F	ile No	. <u>6,22</u> 4	1									27 2			
1. A	pplication	on is he	ereb <b>y</b> r	nade f	or app	roval o	f the C	hief E	nginee	er to ch	nange	the (ch	eck or	ne or b	oth):	Si			Office		
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	lame an			• •		ussell	Mick														
<u>1</u>	864 W	70 <sup>th</sup> Dr.	<u>Alton</u>	. KS 6	7623			nw.													
	hone N									addre											
				Water	Use C	orresp	onden	t: <u>Eug</u>	ene A	Mick	Trust N	lo. 1, F	Russel	E Mic	k Trus	t B Sh	are, 1	864 W	70th Dr.,		
_	Alton, K																				
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4. If	this ap	olication	n is for	a cha	nge in	place	of use	, it is p	ropose	ed that	the pl	ace of	use be	chan	ged to	:					
	)wner of				_				•		•								,		
			ADDRI	ESS:	1864 V	V 70th	Dr., A	lton, K	S 676	323											
(1	f there is	more th	an one	landov	vner, at	tach su	ppleme	ental sh	eets as	neces	sary.)					<u>.                                    </u>					
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F	or Office	e use	Only:	Code		re	Φ		_ /K	#			ceipt				Criec	Λ#			

5.	Presently authorized point of diversion:						
٥.	One in the CS Quarter of	f the	NW	Quarter	of the	NE	Quarter
	of Section 13 , Townsh	ip	7	South, F	Range	14	(W)
- 1	in OB County, Kansas,		feet No	th fee	et West of Sout	heast corn	er of section.
	Authorized Rate 1000 gpm Authorized						
	(DWR use only: Computer ID No. 01	GPS	3	feet Nor	th	feet W	/est)
-	☐This point will not be changed ☐This point wi	l be change	d as follov	/s: 🔲 No change, p	oint better descr	ibed with G	PS as follows:
	Proposed point of diversion: (Complete on	y if change	e is requ	ested or if existin	ig point is bet	ter descril	bed by GPS)
- 1	One in the Quarter of	f the	NE_	Quarter	of the	_NW	Quarter
	of Section 13, Townsh	nip	7	South, F	Range	14	(W)
	in OB County, Kansas,						
1	Proposed Rate 1000 gpm Proposed						
L	This point is: Additional Well Geo Cer	ter List ot	her wate	rights that will use	e this point 11,6	<u> 310 &amp; 18,2</u>	45 ID 3
6. [	Presently authorized point of diversion:						
٠. ا	One in the Quarter of	of the		Quarter	of the		Quarte
	of Section, Townsh	qin		South, I	Range		(E/W)
	in County, Kansas,		feet No	th fee	et West of Sout	heast corn	ner of section.
	Authorized Rate Authorized						
	(DWR use only: Computer ID No.						
	☐This point will not be changed ☐This point wi						
- [	Proposed point of diversion: (Complete on						
	One in the Quarter of						
	of Section, Townsh						
ı	in County, Kansas,		feet No	thfee	et West of Sout	heast corn	ner of section.
	Proposed Rate Proposed						
	This point is: Additional Well Geo Cer						
7.	The changes herein are desired for the follow (please be specific) overlap PU under pivot & overlap PD on existing pumpsite under Files 11,610 & 18,245	erlap	;? 13a.	the diagram below (PLEASE NOTE: represents prese	in relation to the The "X" in	e existing p center of point of d	te its location operation of diversion of diversion of diversion.)
8.	If a well, is the test hole log attached?  Yes	☐ No		-  -  -	=		
9.	The change(s) (was)(will be) completed by? on appoval			50 -	+ =	+ -	50
10.	If the point of diversion is a well:			West 0 - 111			0 East
	(a) What are you going to do with the old well?			<u> </u>			Ⅎ
				50 =		.1	<b>=</b> 50
	n/a			F	_	1.	٦
				F	_ =		7
	(b) When will this be done? n/a						
				100	50 0	50	100
11.		ommendatio	n		South <b>Scale: 1</b> " =	100'	
	attached?		13b.	If the proposed po	int of diversion	will be relo	cated more that
12.	Assisted b <b>y</b> jkb - Stock FO			100 feet but with diversion, attach For groundwater s within one-half milinames and mailin water sources, s landowner(s) one upstream from you	nin 1320 feet a topographic cources, show a e of the propose a ddresses of how the name-half mile down	from the emap or as all wells (included point of the owner and acoustication artical)	existing point erial photograp cluding domesti diversion and thers. For surfact ddresses of the ddresses of the ers.

#### RECEIVED

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

FILE NO. 6224

MAKE ADDITIONAL COPIES AS NECESSARY

JUN 27 2018

Stockton Field Office Division or Water Resources

		f Land -	NA		John S	Simpso	n		S 674	73					rles & South				67623
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0	wner o	f Land -	N/ ADDR	ESS:															
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Sec. 13	Twp. 07	Range 14w	NE /4	INVV74	3VV/4	SE 74	3	.5	30074	SE/4	NE/A	1400/4	300/4	JE/4	INL.74	1444/4	300/4	OL/4	3.5
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Sec.	ı wp.	range	NE74	140074	344/4	JL/4	112/4	1400/4	34474	JL/4	111./4		3.074	JL/4	1/4	/4	311/4	5-/-	

#### 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. 6,224 A change application was received on 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 on the topographic map accompanying the application to change the place of use. 

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 radius of the authorized point(s) of diversion. Applicable ☐ Not Applicable feet from the previously The point(s) of diversion authorized herein shall not actually be located more than \_\_ authorized point(s) of diversion. 

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 K.A.R. 5-6-13. 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 baseline of the b water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. ☐ Applicable ☐ Not Applicable 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. ☐ Applicable ☐ Not Applicable The completed well log shall be submitted with the required notice. Applicable Not Applicable 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 ⊠ 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. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND If you are aggrieved by this order, pursuant to K.S.A. 82a-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 By: administrative review by the Secretary must be filed within 30 days pursuant to K.S.A. 77-531. Any request for administrative Duly Authorized Designee of the Chief Engineer MARK Brewen review must state a basis for review pursuant to K.S.A. 77-527. (Print Name): File any request with Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS Division of Water Resources - Kansas Department of Agriculture 66502. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act. Date of Issuance: State of Kansas For Use by Register of Deeds SS ROOKS County of Acknowledged before me on MARK Signature: KELLY C. STEWART My Appointment Expires September 27, 2021

My commission expires:

(Notary Seal)

14. If the proposed groundwa	ater point of diversion is 300 o	or fewer feet fro	m existing	point of div	version, complete the	following:
(a) Does the undersigne ☐ Yes ☐ No	ed represent all owners of the (If no, all owners must			e(s) of use	identified in this app	ication?
(b) Will the ownership in affected if this applic ☐ Yes ☐ No	nterest of any owner of the o cation is approved as requeste (If yes, all owners mus	ed?		(s) of use i	dentified in this appl	ication be adversely
(c) If this application is r ☐ Yes ☐ No	not approved expeditiously, w (If no, all owners must			mage to pr	operty, public health	or safety?
If the application proposes a sor a change in place of use, to agent (attach notarized stater	he application must be signed	d by all owners	groundwa of the curr	ter change ently autho	in point of diversion orized place of use, o	greater than 300 feet r their duly authorized
I hereby verify, being firs age and the owner, the s their behalf, in regards t contained in this applica	pouse of the owner, or a o the water right(s) to w tion are true, correct and	i duly authori hich this app d complete.	zed ager dication	nt of the c pertains.	wner(s) to make to I further verify the	this application on
Dated at	Sborne	_, Kansas, this _	22	_ day of	June	20 18
(P. 100 C	Sborne Smick Dwner  Mick ase Print)					
- Tussella	Owner C				(Spouse)	
RUSSELL E.	MICK					
(Plea	ase Print)				(Please Print)	
(0	Owner)				(Spouse)	
(Plea	ase Print)				(Please Print)	
(0	Owner)				(Spouse)	
(Plea	ase Print)				(Please Print)	
State of Kansas County of <u>Osforne</u>	ss					
I hereby certify that the	foregoing application was 20	signed in my JOYCE I. DA State of M My Appt. Exp.	VENPORT ansas		orn to before me Faire I b	this 23, No day of
My Commission Expires	3-12-2019				Notary Public	U
ONLY COMPLETE APPLICATION accurate information; maps, if ne the appropriate fee must be paid.	cessary, must be included; signa	be complete, all datures of all the ap	of the applic propriate o	able portion wners' must	s of the application form be affixed to the applica	n must be completed wit ation and notarized; and
		FEE SCHEDU	<u>LE</u>			
(2) Application to ch		nsas Departme feet or less e than 300 feet	ent of Agr	culture		\$100 \$200
				RECEI	VED .	

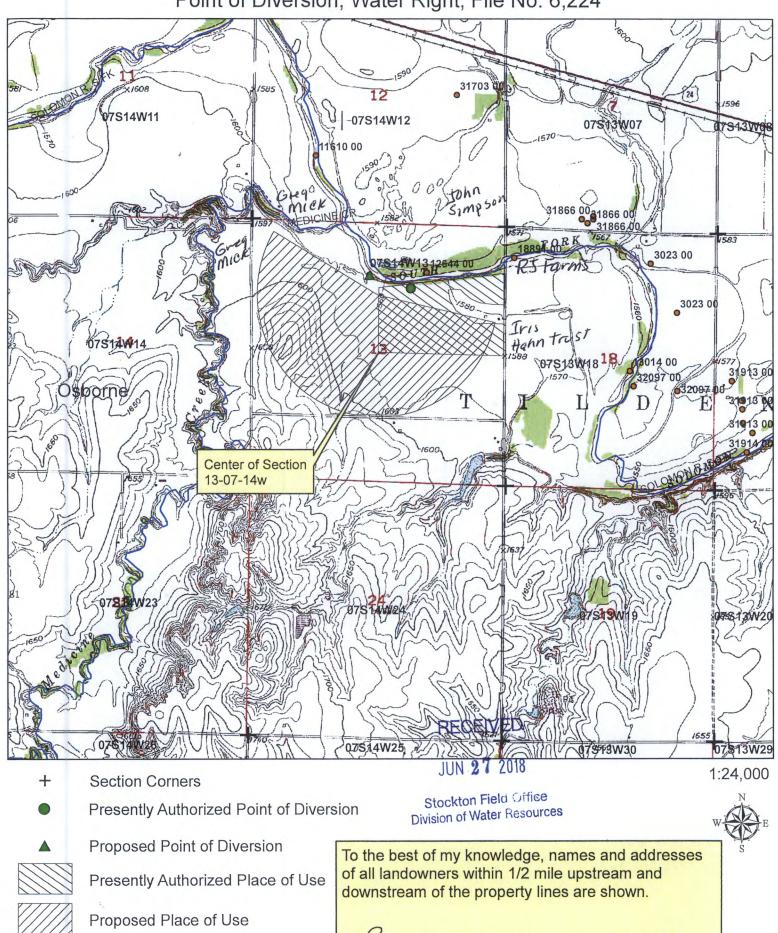
DWR 1-121 (Revised 07/10/2017)

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Stockton Field Office

JUN 27 2018

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



ussell & Mick

Greg Mick 874 S 170th Ave Osborne Ks 67473

John Simpson 219 S 5th ST Osborne Ks 67473

Ins A Hahn Trust 107 Mecury Ave Osborne, KS 67473

RJ Farms 1607 W 79th Dr Osborne Ks 67473

RECEIVED

JUN 27 2018

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

TO: HEADQUARTERS
RE
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 ☐ Other ☐ Other ☐ 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 ☐ Other
An application and judgment sheet with recommendation.  A memorandum dated
Notice of Non-Compliance
<ul><li>☐ An ownership change (name(s) and address(es) below).</li><li>☐ A water use report for</li></ul>
☐ 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 6224-9/0+9/4 1610 + 18245-9/4
An original field office change <u>application</u> and the filing fee needing headquarters office review and further processing.
Other:
Assistant Water Commissioner Date
Assistant value commissions.