

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  
 WATER METER REQUIRED**



**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.

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DEC 13 2016  
 2:10 pm  
 Stafford Field Office  
 Division of Water Resources

File No. 13018

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: Todd Zimmerman

1825 State Road 14, Sterling KS 67579

Phone Number: (620)562-7056

Email address: todd@zimmsfeedlot.com

Name and address of Water Use Correspondent: Todd Zimmerman

1825 State Road 14, Sterling KS 67579

Phone Number: (620)562-7056

Email address: todd@zimmsfeedlot.com

3. The presently authorized place of use is:

Owner of Land ---- NAME: Patricia A Zimmerman Trust #2

ADDRESS: 1825 State Road 14, Sterling KS 67579

(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					
28	20S	8W																	40	40			80

\*Cont. on Supp. Sheet

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: A.) Patricia A Zimmerman Trust #2                      //B.) Todd R & Lillian J Zimmerman Trust

ADDRESS: A.) 1825 State Road 14, Sterling KS 67579 // B.) 1825 State Road 14, Sterling KS 67579

(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					
A.) 28	20S	8W																	32	33			65
B.) 28	20S	8W																			33		33
																Total=98							

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

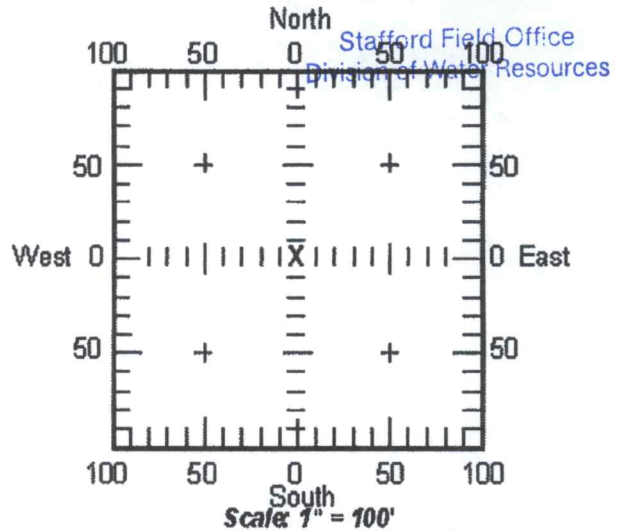
5. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the NC N2 SE Quarter  
 of Section 28, Township 20 South, Range 8 W,  
 in Rice County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate 575 GPM Authorized Quantity 120 AF 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 \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

6. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ 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? N/A

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 N/A



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

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

(b) When will this be done? N/A

11. Groundwater Management District recommendation attached?  Yes  No

12. Assisted by TJS- SFFO

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.

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\_\_\_\_\_.

<i>Todd Zimmerman</i> _____ (Owner)	<i>Co Trustee</i> _____ (Spouse)
<i>Todd Zimmerman</i> _____ (Please Print)	<i>Co Trustee</i> _____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)

State of Kansas }  
County of RICE } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 13<sup>th</sup> day of DECEMBER, 2016.

 NOTARY PUBLIC STATE OF KANSAS	<b>TAMMY DARLING</b> NOTARY PUBLIC STATE OF KANSAS My Appt. Exp. <u>10-07-18</u>
---	---

*Tammy Darling*  
\_\_\_\_\_  
Notary Public

My Commission Expires Oct 7

**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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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 \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

<i>Debra H. Preheim CoTrustee</i> <small>(Owner)</small>	 <small>(Spouse)</small>
<i>Debra H. Preheim CoTrustee</i> <small>(Please Print)</small>	 <small>(Please Print)</small>
 <small>(Owner)</small>	 <small>(Spouse)</small>
 <small>(Please Print)</small>	 <small>(Please Print)</small>
 <small>(Owner)</small>	 <small>(Spouse)</small>
 <small>(Please Print)</small>	 <small>(Please Print)</small>

State of Kansas }  
County of HV } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 14 day of Dec, 2016.

  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 8-3-2020

My Commission Expires 8-3-2020

*[Signature]*  
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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DEC 16 2016  
Stafford Field Office

**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. 13018.

1. A change application was received on 12/13/16 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use.  Applicable  Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a \_\_\_\_\_ foot radius of the authorized point(s) of diversion.  Applicable  Not Applicable
4. The point(s) of diversion authorized herein shall not actually be located more than \_\_\_\_\_ feet from the previously authorized point(s) of diversion.  Applicable  Not Applicable
5. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13.  Applicable  Not Applicable
6. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before **December 31, 2017**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.  Applicable  Not Applicable
7. Installation of the works for diversion of water shall be completed on or before **December 31, 20**\_\_\_\_\_, or within any authorized extension of time. By March 1, 20\_\_\_\_\_, the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e.  Applicable  Not Applicable
8. The completed well log shall be submitted with the required notice.  Applicable  Not Applicable
9. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c.  Applicable  Not Applicable
10. Additional Conditions are attached.  Yes  No
11. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

**Administrative Appeal and Effective Date of Order**

You have the right to a hearing in accordance with K.A.R. 5-14-3 before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Topeka, Kansas 66502, within 15 days after the date shown on the Certificate of Service attached hereto. If a hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 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: \_\_\_\_\_  
 Duty Authorized Designee of the Chief Engineer

(Print Name): \_\_\_\_\_  
 Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: \_\_\_\_\_

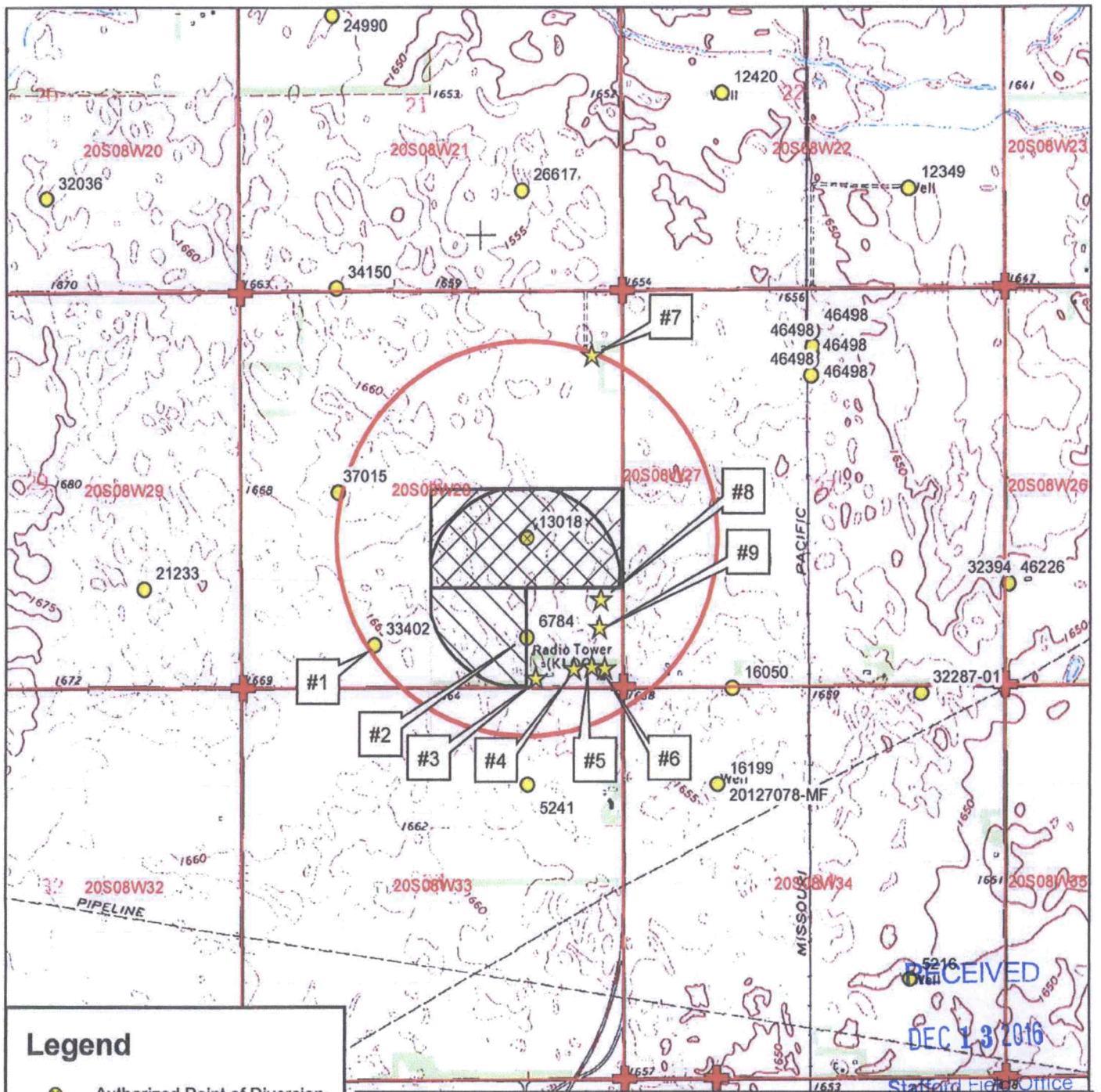
State of Kansas )  
 ) SS  
 County of \_\_\_\_\_ )

Acknowledged before me on \_\_\_\_\_  
 by \_\_\_\_\_

Signature: \_\_\_\_\_  
 Notary Public

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

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 DEC 13 2016  
 State of Kansas  
 Division of Water Resources

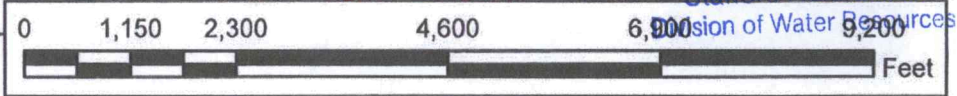


**Legend**

- Authorized Point of Diversion
- Water Appropriations
- Section Corner
- Section Line
- Domestic Well
- 1/2 Mile Buffer

**Place of Use**

- Authorized
- Proposed



## Water Right, File No. 13,018

Change in Place of Use Application Map  
28-20S-8W // Rice County

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

*Todd Spurrin*

Signature

11/9/16 TJS-SFFO 1:24,000

Adjacent Water-Right Owners  
Change in Place of Use Application  
File No. 13018  
11/9/16

- #1) FILE NO. 33402 (APPLICANT)  
PATRICIA A ZIMMERMAN TRUST  
PO BOX 267  
STERLING KS 67579
- #2) FILE NO. 6784 (APPLICANT)  
TODD R. ZIMMERMAN AND LILLIAN J. ZIMMERMAN TRUST  
1825 STATE ROAD 14  
STERLING KS 67579
- #3) JAMES D & JENNY M FENWICK  
1573 AVE R  
LYONS KS 67554
- #4) JAMES I & CANDRA K SCOBEE  
1585 AVE R  
LYONS KS 67554
- #5) (APPLICANT)  
TODD R. ZIMMERMAN AND LILLIAN J. ZIMMERMAN TRUST  
1825 STATE ROAD 14  
STERLING KS 67579
- #6) JANICE K PRICE (Primary Owner)  
1597 AVE R  
LYONS KS 67554
- #7) MICHEALW & SALLY L ROBINSON REV. TRUST  
PO BOX 209  
LYONS KS 67554
- #8) FARMERS COOPERATIVE UNION OF STERLING  
PO BOX 159  
STERLING KS 67579
- #9) CENTRAL PRAIRIE CO-OP  
225 S BROADWAY  
STERLING KS 67579

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Stafford Field Office  
Division of Water Resources

**RESIGNATION OF PATRICIA A. WAGLER (F/K/A PATRICIA A.  
ZIMMERMAN) AS TRUSTEE OF THE  
PATRICIA A. ZIMMERMAN TRUST NO. TWO**

**THIS RESIGNATION** of Trustee is made this May 28, 2015, by Patricia A. Wager (f/k/a Patricia A. Zimmerman), which person is resigning as Trustee of the Patricia A. Zimmerman Trust No. Two originally dated April 23, 1998, effective upon this statement of resignation.

**WITNESSETH**, that:

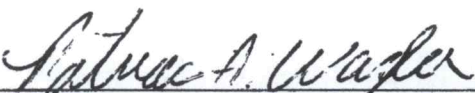
**WHEREAS**, under the provisions of the Patricia A. Zimmerman Trust No. Two originally dated April 23, 1998, Patricia A. Wager (f/k/a Patricia A. Zimmerman) was named as Trustee of the Patricia A. Zimmerman Trust No. Two originally dated April 23, 1998, and she is currently serving as said Trustee; and

**WHEREAS**, under the terms of the Patricia A. Zimmerman Trust No. Two originally dated April 23, 1998, in the event Patricia A. Zimmerman is unable or unwilling to continue to serve as Trustee, Todd R. Zimmerman and Debra K. Preheim are named as Successor Co-Trustees of the Patricia A. Zimmerman Trust No. Two originally dated April 23, 1998.

**NOW, THEREFORE**, Patricia A. Wager (f/k/a Patricia A. Zimmerman) states:

1. I do hereby resign as Trustee of the Patricia A. Zimmerman Trust No. Two originally dated April 23, 1998, this May 28, 2015.
2. Under the terms of the Patricia A. Zimmerman Trust No. Two originally dated April 23, 1998, in the event Patricia A. Wager (f/k/a Patricia A. Zimmerman) is unable or unwilling to continue to serve as Trustee, Todd R. Zimmerman and Debra K. Preheim shall serve as successor Co-Trustees of the Wendell K. Zimmerman Trust originally dated April 23, 1998.
3. I shall be relieved of all responsibility as Trustee hereunder effective upon my resignation.

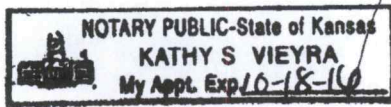
This resignation is signed this May 28, 2015.

  
\_\_\_\_\_  
Patricia A. Wager (f/k/a Patricia A. Zimmerman)



**STATE OF KANSAS, COUNTY OF RENO, ss:**

The foregoing instrument was acknowledged before me this May 28, 2015, by Patricia A. Wagler (f/k/a Patricia A. Zimmerman), Trustee.



*Kathy S Vieira*  
Notary Public

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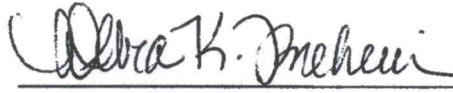
DEC 13 2016

Stafford Field Office  
Division of Water Resources

**ACCEPTANCE OF APPOINTMENT AS TRUSTEES  
OF THE  
PATRICIA A. ZIMMERMAN TRUST NO. TWO**

We, Todd R. Zimmerman and Debra K. Preheim, the designated Successor Co-Trustees of the Patricia A. Zimmerman Trust No. Two originally dated April 23, 1998, hereby acknowledges Patricia A. Wagler (f/k/a Patricia A. Zimmerman)'s resignation as the current Trustee of the Patricia A. Zimmerman Trust No. Two originally dated April 23, 1998, and accept the appointment to serve as Co-Trustees of the Patricia A. Zimmerman Trust No. Two originally dated April 23, 1998, to become effective immediately upon execution hereof.

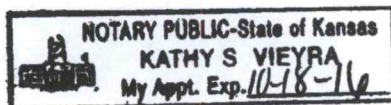
  
\_\_\_\_\_  
Todd R. Zimmerman, Trustee

  
\_\_\_\_\_  
Debra K. Preheim, Trustee

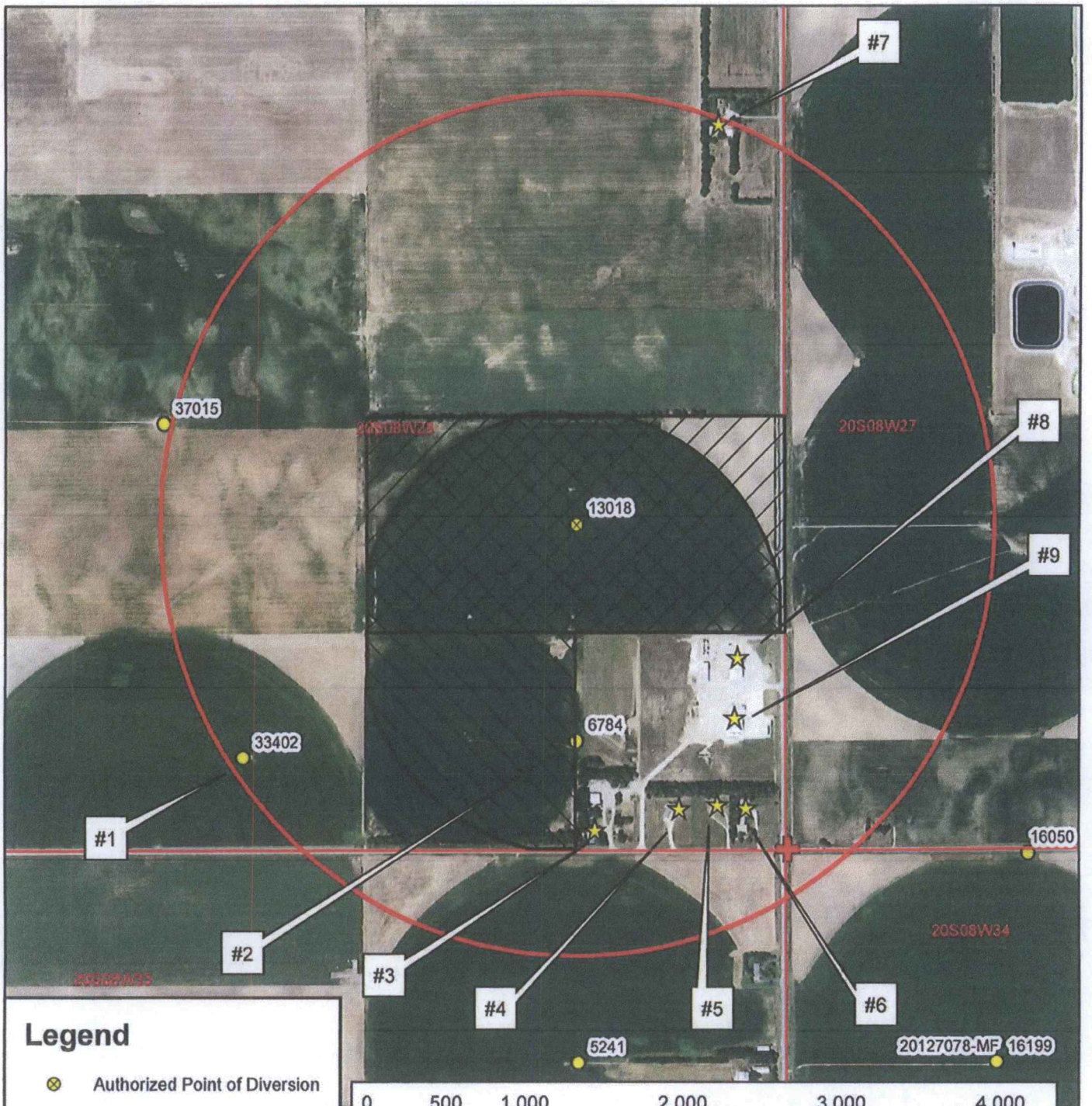
Dated: May 28, 2015

STATE OF KANSAS, COUNTY OF RENO, ss:

The foregoing instrument was acknowledged before me this May 28, 2015, by Todd R. Zimmerman and Debra K. Preheim



  
\_\_\_\_\_  
Notary Public  
DEC 13 2016  
Stafford Field Office  
Division of Water Resources

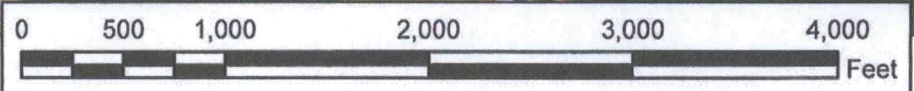


**Legend**

- ⊗ Authorized Point of Diversion
- Water Appropriations
- ⊕ Section Corner
- ▭ Section Line
- ★ Domestic Well
- ▭ 1/2 Mile Buffer

**Place of Use**

- ▨ Authorized
- ▨ Proposed



**Water Right, File No. 13,018**

Change in Place of Use Application Map - Aerial  
 28-20S-8W // Rice County



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

Signature

11/9/16 TJS-SFEO