

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

WATER METER REQUIRED

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. 42795

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 11:10am
 JUN 20 2016

Stafford 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: Berry Bortz

30142 NE 100th Ave, Preston KS 67583-8627

Phone Number: (620)656-4425 Email address: _____

Name and address of Water Use Correspondent: Berry K & Carla G Bortz

30142 NE 100th Ave, Preston KS 67583-8627

Phone Number: (620)656-4425 Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: Paul F & Charles M Burkner

ADDRESS: Paul Burkner, 1630 Paloma Ave, Stockton CA 95209-2534

(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													
No	Change																		

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: _____

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													

For Office Use Only: Code _____ Fee \$ 100 - TR # _____ Receipt Date _____ Check # 1151

5. **Presently authorized point of diversion: Geographic Center of Battery of 4 Wells**

One in the SW Quarter of the SW Quarter of the NE Quarter of Section 11, Township 27 South, Range 12 W, in Pratt County, Kansas, 2,879 feet North 2,525 feet West of Southeast corner of section.
 Authorized Rate 680 gpm Authorized Quantity 195 AF Depth of well N/A (feet)
 (DWR use only: Computer ID No. 11 GPS 2,879 feet North 2,525 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 SW Quarter of the NE Quarter of Section 11, Township 27 South, Range 12 W, in Pratt County, Kansas, 2,986 feet North 2,559 feet West of Southeast corner of section.
 Proposed Rate no change Proposed Quantity no change Proposed well depth (feet) N/A
 This point is: Additional Well Geo Center List other water rights that will use this point none

6. **Presently authorized point of diversion:**

One in the SW Quarter of the SW Quarter of the NE Quarter of Section 11, Township 27 South, Range 12 W, in Pratt County, Kansas, 2,735 feet North 2,472 feet West of Southeast corner of section.
 Authorized Rate see geocenter Authorized Quantity see geocenter Depth of well 91 (feet)
 (DWR use only: Computer ID No. 10 GPS 2,735 feet North 2,472 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 SW Quarter of the NE Quarter of Section 11, Township 27 South, Range 12 W, in Pratt County, Kansas, 3,164 feet North 2,606 feet West of Southeast corner of section.
 Proposed Rate see geocenter Proposed Quantity see geocenter Proposed well depth (feet) 91
 This point is: Additional Well Geo Center List other water rights that will use this point none

7. Why do you need a new point of diversion? Move one well of four away from salt water plume

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

9. When do you propose to complete the new point of diversion?
ASAP

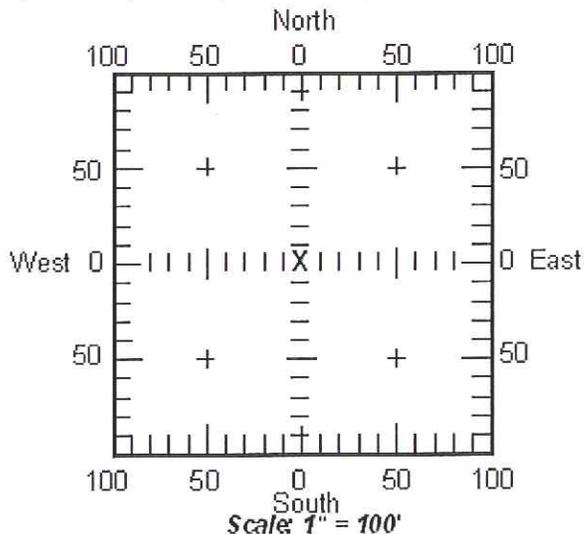
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
Plug it

(b) When will this be done? when new well drilled

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by EKF/SFFO

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 2640 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.

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Stafford Field Office
 Division of Water Resources

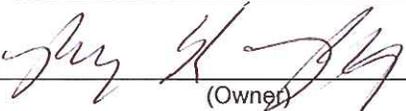
14. If the proposed groundwater point of diversion is 300 or fewer feet from existing point of diversion, complete the following:

- (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.

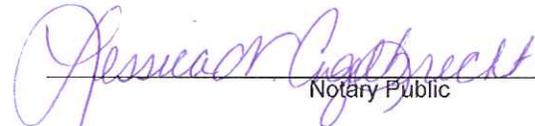
Dated at Stafford, Kansas, this 20th day of June, 2016.

	_____
(Owner)	(Spouse)
<u>Berry K Bortz</u>	_____
(Please Print)	(Please Print)
_____	_____
(Owner)	(Spouse)
_____	_____
(Please Print)	(Please Print)
_____	_____
(Owner)	(Spouse)
_____	_____
(Please Print)	(Please Print)

State of Kansas }
County of Stafford } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 20th day of June, 2016.




Notary Public

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200

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SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-14-3 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. 42795.

1. A change application was received on June 20, 2016 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 157 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, 2016**, 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, 2016**, or within any authorized extension of time. By March 1, 2017 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.

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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 2016

Stafford Field Office
 Division of Water Resources

By: Jeff Lanterman
 Duly Authorized Designee of the Chief Engineer

(Print Name): Jeff Lanterman
 Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: 6/30/2016

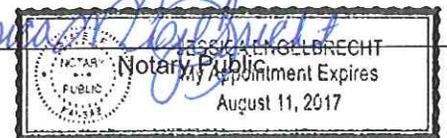
State of Kansas)

County of Stafford) SS

Acknowledged before me on 6/30/16

by Jeff Lanterman

Signature: Jason [Signature]



My commission expires: _____

(Notary Seal)

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 42795

Presently authorized point of diversion:

One in the SW Quarter of the SW Quarter of the NE Quarter
of Section 11, Township 27 South, Range 12 W,
in Pratt County, Kansas, 2,903 feet North 2,241 feet West of Southeast corner of section.
Authorized Rate see geocenter Authorized Quantity see geocenter Depth of well 91 (feet)
(DWR use only: Computer ID No. 9 GPS 2,903 feet North 2,241 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 NONE

Presently authorized point of diversion:

One in the SE Quarter of the SE Quarter of the NW Quarter
of Section 11, Township 27 South, Range 12 W,
in Pratt County, Kansas, 2,939 feet North 2,831 feet West of Southeast corner of section.
Authorized Rate see geocenter Authorized Quantity see geocenter Depth of well 91 (feet)
(DWR use only: Computer ID No. 8 GPS 2,939 feet North 2,831 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 _____

Presently authorized point of diversion:

One in the SW Quarter of the SW Quarter of the NE Quarter
of Section 11, Township 27 South, Range 12 W,
in Pratt County, Kansas, 2,939 feet North 2,556 feet West of Southeast corner of section.
Authorized Rate see geocenter Authorized Quantity see geocenter Depth of well 91 (feet)
(DWR use only: Computer ID No. 3 GPS 2,939 feet North 2,556 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 _____

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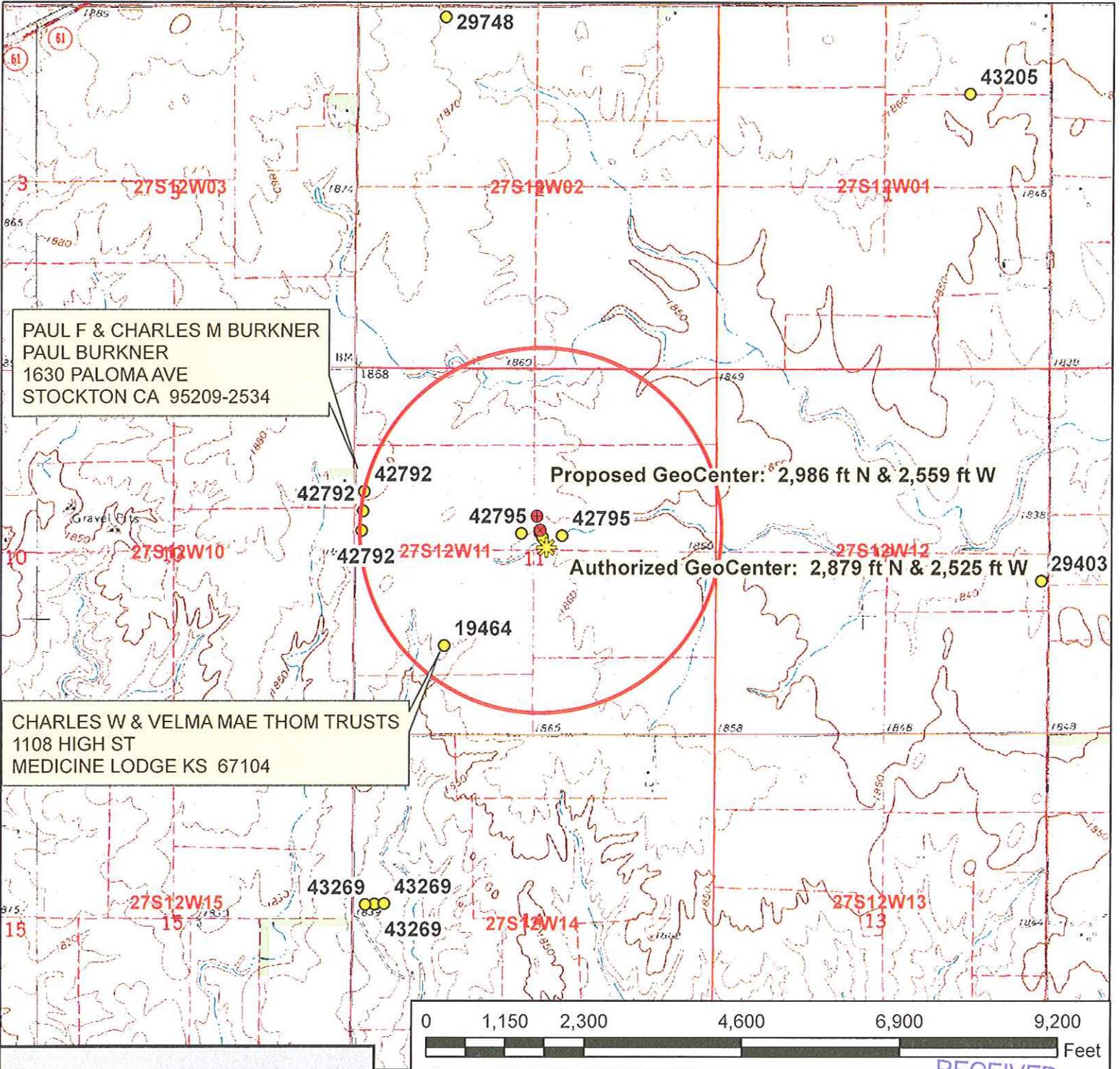
JUN 20 2016

Stafford Field Office
Division of Water Resources

**ADDITIONAL CONDITIONS TO SUMMARY ORDER APPROVING
APPLICATION FOR CHANGE AND IMPOSING CONDITIONS**

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which Water Right, File No. 42,795 shall be subject to the following conditions:

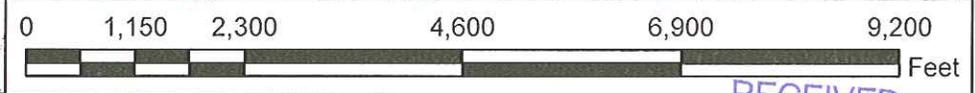
- 10a. The irrigation well located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter of Section 11, more particularly described as being near a point 2,735 feet north and 2,472 feet west of the southeast corner of said section, in Township 27 South, Range 12 West, Pratt County, will be plugged in accordance with Procedure WWP-10 from the Kansas Department of Health and Environment. Neat cement should be used instead of bentonite for the grout.
- 10b. The observation well associated with the irrigation well referenced in Item 10a, also known as a test hole drilled on July 20, 2000 and located within 25 feet of the irrigation well will be plugged in accordance with Procedure WWP-10 from the Kansas Department of Health and Environment. Neat cement should be used instead of bentonite for the grout.
- 10b. An observation well shall be installed and maintained for further water quality analysis per K.A.R. 5-25-10 at the location of a test hole drilled on May 23, 2016, described as the Southwest Quarter of the Southwest Quarter of the Northeast Quarter of Section 11, more particularly described as being near a point 3,184 feet north and 2,609 feet west of the southeast corner of said section, in Township 27 South, Range 12 West, Pratt County



PAUL F & CHARLES M BURKNER
 PAUL BURKNER
 1630 PALOMA AVE
 STOCKTON CA 95209-2534

CHARLES W & VELMA MAE THOM TRUSTS
 1108 HIGH ST
 MEDICINE LODGE KS 67104

- Legend**
- Water Appropriations
 - ⊕ Proposed Point of Diversion
 - ✻ Authorized Point of Diversion
 - + Section Corner
 - Half Mile Circle
 - Section Line



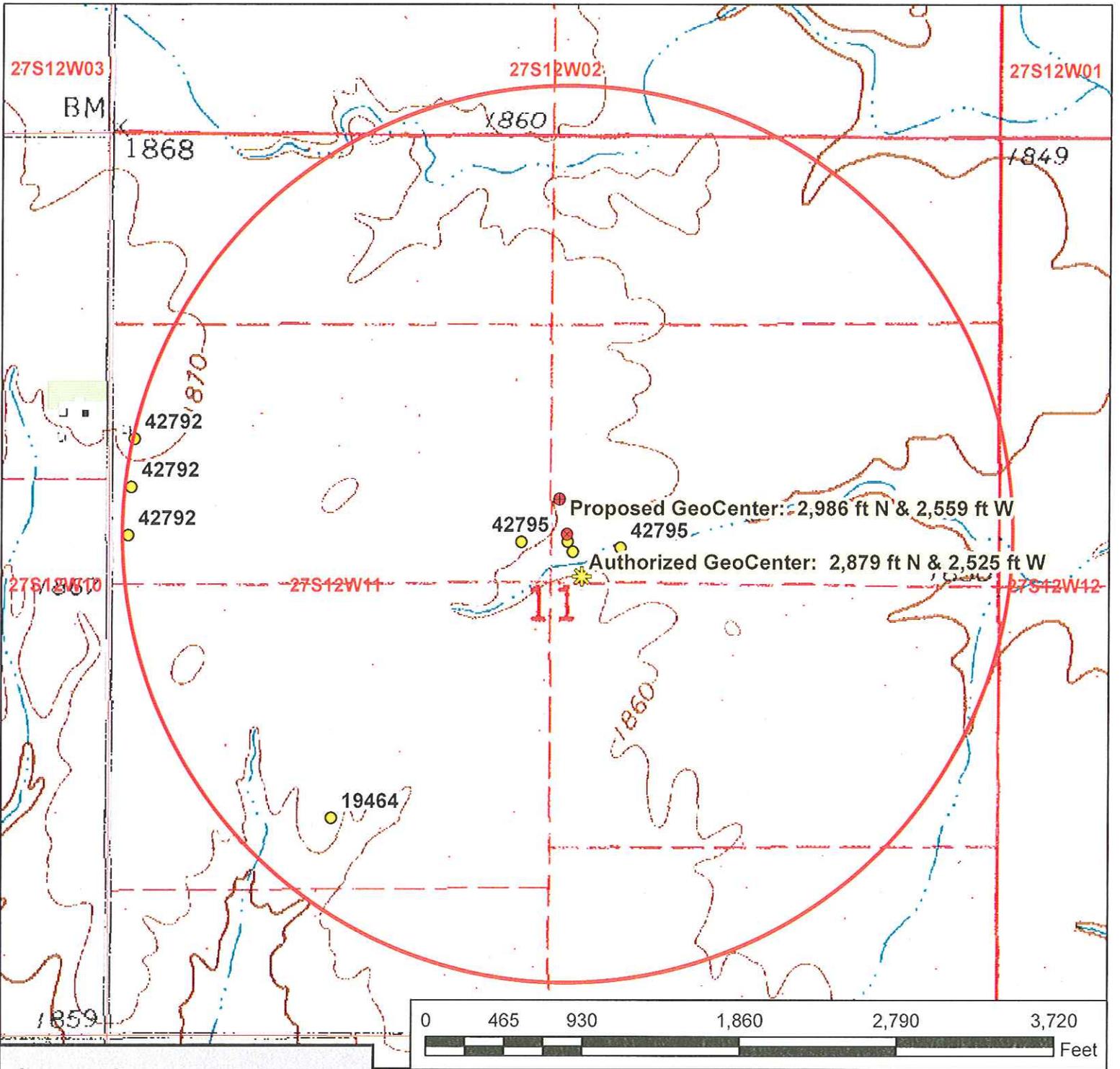
Water Right, File No. 42795

Change in Point of Diversion Application Map
 11-27-12W
 Pratt County

To the best of my knowledge, all of the domestic wells within 1/2 mile of the proposed point of diversion have been shown.

[Handwritten Signature]
 Signature

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Legend

- Water Appropriations
- Proposed Point of Diversion
- ✱ Authorized Point of Diversion
- ⊕ Section Corner
- Half Mile Circle
- Section Line

Water Right, File No. 42795

Change in Point of Diversion Application Map
 11-27-12W
 Pratt County

To the best of my knowledge, all of the domestic wells within 1/2 mile of the proposed point of diversion have been shown.

Signature

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