

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

Submit completed application to:  
 Kansas Department of Agriculture  
 Division of Water Resources  
 Field Office for your area.

Call for address:

Topeka -- (785) 862-6300  
 Stafford -- (620) 234-5311  
 Stockton -- (785) 425-6787  
 Garden City -- (620) 276-2901  
[www.ksda.gov/dwr](http://www.ksda.gov/dwr)

**DWR FIELD OFFICE**  
**APPLICATION FOR APPROVAL**  
**TO CHANGE THE PLACE OF**  
**USE AND/OR THE**  
**POINT OF DIVERSION**



Water Resources  
 Received  
**APR 26 2018**

STATE OF KANSAS

KS Dept Of Agriculture

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.

RECEIVED  
 11:12 AM  
 APR 10 2018

File No. 27107

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both): Garden City Field Office  
 Division of Water Resources

Place of Use  Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is:  Groundwater  Surface water

2. Name and address of Applicant: RICK REDD

PO BOX 296 SUBLETTE KS 67877

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

Name and address of Water Use Correspondent: RICK & KATHRYN REDD

PO BOX 296 SUBLETTE KS 67877

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

3. The presently authorized place of use is:

Owner of Land --- NAME: REDDHAWK LLC; JOHN L DIETZ ETAL; ZANE B EILERTS ETAL;

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: no change to acres irrigated

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 \$ 200 TR # \_\_\_\_\_ Receipt Date 4/10/18 Check # 5013

4/26/18 DAW

5. **Presently authorized point of diversion:**  
 One in the sw Quarter of the sw Quarter of the se Quarter  
 of Section 8, Township 30 South, Range 32 W,  
 in Haskell County, Kansas, 601 feet North 2568 feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
 (DWR use only: Computer ID No. 2 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 nw Quarter of the nw Quarter of the se Quarter  
 of Section 8, Township 30 South, Range 32 W,  
 in Haskell County, Kansas, 2019 feet North 2518 feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

6. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ 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? \_\_\_\_\_  
old well needs to be replaced

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.)

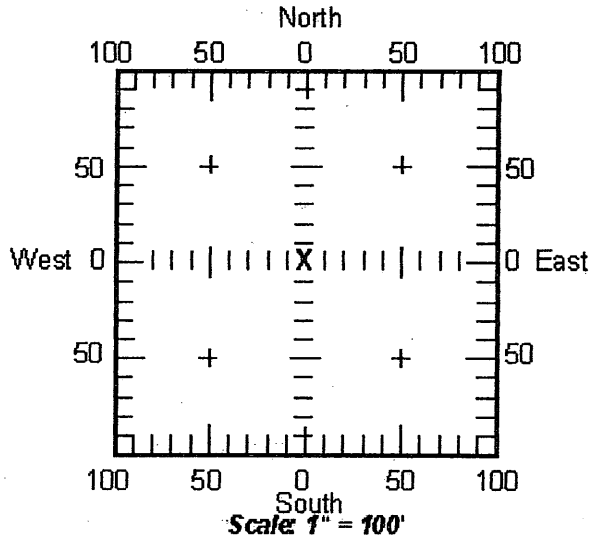
8. If a well, is the test hole log attached?  Yes  No

9. When do you propose to complete the new point of diversion?  
April 1, 2018

10. If the point of diversion is a well:  
 (a) What are you going to do with the old well?  
cap  
 (b) When will this be done? 2018

11. Groundwater Management District recommendation attached?  Yes  No

12. Assisted by tpm \_\_\_\_\_

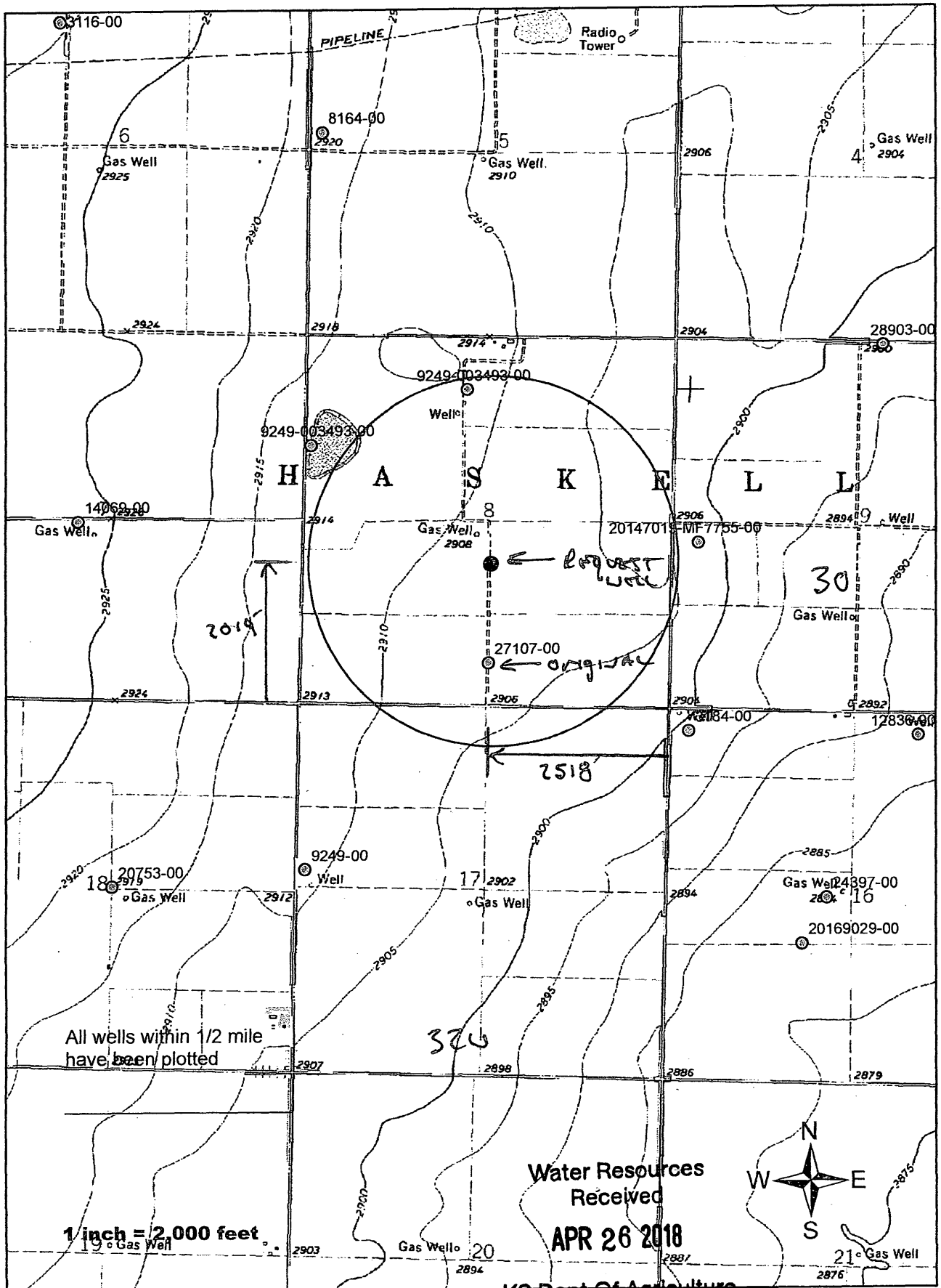


13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and 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.

Water Resources  
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27107



All wells within 1/2 mile have been plotted

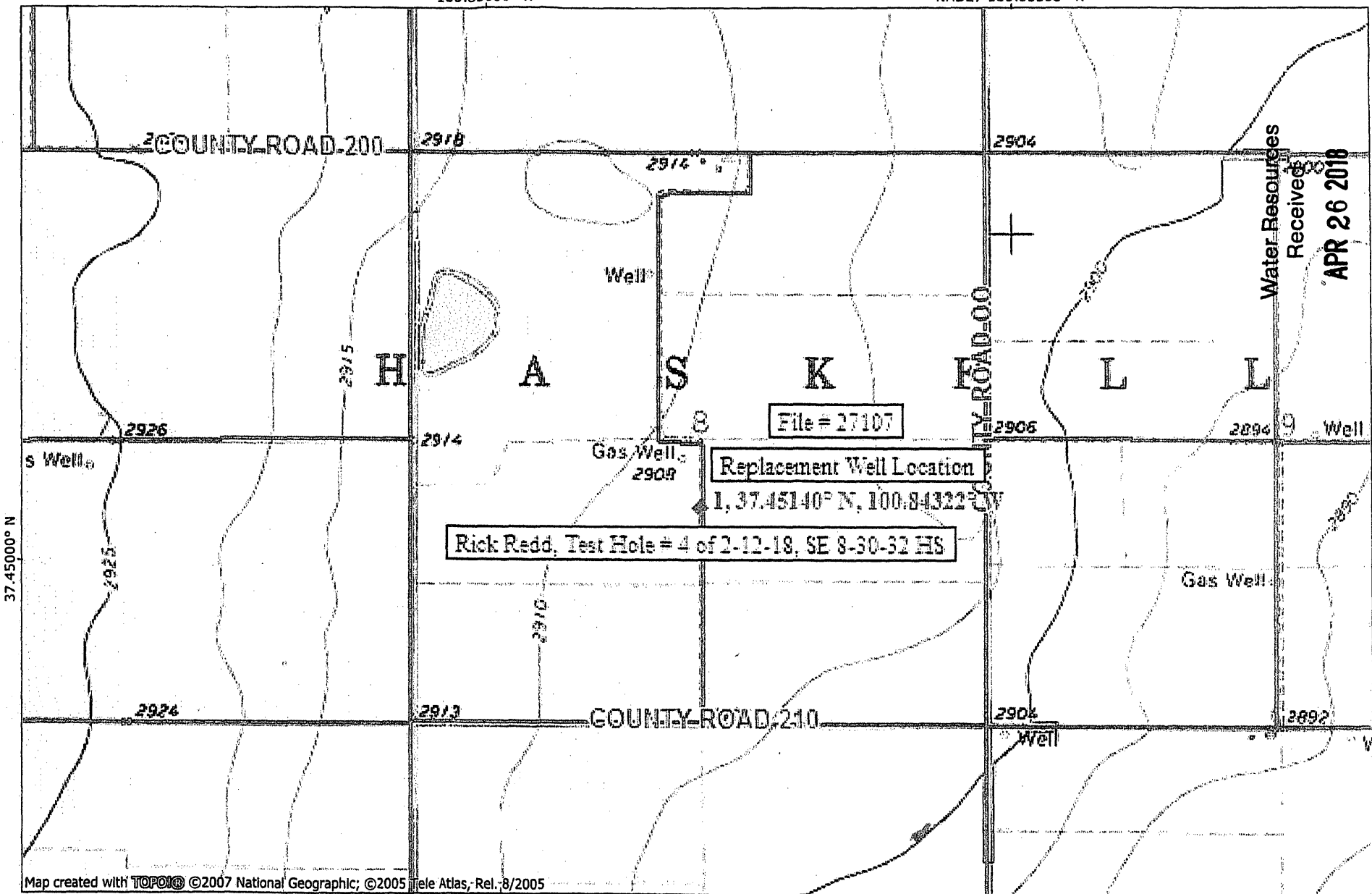
1 inch = 2,000 feet

Water Resources Received

APR 26 2018

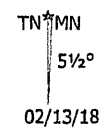
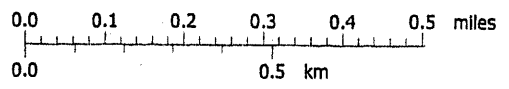
KS Dept Of Agriculture





KS Dept Of Agriculture

APR 26 2018



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 4/3/18, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

*X* David J. Dietz  
 (Owner)  
David J. Dietz  
 (Please Print)  
 \_\_\_\_\_  
 (Owner)  
 \_\_\_\_\_  
 (Please Print)  
 \_\_\_\_\_  
 (Owner)  
 \_\_\_\_\_  
 (Please Print)

N/A  
 \_\_\_\_\_  
 (Spouse)  
 \_\_\_\_\_  
 (Please Print)  
 \_\_\_\_\_  
 (Spouse)  
 \_\_\_\_\_  
 (Please Print)  
 \_\_\_\_\_  
 (Spouse)  
 \_\_\_\_\_  
 (Please Print)

State of ~~Kansas~~ OHIO }  
 County of Clermont } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3 day of April, 2018.

My Commission Expires 3/30/2023  
  
Melissa May Gordes  
 Notary Public, State of Ohio  
 My Commission Expires  
 March 30th, 2023  
Melissa May Gordes  
 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
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Water Resources  
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**APR 26 2018**

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Dated at SANTA ANA, <sup>CALIFORNIA</sup> ~~Kansas~~, this 2nd day of APRIL, 20 18.

X [Signature]  
\_\_\_\_\_  
(Owner)  
ZANE EILERTS  
(Please Print)

N.A.  
\_\_\_\_\_  
(Spouse)  
\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)  
(Please Print)  
\_\_\_\_\_  
(Owner)  
(Please Print)

\_\_\_\_\_  
(Spouse)  
(Please Print)  
\_\_\_\_\_  
(Spouse)  
(Please Print)

State of ~~Kansas~~ California }  
County of Orange } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 2nd day of April, 20 18.

My Commission Expires April 27, 2021

[Signature]  
**KATHLEEN TRAN**  
Commission No. 2194165  
NOTARY PUBLIC-CALIFORNIA  
ORANGE COUNTY

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**Water Resources  
Received**

**APR 26 2018**



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Dated at Flagstaff, Arizona, this 27<sup>th</sup> day of March, 2018

[Signature]  
(Owner)  
THOMAS EICOLT  
(Please Print)

\_\_\_\_\_  
(Spouse)  
\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)  
\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Spouse)  
\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)  
\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Spouse)  
\_\_\_\_\_  
(Please Print)

Arizona  
State of ~~Kansas~~ } SS  
County of Coconino

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 27<sup>th</sup> day of March, 2018.

[Signature]  
Notary Public



My Commission Expires June 22, 2021

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

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Water Resources  
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Dated at Sublette, Kansas, this 9<sup>th</sup> day of April, 2018.

Kyle Simmons  
(Owner)

Heidi Simmons  
(Spouse)

Kyle Simmons  
(Please Print)

Heidi Simmons  
(Please Print)

Redd Hawk by Rick Redd  
(Owner)

Kathryn Redd  
(Spouse)

Redd Hawk by Rick Redd  
(Please Print)

Kathryn Redd  
(Please Print)

(Owner)

(Spouse)

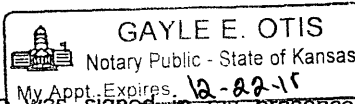
(Please Print)

(Please Print)

State of Kansas

County of Waskell

SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 10 day of April, 2018.

Gayle E. Otis  
Notary Public

My Commission Expires 12-22-19

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

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Water Resources  
Received

APR 26 2018

T Brian Eilerts  
2023 N Chipmunk Ct  
Flagstaff, AZ 86004

April 10, 2018

Kansas Dept of Agriculture  
Attn: Michael Meyer, L.G.  
Division of Water Resources  
Garden City Field Office

RE: Division of Water Resource file Numbers 3493, 9249, and 27107

Mr. Michael Meyer,

It has been brought to my attention that Mr. Rick Redd is attempting to file paperwork with your office regarding a re-drill and a diversion of water to the (re-drill) new well on 30-32-8 Haskell County, Kansas. As I informed you in an email, in a timely manner prior to the filing of these documents, my signature was revoked authorizing a re-drill and relocation of diversion.

My signature on these documents was predicated on an agreement that Mr. Redd would purchase 40 acres of property from me, my remaining water rights on 30-32-8, and my half interest of irrigation motors on both 30-32-17 and 30-32-8. As I had every intention of selling the 40 acres of land I would no longer have use for the remaining water rights on section 8, or the half interest in motors on section 8 and section 17.

I was presented with three separate signature pages only, with no legal body or description of activity that would take place, just the page where my signature was presented to me. I was told that it was the same document that was sent to me via mail and that I still have on file in my office to this day and that the extra signature pages were for copy purposes only and in no way had the legal body and issues addressed in these documents changed in any way from the original form sent to me in the mail by Mr. Redd.

Mr. Redd did not enter good faith negotiations to purchase the 40 acres of land or the remaining water rights on section 8. As Mr. Redd refused to enter into good faith negotiations, I immediately emailed the division of water resources, contacting you, and revoked my signature long before the diversion and re-drill documents were filed in your office.

I have been informed that there are three (3) different documents and water files being effected by Mr. Redd's attempted filings. I have no knowledge of these three files or what these documents being filed contain.

Mr. Redd has filed fraudulent documents with your office in the past with regards to my Mothers signature on water right document number 9,249. My mother did not own the minerals, nor the land,

**Water Resources  
Received**

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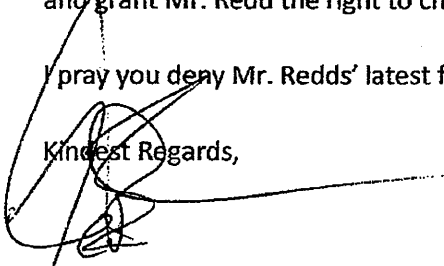
**KS Dept Of Agriculture**

at the time her signature was applied. Furthermore, Mr Redd claims no knowledge that Zane B Eilerts and I owned these rights at the time of my mothers' signature. This is an untrue statement by Mr. Redd. Rick Redd was aware of the transfer of land to myself and Zane B Eilerts in a warranty deed dated November 3, 2003. Performing due diligence was also the responsibility of Mr. Redd at the time these documents were signed by my mother and Mr. Redd failed to do so. My complaint filed for the filing on water right 9,249 was upheld and made null and void by the division of water resources as stated in a letter from the board dated March 12, 2018. As the proof showed Mr. Redd is known to file documents with your office that are not completed correctly and give economic benefit to himself.

I strongly urge you to error on the side of caution when making your decision. Mr. Redd has been known to file fraudulent and incomplete documents with the division of water resource offices. I am only aware of a single document that would have been filed in this case on which my signature was revoked in a timely manner prior to Mr. Redd filing. I have every right to read and inspect every document being filed prior to a valid signature being applied by my hand. Mr. Redd misrepresented his intentions with three separate signature sheets constituting fraud. My signature was revoked because Mr. Redd failed to complete the predetermined terms to my signature appearing on these documents. Furthermore, granting Mr. Redd the permissions and provisions that these documents must contain will give Mr. Redd an unfair economic advantage, render my remaining land and water resources valueless, and grant Mr. Redd the right to change water rights that were not discussed or agreed to.

I pray you deny Mr. Redd's latest filings with the division of water resources.

Kindest Regards,



T Brian Eilerts  
MBA, CSSMBB

390100004 10/10/18  
Received

4/18/18

2/10/18