

CHECK SHEET Short Change

(To be completed and attached to each application)

File No. 45,883

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. _____
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).** No Change for point(s) being changed.

b. **Show feet distances from the _____ corner of the section for the new point(s) of diversion:**

Action	PDIV ID	Geo Ctr?	Sec	Twp	Rng	'N	'W	County	Qualifiers

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/cfs	_____ gpm/cfs	_____ af/mgy	_____ af/mgy
_____	_____ gpm/cfs	_____ gpm/cfs	_____ af/mgy	_____ af/mgy
_____	_____ gpm/cfs	_____ gpm/cfs	_____ af/mgy	_____ af/mgy

d. **Name of Stream** Spring 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

06/22/17 Change Application Received (date accepted for priority)
06/27/17 Change Approved
 Notice and Proof by ---/---/---
 _____ / _____ / _____ Completion Requirement Removed (Change No. C _____)

7. METER ACTION TRAIL COMMENTS

06/27/2017 DWR Meter Required by 12/31/2017
 _____ / _____ / _____ Anti-Reverse Meter Required by _____ / _____ / _____
 _____ / _____ / _____ Meter Seal Required by _____ / _____ / _____

8. Base Acres 168.3 Year 2005 Minimum Reasonable Quantity _____

Date Created **6/26/17** by **LHH/TFO**
 Date Entered by _____

CHECK SHEET ATTACHMENT

File Number 45883

9. Changes to the place of use will be:

Action	Owner Person ID	Place Use ID #	Sec.	Twp.	Range	NE 1/4			NW 1/4			SW 1/4			SE 1/4			TOTAL ACRES
						NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
MOD	21684	56279	2	33S	25E	Acres Authorized												73.8
						New Acres												
MOD	60924	56278	11	33S	25E	Acres Authorized			23.7									104.5
						New Acres			23.7			25.0			26.7			
						Acres Authorized												
						New Acres												
						Acres Authorized												
						New Acres												

Names and Address:

1. Person ID # <u>21684</u> <u>JESSEE LIVING TRUST</u> <u>RICK JESSEE</u> <u>544 NE 90TH ST</u> <u>GALENA KS 66739</u>	2. Person ID # <u>60924</u> <u>LLOYD & L HALE TRUST</u> <u>JEANNETTE GOETZ</u> <u>3544 FALLING BROOK DR</u> <u>PACE FL 32571</u>
	3. Person ID # _____

GENERAL INSTRUCTIONS

1. Give to Applicant:
 - a. Original application/approval
 - b. Original receipt (one for each application)
 - c. Information packet containing:
 - 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)

2. Send to headquarters:
 - a. Good, **scannable** copy of application and/or approval and this check sheet
 - b. Original check and copy of receipt
 - c. Test hole log
 - 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.
 - 1. Insert notice and proof date.
 - 2. Type or print applicant's/owner's name on line.
 - 3. Complete notary statement.

4. Date stamp received and approved.
5. Complete ownership and WUC change information.

ADDITIONAL PHOTOCOPIES



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) 296-8298
www.agriculture.ks.gov
Sam Brownback, Governor

June 28, 2017

JESSEE LIVING TRUST
RICK JESSEE
544 NE 90TH ST
GALENA KS 66739

Re: Appropriation of Water,
File No. 45,883

Dear Sir:

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. Also, the approval of this order requires the installation of a water flow meter on the point of diversion authorized under the above referenced file number by December 31, 2017. 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>

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 blue ink that reads "Katherine A. Tietsort".

Katherine A. Tietsort
Water Commissioner

KAT:lh
Enclosures
Pc: Lloyd & L Hale Trust
Jeannette Goetz

CERTIFICATE OF SERVICE

On this 28th day of June, 2017, I hereby certify that the attached APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE, Appropriation of Water, File No. 45,883, dated June 22, 2017 was mailed postage prepaid, first class, US mail to the following:

JESSEE LIVING TRUST
RICK JESSEE
544 NE 90TH ST
GALENA KS 66739

With a photocopy to:

LLOYD & L HALE TRUST
JEANNETTE GOETZ
3544 FALLING BROOK DR
PACE FL 32571



Staff

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. 45883

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: Rick Jessee

544 NE 90th St, GALENA, KS 66739

Phone Number: (620)249-4897 Email address: _____

Name and address of Water Use Correspondent: Applicant

Phone Number: () _____ Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- Section 2: Jessee Living Trust, Rick Jessee, 544 NE 90th St, Galena, KS 66739

Section 11: Lloyd & L Hale Trust, Jeannette Goetz, 3544 Falling Brook Dr, Pace, FL 32571

(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	
2	33S	25E										2.0	5.0	30.0			3.0	33.7	73.7
11	33S	25E		16.8			27.4				20.7	29.7							94.6
																			168.3

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 ---- Section 2: Jessee Living Trust, Rick Jessee, 544 NE 90th St, Galena, KS 66739

Section 11: Lloyd & L Hale Trust, Jeannette Goetz, 3544 Falling Brook Dr, Pace, FL 32571

(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	
2	33S	25E												33.9			39.9	39.9 *	73.8
11	33S	25E		23.7			29.1			25.0	26.7								104.5
																			178.3

** Per map submitted with this application entitled "File No. 45883 Proposed Place of Use". LHH/FO*

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

5. **Presently authorized point of diversion:**
 One in the SW Quarter of the SE Quarter of the SW Quarter of Section 2, Township 33 South, Range 25 East, in Cherokee County, Kansas, 123 feet North 3868 feet West of Southeast corner of section. Authorized Rate 680 Authorized Quantity 168.3 AF Depth of well N/A (feet)
(DWR use only: Computer ID No. 70610 GPS 77 feet North 3918 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 _____

6. **Presently authorized point of diversion:**
 One in the SW Quarter of the SE Quarter of the NW Quarter of Section 11, Township 33 South, Range 25 East, in Cherokee County, Kansas, 3150 feet North 3929 feet West of Southeast corner of section. Authorized Rate 680 Authorized Quantity 168.3 AF Depth of well N/A (feet)
(DWR use only: Computer ID No. 70128 GPS 2650 feet North 4146 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 _____

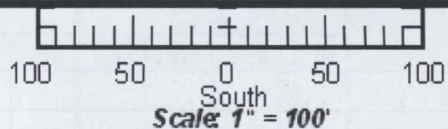
7. Why do you need a new point of diversion? N/A

13a. If the proposed point of diversion will be relocated within 100

Comments

This change application will add an overall 10 acres to the place of use. In 2014, timber was cleared to allow for additional travel distance of a center pivot sprinkler installation. This resulted in the watering of some unauthorized acres.

This change will also better describe the place of use in terms of quarter quarter acreages. (See accompanying plats)



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

9. When do you propose to complete the new point of diversion?
N/A

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 CF - TFO/Parsons

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 _____, Kansas, this 16 day of June, 2017.

X Jeanette Becker (Doetz) _____
 (Owner) (Spouse)

Jeanette Becker _____
 (Please Print) (Please Print)

 (Owner) (Spouse)

 (Please Print) (Please Print)

 (Owner) (Spouse)

 (Please Print) (Please Print)



DEBRA K. HAYDEN
My Commission Expires December 11, 2020
Franklin County
Commission #16773924

(Please Print)

State of Kansas }
County of _____ } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 16 day of June, 2017.

Debra K. Hayden
Notary Public

My Commission Expires 12-11-2020

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

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.)
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 Yes No (If no, all owners must sign this application.)

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

Linda Kay Hale (Owner) _____ (Spouse) _____
LINDA KAY HALE (Please Print) _____ (Please Print) _____
 _____ (Owner) _____ (Spouse) _____
 _____ (Please Print) _____ (Please Print) _____
 _____ (Owner) _____ (Spouse) _____
 _____ (Please Print) _____ (Please Print) _____

State of Kansas }
County of _____ } SS



I hereby certify that the foregoing application was signed in my presence and before me this 31st day of May, 2017.

Shannon McLachlen-Payne
Notary Public

My Commission Expires December 4, 2018

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.

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- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200

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.)

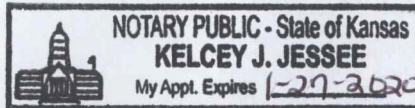
If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized 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 CRESTLINE, Kansas, this 19 day of JUNE, 20 17.

_____ (Owner) <u>RICK JESSEE</u>	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
<u>X</u> <u>Rick Jessee</u> (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)

State of Kansas }
County of Cherokee } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 19 day of June, 20 17.

Kelcey J. Jessee
Notary Public

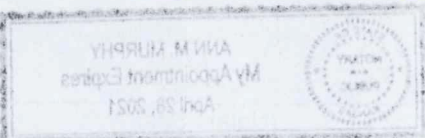
My Commission Expires 1-27-2020

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; 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. 45,883.

1. A change application was received on June 22, 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 _____ 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, 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
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: Katherine A. Tietsoort
 Duly Authorized Designee of the Chief Engineer
 (Print Name): Katherine A. Tietsoort
 Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: June 27, 2017

State of Kansas)

County of Shawnee) SS

Acknowledged before me on 6-27-17

by Ann M. Murphy

Signature: Ann M. Murphy
 Notary Public



My commission expires _____

File No. 45,883

Currently Authorized Place of Use



1:12,000



File No. 45,883
Proposed Place of Use

1:12,000

