

RECEIVED Ch 24206

11:24 AM
MAR 31 2023



\$12600.00

Stockton Field Office
Division of Water Resources

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.

APPLICATION COMPLETE
4 / 18 / 23
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.

File No. 39,932

- 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
- Name and address of Applicant: W Benson Keil
1912 Union Rd Concordia, KS 66901-9652
 Phone Number: () Email address: _____
 Name and address of Water Use Correspondent: W Benson Keil
1912 Union Rd Concordia, KS 66901-9652
 Phone Number: () Email address: _____
- The presently authorized place of use is:
 Owner of Land ---- NAME: see supplemental
 ADDRESS: _____
 (If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Tw p.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
																			0
																			0
																			0

- 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: see supplemental
 ADDRESS: _____
 (If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Tw p.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
																			0
																			0
																			0

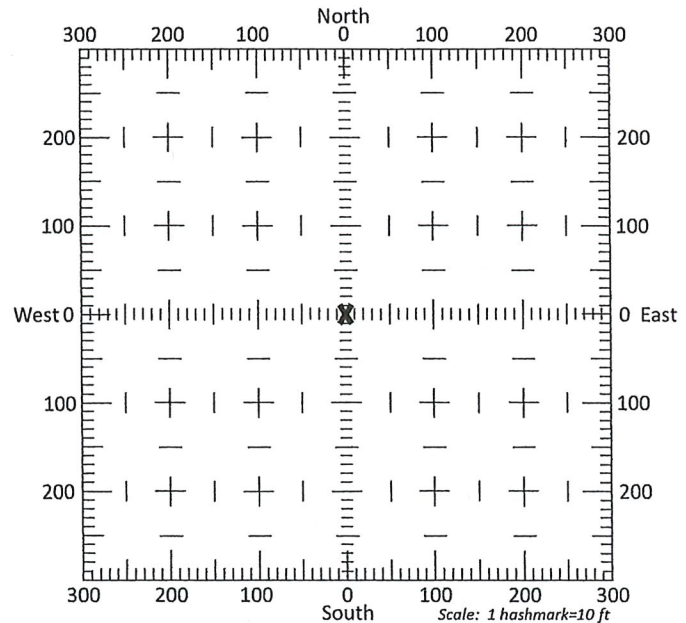
For Office Use Only: Code _____ Fee \$ _____ TR # _____ Receipt Date _____ Check # _____
--

5. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ 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 _____ 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 _____

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 _____ 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) olap pu to include acres associated
with new application

8. If a well, is the test hole log attached? Yes No
9. The change(s) (was)(will be) completed by?
upon approval
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
n/a no change of point of diversion
 (b) When will this be done? _____
11. Groundwater Management District recommendation attached?
 Yes No
12. Assisted by MB STKFO



- 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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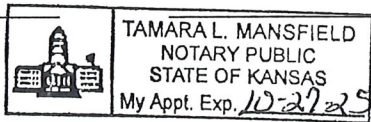
14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:
- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
 - (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 Concordia, Kansas, this 30 day of March, 2023.

<u>K & K Land, LLC by Ben Keil, member</u>	
(Owner)	(Spouse)
<u>K & K Land, LLC by Benson Keil, member</u>	
(Please Print)	(Please Print)
<u>Mr. Ben Keil, Trustee</u>	
(Owner)	(Spouse)
<u>W. Benson Keil, Trustee</u>	
(Please Print)	(Please Print)
<u>Kristine A. Guevara, Trustee</u>	
(Owner)	(Spouse)
<u>Kristine A. Guevara, Trustee</u>	
(Please Print)	(Please Print)



State of Kansas }
 County of Cloud } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 30 day of March, 2023.

Tamara L. Mansfield
 Notary Public

My Commission Expires 10-27-2025.

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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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. 39,932.

1. A change application was received on 3-31-23 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 _____ 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, 2021**, 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, 2022 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

 (Print Name): MARK BILLINGER
 Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: 4-18-23

State of Kansas _____)
) SS

County of Brooks _____)

Acknowledged before me on 4-18-23

by Mark Billinger

Signature: Nancy Hageman

 Notary Public

My commission expires: 9-27-25

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Page 4

Stockton Field Office
 Division of Water Resources



NANCY HAGEMAN
 My Appointment Expires
 September 27, 2025

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET

FILE NO.

5788, 9889, 24336, 30287, 36570, 39384, 39813, 39932, 39952, 44297, 49916, 49917, 50506-A

MAKE ADDITIONAL COPIES AS NECESSARY

3. *Continued:* The presently authorized place of use is:

Owner of Land ---- NAME: W BENSON KEIL TRUST #1 W BENSON & JUDY A KEIL TTEES
ADDRESS: 1912 UNION RD CONCORDIA, KS 66901-9652

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	
13	5S	3W																	53

Owner of Land ---- NAME: HAZEL E KEIL TRUST #1 W BENSON & JUDY A KEIL TTEES
ADDRESS: 1912 UNION RD CONCORDIA, KS 66901-9652

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	
13	5S	3W			36	30			34	40									140
24	5S	3W						32	38.5	38	38.5							39	186
25	5S	3W		17			30	3		2									52

Owner of Land ---- NAME: K&K LAND LLC
ADDRESS: 1912 UNION RD CONCORDIA, KS 66901-9652

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	
19	5S	2W						27	37	19	5.5	4.5	39	39	0.5	18.5	31	2	223
13	5S	3W					33	27				35							95
23	5S	3W												26				35	61
24	5S	3W					32					38	38		3	14	35	2	162
25	5S	3W	15			2		24											41
26	5S	3W	31			2													33
30	5S	3W					24	30											54

Owner of Land ---- NAME: KRISTINE A KOLLATH REV TRUST
ADDRESS: 1685 UNION RD CONCORDIA, KS 66901-8040

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	
13	5S	3W	25	32															57

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Stockton Field Office
Division of Water Resources

4. Continued: 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: W BENSON KEIL TRUST #1 W BENSON & JUDY A KEIL TTEES
 ADDRESS: 1912 UNION RD CONCORDIA, KS 66901-9652

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	
13	5S	3W										30	23					53	

Owner of Land ---- NAME: HAZEL E KEIL TRUST #1 W BENSON & JUDY A KEIL TTEES
 ADDRESS: 1912 UNION RD CONCORDIA, KS 66901-9652

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	
13	5S	3W			36	30												140	
24	5S	3W						32	38.5	38			38.5				39	186	
25	5S	3W		L2 17			L2 30	L3 3		L2 2								52	

Owner of Land ---- NAME: K&K LAND LLC
 ADDRESS: 1912 UNION RD CONCORDIA, KS 66901-9652

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	
19	5S	2W						L3 27	L4 37	L5 19	L10 5.5	L12 4.5	L13 39	L14 39	L8 0.5	L9 18.5	L15 31	L15 2	223
13	5S	3W					33	27				35						95	
23	5S	3W												26			35	61	
24	5S	3W				20	32					38	38	L7 8	L2 14	L8 35	L4 2	187	
25	5S	3W	L1 15			2		L3 24										41	
26	5S	3W	L6 31			L6 2												33	
30	5S	3W					L1 24	L2 30										54	
7	5S	2W									L1 33.5	L2 33.5						67	

Owner of Land ---- NAME: KRISTINE A KOLLATH REV TRUST
 ADDRESS: 1685 UNION RD CONCORDIA, KS 66901-8040

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	
13	5S	3W	25	32														57	

Owner of Land ---- NAME: K2 LAND LLC
 ADDRESS: 1733 UNION RD CONCORDIA, KS 66901

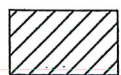
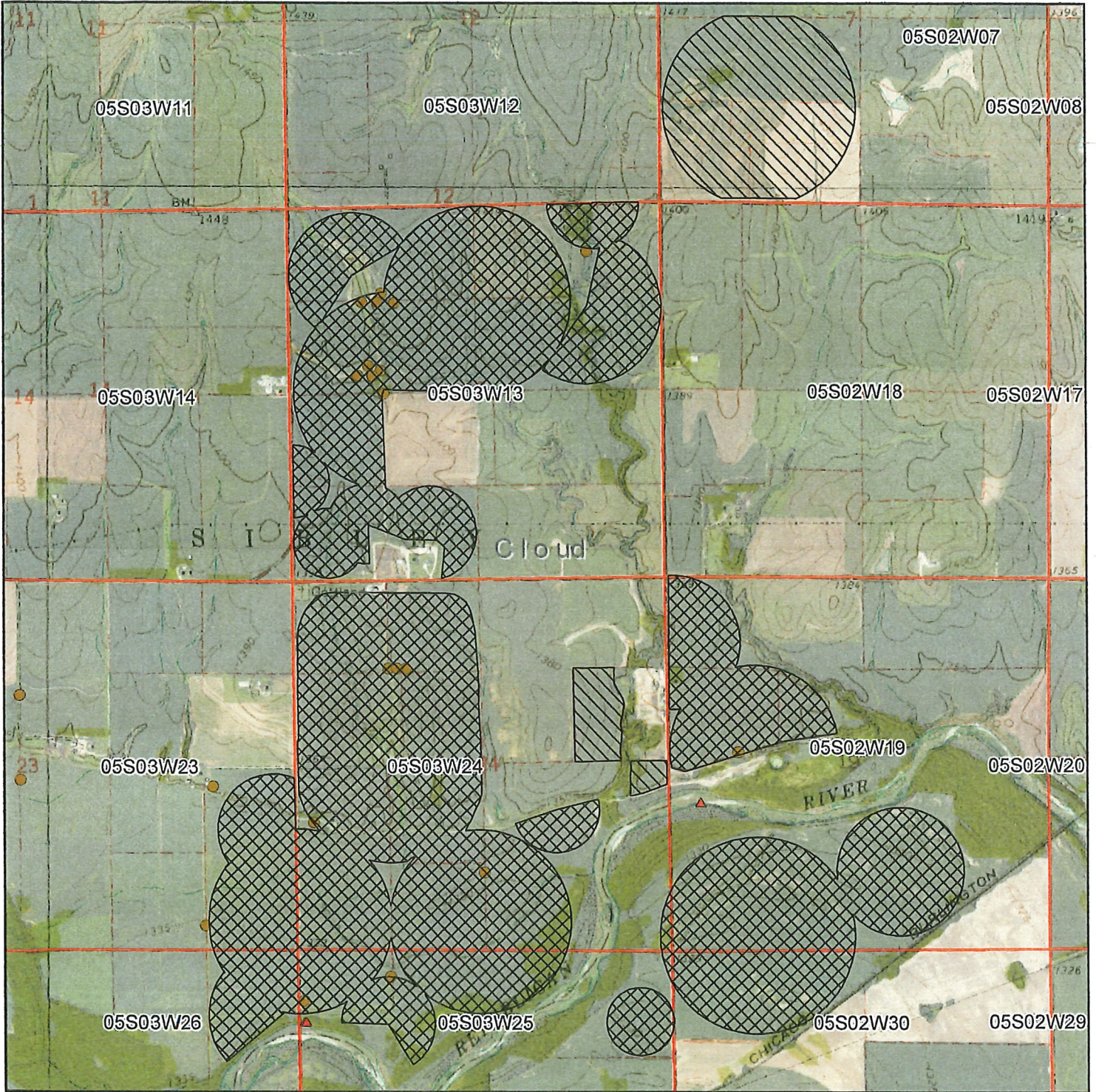
Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7	5S	2W										L2 33.5	L1 33.5					67	

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Stockton Field Office
 Division of Water Resources

Change in Place of Use
Files: 5788, 9889, 24336, 30287, 36570, 39384, 39813,
39932, 39952, 44297, 49916, 49917 & 50506-A

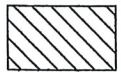


Authorized Place of Use

▲ Surface Water Point of Diversion

● Groundwater Point of Diversion

1:24,000



Proposed Place of Use

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Stockton Field Office
Division of Water Resources

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

Laura Kelly, Governor

April 18, 2023

W BENSON KEIL
1912 UNION RD
CONCORDIA, KS 66901-9652

Re: Water right, File Nos. 5,788; 9,889; 24,336; 30,287; 36,570;
39,384; 39,813; 39,932; 39,952; 44,297; 49,916; 49,917 & 50,506-A

Dear Sir or Madam:

Enclosed are thirteen (13) orders executed by Earl Lewis, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the terms, conditions, and limitations specified in these approvals for change.

Since these orders modify the original certificates, they should be recorded with the Register of Deeds as other instruments affecting real estate.

These documents are summary orders by this agency regarding these matters. These orders shall become final if requests for hearings are not filed with the Chief Engineer within 15 days of the date of service of these orders.

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 blue ink, appearing to read "Mark Billinger".

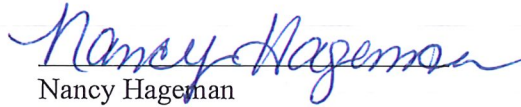
Mark Billinger
Assistant Water Commissioner

MB:ndh
Enclosures

CERTIFICATE OF SERVICE

On this 18th day of April 2023, I hereby certify that the attached **SUMMARY ORDERS APPROVING APPLICATIONS FOR CHANGE in** Place of Use for water right, File Nos. 5,788; 9,889; 24,336; 30,287; 36,570; 39,384; 39,813; 39,932; 39,952; 44,297; 49,916; 49,917 & 50,506-A, dated on the 18th day of April 2023, were mailed postage prepaid, first class, U.S. mail, to the following:

W BENSON KEIL
1912 UNION RD
CONCORDIA, KS 66901-9652


Nancy Hageman
Administrative Assistant