

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). 6541 County RP

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. \$512083

\$10000

An Advanced copy of a change application and the filing fee, to be processed at the field office.

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

Other:


Assistant Water Commissioner

10/22/18
Date

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

1. File Number: 6,541	2. Status Change Date:	3. Change Num: C3	4. Field Office: 03	5. GMD:	
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 10/29/18	
8a. Applicant(s) New to system <input type="checkbox"/> PEGGY HART MILLER PO BOX 23573 BILLINGS, MT 59104		Person ID 41307 Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/> KAY ANNETTE HAMMER PO BOX 266 JAMESTOWN, KS 66948-0266		
8b. Landowner(s) New to system <input type="checkbox"/> PEGGY HART MILLER PO BOX 23573 BILLINGS, MT 59104		Person ID 41307 Add Seq# _____	8d. WUC New to system <input type="checkbox"/> DON HAMMER PO BOX 266 JAMESTOWN, KS 66948-0266		
9. Documents and Enclosure(s): <input type="checkbox"/> DWR Meter(s) Date to Comply: _____ <input type="checkbox"/> N & P Date to Comply: _____ <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____					
10. Use Made of Water From: _____ To: _____					
Date Prepared: 10/29/18 By: BILLINGER Date Entered: _____ By: _____					

File No. **6,541** 11. County: **RP** Basin: **REPUBLICAN RIVER** Stream: Formation Code: **113** Special Use:

12. Points of Diversion											Rate and Quantity				
CHK											Authorized		Additional		
MOD	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files	
DEL	18841	NW NE SW	21	4S	4W	3	2630	3601		2000	352	0	78.8		
ENT	NEW	NW NE SW	21	4S	4W	NEW	2670	3612		2000	352	0	78.8		
MOD	84523	NE NE SW	21	4S	4W	8	2630	2748		2000	352	0	78.8	RP18, 4599, 6541	

***RATES AND QUANTITIES FOR ENTIRE RIGHT**

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: **375** af/yr at **2920** gpm (_____ cfs) when combined with file number(s) **RP18, 4599**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
NO CHANGE																										

Base Acres: Year: Minimum Reasonable Quantity:
 Comments: **WELL HAS ALREADY BEEN DRILLED AND INSPECTED**

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

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 29, 2018

PEGGY HART
PO BOX 23573
BILLINGS MT 59104

Re: Water Right, File No. 6,541

Dear Ms. Hart:

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.

Since this order modifies the original certificate, it should be recorded with the Register of Deeds as other instruments affecting real estate.

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. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

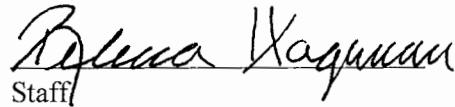
Mark Billinger
Assistant Water Commissioner

MB:rh
Enclosures

CERTIFICATE OF SERVICE

On this 29th day of October, 2018, I hereby certify that the attached SUMMARY ORDER APPROVING APPLICATION FOR CHANGE in POINT OF DIVERSION for water right, File No. 6,541, dated on the 29th day of October, 2018, was mailed postage prepaid, first class, U.S. mail, to the following:

PEGGY HART
PO BOX 23573
BILLINGS MT 59104


Staff

A copy of this Change Approval was sent to the following:

KAY ANNETTE & DON HAMMER
PO BOX 266
JAMESTOWN KS 66948-0266

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



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>

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.

APPLICATION NO. _____
 10/29/18
 Reviewer: MB

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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File No. 6,541

OCT 29 2018
 10:25 a.m.
 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: Peggy Hart Miller

PO Box 23573, Billings MT

Phone Number: () Email address: _____

Name and address of Water Use Correspondent: Don Hammer

PO Box 266, Jamestown, KS 66948

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land --- NAME: (A.) Peggy Hart (B.) Kay Annette Hammer

ADDRESS: PO Box 23573, Billings MT 59104 PO Box 266, Jamestown, KS 66948

(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						
(A.)	21	04	04w									37				37						40	35	149
(B.)	20	04	04w	26		28																		54
(B.)	21	04	04w					11	38	40	29													118

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 in place of use

ADDRESS: _____

(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						

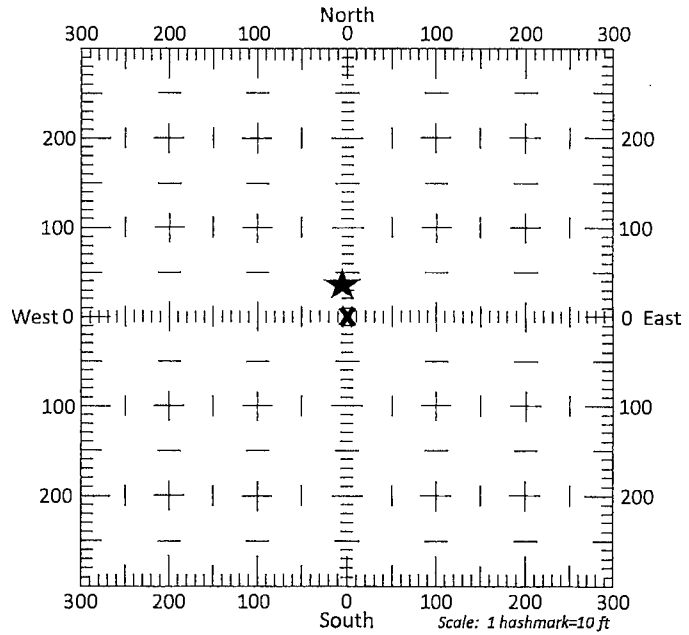
For Office Use Only: Code _____ Fee \$ _____ TR # _____ Receipt Date _____ Check # _____

5. **Presently authorized point of diversion:**
 One in the NW Quarter of the NE Quarter of the SW Quarter
 of Section 21 , Township 4 South, Range 4 (W),
 in Republic County, Kansas, 2630 feet North 3601 feet West of Southeast corner of section.
 Authorized Rate 2000 gpm * Authorized Quantity 352 AF * Depth of well ~70 (feet)
 (DWR use only: Computer ID No. 3 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 NW Quarter of the NE Quarter of the SW Quarter
 of Section 21 , Township 4 South, Range 4 (W),
 in Republic County, Kansas, 2670 feet North 3612 feet West of Southeast corner of section.
 Proposed Rate 2000 gpm * Proposed Quantity 352 AF * Proposed well depth (feet) 67
 This point is: Additional Well Geo Center List other water rights that will use this point none

6. **Presently authorized point of diversion:**
 One in the NE Quarter of the NE Quarter of the SW Quarter
 of Section 21 , Township 4 South, Range 4 (W),
 in Republic County, Kansas, 2621 feet North 2747 feet West of Southeast corner of section.
 Authorized Rate 2000 gpm * Authorized Quantity 352 AF * Depth of well ~70 (feet)
 (DWR use only: Computer ID No. 8 GPS 2630 feet North 2748 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 NE Quarter of the NE Quarter of the SW Quarter
 of Section 21 , Township 4 South, Range 4 (W),
 in Republic County, Kansas, 2630 feet North 2748 feet West of Southeast corner of section.
 Proposed Rate 2000 gpm * Proposed Quantity 352 AF * Proposed well depth (feet)
 This point is: Additional Well Geo Center List other water rights that will use this point RP-18 ; 4,599

7. The changes herein are desired for the following reasons?
 (please be specific) Well redrilled in 1990 w/o approval
* Rate & Quantity for entire water right.
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?

 (b) When will this be done?
11. Groundwater Management District recommendation attached?
 Yes No
12. Assisted by jkb - Stock FO



- 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
- 13b. If the proposed point of diversion will be relocated within 300 feet 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.)

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OCT 29 2018

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?
 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 Billings, Montana, Kansas, this 23rd day of October, 2018.

P. Peggy E. Hart (Miller) _____
 (Owner) (Spouse)

Peggy E. Hart FKA Peggy Hart Miller _____
 (Please Print) (Please Print)

 (Owner) (Spouse)

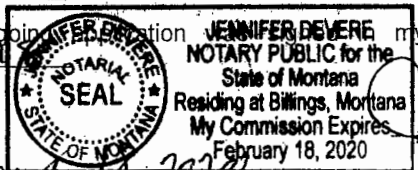
 (Please Print) (Please Print)

 (Owner) (Spouse)

 (Please Print) (Please Print)

State of Kansas }
 County of Yellowstone } SS

I hereby certify that the foregoing application is my presence and sworn to before me this 23rd day of October, 2018.



Jennifer Devere
 Notary Public

My Commission Expires February 18, 2020

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

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OCT 29 2018

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. 6,541

- 1. A change application was received on 10-29-18 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 Not 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 50 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
- 4. 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
- 5. The point(s) of diversion authorized herein shall not actually be located more than 50 feet from the previously authorized point(s) of diversion. Applicable Not Applicable
- 6. 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
- 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. Applicable Not Applicable
- 8. 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
- 9. 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 No
- 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

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
**APPLICATION APPROVED AND
SUMMARY ORDER ISSUED**

By: [Signature]
Duly Authorized Designee of the Chief Engineer

(Print Name): Maria Bunker
Division of Water Resources - Kansas Department of Agriculture

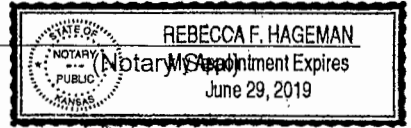
Date of Issuance: 10-29-18

State of Kansas)
County of Rooks) SS

Acknowledged before me on 10-29-18
by Mark Billinger

Signature: [Signature]
Notary Public

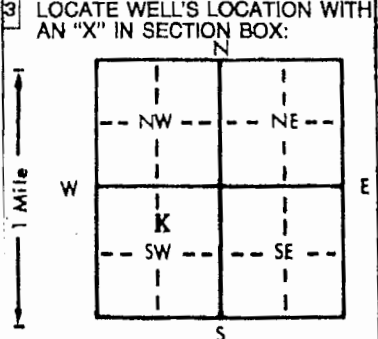
My commission expires: 6-29-19



OCT 29 2018

1 LOCATION OF WATER WELL: Fraction NW 1/4 NE 1/4 SW 1/4 Section Number 21 Township Number T 4 S Range Number R 4 EW
 County: Republic Distance and direction from nearest town or city street address of well if located within city?

2 WATER WELL OWNER: Lloyd Blosser
 RR#, St. Address, Box #: 1004 18th St. Board of Agriculture, Division of Water Resources
 City, State, ZIP Code: Bellville Ks. 66935 Application Number:



4 DEPTH OF COMPLETED WELL: 67 ft. ELEVATION:
 Depth(s) Groundwater Encountered 1. 26 ft. 2. ft. 3. ft.
 WELL'S STATIC WATER LEVEL: 26 ft. below land surface measured on mo/day/yr
 Pump test data: Well water was 33 ft. after 1 hours pumping 800 gpm
 Est. Yield: 1800 gpm; Well water was 40 ft. after 1 hours pumping 1500 gpm
 Bore Hole Diameter: 26 in. to 67 ft., and in. to ft.
 WELL WATER TO BE USED AS:
 1 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)
 2 Irrigation 4 Industrial 7 Lawn and garden only 10 Monitoring well
 Was a chemical/bacteriological sample submitted to Department? Yes.....No. X.....; If yes, mo/day/yr sample was submitted
 Water Well Disinfected? Yes No

5 TYPE OF BLANK CASING USED:
 1 Steel 3 RMP (SR) 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued Clamped
 2 PVC 4 ABS 6 Asbestos-Cement 9 Other (specify below) Welded
 7 Fiberglass Threaded
 Blank casing diameter: 16 in. to 28 ft., Dia. in. to ft., Dia. in. to ft.
 Casing height above land surface: in., weight lbs./ft. Wall thickness or gauge No.
 TYPE OF SCREEN OR PERFORATION MATERIAL:
 1 Steel 3 Stainless steel 5 Fiberglass 7 PVC 10 Asbestos-cement
 2 Brass 4 Galvanized steel 6 Concrete tile 8 RMP (SR) 11 Other (specify)
 9 ABS 12 None used (open hole)
 SCREEN OR PERFORATION OPENINGS ARE:
 1 Continuous slot 3 Mill slot 5 Gauzed wrapped 8 Saw cut 11 None (open hole)
 2 Louvered shutter 4 Key punched 6 Wire wrapped 9 Drilled holes
 7 Torch cut 10 Other (specify)
 SCREEN-PERFORATED INTERVALS: From 40 ft. to 67 ft., From ft. to ft.
 GRAVEL PACK INTERVALS: From ft. to ft., From ft. to ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other
 Grout Intervals: From 0 ft. to 20 ft., From ft. to ft., From ft. to ft.
 What is the nearest source of possible contamination:
 1 Septic tank 4 Lateral lines 7 Pit privy 10 Livestock pens 14 Abandoned water well
 2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 15 Oil well/Gas well
 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 16 Other (specify below)
 13 Insecticide storage
 Direction from well? north How many feet? 1/2 mile

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	22	topsoil, clay			
22	27	fine sand			
27	34	sand&gravel med. to coarse			
34	41	sand & gravel fine with blue clay layer			
41	67	sand & gravel blue med. to coarse			

RECEIVED
 OCT 29 2018

Stockton Field Office
 Division of Water Resources

CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) 7-18-90 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 272 This Water Well Record was completed on (mo/day/yr) 7-18-90 under the business name of Shuck Drilling Co. by (signature) Jerry S. Shuck

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.