

# CHECK SHEET Short Change

(To be completed and attached to each application)

File No. 9694

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?** YES  
If applicable, list Place of Use Overlap File Nos. 7744

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	78626	NO	13	11S	14E	629	3414	SN	SW SE SW
ENT		NO	13	11S	14E	627	3397	SN	SW SE SW

- 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**

05/15/17 Change Application Received (date accepted for priority)  
05/18/17 Change Approved  
 Notice and Proof by 12/31/17  
 --/--/---- Completion Requirement Removed (Change No. C \_\_\_\_\_)

**7. METER ACTION TRAIL COMMENTS**

05/17/17 DWR Meter Required by 12/31/2017

8. Base Acres \_\_\_\_\_ Year \_\_\_\_\_ Minimum Reasonable Quantity \_\_\_\_\_

Date Created 5/16/17 by LHH/TFO  
 Date Entered \_\_\_\_\_ by \_\_\_\_\_



**Kansas Department of Agriculture  
Division of Water Resources**

**LANDOWNER -**

1. File No(s) <b>7744 &amp; 9694</b>	1a. <input type="checkbox"/> Vested Right <input checked="" type="checkbox"/> Water Right <input type="checkbox"/> Appropriation of Water	1b. FO <b>01</b>	1c. GMD
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2.  Computer Only       Letter Attached       Stamped Document       WUC Des Form

3. Informed by **FO Change Application & County Records.**

<p>4a. Landowner(s) <span style="float:right">Person ID _____</span>          New to system <input checked="" type="checkbox"/> <span style="float:right">Add Seq# _____</span></p> <p><b>HELEN M GAITHER 1603 SW PLASS AVE TOPEKA KS 66604-2753</b></p>	<p>4b. Landowner(s) <span style="float:right">Person ID _____</span>          New to system <input type="checkbox"/> <span style="float:right">Add Seq# _____</span></p>
<p>5. WUR Correspondent <span style="float:right">Person ID <b>12155</b></span>          New to system <input type="checkbox"/> <span style="float:right">Add Seq# <b>1</b></span>  <span style="float:right">Notarized WURC Form <input type="checkbox"/></span></p> <p><b>ROBERT J &amp; ELAINE M MOHLER TRUSTS 8025 NW 21ST ST TOPEKA KS 66618-2862</b></p>	<p>6. Other _____ <span style="float:right">Person ID _____</span>          New to system <input type="checkbox"/> <span style="float:right">Add Seq# _____</span></p>

7. Name and person ID code of former WUR correspondent **NO CHANGE**

Name \_\_\_\_\_ Person ID \_\_\_\_\_

8. Place of Use – County **SN**

File No.	PUSE ID	S	T	R	ID#	Owner	Chg?	Overlap Files
<b>7744 &amp; 9694</b>	<b>12164</b>	<b>13</b>	<b>1S</b>	<b>14E</b>	<b>4</b>	<b>4a.</b>	<b>Yes</b>	<b>7744 &amp; 9694</b>

9. Comments

Date Prepared **5/16/17** by **LHH/TFO**  
 Date Entered \_\_\_\_\_ by \_\_\_\_\_

INDUSTRIA PER ASPERAM  
**Kansas**  
Department of Agriculture  
*Division of Water Resources*

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

May 18, 2017

HELEN M GAITHER  
1603 SW PLASS AVE  
TOPEKA KS 66604 2753

Re: Water Right, File Nos.  
7,744 & 9,694

Dear 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:

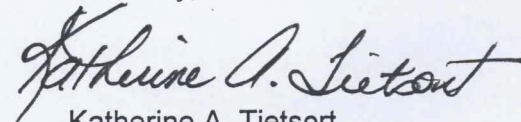
<http://agriculture.ks.gov/meters>

Because these orders 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.** These orders 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 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,



Katherine A. Tietsort  
Water Commissioner

KAT:lh  
Enclosures

SCANNED

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. 9694

**RECEIVED**  
**MAY 15 2017**  
**10:26 AM**  
 Topeka Field Office  
 DIVISION OF WATER RESOURCES

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: HELEN M GAITHER

1603 SW PLASS AVE TOPEKA KS 66604-2753

Phone Number: (     )                      Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: ROBERT J & ELAINE M MOHLER TRUSTS

8025 NW 21<sup>ST</sup> ST TOPEKA KS 66618

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	

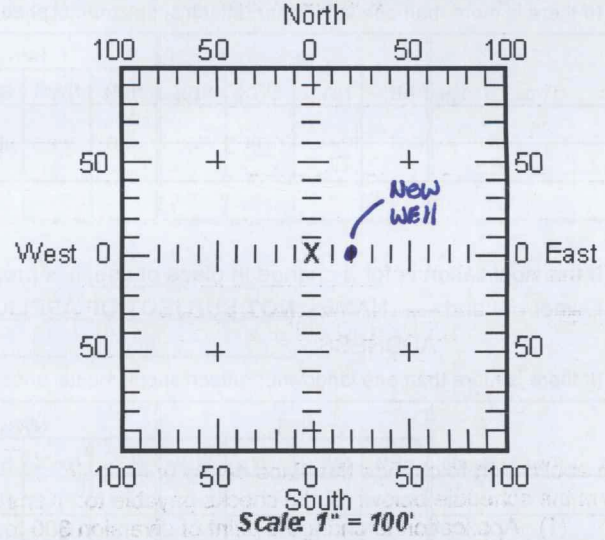
**For Office Use Only: Code \_\_\_\_\_ Fee \$ \_\_\_\_\_ TR # \_\_\_\_\_ Receipt Date \_\_\_\_\_ Check # \_\_\_\_\_**

5. **Presently authorized point of diversion:**  
 One in the SW Quarter of the SE Quarter of the SW Quarter of Section 13, Township 11 South, Range 14E (E/W), in SHAWNEE County, Kansas, 629 feet North 3414 feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS 627 feet North 3417 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 SW Quarter of the SE Quarter of the SW Quarter of Section 13, Township 11 South, Range 14E (E/W), in SHAWNEE County, Kansas, 627 feet North 3397 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 7744 & 28699

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? THE WELL IS PRODUCING SAND AND NEEDS TO BE REPLACED
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 THE 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? \_\_\_\_\_
11. Groundwater Management District recommendation attached?  Yes  No
12. Assisted by BRETT BUNGER 4-24-17

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.)

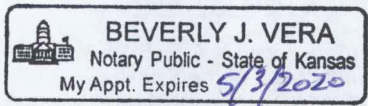
If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized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

<p style="font-size: 1.2em; font-family: cursive;">Helen M. Gaither</p> <p style="text-align: center; font-size: 0.8em;">(Owner)</p>	<p style="text-align: center; font-size: 0.8em;">(Spouse)</p>
<p style="font-size: 1.2em; font-family: cursive;">Helen M. Gaither</p> <p style="text-align: center; font-size: 0.8em;">(Please Print)</p>	<p style="text-align: center; font-size: 0.8em;">(Please Print)</p>
<p style="text-align: center; font-size: 0.8em;">(Owner)</p>	<p style="text-align: center; font-size: 0.8em;">(Spouse)</p>
<p style="text-align: center; font-size: 0.8em;">(Please Print)</p>	<p style="text-align: center; font-size: 0.8em;">(Please Print)</p>
<p style="text-align: center; font-size: 0.8em;">(Owner)</p>	<p style="text-align: center; font-size: 0.8em;">(Spouse)</p>
<p style="text-align: center; font-size: 0.8em;">(Please Print)</p>	<p style="text-align: center; font-size: 0.8em;">(Please Print)</p>

State of Kansas }  
 County of Shawnee } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 9th day of May, 2020.

\_\_\_\_\_  
 Notary Public

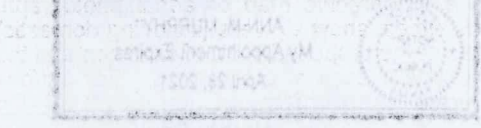
My Commission Expires 5/3/2020

**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. 9694.

1. A change application was received on May 15, 2015 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 15<sup>th</sup> 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. Tietsoot  
Duly Authorized Designee of the Chief Engineer  
(Print Name): Katherine A. Tietsoot  
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: May 18, 2017

State of Kansas )

County of Shawnee ) SS

Acknowledged before me on 5/18/17

by Katherine A. Tietsoot

Signature: Ann M. Murphy  
Notary Public



My commission expires \_\_\_\_\_  
(Notary Seal)



## CERTIFICATE OF SERVICE

On this 18<sup>TH</sup> day of May, 2017, I hereby certify that the attached **APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION**, Water Right, File Nos. 7,744 and 9,694, dated May 15, 2017 were mailed postage prepaid, first class, US mail to the following:

HELEN M GAITHER  
1603 SW PLASS AVE  
TOPEKA KS 66604 2753

  
\_\_\_\_\_  
Staff