

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). 31, 753 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.

An Advanced copy of a change application and the filing fee, to be processed at the field office. #9323
\$ 200-

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

Other: _____


Water Commissioner

3-27-19
Date



Stockton Field Office
820 S. Walnut
Stockton, KS 67669-0192

Phone: 785-425-6787
Fax: 785-425-6842
www.agriculture.ks.gov

Mike Beam, Interim Secretary

Laura Kelly, Governor

March 27, 2019

Don H. Peterson Trust No. 1
325 Seitz Dr.
Salina, KS 67401-1618

Re: Water Right, File No. 31,753

Dear Sir or Madam:

This is to advise you that the Donald E. Mikesell Trust 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,

A handwritten signature in black ink that reads "Kelly C. Stewart". The signature is written in a cursive style with a horizontal line extending to the right.

Kelly C. Stewart
Water Commissioner

KCS:rfh
PC: Don H. Peterson Trust No. 1
Darlyne Standley Farm Trust
Steven Brown
Larry E. Brown Trust

Don H. Peterson Trust No. 1
325 Seitz Dr.
Salina, KS 67401-1618

Darlyne Standley Farm Trust
1475 50 RD
Courtland, KS 66939-7913

Steven Brown
110 Marble RD
Courtland, KS 66939

Larry E. Brown Trust
1725 50 RD
Courtland, KS 66939-8009

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. 31,753

MAR 26 2019
 3:36 P.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: Steven Brown

110 Marble Rd Courtland, KS 66939

Phone Number: (785)527-0323 Email address: _____

Name and address of Water Use Correspondent: Donald Mikesell

1104 W 32nd Ave. Hutchinson, KS 67502

Phone Number: (620)665-3923 Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: Donald E. Mikesell Trust

ADDRESS: 1104 W 32nd Ave. Hutchinson, KS 67502

(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	
34	2	5 W									40				10	32	37	30	149

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 requested.

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 Southeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 34 , Township 2 South, Range 5 W, in Republic County, Kansas, 130 feet North 290 feet West of Southeast corner of section. Authorized Rate 960 gpm Authorized Quantity 70.5 AF Depth of well n/a (feet)
(DWR use only: Computer ID No. 1 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 Southwest Quarter of the Northeast Quarter of the Southeast Quarter of Section 34 , Township 2 South, Range 5 W, in Republic County, Kansas, 1,825 feet North 925 feet West of Southeast corner of section. Proposed Rate 960 gpm Proposed Quantity 70.5 AF Proposed well depth (feet) n/a .
 This point is: Additional Well Geo Center List other water rights that will use this point 32,683 .

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) Better access to creek and to make irrigation setup easier.

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

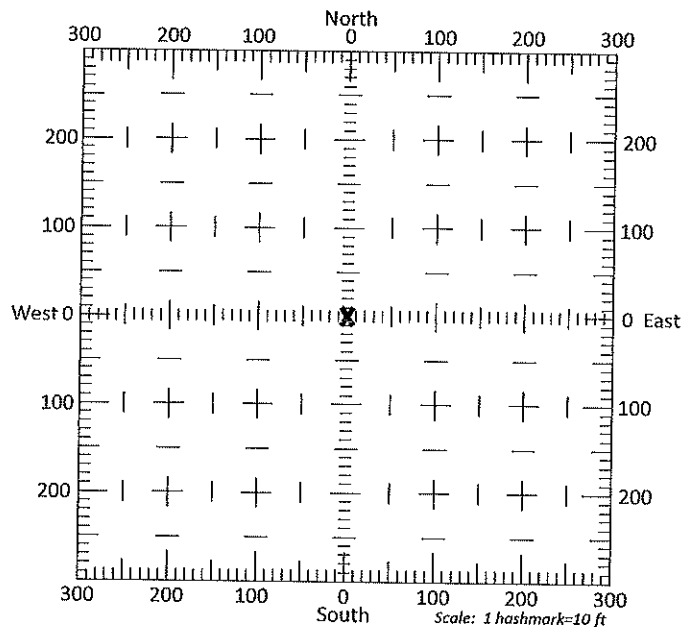
9. The change(s) (was)(will be) completed by?
asap

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 DLM

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.)

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 Hutchinson, Kansas, this 22nd day of March, 20 19.

Donald E Mikesell
(Owner)

Phyllis A. Mikesell
(Spouse)

Donald E Mikesell
(Please Print)

Phyllis A. Mikesell
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Ren0 } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 22nd day of March, 20 19.

My Commission Expires 8-14-19



Ashley Clifford
Notary 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

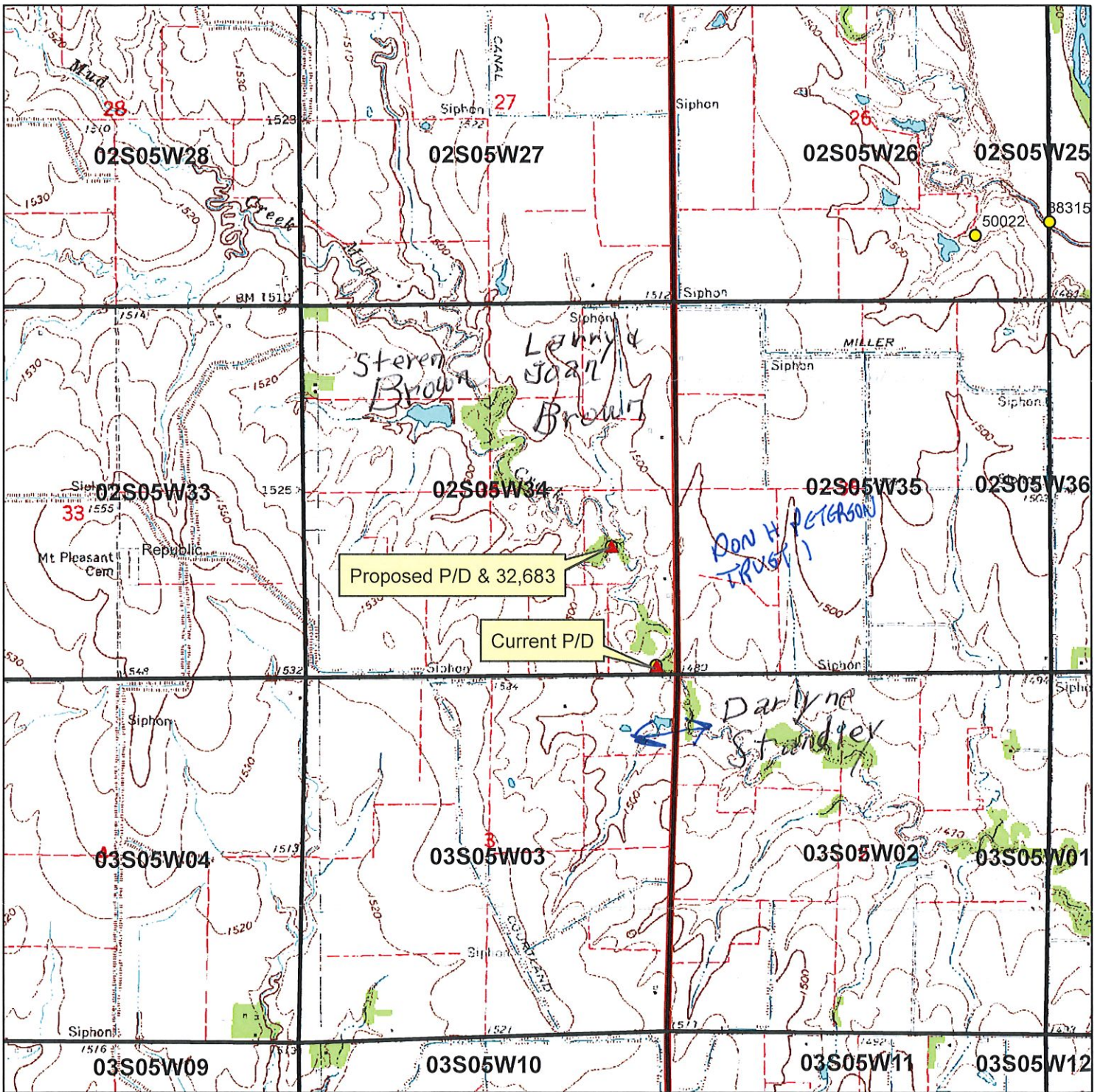
Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (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

MAR 26 2019

Application to Change the Point of Diversion For Water Right File # 31,753



- ▲ Surface Water Point of Diversion
- Groundwater Point of Diversion

1:24,000



RECEIVED

MAR 26 2019

Stockton Field Office
Division of Water Resources

Signature Required

Donald E. Mikresel Trust

By signing this I am stating that to the best of my knowledge the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from my property lines are correct as shown.