

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**  
 APPLICATION COMPLETE  
5/30/23  
 Reviewer 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

MAY 3 2023  
 3:17 pm  
 Stockton Field Office  
 Division of Water Resources

File No. 28,849

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: Scott R & Debra R Wiese  
70304 Highway 61 Benkelman, NE 69021-4011

Phone Number: (308)882-8451                      Email address: debwiese75@gmail.com

Name and address of Water Use Correspondent: Scott R & Debra R Wiese  
70304 Highway 61 Benkelman, NE 69021-4011

Phone Number: (308)882-8451                      Email address: debwiese75@gmail.com

3. The presently authorized place of use is:  
 Owner of Land ---- NAME: Scott R & Debra R Wiese  
 ADDRESS: 70304 Highway 61 Benkelman, NE 69021-4011  
 (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	
20	1 S	38 W		40			40	40										120	

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 SE Quarter of the NW Quarter of the NW Quarter of Section 20, Township 1 South, Range 38 W, in Cheyenne County, Kansas, 4,025 feet North 3,825 feet West of Southeast corner of section.  
 Authorized Rate 390 GPM Authorized Quantity 80 AF Depth of well n/a (feet)  
**(DWR use only: Computer ID No. 3 GPS 4,039 feet North 3,783 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 NC Quarter of the N2 Quarter of the NW Quarter of Section 20, Township 1 South, Range 38 W, in Cheyenne County, Kansas, 4,690 feet North 3,854 feet West of Southeast corner of section.  
 Proposed Rate 390 GPM Proposed Quantity 40 AF Proposed well depth (feet) \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point 4,668

6. **Presently authorized point of diversion:**  
 One in the NW Quarter of the NW Quarter of the NW Quarter of Section 20, Township 1 South, Range 38 W, in Cheyenne County, Kansas, 5,110 feet North 5,200 feet West of Southeast corner of section.  
 Authorized Rate 400 GPM Authorized Quantity 80 AF Depth of well n/a (feet)  
**(DWR use only: Computer ID No. 4 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 NW Quarter of the NW Quarter of Section 20, Township 1 South, Range 38 W, in Cheyenne County, Kansas, 5,110 feet North 5,200 feet West of Southeast corner of section.  
 Proposed Rate 400 GPM Proposed Quantity 120 AF Proposed well depth (feet) n/a  
 This point is:  Additional Well  Geo Center List other water rights that will use this point None

7. The changes herein are desired for the following reasons?  
 (please be specific) Moving 40 AF from ID3 to ID4 and the remaining 40 AF to the well under file no. 4668.

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

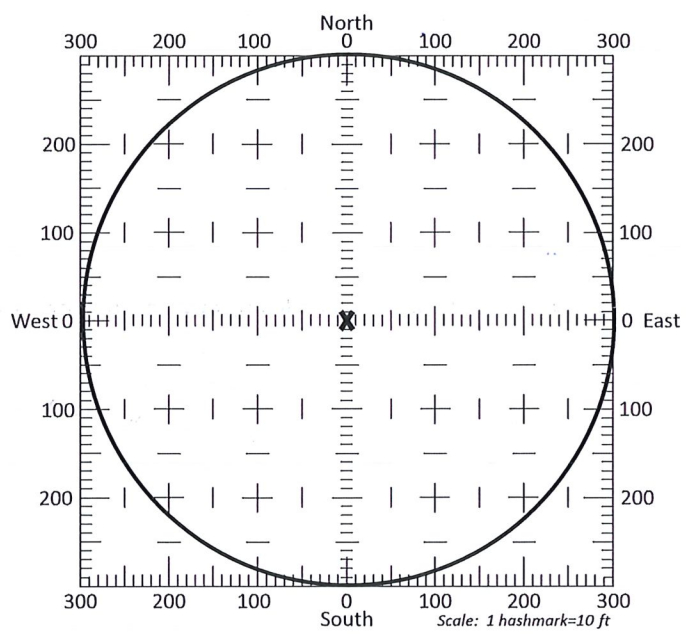
9. The change(s) (was)(will be) completed by?  
already complete.

10. If the point of diversion is a well:  
 (a) What are you going to do with the old well?  
Keep for domestic use.  
 (b) When will this be done asap

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 a 300 foot radius of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. **(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 Benkelman, Kansas, this 27<sup>th</sup> day of April, 2023.  
*Nebraska*

Scott R. Wiese  
(Owner)

Debra R. Wiese  
(Spouse)

Scott R Wiese  
(Please Print)

Debra R. Wiese  
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

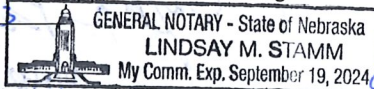
(Spouse)

(Please Print)

(Please Print)

State of Kansas Nebraska }  
County of Dundy } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 27<sup>th</sup> day of April, 2023.



Lindsay M. Stamm  
Notary Public

My Commission Expires 9/19/2024.

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**

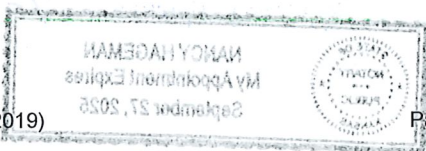
Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (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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MAY 3 2023

Stockton Field Office  
Division of Water Resources





**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. 28,849.

1. A change application was received on 5/3/23 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 500 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 \_\_\_\_\_ 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, 2023**, 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, 2023**, or within any authorized extension of time. By March 1, 2024 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): MARK BILLINGER  
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: 5/30/23

State of Kansas \_\_\_\_\_ )

County of BOOKS \_\_\_\_\_ ) SS

Acknowledged before me on 5/30/23

by Mark Billinger

Signature: [Signature]  
Notary Public

My commission expires 9-27-25



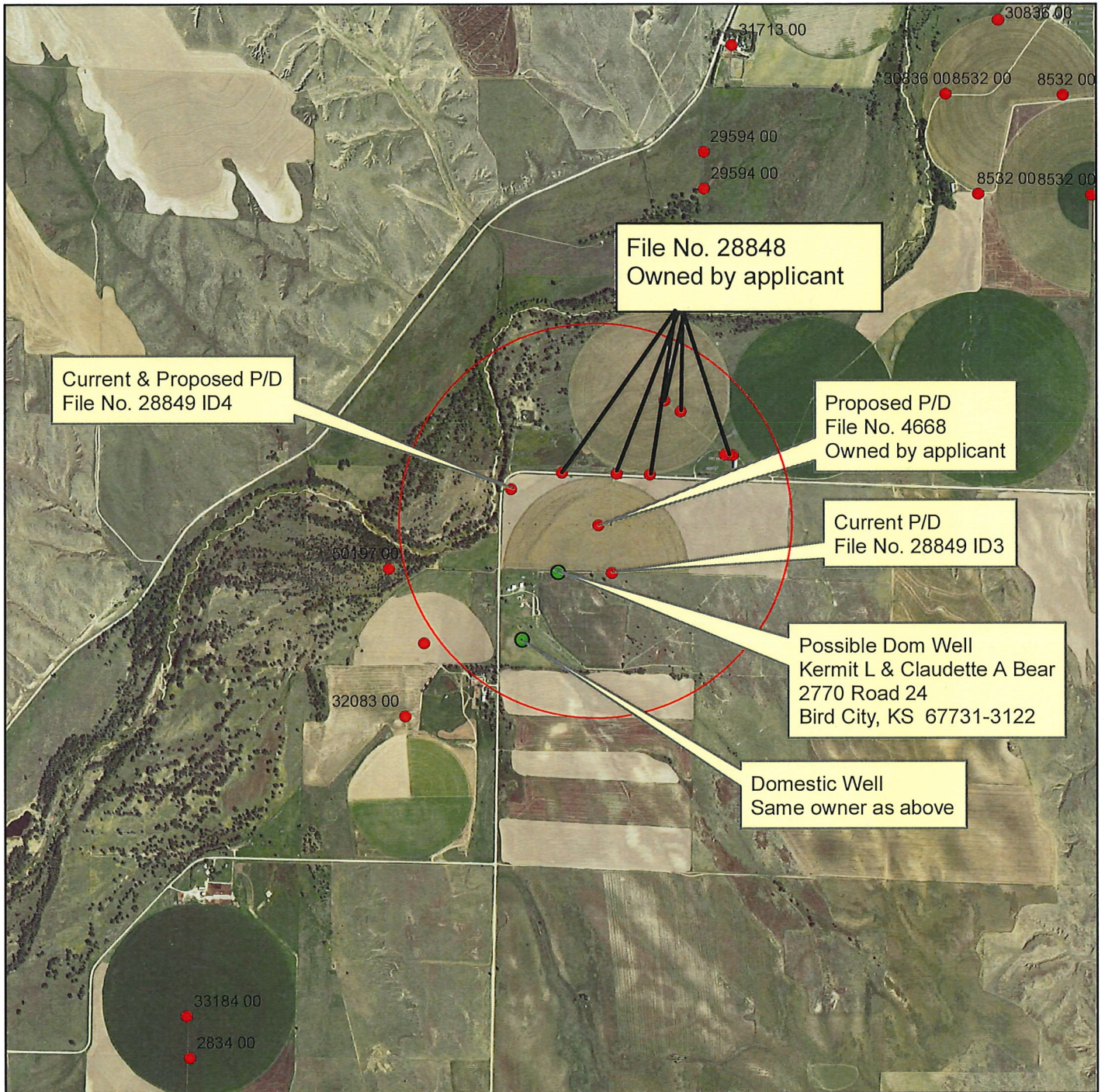
(Notary Seal)


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MAY 03 2023

Stockton Field Office  
Division of Water Resources



# Application to Change the Point of Diversion Water Right File No. 28849



 1/2 mile radius

All wells, including domestic wells within 1/2 mile of the proposed well location are indicated on the map.

1:24,000



**RECEIVED**

**MAY 03 2023**

Stockton Field Office  
Division of Water Resources

Signature \_\_\_\_\_

Date \_\_\_\_\_

*[Handwritten signature]*



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



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

Mike Beam, Secretary

May 30, 2023

Laura Kelly, Governor

SCOTT R & DEBRA R WIESE  
70304 HIGHWAY 61  
BENKELMAN, NE 69021-4011

Re: Water right, File No. 28849

Dear Sir or Madam:

Enclosed is the order executed by Earl Lewis, 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 **December 31, 2023**. 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: <http://kdheks.gov/waterwell>

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.

(Over)

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,



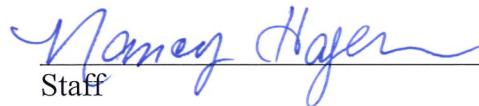
Mark Billinger  
Assistant Water Commissioner

MB:ndh  
Enclosures

**CERTIFICATE OF SERVICE**

On this 30<sup>th</sup> day of May 2023 I hereby certify that the attached **SUMMARY ORDER APPROVING APPLICATION FOR CHANGE in Point of Diversion** for water right, File No. 28849, dated on the 30th day of May 2023, was mailed postage prepaid, first class, U.S. mail, to the following:

SCOTT R & DEBRA R WIESE  
70304 HIGHWAY 61  
BENKELMAN, NE 69021-4011



Staff