

Kansas Department of Agriculture
Division of Water Resources
CHANGE: PU WORKSHEET

1. File Number: 38057	2. Status Change Date: 6/17/2019	3. Change Num: C1	4. Field Office: 01	5. GMD:
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			7. Filing Date of Change: 19-FEB-2019	
8a. Applicant(s) New to system <input type="checkbox"/> PESSEMIER COMPANY CHRISTIAN A ROYER PO BOX 206 SAINT MARYS KS 66536		Person ID <u>13689</u> Add Seq# <u>1</u>	8c. Landowner(s) New to system <input type="checkbox"/> NANCY JO & EVAN R LUNDIN 9041 RANCHO DR ELK GROVE CA 95624-2019	
8b. Landowner(s) New to system <input type="checkbox"/> PESSEMIER COMPANY CHRISTIAN A ROYER PO BOX 206 SAINT MARYS KS 66536		Person ID <u>13689</u> Add Seq# <u>1</u>	8d. WUC New to system <input type="checkbox"/> NO CHANGE	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: _____ <input type="checkbox"/> N & P Date to Comply: _____ <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
			Date Prepared: 6/5/19	By: RAK
			Date Entered: 6/18/2019	By: LM

File No **38057** 11. County: **PT** Basin: **KANSAS RIVER** Stream: _____ Formation Code: **(8) No per Gages**
& (113) Special Use:

12. Points of Diversion Rate and Quantity
 CHK Authorized Additional
 MOD Rate Quantity Rate Quantity
 DEL gpm/cfs af/mgy gpm/cfs af/mgy Overlap PD Files
 ENT Qualifier S T R ID 'N 'W Comment (AKA Line)

MOD 2789 SW¼ SE¼ NW 6 10S 12E 1 2670 3564 720 g.p.m. 143 AF 720 g.p.m. 143 AF 39918

UPDATE WITH GPS FEET DISTANCES

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
MOD 28973	6	10S	12E	1						1.00	0.50	28.00	37.00	39.50	27.00			5.00	30.00	39.50	36.00	29.00	272.50	8B	NO	39918 & 50211
MOD 2657	6	10S	12E	1			6.00																6.00	8C	NO	39918 & 50211
ENT 18071	7	10S	12E	1			0.50																0.50	8B	NO	39918 & 50211

Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____
 Comments: _____

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 5, 2019

FROM: Richelle A. Krueger

RE: Water Right
File Nos. 38,057 and 39,918

Christian Royer, on behalf of Pessemier Company, and Evan and Nancy Lundin, water right owners, filed applications for approval to change the authorized place of use for File Nos. 38,057 and 39,918, authorized groundwater in the Kansas River Basin. The referenced change applications were filed along with Application, File No. 50,211 processed by Doug Schemm, Environmental Scientist of the Topeka Field Office.

The above referenced files do not appear abandoned as per K.S.A. 82a-718.

File Nos. 38,057 and 39,918 are authorized a total of 187 acre-feet from the same well for irrigation of the same 233 acres located in Section 6, Township 10 South, Range 12 East, Pottawatomie County. The referenced change application proposes to create a complete overlap in the place of use with Application, File No. 50,211, for a total of 279 acres in Sections 6 and 7, Township 10 South, Range 12 East, Pottawatomie County.

The total limited quantity under File Nos. 38,057; 39,918 and 50,211, 306.9 acre-feet, can irrigate the proposed 279 acres with 1.1 acre-feet per acre, which appears reasonable since the maximum acre-feet per acre allowed in Pottawatomie County is 1.1 acre-feet per acre. The additional quantity acquired by File No. 50,211 should be sufficient to cover any increase in consumptive use.


On March 13, 2019, Doug notified nearby well owners within one half mile of the proposed point of diversion, informing them of the new application and the referenced change applications. No response was received.

The same local source of supply will not change.

Katherine Tietsort, Water Commissioner of the Topeka Field Office, recommended approval of the applications in a May 29, 2019 e-mail.

A water flow meter is required. Check valves are required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur, it has been recommended the referenced applications be approved.


Richelle A. Krueger
Environmental Scientist

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

PESSEMIER COMPANY
CHRISTIAN A ROYER
PO BOX 206
SAINT MARYS KS 66536

June 27, 2019

RE: Water Right, File Nos. 38,057 and 39,918

FILE COPY

Dear Mr. Royer:

Enclosed are the orders executed by the 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 enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file numbers. Please return the required notification of completion of the diversion works and/or installation of the required meter as soon as these actions are completed.

Since the orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT:rak

pc: Topeka Field Office
Nancy Jo and Evan R. Lundin

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE AND ORDER
BETTER DESCRIBING
THE LOCATION OF THE
AUTHORIZED POINT OF DIVERSION
WATER RIGHT
FILE NO. 38,057

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Christian A. Royer, on behalf of Pessemier Company, P.O. Box 206, Saint Marys, Kansas 66536, and Nancy Jo and Evan R. Lundin, 9041 Rancho Drive, Elk Grove, California 95624-2019, received in this office on February 19, 2019, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated January 21, 2000, approving the application to change the place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the irrigation place of use shall be:

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	
6	10S	12E			6.00		1.00	0.50	28.00	37.00	39.50	27.00		5.00	30.00	39.50	36.00	29.00	278.50
7	10S	12E		0.50															0.50

a total of 279.00 acres in Township 10 South, Range 12 East, Pottawatomie County, Kansas,

located substantially as shown on the map accompanying the application to change the place of use, and the location of the authorized point of diversion is more accurately described as:

one(1) well located in the Southwest Quarter of the Southeast Quarter of the Northwest Quarter (SW¼ SE¼ NW¼) of Section 6, more particularly described as being near a point 2,670 feet North and 3,564 feet West of the Southeast corner of said section, in Township 10 South, Range 12 East, Pottawatomie County, Kansas.

All diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 38,057, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated December 22, 1999, as modified and amended by the aforementioned order.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this 17th day of June, 2019, in Manhattan, Riley County, Kansas.

Lane P. Letourneau
Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 17th day of June, 2019, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.

Danielle Wilson
Notary Public



CERTIFICATE OF SERVICE

On this 27th day of June, 2019, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 38,057, dated June 17th, 2019 was mailed postage prepaid, first class, US mail to the following:

PESSEMIER COMPANY
CHRISTIAN A ROYER
PO BOX 206
SAINT MARYS KS 66536

With photocopies to:

NANCY JO & EVAN R LUNDIN
9041 RANCHO DR
ELK GROVE CA 95624-2019

Topeka Field Office

Danielle Wilson
Division of Water Resources

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

PESSEMIER COMPANY
CHRISTIAN A ROYER
PO BOX 206
ST MARYS KS 66536

May 23, 2019

FILE COPY

Re: Water Right, File No. 38,057

Dear Mr. Royer:

Reference is made to the application for approval of the Chief Engineer to change the place of use under the referenced file number received in the office of the Chief Engineer on February 19, 2019. Upon review of the application, we find that additional information is needed.

Please note that the application must be signed by each landowner and their spouse in the presence of a notary. Although the application has the signature of Nancy and Evan Lundin, it appears we still need the original notarized signature for the authorized representative of Pessemier Company. Enclosed is a copy of the application with the blank signature page.

Please return the original notarized signature of the authorized representative of Pessemier Company at your earliest convenience to the Manhattan address listed above so that I may continue with processing your application. If you have any questions, please contact me at (785) 564-6635. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK
Enclosures

pc: Topeka Field Office

SCANNED

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Interim Secretary

Laura Kelly, Governor

CHRISTIAN ROYER
PO BOX 206
ST MARYS, KS 66536

February 21, 2019

RE: File No **38057**

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tourney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW

SCANNED

#2

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

Water Resources
Received

FEB 04 2019
1:27
UNACCEPTABLE FOR PRIORITY
Dept Of Agriculture

File No. 38057

2. Name of applicant: PESSEMIER COMPANY CHRISTIAN A ROYER / NANCY JO & EVAN R LUNDIN

Address: PO BOX 206 / 9041 RANCHO DR

City, State and Zip: ST MARYS KS 66536 / ELK GROVE CA 95624-2019

Phone Number: () _____ E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: PESSEMIER COMPANY CHRISTIAN A ROYER

Address: PO BOX 206

City, State and Zip: ST MARYS KS 66536

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

TO MAKE CHANGES TO THE PLACE OF USE WHICH WILL ALLOW THE EAST PIVOT TO MAKE A FULL CIRCLE

WATER RESOURCES
RECEIVED

The change(s) (was) (will be) completed by JUNE 2020 (Date)

FEB 19 2019

1:35
KS DEPT OF AGRICULTURE

For Office Use Only:													
F.O. Code	<u>1</u>	GMD#	<u>095</u>	Meets K.A.R. 5-5-1 (YES/NO)	Use <u>1R2</u>	Source	<u>(G)</u>	S County	<u>PT</u>	By	<u>NAW</u>	Date	<u>2/19/19</u>
Fee \$	<u>200</u>	TR #		Receipt Date	<u>2/19/19</u>	Check #	<u>21479</u>						

APPLICATION COMPLETE
6.14.19

2/21/2019
CLM

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

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

[Signature]
(Owner)
EWAN LUNDIN
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

[Signature]
(Spouse)
Nancy Lundin
(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas
County of Ottawa } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 25 day of January, 2019.

THERESA L. SWISHER
Notary Public - State of Kansas
My Appt. Expires 4-4-20

[Signature]
Notary Public

My Commission Expires April 4, 2020

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture**

FEB 19 2019

KS DEPT OF AGRICULTURE

Water Resources
Received
FEB 04 2019
UNACCEPTABLE FOR PRIORITY
KS Dept Of Agriculture
SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: **PESSEMIER COMPANY CHRISTIAN A ROYER**

ADDRESS: **PO BOX 206 ST MARYS KS 66536**

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		
6	10	12E					2		26	39	40	25		6			36	37	12	223

List any other water rights that cover this place of use. **39918**

Owner of Land — NAME: **NANCY JO & EVAN R LUNDIN**

ADDRESS: **9041 RANCHO DR ELK GROVE CA 95624-2019**

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		
6	10	12E			10															10

List any other water rights that cover this place of use. **39918**

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: **PESSEMIER COMPANY CHRISTIAN A ROYER**

ADDRESS: **PO BOX 206 ST MARYS KS 66536**

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		
6	10	12E					1	.5	28	37	39.5	27		5	30	39.5	36	29	272.5	
7	10	12E		.5																.5

List any other water rights that cover this place of use. **39918 & NEW APP**

Owner of Land — NAME: **NANCY JO & EVAN R LUNDIN**

ADDRESS: **9041 RANCHO DR ELK GROVE CA 95624-2019**

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		
6	10	12E			6															6

WATER RESOURCES RECEIVED
 FEB 19 2019
 UNACCEPTABLE FOR PRIORITY
 FEB 04 2019
 KS DEPT OF AGRICULTURE
 KS Dept Of Agriculture

List any other water rights that cover this place of use. **39918 & NEW APP**

SCANNED
 IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

6. The presently authorized point(s) of diversion (is) (are) ONE WELL
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) NO CHANGE
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
One in the SW Quarter of the SE Quarter of the NW Quarter
of Section 6, Township 10 South, Range 12E (E/W),
in POTTAWATOMIE County, Kansas, 2680 feet North 3545 feet West of Southeast corner of section.
Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS 2670 feet North 3564 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 _____
This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **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 _____
(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 _____
This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **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 _____
(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 _____
This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____
N/A

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

12. The presently authorized use of water is for IRRIGATION purposes.
It is proposed that the use be changed to NO CHANGE purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
THE CONSUMPTIVE USE WILL NOT BE INCREASED BECAUSE A NEW APPLICATION IS BEING FILED WHICH WILL AUTHORIZE ADDITIONAL QUANTITY FOR THE EXPANDED PLACE OF USE

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to N/A (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to N/A gallons per minute (____ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- a. If a change in the location of the point(s) of diversion is proposed, show:
 - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

IMPAIRMENT SHOULD NOT BE AN ISSUE AS THIS IS A CHANGE IN PLACE OF USE ONLY

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

NOT APPLICABLE

FEB 19 2019

Water Resources

Received

ACCEPTABLE FOR PRIORITY
FEB 19 2019

KS DEPT OF AGRICULTURE

KS Dept Of Agriculture

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

BANNED

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

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

(Owner)

(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(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 _____ day of _____, 20_____.

My Commission Expires _____.

Notary Public

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

#2

WATER RESOURCES RECEIVED

JUN 04 2019

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**

10:22



State of Kansas

*Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)*

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

Water Resources
Received

FEB 04 2019
UNACCEPTABLE FOR PRIORITY
Dept Of Agriculture

File No. 38057

2. Name of applicant: PESSEMIER COMPANY CHRISTIAN A ROYER / NANCY JO & EVAN R LUNDIN

Address: PO BOX 206 / 9041 RANCHO DR

City, State and Zip: ST MARYS KS 66536 / ELK GROVE CA 95624-2019

Phone Number: () _____ E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: PESSEMIER COMPANY CHRISTIAN A ROYER

Address: PO BOX 206

City, State and Zip: ST MARYS KS 66536

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

TO MAKE CHANGES TO THE PLACE OF USE WHICH WILL ALLOW THE EAST PIVOT TO MAKE A FULL CIRCLE

WATER RESOURCES RECEIVED

The change(s) (was) (will be) completed by JUNE 2020

(Date) FEB 19 2019

1:35
KS DEPT OF AGRICULTURE

For Office Use Only:					
F.O. #	<u>GMD0</u>	Meets K.A.R. 5-5-1 (YES / NO)	Use <u>122</u>	Source <input checked="" type="radio"/> S County <u>PT</u>	By <u>NAW</u> Date <u>2/19/19</u>
Code	<u>CS</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>2/19/19</u>	Check # <u>21479</u>

2/21/2019
CM

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at _____, Kansas, this _____ day of _____, 20____.

[Signature]
(Owner)
EWAN LUNDIN
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

[Signature]
(Spouse)
Nancy Lundin
(Please Print)

(Spouse)

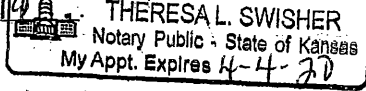
(Please Print)

(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 25 day of January, 2019.



[Signature]
Notary Public

My Commission Expires April 4, 2020

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture

Water Resources
Received
FEB 04 2019
UNACCEPTABLE FOR PRIORITY
KS Dept Of Agriculture

FEB 19 2019

SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: **PESSEMIER COMPANY CHRISTIAN A ROYER**

ADDRESS: **PO BOX 206 ST MARYS KS 66536**

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	
6	10	12E					2		26	39	40	25		6		36	37	12	223

List any other water rights that cover this place of use. 39918

Owner of Land — NAME: **NANCY JO & EVAN R LUNDIN**

ADDRESS: **9041 RANCHO DR ELK GROVE CA 95624-2019**

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	
6	10	12E			10														10

List any other water rights that cover this place of use. 39918

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: **PESSEMIER COMPANY CHRISTIAN A ROYER**

ADDRESS: **PO BOX 206 ST MARYS KS 66536**

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	
6	10	12E					1	.5	28	37	39.5	27		5	30	39.5	36	29	272.5
7	10	12E		.5															.5

List any other water rights that cover this place of use. 39918 & NEW APP

Owner of Land — NAME: **NANCY JO & EVAN R LUNDIN**

ADDRESS: **9041 RANCHO DR ELK GROVE CA 95624-2019**

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	
6	10	12E			6														6

List any other water rights that cover this place of use. 39918 & NEW APP

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Water Resources
Received
FEB 19 2019
UNACCEPTABLE FOR PRIORITY
FEB 04 2019
KS Dept Of Agriculture
WATER RESOURCES RECEIVED

SCANNED

SCANNED

6. The presently authorized point(s) of diversion (is) (are) ONE WELL
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) NO CHANGE
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
One in the SW Quarter of the SE Quarter of the NW Quarter of Section 6, Township 10 South, Range 12E (E/W), in POTTAWATOMIE County, Kansas, 2680 feet North 3545 feet West of Southeast corner of section.
Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS 2670 feet North 3564 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 _____
This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **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 _____
(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 _____
This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **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 _____
(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 _____
This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____
N/A

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

12. The presently authorized use of water is for IRRIGATION purposes.

It is proposed that the use be changed to NO CHANGE purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

THE CONSUMPTIVE USE WILL NOT BE INCREASED BECAUSE A NEW APPLICATION IS BEING FILED WHICH WILL AUTHORIZE ADDITIONAL QUANTITY FOR THE EXPANDED PLACE OF USE

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to N/A (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to N/A gallons per minute (c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

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b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

IMPAIRMENT SHOULD NOT BE AN ISSUE AS THIS IS A CHANGE IN PLACE OF USE ONLY

WATER RESOURCES RECEIVED

JUN 04 2019

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

NOT APPLICABLE

FEB 19 2019

KS DEPT OF AGRICULTURE

Water Resources

Received

ACCEPTABLE FOR PRIORITY JUN 04 2019

KS Dept Of Agriculture

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SCANNED

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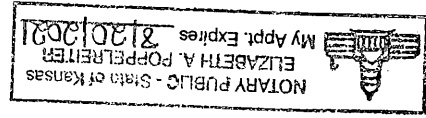
If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

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Dated at ST. MARYS, Kansas, this 30 day of MAY, 20 19.

<u>[Signature]</u> (Owner)	_____	(Spouse)
<u>PAUL ROYER</u> (Please Print)	_____	(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 May, 20 19.

Elizabeth A. Poppelreiter
Notary Public

My Commission Expires 08/20/2021

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

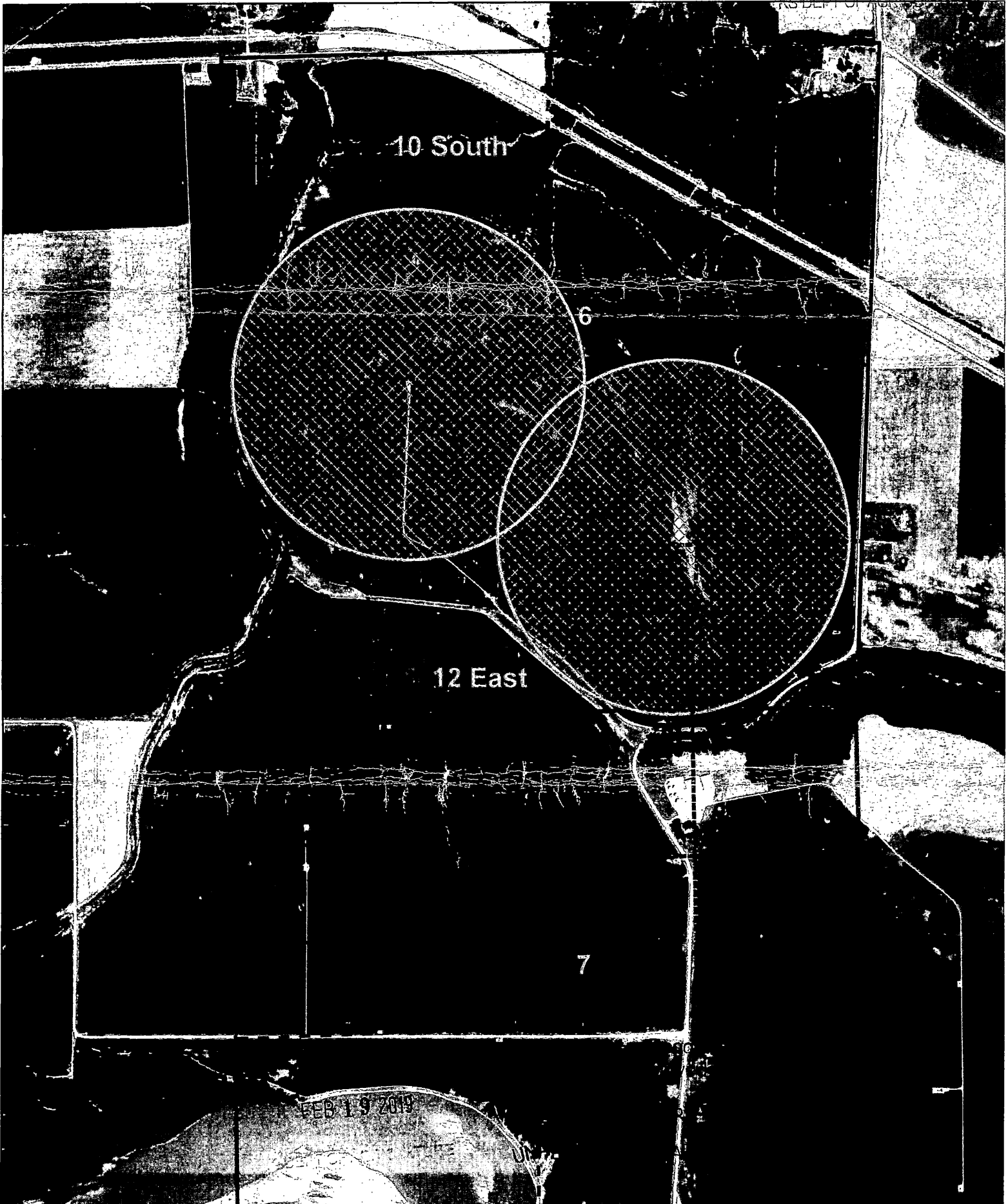
1:12,000

Proposed Place of Use File Nos. 38057 & 39918

WATER RESOURCES
RECEIVED

JUN 04 2019

KS DEPT OF AGRICULTURE



1:12,000

Authorized Place of Use
File Nos. 38057 & 39918



Krueger, Richelle [KDA]

From: Tietsort, Katie [KDA]
Sent: Wednesday, May 29, 2019 8:42 AM
To: Krueger, Richelle [KDA]
Cc: Bunger, Brett [KDA]; Schemm, Doug [KDA]
Subject: RE: Request for Recommendation Change in PU File Nos. 38057,39918 (50211) Pessemier Co Christian Royer etal

Hello Richelle,

It appears these are ready to move forward. We agree with your recommendation for approval. Thanks for working these so this package can move forward.

Have a great day, Katie

Katie Tietsort

Kansas Department of Agriculture
6531 SE Forbes Ave Ste B
Topeka, KS 66619
katie.tietsort@ks.gov
Phone 785-296-5733

From: Krueger, Richelle [KDA]
Sent: Thursday, May 23, 2019 1:54 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Cc: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>; Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Subject: Request for Recommendation Change in PU File Nos. 38057,39918 (50211) Pessemier Co Christian Royer etal

Hi Katie,

Attached is a draft memo for the referenced changes. I just sent out a signature page and copy of app to Mr. Royer since he forgot to sign File No. 38057 (he did submit other owners signatures though, yeah!).

Do you recommend approval of the referenced changes once I receive Mr. Royers signature for Pessemier Co. on File No. 38057?

Thanks,

Richelle

1:12,000

Proposed Place of Use File Nos. 38057 & 39918



1:12,000

Authorized Place of Use File Nos. 38057 & 39918



1911

AMERICAN
MILITARY
RECORDS
OFFICE
WASHINGTON
D.C.

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1911

1911