

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). 7,212

County CN

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. # 5429  
\$ 200.00

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

Other: \_\_\_\_\_

  
Water Commissioner

1-15-19  
Date

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. 7,212

**JAN 08 2019  
 3:45 PM.**

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use       Point of Diversion

Stockton Field Office  
 Division of Water Resources

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: Douglas J & Karen Flemming  
730 RD 33 Bird City, KS, 67731-3167

Phone Number: (785)734-2463      Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: Douglas J & Karen Flemming  
730 RD 33 Bird City, KS, 67731-3167

Phone Number: (785)734-2463      Email address: \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land ---- NAME: Grace Nadine Fleming

ADDRESS: HC 01 Box 93, Bird City, KS 67731

(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	
27	04	37W															6	12	18
34	04	37W	27	20	30	13				5	2						12		109

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: Douglas J & Karen Flemming

ADDRESS: 730 RD 33 Bird City, KS, 67731-3167

(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	04	37W	21.5	13	31.5	18.5				4	3				.5	11			<del>103</del> 104.5
					35														

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

**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. 7,212.

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    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 n/a 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 n/a 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, 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.  
 Applicable    Not Applicable
8. **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
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.

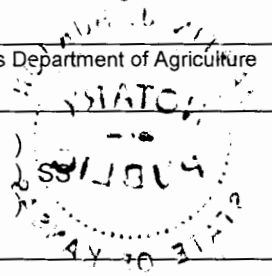
**Administrative Appeal and Effective Date of Order**

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**

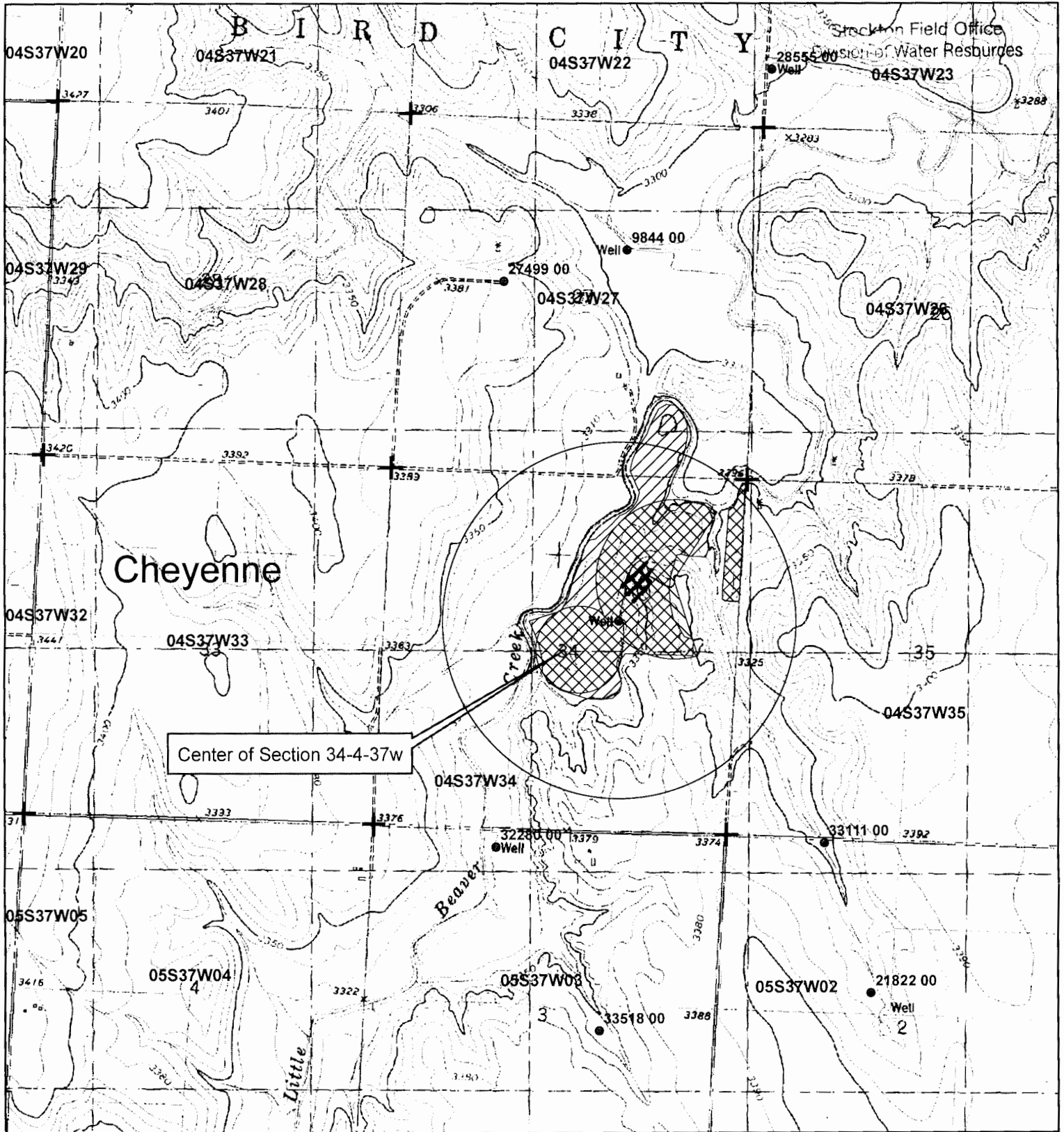
By: \_\_\_\_\_  
Duly Authorized Designee of the Chief Engineer  
(Print Name): \_\_\_\_\_  
Division of Water Resources - Kansas Department of Agriculture  
Date of Issuance: \_\_\_\_\_  
State of Kansas  
County of \_\_\_\_\_  
Acknowledged before me on \_\_\_\_\_  
by \_\_\_\_\_  
Signature: \_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_  
(Notary Seal)






Application to Change the Place of Use,  
Water Right, File No. 7,212

RECEIVED

JAN 08 2019



Center of Section 34-4-37w

- + Section Corners
-  Presently Authorized Acres
-  Proposed Acres
-  1/2 Mile Radius

1:24,000

*Douglas Fleming*  
Signature

1-2-2018  
Date



# 33518  
Owner Connie J + Roger H Brenner  
6946 County Rd. T  
Kick, CO. 80824

Pursuant to K.S.A. 79-1437e, a real estate validation questionnaire is not required due to Exception No. \_\_\_\_\_ (complete if applicable).

Reserved for Register of Deeds

Operator Doug Flemming  
730 Road 33  
Bird City KS,  
67731

**TRUSTEES DEED**

**THIS INDENTURE**, made this 2nd day of May, 2018, between Larry D. Flemming and Connie J. Brenner, co-trustees of the Grace Nadine Flemming Trust UTD March 21, 2001, as parties of the first part, and Connie J. Brenner, a/k/a Connie Jo Brenner and Roger H. Brenner, wife and husband, as joint tenants with the right of survivorship and not as tenants in common, as party of the second part.

**WHEREAS**, the trustees are empowered with the authority to make said conveyance by the terms of said trust, and

**WHEREAS**, in consideration of Ten Dollars (\$10.00) and other valuable consideration,

**NOW, WITNESSETH**, the trustees do by these presents, grant, bargain, sell, convey and warrant unto Connie J. Brenner, a/k/a Connie Jo Brenner, and Roger H. Brenner, wife and husband, as joint tenants with the right of survivorship and not as tenants in common, party of the second part, the following described real property, including any and all mineral interests, situated in Cheyenne County, Kansas, to-wit:

The South-Half of Section Three (3), Township Five (5) South, Range Thirty-seven (37) West of the 6th P.M. in Cheyenne County, Kansas.

**TO HAVE AND TO HOLD** the above described premises, together with all and singular the hereditaments, and appurtenances thereunto belonging or in anywise appertaining, unto said party of the second part.

And the parties of the first part, for themselves, and their successors and assigns, and in their representative capacity as trustees, do covenant with the said party of the second part, that they have not made, done, executed, or suffered any act or thing whatsoever, whereby the above described premises or any part thereof, now or at anytime hereafter, shall be imperiled, charged or encumbered in any manner whatsoever; and the title to the above granted premises against all persons lawfully claiming the same, from, through, or under them, the said parties of the first part will forever warrant and defend, subject to any covenants, easements and restrictions of record and all visible easements, and any and all county roads in existence.

RECEIVED

JAN 08 2019

IN WITNESS WHEREOF, the said parties of the first part, the trustee of aforesaid, have hereunto set their hand and seal the day and year first above written.

The Grace Nadine Flemming Trust UTD March 21, 2001

By: \_\_\_\_\_  
Larry D. Flemming, Co-Trustee

By: Connie J. Brenner  
Connie J. Brenner, Co-Trustee

STATE OF Colorado, COUNTY OF Yuma ss:

The foregoing document was acknowledged before me this 2 day of May, 2018, by ~~Larry D. Flemming~~ and Connie J. Brenner, Co-trustees of the Grace Nadine Flemming Trust UTD March 21, 2001.

Amber Prather  
Notary Public

My appointment expires: 8/18/2018

AMBER PRATHER  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20064032817  
MY COMMISSION EXPIRES AUGUST 18, 2018

RECEIVED

JAN 08 2019

Stockton Field Office  
Division of Water Resources

IN WITNESS WHEREOF, the said parties of the first part, the trustee of aforesaid, have hereunto set their hand and seal the day and year first above written.

The Grace Nadine Flemming Trust UTD March 21, 2001

By: Larry D. Flemming Co-Trustee By: Connie J. Brenner, Co-Trustee  
Larry D. Flemming, Co-Trustee Connie J. Brenner, Co-Trustee

STATE OF Kansas, COUNTY OF Sherman ss:

The foregoing document was acknowledged before me this 9<sup>th</sup> day of May, 2018, by Larry D. Flemming and ~~Connie J. Brenner, Co-trustees~~ of the Grace Nadine Flemming Trust UTD March 21, 2001.



Ashley H. Miller  
Notary Public

My appointment expires: \_\_\_\_\_

RECEIVED

JAN 08 2019

Stockton Field Office  
Division of Water Resources

#7212 +  
32280  
OWNERS: Douglas J. + Karen Flemming  
730 Road 33  
Bird City, KS 67731

#33518  
~~Owner: Connie J. +  
Roger H. Brenner  
6946 County Rd T.  
Kirk, CO 80824~~

Pursuant to K.S.A. 79-1437e, a real estate validation questionnaire is not required due to Exception No. \_\_\_\_\_ (complete if applicable).

Reserved for Register of Deeds

**TRUSTEES DEED**

**THIS INDENTURE**, made this 2nd day of May, 2018, between Larry D. Flemming and Connie J. Brenner, co-trustees of the Grace Nadine Flemming Trust UTD March 21, 2001, as parties of the first part, and Douglas J. Flemming, a/k/a Douglas John Flemming, and Karen J. Flemming, husband and wife, as joint tenants with the right of survivorship and not as tenants in common, as party of the second part.

**WHEREAS**, the trustees are empowered with the authority to make said conveyance by the terms of said trust, and

**WHEREAS**, in consideration of Ten Dollars (\$10.00) and other valuable consideration,

**NOW, WITNESSETH**, the trustees do by these presents, grant, bargain, sell, convey and warrant unto Douglas J. Flemming, a/k/a Douglas John Flemming and Karen J. Flemming, husband and wife, as joint tenants with the right of survivorship and not as tenants in common, party of the second part, the following described real property, including any and all oil, gas and other mineral interests, situated in Cheyenne County, Kansas, to-wit:

The North-Half of Section Three (3), Township Five (5) South, Range Thirty-seven (37) West of the 6<sup>th</sup> P.M. Cheyenne County, Kansas.

All Section Thirty-Four (34), Township Four (4) South, Range Thirty-Seven (37) of the 6<sup>th</sup> P.M. in Cheyenne County, Kansas, East of the Creek, also described as:

- a. All but 100.35 acres in the Southwest Quarter of Section Thirty-four (34) Township Four (4) South, Range Thirty-seven (37) West of the 6th P.M. in Cheyenne County, Kansas.
- b. All but 16.04 acres in the Northeast Quarter of Section Thirty-four (34) Township Four (4) South, Range Thirty-seven (37) West of the 6th P.M. in Cheyenne County, Kansas.

RECEIVED

JAN 08 2019



- c. 4.91 acres in the Southeast Quarter of the Northwest Quarter of Section Thirty-four (34) Township Four (4) South, Range Thirty-seven (37) West of the 6th P.M. in Cheyenne County, Kansas.

A tract of Land in Section 27, Township 4 South, Range 37 West of the 6<sup>th</sup> P.M. consisting of 16.4 acres.

The Northwest Quarter of Section Thirty-five (35) Township Four (4) South, Range Thirty-seven (37) West of the 6th P.M. in Cheyenne County, Kansas.

The East Half of the Southwest Quarter of Section Thirty-five (35) Township Four (4) South, Range Thirty-seven (37) West of the 6th P.M. in Cheyenne County, Kansas.

The Northeast Quarter Section Thirty-three (33) Township Four (4) South, Range Thirty-seven (37) West of the 6th P.M. in Cheyenne County, Kansas.

**TO HAVE AND TO HOLD** the above described premises, together with all and singular the hereditaments, and appurtenances thereunto belonging or in anywise appertaining, unto said party of the second part.

And the parties of the first part, for themselves, and their successors and assigns, and in their representative capacity as trustees, do covenant with the said party of the second part, that they have not made, done, executed, or suffered any act or thing whatsoever, whereby the above described premises or any part thereof, now or at anytime hereafter, shall be imperiled, charged or encumbered in any manner whatsoever; the said parties of the first part will forever warrant and defend the title to the above granted premises against all persons lawfully claiming the same, from, through, or under them, subject to any covenants, easements and restrictions of record and all visible easements, and any and all county roads in existence.

**IN WITNESS WHEREOF**, the said parties of the first part, the trustee of aforesaid, have hereunto set their hand and seal the day and year first above written.

MAILIN  
CITY/E  
PHON  
email

N/  
4-  
E

The Grace Nadine Flemming Trust UTD March 21, 2001

By: Larry D. Flemming COTTE By: \_\_\_\_\_  
Larry D. Flemming, Co-Trustee Connie J. Brenner, Co-Trustee

STATE OF Kansas, COUNTY OF Sherman ss:

The foregoing document was acknowledged before me this 9<sup>th</sup> day of May, 2018,  
by Larry D. Flemming and Connie J. Brenner, Co-trustees of the Grace Nadine Flemming Trust  
UTD March 21, 2001.



Ashley H. Miller  
Notary Public

My appointment expires: \_\_\_\_\_

RECEIVED

JAN 08 2019

Stockton Field Office  
Division of Water Resources

The Grace Nadine Flemming Trust UTD March 21, 2001

By: \_\_\_\_\_ By: Connie J. Brenner  
Larry D. Flemming, Co-Trustee Connie J. Brenner, Co-Trustee

STATE OF Colorado, COUNTY OF Yuma ss:

The foregoing document was acknowledged before me this 2 day of May, 2018,  
by Larry D. Flemming and Connie J. Brenner, Co-trustees of the Grace Nadine Flemming Trust  
UTD March 21, 2001.

Amber Prather  
Notary Public

My appointment expires: 8/18/2018

AMBER PRATHER  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20064032817  
MY COMMISSION EXPIRES AUGUST 18, 2018

Pursuant to K.S.A. 79-1437c, a real estate validation questionnaire is not required due to Exception No. \_\_\_\_\_ (complete if applicable).

**WARRANTY DEED**  
**(Following Kansas Statutory Form)**

Larry D. Flemming, a/k/a Larry Dean Flemming, a single person, Connie J. Brenner, a/k/a Connie Jean Brenner, and Roger H. Brenner, wife and husband, David G. Flemming, a/k/a David Glen Flemming and Debra L. Flemming, husband and wife, Sherrie J. Antholz, a/k/a Sherrie Jo Antholz, f/k/a Sherrie Jo Petz, a single person,

CONVEYS AND WARRANTS TO:

Douglas J. Flemming a/k/a Douglas John Flemming, and Karen J. Flemming, husband and wife, as joint tenants with the right of survivorship and not as tenants in common,

all of their interest, including oil, gas and other mineral interests, in the following described REAL ESTATE in the County of Cheyenne and the State of Kansas, to-wit:

All Section Thirty-Four (34), Township Four (4) South, Range Thirty-Seven (37) of the 6<sup>th</sup> P.M. in Cheyenne County, Kansas, East of the Creek, also described as:

- a. The Southeast Quarter Section Thirty-four (34) Township Four (4) South, Range Thirty-seven (37) West of the 6<sup>th</sup> P.M. in Cheyenne County, Kansas.
- b. All but 100.35 acres in the Southwest Quarter of Section Thirty-four (34) Township Four (4) South, Range Thirty-seven (37) West of the 6<sup>th</sup> P.M. in Cheyenne County, Kansas.
- c. All but 16.04 acres in the Northeast Quarter of Section Thirty-four (34) Township Four (4) South, Range Thirty-seven (37) West of the 6<sup>th</sup> P.M. in Cheyenne County, Kansas.
- d. 4.91 acres in the Southeast Quarter of the Northwest Quarter of Section Thirty-four (34) Township Four (4) South, Range Thirty-seven (37) West of the 6<sup>th</sup> P.M. in Cheyenne County, Kansas.

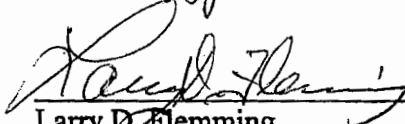
The Northeast Quarter of Section Twenty-four (24), Township Five (5) South, Range Thirty-seven (37) West, of the 6<sup>th</sup> P.M., in Cheyenne County, Kansas.

The North Half of Section Three (3), Township Five (5) South, Range Thirty-seven (37) West of the 6<sup>th</sup> P.M., in Cheyenne County, Kansas.

for the sum of pursuant to a Family Settlement Agreement dated the 18<sup>th</sup> day of April, 2018 and other valuable consideration

**EXCEPT AND SUBJECT TO:** Easements and restrictions and restrictive covenants of record

**DATED** April 30, 2018.

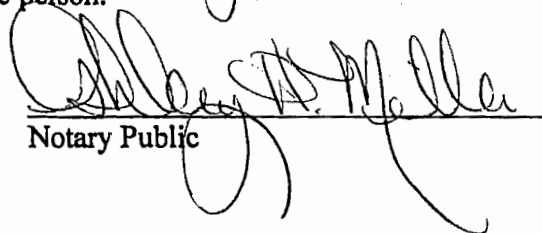


Larry D. Flemming  
a/k/a Larry Dean Flemming

STATE OF Kansas, COUNTY OF Sherman, ss:

The foregoing document was acknowledged before me on May 9<sup>th</sup>, 2018, by Larry D. Flemming, a/k/a Larry D. Flemming, a single person.



  
Notary Public

My appointment expires: \_\_\_\_\_

Connie J. Brenner  
Connie J. Brenner  
a/k/a Connie Jean Brenner

Roger H. Brenner  
Roger H. Brenner

STATE OF KS, COUNTY OF Shuman, ss:

The foregoing document was acknowledged before me on May 8th, 2018, by  
Connie J. Brenner, a/k/a Connie Jean Brenner, and Roger H. Brenner, wife and husband.

My appointment expires: 4/5/20

Stacey Price  
Notary Public



RECEIVED

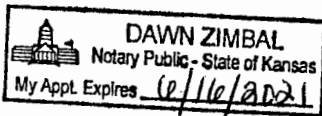
JAN 08 2019

David G. Flemming  
David G. Flemming  
a/k/a David Glen Flemming

Debra L. Flemming  
Debra L. Flemming,

STATE OF Kansas, COUNTY OF Cheyenne, ss:

The foregoing document was acknowledged before me on May 7, 2018, by David G. Flemming, a/k/a David Glen Flemming, and Debra L. Flemming, husband and wife.



Dawn Zimbal  
Notary Public

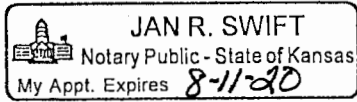
My appointment expires: 6/16/2021

*Sherrie J. Antholz*

Sherrie J. Antholz  
a/k/a Sherrie Jo Antholz  
f/k/a Sherrie Jo Petz

STATE OF Kansas, COUNTY OF Shawnee, ss:

The foregoing document was acknowledged before me on April 30<sup>th</sup>, 2018, by Sherrie J. Antholz, a/k/a Sherrie Jo Antholz, f/k/a Sherrie Jo Petz, a single person.



*Jan R Swift*  
\_\_\_\_\_  
Notary Public

My appointment expires: Aug. 11, 2020

RECEIVED

JAN 08 2019

Stockton Field Office  
Division of Water Resources