

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 _____

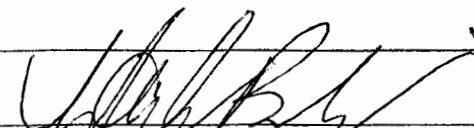
A copy of an Approval to Change the place of use and/or point of diversion,

Filing Fee attached. Fee sent via advanced copy 1-15-19

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

2-20-19
Date

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

1. File Number: 7,212	2. Status Change Date:	3. Change Num: C1	4. Field Office: 03	5. GMD: 04
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: 1/8/19
8a. Applicant(s) New to system <input type="checkbox"/> DOUGLAS J & KAREN FLEMMING 730 RD 33 BIRD CITY, KS 67731-3167		Person ID <u>24932</u> Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/> DOUGLAS J & KAREN FLEMMING 730 RD 33 BIRD CITY, KS 67731-3167		Person ID <u>24932</u> Add Seq# _____		
8c. Landowner(s) New to system <input type="checkbox"/> DOUGLAS J & KAREN FLEMMING 730 RD 33 BIRD CITY, KS 67731-3167		Person ID _____ Add Seq# _____		
8d. WUC New to system <input type="checkbox"/> DOUGLAS J & KAREN FLEMMING 730 RD 33 BIRD CITY, KS 67731-3167		Person ID <u>24932</u> Add Seq# _____		
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: 2/20/19				By: BILLINGER
Date Entered:				By:

File No. **7,212** 11. County: **CN** Basin: **BEAVER CREEK** Stream: Formation Code: **211** Special Use:

12. Points of Diversion Rate and Quantity
 CHK Authorized Additional
 MOD Rate Quantity Rate Quantity
 DEL gpm af gpm af Overlap PD Files
 ENT PDIV Qualifier S T R ID 'N 'W Comment (AKA Line)

MOD 29964 SE SW NE 34 4S 37W 1 3123 1716 625 175.5 625 175.5

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

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 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						
DEL	32661	27	4S	37W	1																	6	12	18	8b.	Y	
MOD	8331	34	4S	37W	1	23	19.5	37.5	18.5															117	8b.	Y	

Base Acres: Year: Minimum Reasonable Quantity:

Comments: **REDUCTION IN QTY**

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

February 20, 2019

GRACE NADINE FLEMMING
HC 01 BOX 93
BIRD CITY KS 67731

Re: Water Right, File No. 7,212

Dear Ms. Flemming:

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,

A handwritten signature in black ink, appearing to read "Mark Billinger".

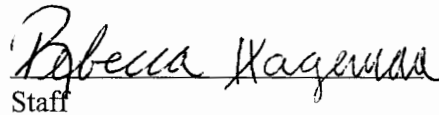
Mark Billinger
Assistant Water Commissioner

MB:rh
Enclosures
pc: G.M.D. No. 4
Douglas & Karen Flemming

CERTIFICATE OF SERVICE

On this 20th day of February, 2019, I hereby certify that the attached **SUMMARY ORDER APPROVING APPLICATION FOR CHANGE in PLACE OF USE** for water right, File No. 7,212, dated on the 20th day of February, 2019, was mailed postage prepaid, first class, U.S. mail, to the following:

GRACE NADINE FLEMMING
HC 01 BOX 93
BIRD CITY KS 67731


Staff

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

Groundwater Management District No. 4
P.O. Box 905
Colby, KS 67701

Douglas J & Karen Flemming
730 Road 33
Bird City Ks 67731-3167

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

APPLICANT'S SIGNATURE
 2 20 14
 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.

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			103 117 ac.
			23	19.5	35														
					37.5	18.5													

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

JMB
1/7/19
Per Com.
w/ Doug Flemming

5. **Presently authorized point of diversion:**
 One in the SE Quarter of the SW Quarter of the NE Quarter of Section 34, Township 4 South, Range 37 W, in Cheyenne County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate 625 gpm Authorized Quantity 218 AF Depth of well _____ (feet)
 (DWR use only: Computer ID No. 1 GPS 3123 feet North 1716 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 SE Quarter of the SW Quarter of the NE Quarter of Section 34, Township 4 South, Range 37 W, in Cheyenne County, Kansas, 3123 feet North 1716 feet West of Southeast corner of section.
 Proposed Rate 625 gpm Proposed Quantity * 218 AF 175.5 AF Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point n/a

Add Cond. jkb 1/7/19

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) change place of use to authorize all acres under pivots

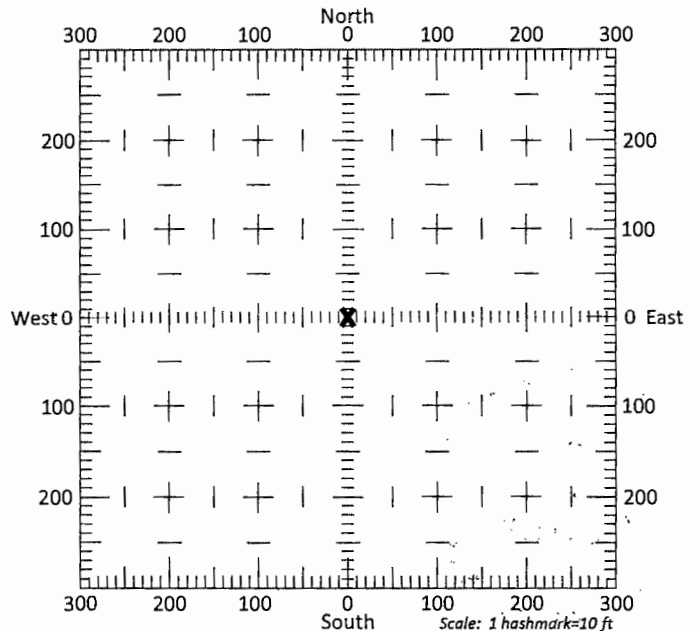
8. If a well, is the test hole log attached? Yes No

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?
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 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 _____, Kansas, this _____ day of _____, 20_____.

X Douglas J. Flemming
(Owner)

X Karen J. Flemming
(Spouse)

X Douglas J. Flemming
(Please Print)

X Karen J. Flemming
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Cheyenne } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 4th day of January, 2019.

Mark J. Burtis
Notary Public

MARTIN J. BURTON
NOTARY PUBLIC
My Commission Expires 9-30-2020

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information. Fees, 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

JAN 08 2019

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

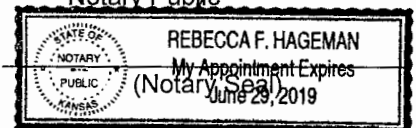
If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and 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: Mark Billinger
Duly Authorized Designer of the Chief Engineer
(Print Name): MARK BILLINGER
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: 2-20-19
State of Kansas
County of ROOKS
Acknowledged before me on 2-20-19
by Mark Billinger
Signature: Rebecca F. Hageman
Notary Public

My commission expires: 6-29-19



ADDITIONAL CONDITION TO
SUMMARY ORDER APPROVING APPLICATION FOR CHANGE
AND IMPOSING CONDITIONS

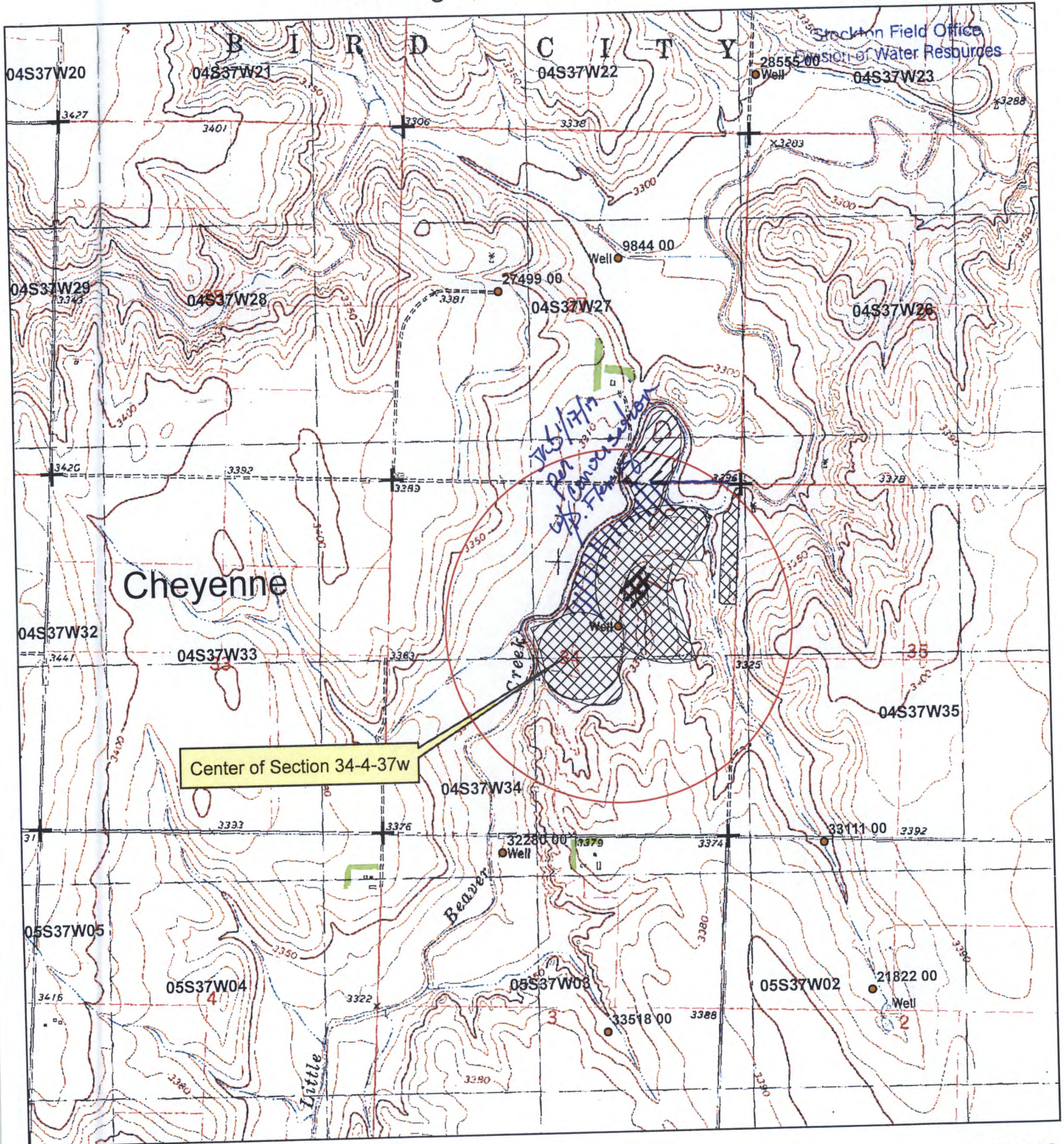
The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the water right will be modified as follows:

This order effectively reduces the authorized quantity to 175.5 acre-feet of water per calendar year in accordance with the Application for Approval to Change the Authorized Place of Use received in the Office of the Chief Engineer on 1-8-19, 2019.


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

RECEIVED

JAN 08 2019



+ Section Corners

 Presently Authorized Acres

 Proposed Acres

 1/2 Mile Radius

1:24,000

Douglas Fleming
Signature

1-2-2018
Date



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.