

CHECK SHEET Short Change

(To be completed and attached to each application)

File No. 45429

Field Office No. 1

GMD No. _____

1. **Plugging agreement obtained for GMD?** Yes ☐ No ☐ Non Applicable ☒
2. **Is Landowner correct as currently shown in WRIS?** Yes ☒ No ☐ **Address Change?** _____
If applicable, list Place of Use Overlap File Nos. 40966; 40967; & 48,485
3. **Is Water Use Correspondent correct as currently shown in WRIS?** Yes ☒ No ☐ **Address Change?** _____
Name of Former WUC _____ Name of New WUC _____
4. a. **Point of diversion computer ID No(s).** 9 **for point(s) being changed.**
- b. **Show feet distances from the** SE **corner of the section for the new point(s) of diversion:**

Action	PDIV ID	Geo Ctr?	Sec	Twp	Rng	'N	'W	County	Qualifiers
DEL	70061	NO	17	10S	10E	1552	5188	PT	LOT 6
ENT		NO	17	10S	10E	1552	5153	PT	LOT 6

- c. **If multiple points of diversion exist and rates and quantities are individually assigned, show:**

Old PDIV ID	Authorized Rate	Additional Rate	Authorized Quantity	Additional Quantity
_____	_____ gpm	_____ gpm	_____ af	_____ af
_____	_____ gpm	_____ gpm	_____ af	_____ af
_____	_____ gpm	_____ gpm	_____ af	_____ af

- d. **Name of Drainage Basin** Kansas River **Is this correctly shown in WRIS?** ☒ Yes ☐ No
- e. **Formation Name & No.** _____ **Special Use Area** _____
5. **Distances from the previous/original p/d:** _____ ' N / S _____ ' E / W

6. WATER RIGHT ACTION TRAIL COMMENTS

07/13/17 Change Application Received (date accepted for priority)
07/18/17 Change Approved
Notice and Proof by 12/31/17
--/------ Completion Requirement Removed (Change No. C____)

7. METER ACTION TRAIL COMMENTS

07/18/17 DWR Meter Required by 12/31/2017

8. **Base Acres** _____ **Year** _____ **Minimum Reasonable Quantity** _____

Date Created 7/17/17 by LHH/TFO

Date Entered _____ by _____

9. Changes to the place of use will be:

[illegible]

1.	Person ID # _____	2.	Person ID # _____	3.	Person ID # _____

1. Give to Applicant:
a Original application/approval
2. Send to headquarters:
a Good **microfilmable** copy of application and/or
4. Date stamp received and approved.
5. Complete ownership and WUC change information.

- Notice and Proof form
- Water Meter Specifications
- Acceptable Meter list
- Water level measurement tube specifications
- Check Valve specifications
- Pink Sheet - K.S.A. 82a-728 letter
- Form stating to record in Register of Deeds Office (OPTIONAL AS NEEDED)

- d. GMD recommendation, if any
- e. Map or aerial photograph, if any

3. Send to KDHE: Letter (KDHE.LT) advising of location of abandoned well. ☐

CONDITIONS

1. Insert notice and proof date.
2. Type or print applicant's/owner's name on line.
3. Complete notary statement.

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, Kansas 66619

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner



Phone: (785) 296-5733
Fax: (785) 862-2460
www.agriculture.ks.gov
Sam Brownback, Governor

July 19, 2017

THOMAS L & KAY A EBERT
11650 LOUISVILLE RD
SAINT GEORGE KS 66535

Re: Water Right, File Nos. 40,966; 40,967;
& 45,429
Appropriation of Water, File No.
48,485

Dear Sir and Madam:

Enclosed are the orders executed by David W. Barfield, 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. Also, the approval of these orders requires the installation of a water flow meter on the point of diversion authorized under the above referenced file numbers by December 31, 2017 or before the first use of water. Please note that all meters must be installed and maintained in accordance with the Chief Engineer's specifications for water flow meters found in K.A.R. 5-1-4 through K.A.R. 5-1-12. A copy of these specifications and a list of acceptable meters can be obtained from our website at the following web address:

<http://agriculture.ks.gov/meters>

Because the orders pertaining to File Nos. 40,966; 40,967; & 45,429 modify the original certificates issued under your water right files, they 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 cursive script that reads "Brett L. Bunge".

Brett L. Bunge
Assistant Water Commissioner

BLB:lh
Enclosures

CERTIFICATE OF SERVICE

On this 19th day of July, 2017, I hereby certify that the attached **APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION**, Water Right, File No. 45,429, dated July 18, 2017 was mailed postage prepaid, first class, US mail to the following:

THOMAS L & KAY A EBERT
11650 LOUISVILLE RD
SAINT GEORGE KS 66535

Staff

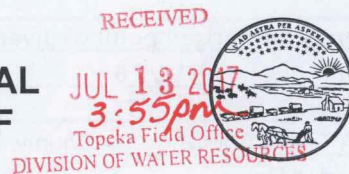
A handwritten signature in blue ink, reading "Dan M. Murphy", is written over a horizontal line. The signature is cursive and stylized.

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.

File No. 45429

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: THOMAS L & KAY A EBERT

11650 LOUISVILLE RD ST GEORGE KS 66535

Phone Number: ()

Email address:

Name and address of Water Use Correspondent: SAME AS LANDOWNER

Phone Number: ()

Email address:

3. The presently authorized place of use is:

Owner of Land ---- NAME: NOT SUBJECT OF APPLICATION

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	

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: NOT SUBJECT OF APPLICATION

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 LOT 6 Quarter of the _____ Quarter of the _____ Quarter
 of Section 17, Township 10 South, Range 10E (E/W),
 in POTTAWATOMIE County, Kansas, 1552 feet North 5188 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:
Proposed point of diversion: (Complete only if change is requested)
 One in LOT 6 Quarter of the _____ Quarter of the _____ Quarter
 of Section 17, Township 10 South, Range 10E (E/W),
 in POTTAWATOMIE County, Kansas, 1552 feet North 5153 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 40966; 40967 & 48485

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:
Proposed point of diversion: (Complete only if change is requested)
 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. Why do you need a new point of diversion? _____

WELL HAS STARTED PUMPING SAND & GRAVEL

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

9. When do you propose to complete the new point of diversion?
UPON APPROVAL OF APPLICATION

10. If the point of diversion is a well:

(a) What are you going to do with the old well?

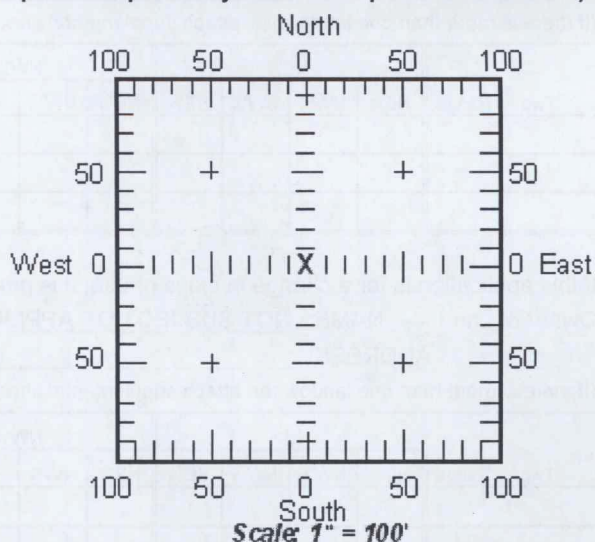
PLUG IT

(b) When will this be done? UPON COMPLETION OF NEW WELL

11. Groundwater Management District recommendation attached? ☐ Yes ☒ No

12. Assisted by BRETT BUNGER 6-14-17

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from 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.

14. If the proposed groundwater point of diversion is 300 or fewer feet from 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 regard 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 Westmoreland Ks, Kansas, this 30 day of June, 20 17.

Thomas L Ebert
(Owner)

Thomas L Ebert
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

Kay E. Ebert
(Spouse)

Kay A. Ebert
(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas
County of Pottawatomie } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 30th day of June, 20 17.



My Commission Expires 11/15/2019

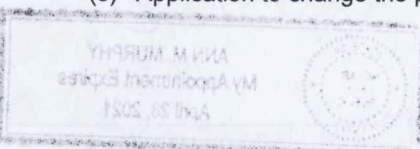
Jennifer L. Fleming
Notary Public

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



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. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law*, K.S.A. 82a-701 *et. seq.*, and rules and regulations promulgated thereunder, K.A.R. 5-1-1 *et. seq.* With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 45,429.

1. A change application was received on July 13, 2017 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 50 foot radius of the authorized point(s) of diversion. ☒ Applicable ☐ Not Applicable
4. 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
5. 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
6. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2017, 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
7. Installation of the works for diversion of water shall be completed on or before December 31, 2017, or within any authorized extension of time. By March 1, 2018 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
8. The completed well log shall be submitted with the required notice. ☒ Applicable ☐ Not Applicable
9. 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
10. Additional Conditions are attached. ☐ Yes ☒ No
11. 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

You have the right to a hearing in accordance with K.A.R. 5-14-3 before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Topeka, Kansas 66502, within 15 days after the date shown on the Certificate of Service attached hereto. If a hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15th day after the date shown on the Certificate of Service.

For Use by Register of Deeds

FOR OFFICE USE ONLY APPLICATION APPROVED AND SUMMARY ORDER ISSUED

By:

Brett L. Bunge

Duly Authorized Designee of the Chief Engineer

(Print Name):

BRETT L. BUNGE

Division of Water Resources - Kansas Department of Agriculture

Date of Issuance:

July 18, 2017

State of Kansas

)

County of

Shawnee

) SS

Acknowledged before me on

July 18, 2017

by

Ann M. Murphy

Signature:

Ann M. Murphy

Notary Public

My commission expires

